

# UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS  
ENACTED DURING THE SECOND AND THIRD SESSIONS OF  
THE SEVENTY-SIXTH CONGRESS  
OF THE UNITED STATES OF AMERICA

1939–1941

AND

TREATIES, INTERNATIONAL AGREEMENTS OTHER  
THAN TREATIES, PROCLAMATIONS, AND  
REORGANIZATION PLANS

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PUBLIC LAWS  
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## NOTICE

The original of every joint resolution printed in this volume from page 3 to page 12, inclusive, has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE SECOND SESSION

Begun and held at the City of Washington on Thursday, the twenty-first day of September, one thousand nine hundred and thirty-nine

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The original of every act and joint resolution printed in this volume from page 13 to page 1227, inclusive, has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE THIRD SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and forty

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All bills and joint resolutions presented to the President of the United States bear the signatures of the Speaker (or of the Speaker *pro tempore*) of the House of Representatives and of the Vice President of the United States and President of the Senate (or of the President of the Senate *pro tempore* or of the Acting President of the Senate *pro tempore*); those signatures accordingly appear on the originals of all acts and joint resolutions.

The signature of the President of the United States appears on the originals of all approved acts and joint resolutions.

The original of every act and joint resolution has endorsed thereon a certificate of origin, signed, as the case may be, by the Clerk of the House of Representatives or by the Secretary of the Senate and reading "I certify that this Act (or Joint Resolution) originated in the House of Representatives (or Senate)." The origin of each act and resolution contained in this volume is indicated in the margin at the beginning of each enactment; thus, for example, H. R. 6832 or H. J. Res. 384 indicates origin in the House of Representatives, and S. 1554 or S. J. Res. 206 indicates origin in the Senate.

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868	-----	<i>Rivers and harbors, improvements.</i> AN ACT Authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes-----	Oct. 17, 1940---	1198
869	-----	<i>Merchant seamen.</i> AN ACT To amend section 4551 of the Revised Statutes, as amended, and for other purposes-----	Oct. 17, 1940---	1200
870	-----	<i>Registration of certain organizations.</i> AN ACT To require the registration of certain organizations carrying on activities within the United States, and for other purposes-----	Oct. 17, 1940---	1201
871	-----	<i>D. C. Unemployment Compensation Act, amendment.</i> AN ACT To amend further the District of Columbia Unemployment Compensation Act-----	Oct. 17, 1940---	1204
872	-----	<i>Army quarters.</i> AN ACT To provide for an extension of the conditions under which a money allowance for quarters may be paid to certain non-commissioned officers of the Army of the United States-----	Oct. 17, 1940---	1205

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874	-----	<i>National defense, State troops.</i> AN ACT To amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes-----	Oct. 21, 1940---	1206
875	-----	<i>Civilian Conservation Corps.</i> AN ACT To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended-----	Oct. 21, 1940---	1206
107	-----	<i>Oliver Wendell Holmes, bequest.</i> JOINT RESOLUTION To provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes-----	Oct. 22, 1940---	1206
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# PUBLIC LAWS

# PUBLIC LAWS

ENACTED DURING THE

SECOND<sup>1</sup> SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

*Begun and held at the City of Washington on Thursday, September 21, 1939, and adjourned without day on Friday, November 3, 1939*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore*; WILLIAM B. BANKHEAD, Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, September 25–October 9, 1939.

## [CHAPTER 11

### JOINT RESOLUTION

To make provision for certain expenses incident to the second session of the Seventy-sixth Congress.

October 11, 1939  
[H. J. Res. 384]  
[Pub. Res., No. 53]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of expenses incident to the second session of the Seventy-sixth Congress, namely:

For payment to Della Logan, widow of Honorable M. M. Logan, late a Senator from the State of Kentucky, \$10,000.

Appropriations, certain expenses of second session, Seventy-sixth Congress.

M. M. Logan.  
Payment to widow.

To pay the widow of Thomas M. Eaton, late a Representative from the State of California, \$10,000.

Thomas M. Eaton.  
Payment to widow.

To pay the widow of Thomas S. McMillan, late a Representative from the State of South Carolina, \$10,000.

Thomas S. McMillan.  
Payment to widow.

The two foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

For mileage of the President of the Senate and of Senators, \$51,000.

Mileage.

For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.

For the payment of twenty-one pages for the Senate and forty-eight pages for the House of Representatives, at \$4 per day each, for the period commencing September 21, 1939, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the second session thereof, so much as may be necessary for each the Senate and House of Representatives.

Pages.

Approved, October 11, 1939.

<sup>1</sup>[Extra session.]

## [CHAPTER 2]

## JOINT RESOLUTION

November 4, 1939  
[H. J. Res. 306]  
[Pub. Res., No. 54]

To preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests.

Neutrality Act of  
1939.  
22 U. S. C., Supp.  
V, §§246]-246]-19.  
Preamble.

Whereas the United States, desiring to preserve its neutrality in wars between foreign states and desiring also to avoid involvement therein, voluntarily imposes upon its nationals by domestic legislation the restrictions set out in this joint resolution; and

Whereas by so doing the United States waives none of its own rights or privileges, or those of any of its nationals, under international law, and expressly reserves all the rights and privileges to which it and its nationals are entitled under the law of nations; and

Whereas the United States hereby expressly reserves the right to repeal, change or modify this joint resolution or any other domestic legislation in the interests of the peace, security or welfare of the United States and its people: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

## PROCLAMATION OF A STATE OF WAR BETWEEN FOREIGN STATES

Proclamation of a  
state of war between  
foreign states.

SECTION 1. (a) That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.

Revocation.

(b) Whenever the state of war which shall have caused the President to issue any proclamation under the authority of this section shall have ceased to exist with respect to any state named in such proclamation, he shall revoke such proclamation with respect to such state.

## COMMERCE WITH STATES ENGAGED IN ARMED CONFLICT

Prohibition on des-  
ignated use of Ameri-  
can vessels.  
*Post*, p. 866.

SEC. 2. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any American vessel to carry any passengers or any articles or materials to any state named in such proclamation.

Penalty.

(b) Whoever shall violate any of the provisions of subsection (a) of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

Export, etc., of arti-  
cles or materials; ex-  
ception.

(c) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful to export or transport, or attempt to export or transport, or cause to be exported or transported, from the United States to any state named in such proclamation, any articles or materials (except copyrighted articles or materials) until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. Issuance of a bill of lading under which title to the articles or materials to be exported or transported passes to a foreign purchaser unconditionally upon the delivery of such articles or materials to a carrier,

Transfer of title, etc.

Bill of lading.

shall constitute a transfer of all right, title, and interest therein within the meaning of this subsection. The shipper of such articles or materials shall be required to file with the collector of the port from or through which they are to be exported a declaration under oath that he has complied with the requirements of this subsection with respect to transfer of right, title, and interest in such articles or materials, and that he will comply with such rules and regulations as shall be promulgated from time to time. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials, if such citizen had knowledge of the filing of such declaration; and the exportation or transportation of any articles or materials without filing the declaration required by this subsection shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials, if such citizen had knowledge of such violation. No loss incurred by any such citizen (1) in connection with the sale or transfer of right, title, and interest in any such articles or materials or (2) in connection with the exportation or transportation of any such copyrighted articles or materials, shall be made the basis of any claim put forward by the Government of the United States.

Sworn declaration  
by shipper.

Estoppel against  
American claims.

Losses incurred.

Insurance on ship-  
ments, vessels, etc.

(d) Insurance written by underwriters on articles or materials included in shipments which are subject to restrictions under the provisions of this joint resolution, and on vessels carrying such shipments shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials, or vessels, and no loss incurred thereunder or by the owners of such vessels, shall be made the basis of any claim put forward by the Government of the United States.

Revocation of pro-  
clamation, effect.

(e) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Transportation over  
contiguous inland wa-  
ters, etc., by Ameri-  
can vessels or aircraft.

(f) The provisions of subsection (a) of this section shall not apply to transportation by American vessels on or over lakes, rivers, and inland waters bordering on the United States, or to transportation by aircraft on or over lands bordering on the United States; and the provisions of subsection (c) of this section shall not apply (1) to such transportation of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i), or (2) to any other transportation on or over lands bordering on the United States of any articles or materials other than articles listed in a proclamation referred to in or issued under the authority of section 12 (i); and the provisions of subsections (a) and (c) of this section shall not apply to the transportation referred to in this subsection and subsections (g) and (h) of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i) if the articles or materials so listed are to be used exclusively by American vessels, aircraft, or other vehicles in connection with their operation and maintenance.

Articles not listed in  
proclamation.

Other border trans-  
portation.

Exemptions.

(g) The provisions of subsections (a) and (c) of this section shall not apply to transportation by American vessels (other than aircraft) of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere south of thirty-five degrees north latitude, (2) to any port in the Western Hemisphere north of thirty-five degrees north

Transportation to  
certain ports in West-  
ern Hemisphere; ex-  
ceptions.

Ports on Pacific or Indian Oceans, etc.

Atlantic Ocean south of 30° north latitude.

Combat areas.

Air transportation.

Combat areas.

Sworn statement of cargo, etc.; contents.

Restrictions, rules, and regulations.

Losses incurred.

Revocation of certain proclamations, effect.

Clearance and departure in advance of date of enactment; risk assumed.

Losses incurred.

Certain exemptions extended to neutral vessels; condition.

latitude and west of sixty-six degrees west longitude, (3) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays, or (4) to any port on the Atlantic Ocean or its dependent waters south of thirty degrees north latitude. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such vessels.

(h) The provisions of subsections (a) and (c) of this section shall not apply to transportation by aircraft of mail, passengers, or any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) (1) to any port in the Western Hemisphere, or (2) to any port on the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays. The exceptions contained in this subsection shall not apply to any such port which is included within a combat area as defined in section 3 which applies to such aircraft.

(i) Every American vessel to which the provisions of subsections (g) and (h) apply, and every neutral vessel to which the provisions of subsection (l) apply, shall, before departing from a port or from the jurisdiction of the United States, file with the collector of customs of the port of departure, or if there is no such collector at such port then with the nearest collector of customs, a sworn statement (1) containing a complete list of all the articles and materials carried as cargo by such vessel, and the names and addresses of the consignees of all such articles and materials, and (2) stating the ports at which such articles and materials are to be unloaded and the ports of call of such vessel. All transportation referred to in subsections (f), (g), (h), and (l) of this section shall be subject to such restrictions, rules, and regulations as the President shall prescribe; but no loss incurred in connection with any transportation excepted under the provisions of subsections (g), (h), and (l) of this section shall be made the basis of any claim put forward by the Government of the United States.

(j) Whenever all proclamations issued under the authority of section 1 (a) shall have been revoked, the provisions of subsections (f), (g), (h), (i), and (l) of this section shall expire.

(k) The provisions of this section shall not apply to the current voyage of any American vessel which has cleared for a foreign port and has departed from a port or from the jurisdiction of the United States in advance of (1) the date of enactment of this joint resolution, or (2) any proclamation issued after such date under the authority of section 1 (a) of this joint resolution; but any such vessel shall proceed at its own risk after either of such dates, and no loss incurred in connection with any such vessel or its cargo after either of such dates shall be made the basis of any claim put forward by the Government of the United States.

(l) The provisions of subsection (c) of this section shall not apply to the transportation by a neutral vessel to any port referred to in subsection (g) of this section of any articles or materials (except articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i)) so long as such port is not included within a combat area as defined in section 3 which applies to American vessels.

## COMBAT AREAS

SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

Combat areas; restrictions.  
Post, p. 866.

Application to surface vessels or aircraft, or both.

(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

Penalty.

(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

Authority of President to modify, extend, etc., proclamation.

## AMERICAN RED CROSS

SEC. 4. The provisions of section 2 (a) shall not prohibit the transportation by vessels under charter or other direction and control of the American Red Cross, proceeding under safe conduct granted by states named in any proclamation issued under the authority of section 1 (a), of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering.

Transportation by vessels under control of American Red Cross.  
Post, pp. 611, 866.

## TRAVEL ON VESSELS OF BELLIGERENT STATES

SEC. 5. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

Travel on vessels of belligerent states, restriction.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Revocation of proclamation, effect.

## ARMING OF AMERICAN MERCHANT VESSELS PROHIBITED

SEC. 6. Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

Arming of American merchant vessels prohibited.

Exception.

## FINANCIAL TRANSACTIONS

Dealing in obligations of belligerent states, etc., unlawful.

SEC. 7. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any state named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or political subdivision thereof, issued after the date of such proclamation, or to make any loan or extend any credit (other than necessary credits accruing in connection with the transmission of telegraph, cable, wireless and telephone services) to any such government, political subdivision, or person. The provisions of this subsection shall also apply to the sale by any person within the United States to any person in a state named in any such proclamation of any articles or materials listed in a proclamation referred to in or issued under the authority of section 12 (i).

Sale of certain materials to persons in belligerent states.

Existing indebtedness.

(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of such proclamation.

Penalty.

(c) Whoever shall knowingly violate any of the provisions of this section or of any regulations issued thereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or director thereof participating in the violation shall be liable to the penalty herein prescribed.

Revocation of proclamation, effect.

(d) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

## SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS

Solicitation or receipt of contributions.

SEC. 8. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

Unofficial solicitations to relieve human suffering.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

Rules and regulations.

Revocation of proclamation, effect.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

## AMERICAN REPUBLICS

American republics.

SEC. 9. This joint resolution (except section 12) shall not apply to any American republic engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

## RESTRICTIONS ON USE OF AMERICAN PORTS

SEC. 10. (a) Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel, domestic or foreign, whether requiring clearance or not, is about to carry out of a port or from the jurisdiction of the United States, fuel, men, arms, ammunition, implements of war, supplies, dispatches, or information to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), but the evidence is not deemed sufficient to justify forbidding the departure of the vessel as provided for by section 1, title V, chapter 30, of the Act approved June 15, 1917 (40 Stat. 217, 221; U. S. C., 1934 edition, title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security or neutrality of the United States, he shall have the power, and it shall be his duty, to require the owner, master, or person in command thereof, before departing from a port or from the jurisdiction of the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel will not deliver the men, or any fuel, supplies, dispatches, information, or any part of the cargo, to any warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a).

(b) If the President, or any person thereunto authorized by him, shall find that a vessel, domestic or foreign, in a port of the United States, has previously departed from a port or from the jurisdiction of the United States during such war and delivered men, fuel, supplies, dispatches, information, or any part of its cargo to a warship, tender, or supply ship of a state named in a proclamation issued under the authority of section 1 (a), he may prohibit the departure of such vessel during the duration of the war.

(c) Whenever the President shall have issued a proclamation under section 1 (a) he may, while such proclamation is in effect, require the owner, master, or person in command of any vessel, foreign or domestic, before departing from the United States, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that no alien seaman who arrived on such vessel shall remain in the United States for a longer period than that permitted under the regulations, as amended from time to time, issued pursuant to section 33 of the Immigration Act of February 5, 1917 (U. S. C., title 8, sec. 168). Notwithstanding the provisions of said section 33, the President may issue such regulations with respect to the landing of such seamen as he deems necessary to insure their departure either on such vessel or another vessel at the expense of such owner, master, or person in command.

## SUBMARINES AND ARMED MERCHANT VESSELS

SEC. 11. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions

Restrictions on use of American ports.

18 U. S. C., Supp. V, § 31.

Bond requirement.

Vessel delivering cargo to warship, etc., of a belligerent state.

Temporary stay of alien seamen; bond to insure departure.

39 Stat. 896.  
Issuance of regulations.

Restrictions on entry and departure of foreign craft.

Revocation of proclamation, effect.

and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.

#### NATIONAL MUNITIONS CONTROL BOARD

Establishment and composition.

SEC. 12. (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

Administration.

Rules and regulations.

Meetings.

Registration requirements.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Notice of change in arms, etc.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of \$100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of \$100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

Registration fee, certificate, etc.

Valid existing certificates.

49 Stat. 1082; 50 Stat. 124.

Export or import of arms, etc., requirements.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

Maintenance of records.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

Licenses to registrants.

49 Stat. 1082; 50 Stat. 124.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

Purchases on behalf of U. S. from unregistered persons.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license.

Semiannual reports to Congress, contents.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation Numbered 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

Proclamation listing arms, ammunition, and implements of war.

Proclamation No. 2237 in effect until revoked.

#### REGULATIONS

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

Regulations.

#### UNLAWFUL USE OF THE AMERICAN FLAG

SEC. 14. (a) It shall be unlawful for any vessel belonging to or operating under the jurisdiction of any foreign state to use the flag of the United States thereon, or to make use of any distinctive signs or markings, indicating that the same is an American vessel.

Unlawful use of the American flag.

(b) Any vessel violating the provisions of subsection (a) of this section shall be denied for a period of three months the right to enter the ports or territorial waters of the United States except in cases of force majeure.

Penalty.

#### GENERAL PENALTY PROVISION

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than \$10,000, or imprisoned not more than two years, or both.

General penalty provision.

## DEFINITIONS

## Definitions.

SEC. 16. For the purposes of this joint resolution—

## "United States."

(a) The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

## "Person."

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

## "Vessel."

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

## "American vessel."

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

## "State."

(e) The term "state" shall include nation, government, and country.

## "Citizen."

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

## SEPARABILITY OF PROVISIONS

## Separability of provisions.

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

## APPROPRIATIONS

Appropriations authorized.  
Post, pp. 90, 650.

SEC. 18. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

## REPEALS

Repeals.  
49 Stat. 1081, 1152; 50 Stat. 121, 3.  
Prior offenses, etc.

SEC. 19. The joint resolution of August 31, 1935, as amended, and the joint resolution of January 8, 1937, are hereby repealed; but offenses committed and penalties, forfeitures, or liabilities incurred under either of such joint resolutions prior to the date of enactment of this joint resolution may be prosecuted and punished, and suits and proceedings for violations of either of such joint resolutions or of any rule or regulation issued pursuant thereto may be commenced and prosecuted, in the same manner and with the same effect as if such joint resolutions had not been repealed.

## SHORT TITLE

## Short title.

SEC. 20. This joint resolution may be cited as the "Neutrality Act of 1939".

Approved, November 4, 1939, 12:04 p. m.

# PUBLIC LAWS

ENACTED DURING THE

## THIRD SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

## UNITED STATES OF AMERICA

*Begun and held at the City of Washington on Wednesday, January 3, 1940, and terminated on Friday, January 3, 1941*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN,<sup>1</sup> President of the Senate *pro tempore*; MORRIS SHEPPARD, Acting President of the Senate *pro tempore*, July 25, 1940; ALBEN W. BARKLEY, Acting President of the Senate *pro tempore*, August 31–September 5, 1940; WILLIAM H. KING, Acting President of the Senate *pro tempore*, September 18, October 14–November 18, and elected President of the Senate *pro tempore* November 19, 1940; KENNETH MCKELLAR, Acting President of the Senate *pro tempore*, October 9–13, 1940; WILLIAM B. BANKHEAD,<sup>2</sup> Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, February 7–19, April 2–May 6, September 11–15, and elected Speaker of the House of Representatives September 16, 1940; JOHN W. McCORMACK, Speaker of the House of Representatives *pro tempore*, December 5–18, 1940; WILLIAM P. COLE, JR., Speaker of the House of Representatives *pro tempore*, December 19, 1940–January 2, 1941.

### [CHAPTER 1]

#### AN ACT

To provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States.

January 13, 1940  
[H. R. 6832]  
[Public, No. 401]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Criminal Code of the United States be amended by inserting therein a new section immediately following section 135 (U. S. C., title 18, sec. 241) to be known as section 135 (a) (U. S. C., title 18, sec. 241 (a)) and reading as follows:

Criminal Code,  
amendment.

“SEC. 135. (a) That whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness in any proceeding pending before any department, independent establishment, board, commission, or other agency of the United States, or in connection with any inquiry or investigation being had by either House, or any committee of either House, or any joint committee of the Congress of the United States, or who corruptly or by threats or force, or by any threatening letter or communication shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede the due and proper administration of the law under which such proceeding is being had before such department, independent establishment, board, commission, or other agency of the United States, or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress of the United States shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

Witnesses before  
governmental agencies  
or Congressional  
committees.  
Influencing, etc.

Obstruction of ad-  
ministration of law.

Penalty.

Approved, January 13, 1940.

<sup>1</sup> [Died November 10, 1940, 12:35 a. m.]

<sup>2</sup> [Died September 15, 1940, 1:35 a. m.]

## [CHAPTER 2]

## AN ACT

January 17, 1940  
[H. R. 894]  
[Public, No. 402]

To add certain lands to the Siuslaw National Forest in the State of Oregon.

Siuslaw National  
Forest, Oreg.  
Lands added.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of forest management and municipal watershed protection, the following-described lands, excepting such subdivisions as were revested in the ownership of the United States by the Act approved June 9, 1916 (39 Stat. 218), or now are parts of the unappropriated public domain, are hereby added and made a part of the Siuslaw National Forest in the State of Oregon subject to valid existing rights and all of the added lands owned by the United States shall hereafter be administered subject to all the laws and regulations governing the national forests: All of township 12 south, range 7 west; all of township 12 south, range 8 west; section 19, sections 29 to 32, inclusive, and sections 34 to 36, inclusive, in township 12 south, range 9 west; south half section 10, south half section 13, sections 14 and 15, sections 22 to 27, inclusive, and sections 34 to 36, inclusive, in township 12 south, range 10 west; sections 2 to 11, inclusive, sections 15 to 21, inclusive, and sections 30 and 31 in township 13 south, range 7 west; all of township 13 south, range 8 west; sections 1 to 5, inclusive, east half section 8, sections 9 and 10, north half section 11, sections 12 and 13, north half section 15, sections 16, 17, and 20, north half section 21 and sections 24 and 36 in township 13 south, range 9 west, all Willamette base and meridian.

Description.

Approved, January 17, 1940.

## [CHAPTER 3]

## AN ACT

January 17, 1940  
[H. R. 5919]  
[Public, No. 403]

To provide for the refunding of the bonds of municipal corporations and public-utility districts in the Territory of Alaska, to validate bonds which have heretofore been issued by a municipal corporation or any public-utility district in the Territory of Alaska, and for other purposes.

Alaska.  
Provisions for re-  
funding certain bond-  
ed indebtedness, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any municipal corporation or any public-utility district in the Territory of Alaska shall have outstanding any bonded indebtedness or bonds payable from the revenues from any municipal or public utility, it shall be lawful for said municipal corporation or public-utility district through its common council or board of directors, or other governing body, as the case may be, to issue its bonds and to sell such bonds and apply the proceeds of the sale in payment of the bonds for the payment of which such refunding bonds are issued, or to exchange same for such outstanding bonds constituting said indebtedness, or, as the case may be, for such outstanding bonds payable from the revenues of a municipal or public utility. Said refunding bonds may be exchanged privately for and in payment and discharge of any outstanding bonds of a municipal or public-utility district. Refunding bonds payable from the revenues of a municipal or public utility may be exchanged for a like or greater amount of outstanding bonds payable from the revenues of such municipal or public utility, and the principal amount of such refunding bonds may exceed the principal amount of such outstanding bonds to the extent necessary or advisable to fund interest in arrears or about to become due on such outstanding bonds. The holder or holders of any outstanding bonds need not pay accrued interest on the refunding bonds to be delivered in exchange therefor if, and to the

Refunding bonds,  
use of proceeds.

Exchange for out-  
standing bonds.

Payment of accrued  
interest.

extent that interest is due or accrued and unpaid on the outstanding bonds to be surrendered. No election shall be required to authorize the issuance and sale of such refunding bonds and the issuance and sale thereof may be authorized, and all proceedings with reference thereto prescribed, by ordinance or resolution of the common council, or the board of directors, or other governing body, of the municipal corporation or public-utility district, as the case may be, at any legally called meeting thereof. Such refunding bonds shall not be subject to the limitations of bonded indebtedness prescribed by Public Law Numbered 626, Seventy-fourth Congress (49 Stat. 1388), as amended, or by the provisions of Public Law Numbered 563, Seventy-fifth Congress (52 Stat. 589), or by any other debt-limitations law applicable to municipal corporations or public-utility districts in the Territory of Alaska: *Provided*, That the total debt of the municipal corporation or public-utility district shall not be increased by such refunding operations.

SEC. 2. Bonds issued pursuant to this Act shall bear such date or dates, may be in such denominations, may mature in such amounts at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, or exchanged as above provided, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the common council or board of directors or other governing body of the municipality or public-utility district issuing the bonds. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate to be fixed by the governing body of the municipality issuing the same, not to exceed, however, 6 per centum per annum payable semiannually, and in no event to exceed the rate of interest paid on the bonds to be so refunded. Such bonds shall at all times be, and shall be, treated as negotiable instruments for all purposes. In case such bonds are sold rather than exchanged the purchase price thereof shall be not less than par plus accrued interest.

SEC. 3. It shall be the duty of the governing body of every municipal corporation or public-utility district which issues such bonds under the authority of this Act to levy or to cause to be levied each year during the life of such bonds taxes in amounts sufficient seasonably to provide for payment of and to pay all interest on and the principal of such obligations as they respectively accrue and mature: *Provided, however*, That the provisions of this section shall not apply to bonds which by their terms are to be paid from the revenues of a public utility owned or operated by such municipal corporation or public-utility district and are not general obligations of the municipal corporation or public-utility district. Such refunding bonds which are to be paid from the revenues of a municipal or public utility shall be secured by the same lien on or pledge of the revenues of said utility as the outstanding bonds to be refunded.

SEC. 4. (a) All bonds which have heretofore been issued by any municipal corporation or any public-utility district in the Territory of Alaska, and all proceedings for the authorization and issuance of such bonds and the sale, execution, and delivery thereof, hereby are validated, ratified, approved, and confirmed, notwithstanding any defects or irregularities in such proceedings. Said bonds heretofore

Issuance, etc., of refunding bonds, authorization.

Debt-limitations laws not to apply.

48 U. S. C., Supp. V, §§ 44a-44e.

48 U. S. C., Supp. V, §§ 315-315d.

*Proviso.*  
Total debt, restriction on increase.

Bonds; denominations, maturity.

Registration privileges.

Validity of signatures.

Interest rate.

Negotiability; sale.

Annual levy for interest payment and retirement.

*Proviso.*  
Exception.

Validation of bonds heretofore issued.

issued and sold are declared to be, and shall be, in the actual form in which such bonds have been issued, the binding and legal obligations of the municipal corporation or public-utility district issuing the same.

(b) All proceedings heretofore taken by any municipal corporation or any public-utility district in the Territory of Alaska in connection with proposals to incur bonded indebtedness or to issue negotiable bonds pursuant to the provisions of the Act of May 28, 1936 (49 Stat. 1388), as amended, or of the Act of May 31, 1938 (52 Stat. 589), which may have been heretofore submitted to those of the qualified electors of the municipal corporation or public-utility district whose names appeared upon the tax-assessment roll of such corporation or district last completed prior to the holding of the election, are hereby validated, ratified, and confirmed, notwithstanding any defects or irregularities in such proceedings; and the fact that the indebtedness heretofore authorized by the electors at the time of the submission to them of the proposal to incur a bonded indebtedness or to issue negotiable bonds may have exceeded the limit of indebtedness which may have been applicable at the time of such authorization under the terms of either of said acts shall not serve to prevent the issuance of negotiable bonds, at any time or times, in any amount or amounts which, at the time or times of such issuance, will not cause the aforesaid limitations to be exceeded.

Approved, January 17, 1940.

Validation of proceedings to incur bonded indebtedness, etc.

48 U. S. C., Supp. V, §§ 44a-44e.  
48 U. S. C., Supp. V, §§ 315-315d.

Issuance of negotiable bonds.

[CHAPTER 11]

AN ACT

January 20, 1940  
[S. 1554]  
[Public, No. 404]

To provide that the district judge for the western district of Washington, authorized to be appointed under the Act of May 31, 1938, shall be a district judge for the eastern and western districts of Washington.

Washington, western district.  
District judge for, to serve also for eastern district.

52 Stat. 585.  
28 U. S. C., Supp. V, § 4t.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the district judge, authorized to be appointed for the western district of Washington under the Act entitled "An Act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia", approved May 31, 1938 (Public Act Numbered 555, Seventy-fifth Congress, third session), shall be a district judge for the eastern and western districts of Washington.

Approved, January 20, 1940.

[CHAPTER 12]

AN ACT

January 25, 1940  
[S. 1335]  
[Public, No. 405]

Relating to the filing of affidavits of prejudice in the district court for the District of Alaska.

District court for District of Alaska.  
31 Stat. 444.  
Disqualification of judicial officers.

Affidavit of personal bias or prejudice of judge, filing of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 707, chapter 70, of title II of the Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes", approved June 6, 1900, as amended (section 3305 of the Compiled Laws of the Territory of Alaska, 1933), is amended by striking out the period at the end of paragraph "Fourth" and inserting in lieu thereof a semicolon and the following new paragraph:

"Fifth. Whenever any party, or an attorney for any party, to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him

or his attorney or in favor of any opposite party, or attorney for an opposite party, to the suit, and that it is made in good faith and not for the purpose of delay. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists, and shall be filed within one day after such action, suit, or proceeding is at issue upon a question of fact, or good cause shall be shown for the failure to file it within such time. No party or attorney shall be entitled to file more than one such affidavit in any case. The provisions of this subdivision shall apply only to the District Court."

Statement of facts and reasons for belief; time limitation.

Application of provisions.

Approved, January 25, 1940.

[CHAPTER 13]

AN ACT

To amend section 22 of the Agricultural Adjustment Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 22 of the Agricultural Adjustment Act of 1933, as amended, and as reenacted by section 1 (k) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after the words "Soil Conservation and Domestic Allotment Act, as amended", wherever they appear, the words and figures ", or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended"; by inserting in subsection (a) after the word "being" the words "or are practically certain to be"; by striking out in subsection (b) the words "limitations on the total quantities of any article or articles which may be imported" and by inserting in lieu thereof the words "fees on, or such limitations on the total quantities of, any article or articles which may be entered, or withdrawn from warehouse, for consumption"; by striking out in subsection (b) the expression "July 1, 1928, to June 30, 1933" and inserting in lieu thereof the expression "January 1, 1929, to December 31, 1933"; and by amending subsection (c) to read as follows: "The fees and import restrictions proclaimed by the President under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be specified in such proclamation, revocation, suspension, or modification, and such fees, which shall not be in excess of 50 per centum ad valorem, shall be treated for the purposes of all provisions of law relating to customs revenue as duties imposed by the Tariff Act of 1930."

January 25, 1940  
[H. R. 7171]  
[Public, No. 406]

Agricultural Adjustment Act, amendments.  
49 Stat. 773; 50 Stat. 246.  
7 U. S. C., Supp. V, § 624.  
Import provisions.

49 Stat. 774.  
7 U. S. C., Supp. V, § 612c.

Fees and import restrictions.

46 Stat. 590.  
19 U. S. C. ch. 4;  
Supp. V, ch. 4.

Approved, January 25, 1940.

[CHAPTER 14]

AN ACT

Authorizing States owning lands or interests therein acquired from the United States to include the same in certain agreements for the conservation of oil and gas resources.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of any applicable grant, deed, patent, exchange, or law of the United States, any State owning lands or interests therein acquired by it from the United States may consent to the operation or development of such lands or interests, or any part thereof, under agreements approved by the Secretary of the Interior made jointly or severally with lessees or permittees of lands or mineral deposits of the United States or others, for the purpose of more properly conserving the oil and gas resources within such State. Such agreements may provide for the cooperative or unit operation or development of part or all of any oil or gas pool, field,

January 26, 1940  
[H. R. 2953]  
[Public, No. 407]

Conservation of oil and gas resources.  
Inclusion by States in certain agreements for, of lands, etc., acquired from U. S.

Provisions and terms.

or area; for the allocation of production and the sharing of proceeds from the whole or any specified part thereof regardless of the particular tract from which production is obtained or proceeds are derived; and, with the consent of the State, for the modification of the terms and provisions of State leases for lands operated and developed thereunder, including the term of years for which said leases were originally granted, to conform said leases to the terms and provisions of such agreements: *Provided*, That nothing in this Act contained, nor the effectuation of it, shall be construed as in any respect waiving, determining or affecting any right, title, or interest, which otherwise may exist in the United States, and that the making of any agreement, as provided in this Act, shall not be construed as an admission as to the title or ownership of the lands included.

Approved, January 26, 1940.

*Proviso.*  
Title or ownership  
of lands; construction  
of Act.

[CHAPTER 16]

AN ACT

January 29, 1940  
[S. 1919]  
[Public, No. 408]

To provide for the acquisition by the United States of the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill.

Estate of Patrick  
Henry, acquisition of,  
cost.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized and directed to acquire by purchase, or otherwise, on behalf of the United States, at a cost not to exceed \$100,000, the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill.

Use; administra-  
tion.

SEC. 2. The property acquired under the provisions of this Act shall be a permanent public memorial to Patrick Henry, and shall be administered as the Patrick Henry National Monument, as provided in the Act entitled "An Act to provide for the establishment of a national monument on the site of Red Hill, estate of Patrick Henry", approved August 15, 1935.

49 Stat. 652.  
16 U. S. C., Supp. V,  
§§ 450f-450k.  
Appropriation au-  
thorized.  
*Post*, p. 448.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Approved, January 29, 1940.

[CHAPTER 17]

JOINT RESOLUTION

January 31, 1940  
[H. J. Res. 419]  
[Pub. Res., No. 55]

To extend, for three additional months, the time during which articles imported free of duty for exhibition at the Golden Gate International Exposition or the New York World's Fair, may be sold or abandoned.

Golden Gate Inter-  
national Exposition.  
Imported exhibits,  
time extension for sale,  
abandonment, etc.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the joint resolution entitled "Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, and for other purposes", approved May 18, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

50 Stat. 187; 53 Stat.  
625.

New York World's  
Fair 1939.  
Imported exhibits,  
time extension for sale,  
abandonment, etc.

SEC. 2. That the joint resolution entitled "Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937, as amended, is amended by striking out the words "within three months" wherever appearing therein and inserting in lieu thereof the words "within six months".

50 Stat. 668; 53 Stat.  
625.

Approved, January 31, 1940.

## [CHAPTER 18]

## AN ACT

To amend section 355 of the Revised Statutes, as amended, to make permissive the acquisition of legislative jurisdiction over land or interests in land acquired by the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 355 of the Revised Statutes of the United States (U. S. C., title 33, sec. 733; title 34, sec. 520; title 40, sec. 255; and title 50, sec. 175) be, and the same is hereby, amended to read as follows:

“SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, custom-house, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively: *Provided, however,* That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

Approved, February 1, 1940.

## [CHAPTER 19]

## AN ACT

To amend the Emergency Farm Mortgage Act of 1933, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the tenth sentence of section 32 of the Emergency Farm Mortgage Act of 1933, as amended (U. S. C., title 12, sec. 1016), is further amended by striking out “February 1, 1940” in the two places in which it appears and inserting in lieu thereof “June 1, 1942”.

Approved, February 1, 1940.

February 1, 1940  
[H. R. 7293]  
[Public, No. 409]

Lands, etc., purchased by United States for public buildings.  
Validity of title to requirements.  
Post, p. 1083.

*Proviso.*  
Certificate of title company.

Exclusive jurisdiction not required.

Acceptance of jurisdiction from State.  
[Public, No. 410]

February 1, 1940  
[H. R. 7342]  
[Public, No. 410]

Emergency Farm Mortgage Act, amendment.  
49 Stat. 314.  
12 U. S. C., Supp. V, § 1016 (g).  
Time extension for making loans.

[CHAPTER 20]

AN ACT

To provide for the transfer of certain land owned by the United States to the State of Texas; and certain other land to the county of Galveston, Texas.

February 6, 1940  
[S. 1820]  
[Public, No. 411]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to convey to the State of Texas, all right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Texas, described as follows:

Texas.  
Conveyance of certain land to, authorized.

Description.

Beginning at the southwest corner of said lot 525 as established by United States Engineers for the southwest corner of a two and one-tenth acre tract owned by the United States of America and described in book 329, pages 628, Deed Records, Galveston County, Texas; thence north twenty-five degrees eleven minutes west along the westerly line of said two and one-tenth acre tract one hundred and sixty-five feet to the northwest corner of said two and one-tenth acre tract two hundred and forty-one and nine-tenths minutes east along the northerly line of said two and one-tenth acre tract two hundred and forty-one and nine-tenths feet to a point in a right angle jog in the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on plat of record in the office of the county clerk, Galveston County, Texas, to which plat reference is hereby made; thence south twenty-nine degrees two minutes west perpendicular to said center line of proposed State highway thirty-two and six-tenths feet to a point two hundred feet perpendicularly distant northerly from said center line of proposed State highway; thence south sixty degrees fifty-eight minutes east parallel to said center line one hundred and eighty feet to the southerly line of said two and one-tenth acre tract; thence south sixty-four degrees forty-nine minutes west along the southerly line of said two and one-tenth acre tract three hundred and twenty feet to the place of beginning, contains nine hundred and ninety-six one-thousandths acre.

It is the intention in the above description to include all of that portion of said two and one-tenth acre tract owned by the United States of America that is within the limits of the right-of-way of said State highway.

Galveston County, Tex.  
Conveyance of certain land to, authorized.

Description.

SEC. 2. The Secretary of War is authorized and directed to convey to the county of Galveston, Texas, all the right, title, and interest of the United States in and to all of that certain tract or parcel of land out of lot 525, section 1, Trimble and Lindsey Survey, Galveston Island, Texas, described as follows:

Beginning at the intersection of the northerly right-of-way line of the State highway leading to the new causeway across Galveston Bay, as said State highway is shown on map of record in the office of the county clerk, Galveston County, Texas, with the southerly line of the United States of America two and one-tenth acre tract of land on Galveston Island, Texas, and described in book 329, pages 628 and 629, Deed Records, Galveston County, Texas; thence from said beginning point north sixty degrees fifty-eight minutes west along said State highway northerly right-of-way line one hundred and eighty feet to a right angle jog to the right in said right-of-way line; thence north twenty-nine degrees two minutes east thirty-two and six-tenths feet to the northerly line of said United States of America two and one-tenth acre tract; thence north sixty-four degrees forty-nine minutes east two hundred and fifty-three and eight-tenths feet, more or less, to the southerly right-of-way line of the old State Highway Numbered 6, formerly a county road; thence south sixty degrees fifty-eight minutes east two hundred and three and four-tenths feet along said

southerly right-of-way of the old State Highway Numbered 6 to the said southerly line of the United States of America two and one-tenth acre tract; and thence south sixty-four degrees forty-nine minutes west along said southerly line of two and one-tenth acre tract two hundred and eighty-two and two-tenths feet, more or less, to the place of beginning. Contains one and one hundred and four one-thousandths acres.

SEC. 3. The grantee in each case shall bear any expense (other than for the preparation of the deeds) necessary to carry out the provisions of this Act, but shall not be required to pay any consideration for the right, title, and interest conveyed: *Provided*, That the Secretary of War is authorized to make such deviations in the description of the lands above described as may be necessary to carry out the purpose and intent of this Act.

Grantee to bear certain expense.

*Proviso.*  
Necessary deviations in description authorized.

Approved, February 6, 1940.

[CHAPTER 21]

AN ACT

For the relief of World War sailors and marines who were discharged from the United States Navy or United States Marine Corps because of minority or misrepresentation of age.

February 9, 1940  
[H. R. 5734]  
[Public, No. 412]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of law conferring rights, privileges, or benefits upon honorably discharged sailors of the United States Navy and upon honorably discharged marines of the United States Marine Corps, their widows and dependent children, a sailor or marine who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age, shall hereafter be held and considered to have been honorably discharged from the naval service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowance shall accrue by reason of the passage of this Act: *Provided further*, That in all such cases the Navy Department shall, upon request, grant to such men, or their widows, a discharge certificate showing that the sailor or marine is held and considered to have been honorably discharged under the provisions of this Act.

World War sailors and marines.  
Discharge because of minority, etc., deemed honorable discharge.

*Provisos.*  
No back pay, etc.  
Issuance of certificates.

Approved, February 9, 1940.

[CHAPTER 22]

AN ACT

Giving the consent of Congress to the addition of lands to the State of Texas and ceding jurisdiction to the State of Texas over certain parcels or tracts of land heretofore acquired by the United States of America from the United Mexican States.

February 9, 1940  
[H. R. 6124]  
[Public, No. 413]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon the acceptance of this Act by the State of Texas all of the parcels or tracts of land lying adjacent to the territory of the State of Texas, which were acquired by the Government of the United States of America by virtue of the convention between the United States of America and the United Mexican States signed February 1, 1933, shall be and become a geographical part of the State of Texas and shall be under the civil and criminal jurisdiction of the said State, without affecting the ownership of the said lands.

Texas.  
Certain lands adjacent to, acquired from United Mexican States, ceded to State.

48 Stat. 1621.

Subject to State jurisdiction.

Approved, February 9, 1940.

## [CHAPTER 25]

## AN ACT

To make effective in the District Court of the United States for Puerto Rico rules promulgated by the Supreme Court of the United States governing pleading, practice, and procedure in the district courts of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a new section be inserted in the Act entitled "An Act to provide a civil government for Porto Rico, and for other purposes", approved March 2, 1917 (39 Stat. 951), as amended, immediately following section 49 thereof, to read as follows:

"49a. That the rules heretofore or hereafter promulgated and made effective by the Supreme Court of the United States under authority of the Act approved June 19, 1934 (48 Stat. 1064; U. S. C., title 28, secs. 723b, 723c), or under authority of any other statute, regulating the forms of process, writs and motions, and the pleadings, practice, and procedure, in actions of a civil nature in the district courts of the United States, and regulating appeals therefrom, shall apply to the District Court of the United States for Puerto Rico and to appeals therefrom."

SEC. 2. This Act shall become effective March 1, 1940.

Approved, February 12, 1940.

## [CHAPTER 27]

## AN ACT

Making supplemental appropriations for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military and Naval Establishments, Coast Guard, and Federal Bureau of Investigation, for the fiscal year ending June 30, 1940, and for other purposes, namely:

## TITLE I—WAR DEPARTMENT

## SALARIES, WAR DEPARTMENT

For an additional amount for compensation for personal services in the District of Columbia, for temporary employees, as follows:

Office of Secretary of War, \$4,025.

Adjutant General's office, \$52,685.

Office of the Chief of Finance, \$30,949.

Office of the Quartermaster General, \$27,900.

Office of Chief of Infantry, \$960.

In all, salaries, War Department, \$116,519.

In expending appropriations or portions of appropriations contained in each title of this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often

February 12, 1940  
[H. R. 4532]  
[Public, No. 414]

District Court of the  
United States for  
Puerto Rico.

39 Stat. 967.  
48 U. S. C. § 873.

Rules of civil procedure, etc., in U. S. district courts made applicable to.

Effective date.

February 12, 1940  
[H. R. 7805]  
[Public, No. 415]

Emergency Supplemental Appropriation Act, 1940.

Temporary employees, designated offices.  
53 Stat. 592, 992,  
1327.

Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Exception.

than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

*Proviso.*  
Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

#### OFFICE OF THE SECRETARY

##### CONTINGENT EXPENSES, WAR DEPARTMENT

For an additional amount for contingent expenses, War Department, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$44,600.

Department contingent expenses.

53 Stat. 594.

##### PRINTING AND BINDING, WAR DEPARTMENT

For an additional amount for printing and binding for the War Department, except such as may be otherwise provided for in accordance with existing law, \$290,160.

Printing and binding.  
53 Stat. 594.

#### MILITARY ACTIVITIES

##### GENERAL STAFF CORPS

##### MILITARY INTELLIGENCE ACTIVITIES

For an additional amount for military intelligence activities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$25,000.

Military intelligence activities.  
53 Stat. 595.

##### FIELD EXERCISES

For an additional amount for the conduct of special field exercises, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$15,000,000, to remain available until June 30, 1941: *Provided*, That this appropriation may be used for troop movements and travel of personnel of the Regular Army in connection with field exercises, including special combat training for small units; for rental of land or purchase of options to rent land without reference to section 3648 of the Revised Statutes; for the use or repair of private property; and settlement of claims (not exceeding \$500 in any one case) for damages to or loss of private property resulting from such exercises, heretofore or hereafter accrued, when payment thereof will be accepted by the owners of the property in full satisfaction of such damages, and when each claim is substantiated in such manner as the Secretary of War may prescribe by regulation and is approved by the Secretary of War, or by such officer as he may designate, such action thereon to be conclusive.

Special field exercises.

53 Stat. 595.

*Proviso.*  
Availability.

Rent, etc.  
31 U. S. C. § 529.

Private property damage claims.

#### ADJUTANT GENERAL'S DEPARTMENT

##### WELFARE OF ENLISTED MEN

For an additional amount for welfare of enlisted men, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$33,938.

Welfare of enlisted men.  
53 Stat. 596.

## FINANCE DEPARTMENT

## PAY OF THE ARMY

Pay of the Army. For an additional amount for pay of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$12,714,196: *Provided*, That this appropriation shall not be subject to the limitations as to numbers of commissioned officers and enlisted men specified under this head in such Act.

53 Stat. 596.  
*Provided.*  
Certain limitations  
waived.

## TRAVEL OF THE ARMY

Travel of the Army. For an additional amount for travel of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, including travel of dependents of retired personnel when ordered to active duty and upon relief therefrom, \$2,724,444.

53 Stat. 597.

## FINANCE SERVICE

Personal services. For an additional amount for compensation of clerks and other employees of the Finance Department, \$93,874.

53 Stat. 599.

## QUARTERMASTER CORPS

Subsistence of the Army. Subsistence of the Army: For an additional amount for subsistence of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,737,488.

53 Stat. 599.

Regular supplies of the Army.

Regular supplies of the Army: For an additional amount for regular supplies of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,201,641.

53 Stat. 600.

Clothing and equipage.

Clothing and equipage: For an additional amount for clothing and equipage for the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$5,550,199.

53 Stat. 600.

Incidental expenses.

Incidental expenses of the Army: For an additional amount for incidental expenses of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$552,856.

53 Stat. 601.

Army transportation.

Army transportation: For an additional amount for Army transportation, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$21,962,564, such sum to be available for packing, crating, and transportation of authorized baggage and household effects of retired personnel when ordered to active duty and upon relief therefrom, and for the purchase (not exceeding \$2,000,000) of passenger-carrying vehicles.

53 Stat. 601.

Vehicles.

## HORSES, DRAFT AND PACK ANIMALS

Purchase, etc. For an additional amount for the purchase of draft and pack animals and horses, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$15,000.

53 Stat. 602.

## MILITARY POSTS

Construction, etc., at designated posts. For an additional amount to be added to the appropriation "Construction of Buildings, Utilities, and Appurtenances at Military Posts," contained in the Military Appropriation Act, 1940, \$611,800, to be applied as follows: For temporary shelter, Air Corps, Puerto Rico, \$319,000; temporary hangar, Air Corps, Panama, \$92,800; additional amount for housing for shop testing facilities, Chanute Field, Illinois, \$200,000.

53 Stat. 602, 994,  
1327.

## ACQUISITION OF LAND

McChord Field, Wash. For the acquisition of approximately two hundred thousand acres as a bombing area for use in connection with McChord Field, Washington, \$200,000; for the acquisition of approximately forty-

eight thousand acres as a bombing area in connection with Hamilton Field, California, \$150,000; and for the acquisition of approximately eight hundred acres in Puerto Rico for the establishment of a general depot and cantonment area and the enlargement of Camp Buchanan, as authorized in the Acts of July 2, 1917, and April 11, 1918 (50 U. S. C. 171), \$200,000; in all, \$550,000, to remain available until expended.

Hamilton Field,  
Calif.

Puerto Rico.  
Camp Buchanan.  
40 Stat. 241, 518.

#### BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For an additional amount for barracks and quarters and other buildings and utilities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, including general overhead expenses of transportation, engineering, supplies, inspection, and supervision, \$9,750,000.

Construction, etc.

53 Stat. 603.

#### CONSTRUCTION AND REPAIR OF HOSPITALS

For an additional amount for construction and repair of hospitals comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$750,000.

Construction and  
repair of hospitals.  
53 Stat. 604.

#### SIGNAL CORPS

##### SIGNAL SERVICE OF THE ARMY

For an additional amount for signal service of the Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,761,998.

Expenses.

53 Stat. 604.

#### AIR CORPS

##### AIR CORPS, ARMY

For an additional amount for Air Corps, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,787,358, of which not to exceed \$262,000 shall remain available until June 30, 1941: *Provided*, That the Secretary of War is authorized to sell to civilian flying schools at which flying cadets are being given flying training under the provisions of the Act of April 3, 1939 (53 Stat. 555), and under contracts which require such schools to maintain and repair Army airplanes furnished them for this purpose, such spare parts and accessories as may be needed for such repair, at a price, free on board shipping point, not in excess of the contract cost of such materials to the Government, plus the cost of packing and handling.

Designated objects.  
53 Stat. 605.

*Proviso.*  
Sales to certain ci-  
villian flying schools.

#### MEDICAL DEPARTMENT

##### ARMY

##### MEDICAL AND HOSPITAL DEPARTMENT

For an additional amount for Medical and Hospital Department, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$1,389,128.

Expenses.

53 Stat. 607.

##### HOSPITAL CARE, CANAL ZONE GARRISONS

For an additional amount for hospital care, Canal Zone garrisons, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$30,000.

Expenses.

53 Stat. 607.

## CORPS OF ENGINEERS

## ENGINEER SERVICE, ARMY

Designated objects. For an additional amount for Engineer Service, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,000,000, to remain available until June 30, 1941.

53 Stat. 608.

## ORDNANCE DEPARTMENT

## ORDNANCE SERVICE AND SUPPLIES, ARMY

Ordnance service and supplies. For an additional amount for ordnance service and supplies, Army, comprising the same objects specified under this head in the Military Appropriation Act, 1940, and including pay and allowances of Ordnance Reserve officers and Specialist Reserve officers ordered to active duty to carry out the purposes of this appropriation, \$5,625,055.

53 Stat. 608.  
Pay and allowances.

## CHEMICAL WARFARE SERVICE

Expenses. For an additional amount for Chemical Warfare Service, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$73,885.

53 Stat. 609.

## CHIEF OF INFANTRY

## INFANTRY SCHOOL, FORT BENNING, GEORGIA

Instruction expenses. For an additional amount for the Infantry School, Fort Benning, Georgia, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$960.

53 Stat. 609.

## CHIEF OF CAVALRY

## INSTRUCTION IN CAVALRY ACTIVITIES

Instruction expenses. For an additional amount for instruction in cavalry activities, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$960.

53 Stat. 609.

## CHIEF OF COAST ARTILLERY

## COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Instruction expenses. For an additional amount for the Coast Artillery School, Fort Monroe, Virginia, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$2,880.

53 Stat. 610.

## NATIONAL GUARD

## ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

Care of materials, animals, etc. For an additional amount for compensation of help for care of materials, animals, and equipment, including the compensation of employees engaged upon Federal property custodial and accounting work in the offices of property and disbursing officers for the United States, \$15,700.

Camps of instruction. 53 Stat. 611.

For an additional amount for expenses, camps of instruction, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$4,583,752.

Service schools.

For an additional amount for expenses, selected officers and enlisted men, military service schools, \$505,825.

Equipment and instruction. 53 Stat. 611.

For an additional amount for general expenses, equipment, and instruction, National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$175,641.

For an additional amount for travel of officers, warrant officers, and enlisted men of the Regular Army detailed to, or while on duty with, the National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$32,186.

Travel, Army officers, etc.

53 Stat. 612.

Transportation of equipment, etc.

For an additional amount for transportation of equipment and supplies, \$181,179.

Pay, armory drills.

For an additional amount for pay of National Guard (armory drills), \$5,469,962.

Not available for pay, etc., of officer drawing pension.

No part of the appropriations contained in this title shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this provision.

*Provisos.*  
Surrender of pension.

Adjutants general, continuation in present status without pay.

#### ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE, NATIONAL GUARD

For an additional amount for arms, uniforms, equipment, and so forth, for field service, National Guard, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$7,218,087, and all of the sums appropriated in this title on account of the National Guard shall be accounted for as one fund, of which not to exceed \$15,000 may be used for the pay of employees in the National Guard Bureau.

Procurement, etc.

53 Stat. 612.

No appropriation contained in this title shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on June 30, 1932.

Mounted units, etc., restriction.

#### ORGANIZED RESERVES

For an additional amount for Organized Reserves, comprising the same objects specified under this head in the Military Appropriation Act, 1940, \$3,617,282: *Provided*, That this appropriation shall not be subject to the limitations as to Reserve officers on active duty specified under this head in the Military Appropriation Act, 1940: *Provided further*, That not to exceed \$80,000 of this appropriation may be used for establishment, operation, and maintenance of Organized Reserve headquarters: *Provided further*, That the mileage allowance to members of the Officers Reserve Corps when called into active service for training for thirty days or less shall not exceed 4 cents per mile.

Designated objects.  
53 Stat. 613.

*Provisos.*  
Certain limitations waived.

53 Stat. 615.

Organized Reserve headquarters.

Mileage allowance.

#### RESERVE OFFICERS' TRAINING CORPS

For an additional amount for Reserve Officers' Training Corps, comprising the same objects specified under this head in the Military Appropriation Act, 1940, and including travel of dependents, and packing, crating, and transportation of authorized baggage and household effects of retired personnel when ordered to active duty and upon relief therefrom, \$220,572.

Expenses.

53 Stat. 615.

Not available for pay, etc., of officer drawing pension.

*Proviso.*  
Surrender of pension.

Restriction on personnel employment.

Philip B. Fleming, appointment to civil office authorized.

Salary.

No appropriation contained in this title shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

SEC. 2. The appropriations contained in this title under the general heading "Military Activities," shall not be available for the employment other than temporarily of classified personal services.

SEC. 3. Notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Philip B. Fleming, a commissioned officer on the active list, United States Army, is authorized to hold the office of Administrator of the Wage and Hour Division in the Department of Labor without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

## TITLE II—NAVY DEPARTMENT

### NAVAL ESTABLISHMENT

#### OFFICE OF THE SECRETARY

##### MISCELLANEOUS EXPENSES

Miscellaneous expenses.

53 Stat. 757.

Group IV (b) employees.

For an additional amount for miscellaneous expenses comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$685,000, of which there shall be available not to exceed \$200,000 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; \$4,000 for allowances for civilian employees in attachés' offices; and \$176,400 for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

### BUREAU OF NAVIGATION

#### TRAINING, EDUCATION, AND WELFARE, NAVY

Naval training stations.

53 Stat. 760.

Naval training stations: For an additional amount for maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow:

San Diego, Calif.

Newport, R. I.

San Diego, California, \$86,000;

Newport, Rhode Island, \$135,000, of which not to exceed \$960 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Great Lakes, Ill.

Great Lakes, Illinois, \$80,000, of which not to exceed \$3,600 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien

schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Norfolk, Virginia, \$60,600;

Libraries: For an additional amount for libraries, professional books, textbooks, religious books, periodicals, and newspaper subscriptions for ships and shore stations not otherwise appropriated for, \$76,600;

Welfare and recreation: For an additional amount for welfare and recreation, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$400,000;

In all, training, education, and welfare, Navy, \$838,200.

Norfolk, Va.  
Libraries.  
53 Stat. 760.

Welfare and recreation.  
53 Stat. 760.

#### INSTRUMENTS AND SUPPLIES, NAVY

For an additional amount for instruments and supplies, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$750,000.

Instruments and supplies.  
53 Stat. 761.

#### OCEAN AND LAKE SURVEYS, NAVY

For an additional amount for ocean and lake surveys, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$5,000.

Hydrographic surveys.  
53 Stat. 762.

#### NAVAL RESERVE

For an additional amount for the Naval Reserve, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,281,000, to be available, in addition to other appropriations, for and on account of Naval and Marine Corps Reserve Aviation.

Organizing, recruiting, etc.  
53 Stat. 762.

#### BUREAU OF ENGINEERING

##### ENGINEERING

For an additional amount for Engineering, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$18,363,000, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Repairs, preservation of machinery, etc.  
53 Stat. 764.

#### BUREAU OF CONSTRUCTION AND REPAIR

##### CONSTRUCTION AND REPAIR

For an additional amount for Construction and Repair, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$14,969,000, of which not to exceed \$145,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Construction and repair.  
53 Stat. 765.

#### BUREAU OF ORDNANCE

##### ORDNANCE AND ORDNANCE STORES, NAVY

For an additional amount for Ordnance and Ordnance Stores, Navy, comprising the same objects specified under this head in the Navy

Ordnance and ordnance stores.

53 Stat. 765.

Department and Naval Service Appropriation Act, fiscal year 1940, \$30,260,000, and, in addition, the Secretary of the Navy may enter into contracts prior to July 1, 1940, for the purposes of this appropriation, to an amount not in excess of \$2,450,000.

### BUREAU OF SUPPLIES AND ACCOUNTS

#### PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel.

Pay of naval personnel: For an additional amount for pay and allowances of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$13,957,459, of which \$763,890 shall be in addition to the amount named in such Act for increased pay for making aerial flights, and \$11,393 for cash prizes for men for excellence in gunnery, target practices, communication, and engineering competitions: *Provided*, That the number of chief petty officers for the fiscal year 1940, in addition to chief petty officers of the Naval Reserve called to active duty, shall not exceed an average of 11,140 of which number those with a permanent appointment as chief petty officers shall not exceed an average of 9,731: *Provided further*, That the number of men who may be designated by the Secretary of the Navy for duty in the residence or quarters of naval officers is hereby increased from forty to forty-four;

53 Stat. 766.

Aerial flights.

*Proviso.*  
Chief petty officers,  
number.

Household servants.

Subsistence.

Subsistence of naval personnel: For an additional amount for subsistence of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,580,797;

53 Stat. 767.

Transportation and recruiting.

Transportation and recruiting of naval personnel: For an additional amount for transportation and recruiting of naval personnel, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,376,744;

53 Stat. 768.

In all, for pay, subsistence, and transportation of naval personnel, \$17,915,000.

#### MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance.

For an additional amount for maintenance, Bureau of Supplies and Accounts, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,785,000, of which not to exceed \$600,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

53 Stat. 769.

#### FUEL AND TRANSPORTATION, NAVY

Fuel and transportation.

For an additional amount for fuel and transportation, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,065,000.

53 Stat. 770.

### BUREAU OF MEDICINE AND SURGERY

#### MEDICAL DEPARTMENT

Medical department.

For an additional amount for the medical department, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$592,000, of which not to exceed \$15,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

53 Stat. 770.

## CARE OF THE DEAD

For an additional amount for care of the dead, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$14,000.

Care of the dead.

53 Stat. 771.

## BUREAU OF YARDS AND DOCKS

## MAINTENANCE, BUREAU OF YARDS AND DOCKS

For an additional amount for maintenance, Bureau of Yards and Docks, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, and including the purchase of four motor-propelled passenger-carrying vehicles at a cost not to exceed \$600 each, \$871,000.

Maintenance.

53 Stat. 771.

## CONTINGENT, BUREAU OF YARDS AND DOCKS

For an additional amount for contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$50,000.

Contingent ex-  
penses.

53 Stat. 772.

## PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

For an additional amount, to be added to the appropriation "Public Works, Bureau of Yards and Docks," for temporary buildings and facilities for personnel, storage, and operation of ships and aircraft, \$7,000,000, of which amount not to exceed 2½ per centum shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service.

Public works, etc.  
53 Stat. 772.

## BUREAU OF AERONAUTICS

## AVIATION, NAVY

For an additional amount for aviation, Navy, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$28,661,000.

Designated ex-  
penses.

53 Stat. 774.

## MARINE CORPS

## PAY, MARINE CORPS

Pay of officers, active list: The amount named under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, for increased pay for making aerial flights, is hereby increased by \$21,000;

Officers, active list.

53 Stat. 775.

For pay of officers prescribed by law on the retired list, \$107,800;

Retired officers.

Pay of enlisted men, active list: For an additional amount for pay of enlisted men, active list, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,128,948;

Enlisted men, ac-  
tive list.

53 Stat. 775.

For an additional amount for pay and allowances of the Marine Corps Reserve, \$553,572;

Marine Corps Re-  
serve.

For an additional amount for mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$31,680;

Officers traveling  
under orders without  
troops.

53 Stat. 776.

In all, \$2,822,000, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

Disbursement and  
accounting.

## PAY OF CIVIL EMPLOYEES, MARINE CORPS

Civil force.  
53 Stat. 776.

Pay of civil force: For an additional amount for personal services in the District of Columbia, for temporary employees, as follows: Offices of the Major General Commandant and adjutant inspector, \$19,200;

Office of the paymaster, \$4,320;

Office of the quartermaster, \$17,280; in all, \$40,800.

## GENERAL EXPENSES, MARINE CORPS

General expenses.  
53 Stat. 776.  
Post, p. 648.

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

Provisions, etc.  
53 Stat. 776.

For an additional amount for provisions, subsistence, board, and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment; cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$672,328;

Clothing.

For an additional amount for clothing for enlisted men, \$1,500,000;

Fuel, etc.

For an additional amount for fuel, heat, light, and power, including sales to officers, \$125,000;

Military supplies  
and equipment.  
53 Stat. 776.

For an additional amount for military supplies and equipment, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$2,474,500;

Transportation.

For an additional amount for transportation of troops and applicants for enlistment, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$300,000;

Barracks, repairs  
and improvements.

53 Stat. 777.

For an additional amount for repairs and improvements to barracks, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$633,172, of which not to exceed \$600,000 shall be available for the construction of temporary buildings;

Miscellaneous sup-  
plies, etc.

53 Stat. 777.

For an additional amount for miscellaneous supplies, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$895,000;

Proviso.  
Limitation.

In all, \$6,600,000, to be accounted for as one fund: *Provided*, That the sum to be paid out of this additional appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$85,000.

## NAVY DEPARTMENT

## SALARIES

Temporary employees.  
53 Stat. 779.

For an additional amount for compensation for personal services in the District of Columbia, for temporary employees, as follows:

Office of the Secretary of the Navy, \$2,613;

Office of Judge Advocate General, \$4,000;

Office of Chief of Naval Operations, \$5,040;

Office of Director of Naval Communications, \$18,415;

Office of Naval Intelligence, \$21,000;

Bureau of Navigation, \$49,280;

Hydrographic Office, \$25,000;

Naval Observatory, \$7,070;

Bureau of Supplies and Accounts, \$67,120;

Bureau of Medicine and Surgery, \$31,500;

In all, salaries, Navy Department, \$231,038.

## CONTINGENT EXPENSES

For an additional amount for Contingent Expenses, Navy Department, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$85,000.

Contingent ex-  
penses.

53 Stat. 780.

## PRINTING AND BINDING

For an additional amount for printing and binding for the Navy Department and the Naval Establishment (including the Hydrographic Office and the Naval Reserve Officers' Training Corps) executed at the Government Printing Office, \$263,000.

Printing and bind-  
ing.

53 Stat. 781.

## CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

For an additional amount for contingent and miscellaneous expenses, Hydrographic Office, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$25,000.

Contingent and mis-  
cellaneous expenses.

53 Stat. 781.

## CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

For an additional amount for contingent and miscellaneous expenses, Naval Observatory, comprising the same objects specified under this head in the Navy Department and Naval Service Appropriation Act, fiscal year 1940, \$1,200.

Contingent and mis-  
cellaneous expenses.

53 Stat. 782.

SEC. 202. The Secretary of the Navy is hereby authorized to acquire and convert one transport.

Acquisition, etc., of  
one transport.

SEC. 203. The Secretary of the Navy is authorized to exceed the statutory limit on repairs and alterations to vessels commissioned or converted to meet the existing emergency.

Emergency repairs  
and alterations.

SEC. 204. The appropriations contained in this title under the general heading "Naval Establishment," shall not be available for the employment other than temporarily of classified personal services.

Restriction on per-  
sonnel employment.

## TITLE III—DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses, detection and prosecution of crimes: For an additional amount for salaries and expenses, Federal Bureau of Investigation, including the same objects and under the same conditions specified under this head in the Department of Justice Appropriation Act, 1940, \$1,475,000, of which amount not to exceed \$100,000 may be expended for personal services in the District of Columbia; \$75,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles; and \$100,000 to meet unforeseen emergencies of a confidential character.

Detection and prose-  
cution of crimes.  
*Post*, p. 88.

53 Stat. 897.

Vehicles.

## TITLE IV—TREASURY DEPARTMENT

## COAST GUARD

For additional amounts for appropriations for the Coast Guard (including the Bureau of Lighthouses transferred under the authority of the Reorganization Act of 1939), including the same objects and subject to the same limitations specified under the several heads in the "Treasury Department Appropriation Act, 1940" and under the head "Bureau of Lighthouses \* \* \* general expenses",

Expenses.

53 Stat. 561, 1432.  
5 U. S. C., Supp. V,  
§§ 133-133t.  
53 Stat. 663.

53 Stat. 913.

in the "Department of Commerce Appropriation Act, 1940", respectively, as follows:

Office of Commandant.

53 Stat. 663.

Pay and allowances.

53 Stat. 664.

*Post*, p. 91.

Office of the Commandant: For personal services in the District of Columbia, for temporary employees, \$43,701;

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and three civilian instructors, retired pay for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (14 U. S. C. 178a), and so forth, \$2,263,000;

Retired members, former Life Saving Service.

46 Stat. 164.

Fuel and water: For fuel, lubricating oil, kerosene, and water, and for the furnishing of heat, light, and power (service) for vessels, stations, and houses of refuge, \$250,000;

Outfits: For outfits, including necessary supplies and equipment, medals, newspapers, and periodicals for statistical purposes, rental of mechanical accounting machinery, repairs to portable equipment at shore units, ship chandlery, engineers' stores, and draft animals and their maintenance, \$768,188;

Station improvements.

53 Stat. 664.

Rebuilding and repairing stations: For rebuilding and repairing stations and houses of refuge, temporary leases, rent, and improvements of property for Coast Guard purposes, including use of additional land where necessary, \$95,000;

Communication lines.

53 Stat. 664.

Repairs to vessels.

53 Stat. 665.

Communication lines: For coastal communication lines and facilities and their maintenance, and communication service, \$125,000;

Repairs to vessels: For repairs to Coast Guard vessels and boats, exclusive of aircraft, including cost of salvage operations when incident to the repairs thereof, \$650,000;

*Proviso.*

Aviation expenses, limitation increased.

53 Stat. 665.

In all, \$4,194,889: *Provided*, That the limitation of \$2,200,000 which may be expended for aviation contained in said Treasury Department Appropriation Act under "Coast Guard" is hereby increased to \$2,435,000.

Lighthouse Service, general expenses.

53 Stat. 913.

*Post*, p. 91.

Lighthouse Service (Bureau of Lighthouses), general expenses: For supplies, including replacement of and necessary additions to existing equipment, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks, and purchase of land for same; establishment of post lights, buoys, submarine signals, and fog signals; construction of necessary outbuildings, and so forth, \$81,960.

## TITLE V—DEPARTMENT OF AGRICULTURE

### PRICE ADJUSTMENT ACT OF 1938

Payments.

53 Stat. 974.

52 Stat. 819.

SEC. 501. Not to exceed \$11,000,000 of the funds appropriated by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1940, are hereby made available for the purpose of making payments under the "Price Adjustment Act of 1938".

Short title.

SEC. 502. This Act may be cited as the "Emergency Supplemental Appropriation Act, 1940".

Approved, February 12, 1940.

## [CHAPTER 28]

## AN ACT

Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes.

February 12, 1940  
[H. R. 8067]  
[Public, No. 416]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for other purposes, namely:

Urgent Deficiency  
Appropriation Act,  
1940.

## LEGISLATIVE

## SENATE

For payment to Mary Borah, widow of William E. Borah, late a Senator from the State of Idaho, \$10,000.

William E. Borah.  
Payment to widow.

For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, fiscal year 1940, \$23,700.

Senate kitchens and  
restaurants, etc.  
53 Stat. 825.

## HOUSE OF REPRESENTATIVES

To pay the widow of William A. Ashbrook, late a Representative from the State of Ohio, \$10,000.

William A. Ashbrook.  
Payment to widow.  
Chester C. Bolton.  
Payment to widow.

To pay the widow of Chester C. Bolton, late a Representative from the State of Ohio, \$10,000.

To pay the widow of Edward W. Curley, late a Representative from the State of New York, \$10,000.

Edward W. Curley.  
Payment to widow.

To pay the widow of George H. Heinke, late a Representative from the State of Nebraska, \$10,000.

George H. Heinke.  
Payment to widow.

To pay the widow of Santiago Iglesias, late a Resident Commissioner from Puerto Rico, \$10,000.

Santiago Iglesias.  
Payment to widow.

To pay the widow of Carl E. Mapes, late a Representative from the State of Michigan, \$10,000.

Carl E. Mapes.  
Payment to widow.

To pay the widow of John A. Martin, late a Representative from the State of Colorado, \$10,000.

John A. Martin.  
Payment to widow.

To pay the daughter of Wallace E. Pierce, late a Representative from the State of New York, \$10,000.

Wallace E. Pierce.  
Payment to daughter.

To pay the widow of J. Will Taylor, late a Representative from the State of Tennessee, \$10,000.

J. Will Taylor.  
Payment to widow.

The foregoing sums to be disbursed by the Sergeant at Arms of the House of Representatives.

Contingent expenses: For furniture and materials for repairs of same, exclusive of labor, tools and machinery, for furniture and repair shops, fiscal year 1940, \$10,000.

Furniture, etc.  
53 Stat. 829.

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, fiscal year 1940, \$15,000.

Miscellaneous  
items.

53 Stat. 829.

For stationery for Representatives, Delegates, and the Resident Commissioner from Puerto Rico, for the third session of the Seventy-sixth Congress, \$87,600.

Stationery.  
53 Stat. 830.

## ARCHITECT OF THE CAPITOL

Senate Office Building: To reimburse the maintenance fund of the Senate Office Building for the fiscal year 1940 for necessary emergency expenditures for desks, chairs, stands, tables, and other equipment

Additional equip-  
ment and supplies.  
53 Stat. 832.

53 Stat. 1086.  
2 U. S. C., Supp. V,  
§§ 60a, 60b, 92.

and supplies, for the use of the additional clerical assistants to Senators, under the provisions of Public Law Numbered 216, Seventy-sixth Congress, approved July 25, 1939, \$5,000.

## EXECUTIVE INDEPENDENT ESTABLISHMENTS

### UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

Personal services.  
53 Stat. 1307.

The portion of the appropriation for the Commission, contained in the Third Deficiency Appropriation Act, fiscal year 1939, which may be expended exclusively for personal services is hereby increased from \$5,000 to \$7,500.

## NAVY DEPARTMENT

### REPLACEMENT OF NAVAL VESSELS

Armor, armament,  
and ammunition.

53 Stat. 778.

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels heretofore authorized (and appropriated for in part), including the same objects and under the same conditions and limitations prescribed under this head in the Naval Appropriation Act for the fiscal year 1940, \$28,000,000, to continue available until expended.

## TREASURY DEPARTMENT

### BUREAU OF INTERNAL REVENUE

Refunding internal-  
revenue collections.

53 Stat. 662.  
Short title:

Refunding internal-revenue collections: For an additional amount for refunding internal-revenue collections, as provided by law, including the same objects and under the same conditions and limitations prescribed under this head in the Treasury Department Appropriation Act, 1940, fiscal year 1940, \$29,300,000.

SEC. 2. This Act may be cited as the "Urgent Deficiency Appropriation Act, 1940".

Approved, February 12, 1940.

### [CHAPTER 30]

### AN ACT

February 13, 1940  
[S. 2624]  
[Public, No. 417]

To amend the Act of August 24, 1912 (37 Stat. 460), as amended, with regard to the limitation of cost upon the construction of buildings in national parks.

National parks.  
Limitation of cost of  
certain buildings in-  
creased.

16 U. S. C. § 451.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the limitation of cost upon the construction of any administration or other building in any national park without express authority of Congress, contained in the Act approved August 24, 1912 (37 Stat. 460), as amended by the Act of July 1, 1918 (40 Stat. 677), is hereby increased from \$1,500 to \$3,000.

Approved, February 13, 1940.

## [CHAPTER 31]

## JOINT RESOLUTION

Making available for the fiscal year 1940 an additional amount from the special funds heretofore set up for the payment of compensation benefits authorized by certain Emergency Relief Appropriation Acts.

March 1, 1940  
[H. J. Res. 456]  
[Pub. Res., No. 56]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the paragraph of the Independent Offices Appropriation Act, 1940, under the heading "Employees' Compensation Fund, Emergency Relief", is hereby amended by striking out the sum "\$3,200,000" and inserting in lieu thereof the sum "\$4,700,000".

Employees' Compensation Fund,  
Emergency Relief.  
53 Stat. 531.  
Amount for 1940 increased.

Approved, March 1, 1940.

## [CHAPTER 32]

## AN ACT

To authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the Pennsylvania Railroad Company, for right-of-way purposes, a small strip of land at Veterans' Administration facility, Coatesville, Pennsylvania.

March 2, 1940  
[S. 2867]  
[Public, No. 418]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to transfer by quitclaim deed to the Pennsylvania Railroad Company, the following-described property located at Veterans' Administration facility, Coatesville, Chester County, Pennsylvania:

Coatesville, Pa.  
Certain property located at, transfer to Pennsylvania Railroad Company.

Beginning at a point, said point being marked by an iron pin and set in the southwest corner of the Veterans' Administration Reservation as now constituted, said point also being in the northerly right-of-way line of the Pennsylvania Railroad right-of-way and fifty feet distant from the center thereof; said point also being directly opposite center line station 1972 plus 28.5 of the eastern region, Eastern Pennsylvania Division, Philadelphia Division of the Pennsylvania Railroad; thence north, no degrees fifty minutes no seconds west along the westerly boundary line of the Government Reservation, a distance of forty-two and forty one-hundredths feet to a point; thence, along a curve to the left having a radius of five thousand six hundred and forty feet, a distance of six hundred and thirty-one and ninety-seven one-hundredths feet, the chord of which curve bears south seventy-four degrees thirty-four minutes six seconds east, a distance of six hundred and thirty-one and sixty-four one-hundredths feet; thence south thirty-four degrees fifty-one minutes and no seconds west along one of the boundary lines of the Government Reservation, a distance of forty-three and thirty-one one-hundredths feet to a point, said point being in the northerly right-of-way line of the Pennsylvania Railroad right-of-way and fifty feet distant from the center thereof, said point also being directly opposite center line station 1966 plus 17.55; thence, along a curve to the right having a radius of five thousand six hundred and eighty feet a distance of six hundred and five and sixty-five one-hundredths feet the chord of which curve bears north seventy-four degrees thirty-three minutes twenty seconds west, a distance of six hundred and five and thirty-six one-hundredths feet; said curve being the south boundary line of the Government Reservation and the north boundary line of the Pennsylvania Railroad right-of-way to the point of beginning, containing in all an area of five hundred and sixty-eight one-thousandths acre, more or less.

Description.

Approved, March 2, 1940.

## [CHAPTER 33]

## AN ACT

To amend the Annual and Sick Leave Acts of March 14, 1936.

March 2, 1940  
[S. 2376]

[Public, No. 419]

Annual and Sick  
Leave Acts.  
Provisions modified.

5 U. S. C., Supp. V,  
§§ 30b-30m.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the days of annual leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1161), and the days of sick leave with pay provided for in the Act of March 14, 1936 (49 Stat. 1162), shall mean days upon which employees would otherwise work and receive pay, and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all nonwork days established by Federal statute or by Executive or administrative order.

Approved, March 2, 1940.

## [CHAPTER 34]

## AN ACT

To provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

March 2, 1940  
[S. 3069]

[Public, No. 420]

Export-Import  
Bank of Washington.  
15 U. S. C., Supp.  
V, § 713b.  
Post, p. 962.  
Lending authority  
increased.  
Proviso.  
Limitation on ag-  
gregate amount of out-  
standing loans.

Loans to govern-  
ments in default.

Loans in violation  
of international law,  
etc.

Ante, p. 4.  
22 U. S. C., Supp. V,  
§§ 245j-245j-19.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 9 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is amended (1) by striking out "\$100,000,000" and inserting in lieu thereof "\$200,000,000", and (2) by inserting before the period at the end thereof a colon and the following: "*Provided further,* That the aggregate amount of loans to any one foreign country and the agencies and nationals thereof which are hereafter authorized to be made and are outstanding at any one time shall not exceed \$20,000,000, and such amount shall be in addition to the amount of loans heretofore authorized or made to such foreign country and the agencies and nationals thereof: *Provided further,* That the Export-Import Bank of Washington shall not make any loans to any government which was in default in the payment of its obligations or any part thereof to the Government of the United States on April 13, 1934, or in violation of international law as interpreted by the Department of State or for the purchase of any articles, except aircraft exclusively for commercial purposes, listed as arms, ammunition, or implements of war by the President of the United States in accordance with the Neutrality Act of 1939".

Approved, March 2, 1940.

## [CHAPTER 37]

## AN ACT

To amend the District of Columbia Revenue Act of 1939.

March 2, 1940  
[H. R. 8237]

[Public, No. 421]

District of Colum-  
bia Revenue Act of  
1939, amendments.  
53 Stat. 1095.  
20 D. C. Code,  
Supp. V, § 980c.

Time for filing re-  
turns.

If made on basis of  
fiscal year.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 18 of title II of the Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 26, 1939, be amended to read as follows:

"SEC. 18. All returns of income for the preceding taxable year shall be made to the assessor on or before the 15th day of April in each year, except that such returns, if made on the basis of a fiscal year shall be made on or before the 15th day of the fourth month following the close of such fiscal year, unless such fiscal year has expired in the calendar year 1939 prior to the approval of this Act,

in which event returns shall be made on or before the 15th day of the third month following the approval of this Act."

SEC. 2. Subsection (a) of section 26 of title II of said Act approved July 26, 1939, is hereby amended to read as follows:

"SEC. 26. (a) TIME OF PAYMENT.—One-half of the total amount of the tax imposed by this title shall be paid on the 15th day of April following the close of the calendar year and the remaining one-half of the tax shall be paid on the 15th day of October following the close of the calendar year, or, if the return be made on the basis of a fiscal year, then one-half of the total amount of the tax imposed by this title shall be paid on the 15th day of the fourth month following the close of the fiscal year and the remaining one-half of said tax shall be paid on the 15th day of the tenth month following the close of the fiscal year, except a fiscal year which expired in the calendar year 1939 prior to the approval of this Act, in which event the tax shall be paid on the 15th day of the third month following the approval of this Act."

SEC. 3. Title VI of said Act approved July 26, 1939, is hereby amended by striking out "June 30, 1940" and inserting in lieu thereof the words "June 30, 1942".

SEC. 4. Section 4 (c) of such Act (relating to exclusions from gross income) is amended by adding at the end thereof the following:

"(10) Payments of benefits made to or on account of a beneficiary under any of the laws relating to veterans."

Approved, March 2, 1940.

53 Stat. 1099.  
20 D. C. Code,  
Supp. V, § 980y.

Time of payment.

If return made on basis of fiscal year.

53 Stat. 1118.  
20 D. C. Code,  
Supp. V, § 971a.  
Advances from Treasury.  
Exclusions from gross income.  
53 Stat. 1088.  
20 D. C. Code,  
Supp. V, § 980c (c).  
Veterans' benefit payments.

[CHAPTER 38]

AN ACT

To aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges.

March 4, 1940  
[S. 1850]

[Public, No. 422]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, pursuant to the recognized obligations of governments to guarantee the social security of their employees and in order to provide for the retirement on an annuity, or otherwise, of all persons being paid salaries in whole or in part from grants of Federal funds to the several States and Territories pursuant to the terms of the Act approved July 2, 1862, for the endowment and support of colleges of agriculture and mechanic arts, and Acts supplementary thereto providing for instruction in agriculture and mechanic arts, for the establishment of agricultural experiment stations, and for cooperative extension work in agriculture and home economics, all States and Territories are hereafter authorized, notwithstanding any contrary provisions in said Acts, to withhold from expenditure, from Federal funds advanced under the terms of said Acts, amounts designated as employer contributions to be made by the States or Territories to retirement systems established in accordance with the laws of such States or Territories, or established by the governing boards of colleges of agriculture and mechanic arts in accordance with the authority vested in them, and to deposit such amounts to the credit of such retirement systems for subsequent disbursement in accordance with the terms of the retirement systems in effect in the respective States and Territories: *Provided*, That there shall not be deducted from Federal funds and deposited to the credit of retirement accounts

Retirement of employees of land-grant colleges.  
Withholding of employer contributions.

12 Stat. 503.  
7 U. S. C. §§ 301-308.

Deposits for subsequent disbursement.

*Proviso.*  
Employer contributions, limitation.

Proportion of Federal advances in employee retirement systems.

State, etc., matching of funds of Federal origin.

Salaries paid wholly by States, etc.

Employees subject to U. S. Civil Service Retirement Act.  
41 Stat. 614.  
5 U. S. C. §§ 691-738; Supp. V, §§ 693-736b.

as employer contributions, amounts in excess of 5 per centum of that portion of the salaries of employees paid from such Federal funds: *Provided further*, That, for the purpose of making deposits and contributions in retirement systems in favor of any employee, in no event shall the deductions from any Federal fund advanced pursuant to the foregoing Acts be in greater proportion to the total deductions for such employee than the salary received under such Federal funds bears to the total salary from Federal sources: *Provided further*, That the deposits and contributions from funds of Federal origin to any retirement system established by a State or a land-grant college must be at least equaled by the total contributions thereto on the part of the individuals concerned, the State, and the counties: *And provided further*, That no deductions for the foregoing purposes shall be made from Federal funds in support of employees appointed pursuant to the terms of the foregoing Acts, whose salaries are paid wholly by the States or Territories: *Provided further*, That the provisions of this Act shall not apply to any employee paid in whole or in part from Federal funds who may be subject to the United States Civil Service Retirement Act, as amended.

Approved, March 4, 1940.

[CHAPTER 39]

AN ACT

March 4, 1940  
[S. 1935]

[Public, No. 423]

To extend until March 4, 1944, the time during which petitions may be filed by farmers under section 75 of the Bankruptcy Act.

Bankruptcy Act of 1898, amendments.  
47 Stat. 1471.  
11 U. S. C. § 203(c); Supp. V, § 203 (c).

Insolvency petition, time limitation for filing.

Schedules to accompany.

47 Stat. 1473.  
11 U. S. C. § 203(r); Supp. V, § 203 (r).  
"Farmer" construed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 75 (c) of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

"(c) At any time prior to March 4, 1944, a petition may be filed by any farmer, stating that the farmer is insolvent or unable to meet his debts as they mature, and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. The petition and answer shall be filed with the court, but shall, on request of the farmer or creditor, be received by the conciliation commissioner for the county in which the farmer resides and promptly transmitted by him to the clerk of the court for filing. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section."

SEC. 2. Section 75 (r) of such Act is amended to read as follows: "(r) For the purposes of this section and section 4 (b) the term 'farmer' includes not only an individual who is primarily bona fide personally engaged in producing products of the soil, but also any individual who is primarily bona fide personally engaged in dairy farming, the production of poultry or livestock, or the production of poultry products or livestock products in their unmanufactured state, or the principal part of whose income is derived from any one or more of the foregoing operations, and includes the personal representative of a deceased farmer; and a farmer shall be deemed a resident of any county in which such operations occur."

Approved, March 4, 1940.

Residence.

## [CHAPTER 40]

## AN ACT

To establish the Kings Canyon National Park, California, to transfer thereto the lands now included in the General Grant National Park, and for other purposes.

March 4, 1940  
[H. R. 3794]  
[Public, No. 424]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the tract of land in the State of California particularly described as follows, to wit: Beginning at the summit of Junction Peak, being a point on the present north boundary of Sequoia National Park, also a point on the Tulare and Inyo County line; thence westerly along said north boundary of said park to the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek; thence in a northerly direction along the crest of the hydrographic divide between Boulder Creek and Sugarloaf Creek to the intersection of said divide with the section line between sections 3 and 4 of township 14 south, range 30 east, Mount Diablo base and meridian; thence northerly along the section line between said sections 3 and 4 and between sections 33 and 34, and sections 27 and 28 of township 13 south, range 30 east, to the northwest corner of southwest quarter of section 27; thence northwesterly along the ridge immediately adjacent to and lying northeast from the headwaters of the east fork of Lightning Creek to the intersection of said ridge with the section line between sections 21 and 28, township 13 south, range 30 east, which point lies on the said section line three quarters of a mile more or less westerly from the northeast corner of said section 28; thence in a northerly direction across the easterly branch of the east fork of Lightning Creek at Summit Meadow to the ridge north of said creek branch; thence northeasterly along said ridge to Lookout Peak; thence in a northeasterly direction along the ridge from said peak, being also the crest of the hydrographic divide between Sheep Creek and Lightning Creek to the intersection of said ridge, with the line between section 15 and 22, township 13 south, range 30 east, which point lies one quarter of a mile more or less westerly of the northeast corner of said section 22; thence easterly along said section line to the corner of sections 14, 15, 22, and 23; thence north along the line between sections 14 and 15 to the southwest corner of the northwest quarter of the northwest quarter of section 14; thence east to the southeast corner of the northeast quarter of the northwest quarter of the said section; thence south to the southwest corner of the northeast quarter of the said section; thence east to the southeast corner of the southwest quarter of the northeast quarter of the said section; thence south to the southwest corner of the northeast quarter of the southeast quarter of the said section; thence east to the northeast corner of the southeast quarter of the southeast quarter of the said section; thence south to the southwest corner of section 13; thence east on the line between sections 13 and 24 to the southeast corner of section 13; thence south to southwest corner of the northwest quarter of the northwest quarter of section 19, township 13 south, range 31 east; thence east along the north latitudinal one-sixteenth section line of sections 19, 20, and 21 to the southeast corner of the northeast quarter of the northwest quarter of said section 21; thence north to the quarter section corner of sections 16 and 21; thence east along the line between sections 16 and 21 to the southeast corner of said section 16; thence north along the section line to the quarter section corner of sections 15 and 16; thence west along the latitudinal quarter section line of sections 16, 17, and 18 to the northwest corner of the southeast quarter of section 18; thence north to the northeast corner of the southeast quarter of the northwest quarter of said section 18; thence west to the northwest corner of the southwest quarter of the northwest quarter of said

Kings Canyon National Park, Calif., establishment.  
Description of tract.

section 18; thence north along the range line between ranges 30 and 31 east, township 13 south to the northeast corner of section 13, township 13 south, range 30 east; thence west along the line between sections 12 and 13 to the southeast corner of the southwest quarter of the southwest quarter of section 12; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 12; thence west to the northwest corner of the southeast quarter of the southeast quarter of section 11; thence north to the northeast corner of the northwest quarter of the northeast quarter of said section 11; thence west along the line between sections 2 and 11 to the northwest corner of the northeast quarter of the northwest quarter of said section 11; thence south to the southwest corner of the northeast quarter of the northwest quarter of said section 11; thence west to the northwest corner of the southwest quarter of the northwest quarter of said section 11; thence north along the line between sections 10 and 11 and 2 and 3 to the intersection with the ridge of southeast spur of Stag Dome; thence in a northwesterly direction along the crest of said spur to the summit of Stag Dome; thence in a northerly direction along the crest of the hydrographic divide between Lewis Creek and Deer Cove and Grizzly Creek to its intersection with Monarch Divide at Hog-Back Peak; thence in a westerly direction along the crest of Monarch Divide, to its junction with the northwesterly spur of Mount Harrington; thence northwesterly along the crest of hydrographic divide on the southwest side of the Gorge of Despair to the intersection with the line between sections 12 and 13, township 12 south, range 29 east; thence continuing west along the line between sections 12 and 13, 11 and 14 to the southwest corner of the southeast quarter of the southeast quarter of said section 11; thence northerly to the southwest corner of the southeast quarter of the northeast quarter of said section 11; thence east to the quarter section corner of sections 11 and 12; thence north to the southeast corner of the northeast quarter of the northeast quarter of said section 11; thence east to the southeast corner of the northwest quarter of the northwest quarter of section 12; thence north to the northeast corner of the northwest quarter of the northwest quarter of said section 12; thence east to the quarter section corner of sections 1 and 12; thence north to the northeast corner of the southeast quarter of the southwest quarter of said section 1; thence east to the southeast corner of the northwest quarter of the southeast quarter of said section 1; thence north to the northeast corner of the northwest quarter of the southeast quarter of said section 1; thence east to the quarter section corner of sections 1 and 6; thence north along the range line between the ranges 29 and 30 east, township 12 south, to the northeast corner of said section 1, township 12 south, range 29 east; thence east along the township line between townships 11 and 12 south, range 30 east to the southeast corner of the southwest quarter of the southwest quarter of section 31, township 11 south, range 30 east; thence north to the northeast corner of the southwest quarter of the southwest quarter of said section 31; thence west to the northwest corner of the southwest quarter of the southeast quarter of section 36, township 11 south, range 29 east; thence south to the quarter section corner of sections 1 and 36; thence west along the township line between townships 11 and 12 south, range 29 east to the northwest corner of section 1, township 12 south, range 29 east; thence south to the southwest corner of the northwest quarter of the northwest quarter of said section 1; thence west to the northwest corner of the southwest quarter of the northwest quarter of section 2; thence south to the northwest corner of the southwest quarter of the southwest quarter of said section 2; thence west to the northwest corner

of the southeast quarter of the southeast quarter of section 3; thence south to the southwest corner of the southeast quarter of the southeast quarter of section 3; thence continuing south to the intersection with the four thousand four hundred contour; thence along the four thousand four hundred-foot contour in a southwesterly direction to its intersection with Tombstone Ridge; thence in a northwesterly direction along the crest of the Tombstone Ridge to the summit of the Obelisk; thence in a straight line in a northeasterly direction crossing Crown Creek to the summit of Kettle Dome; thence in a northeasterly direction along the crest of Kettle Ridge to the summit of Finger Peak in the White Divide; thence northwesterly along the crest of the said White Divide and the Le Conte Divide, passing over the summits of Mount Reinstein and Red Mountain to the summit of Mount Henry; thence in a northerly direction along the crest of the north spur of Mount Henry to the junction of the South Fork San Joaquin River and Piute Creek; thence across the South Fork San Joaquin River and in a northeasterly direction along the hydrographic divide between Piute Creek and the South Fork San Joaquin River to the summit of Pavillion Dome; thence in an easterly direction along the crest of said hydrographic divide to its intersection with Glacier Divide; thence continuing southeasterly along the crest of said Glacier Divide to a point of intersection with the crest of the Sierra Nevada Range, also the boundary line between Inyo County and Fresno County; thence continuing southeasterly along the crest of said Sierra Nevada Range, passing over the summits of Mount Lamarack, Mount Darwin, Mount Haeckel, Mount Wallace, Mount Powell, Mount Thompson, Mount Gilbert, Mount Johnson, Mount Goode, Mount Winchell, North Palisade, The Thumb, Mount Bolton Brown, Split Mountain, Cardinal Mountain, Striped Mountain, Mount Perkins, Colosseum Mountain, Mount Baxter, Diamond Peak, Black Mountain, Dragon Peak, Mount Bixford, Mount Gould, University Peak, Mount Bradley, and Mount Keith to the summit of Junction Peak, being the point of beginning; is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park, to be known as the Kings Canyon National Park, for the benefit and enjoyment of the people: *Provided*, That nothing in this Act shall be construed to affect or abridge any right acquired by any citizen of the United States in the above-described area: *And provided further*, That no grazing permits heretofore issued and in effect on January 15, 1939, affecting the area described in this section, for whose renewal an application is made before the date of expiration, shall be affected by this Act, except that they shall be subject to such terms and conditions to insure protection of the lands and for other purposes as may be prescribed by the Secretary of the Interior.

SEC. 2. That the General Grant National Park is hereby abolished, and the west half of section 33, township 13 south, range 28 east, and west half of section 4, all of section 8 and the northwest quarter of section 9, township 14 south, range 28 east, Mount Diablo meridian, California, together with the lands formerly within the General Grant National Park, California, and particularly described as follows, to wit: All of sections 31 and 32, township 13 south, range 28 east, and sections 5 and 6, township 14 south, range 28 east, of the same meridian, are, subject to valid existing rights, hereby added to and made a part of the Kings Canyon National Park and such lands shall be known as the General Grant grove section of the said park. The General Grant grove section of the Kings Canyon National Park may, by proclamation of the President, be extended to include the

*Proviso.*  
Acquired rights not affected.

Grazing permits in effect Jan. 15, 1939.

General Grant National Park, abolishment.

General Grant grove section; extension permitted.

following described lands, to wit: Section 9, south half, section 10, southwest quarter, and that part of the east half south of Generals Highway; section 11, that part south of Generals Highway; section 13, that part south of Generals Highway; section 14, that part south of Generals Highway, section 15, east half, northwest quarter, and the southeast quarter of the southwest quarter, section 21, southeast quarter of the northeast quarter, and the east half of the southeast quarter; section 22, east half, east half of the northwest quarter, southwest quarter of the northwest quarter and southwest quarter; section 23; section 24, that part south of Generals Highway; sections 25 and 26; section 27, east half, northwest quarter, and that part of the southwest quarter north and east of the crest of Redwood Mountain; section 34, that part east of the crest of Redwood Mountain; sections 35 and 36, township 14 south, range 28 east; all of sections 1 and 2; section 3, that part east of the crest of Redwood Mountain; section 11, that part east and north of the crest of Redwood Mountain; all of section 12; section 13, that part north of the Sequoia National Park boundary, township 15 south, range 28 east, Mount Diablo meridian, which shall be subject to all laws, rules, and regulations applicable to the said park. Such extension of the General Grant grove section of the said park shall not interfere with the movement of stock and vehicular traffic without charge, under general regulations to be prescribed by the Secretary of the Interior, to and from national forest lands on either side of the said park extension. The Kings Canyon National Park shall receive and use all moneys heretofore or hereafter appropriated for General Grant National Park.

Movement of stock and vehicular traffic.

Transfer of funds.

Use for recreational purposes.

Motor-vehicle licenses.

Proviso. Privilege limitation.

Administration, etc.

16 U. S. C., ch. 1; Supp. V, ch. 1.

SEC. 3. That the National Park Service shall, under the rules and regulations to be prescribed by the Secretary of the Interior, administer for public recreational purposes the lands withdrawn.

SEC. 4. That any motor-vehicle license issued for Sequoia National Park shall be applicable to Kings Canyon National Park, and vice versa: *Provided*, That in order to insure the permanent preservation of the wilderness character of the Kings Canyon National Park the Secretary of the Interior may, in his discretion, limit the character and number of privileges that he may grant within the Kings Canyon National Park. No privileges shall be granted for a period in excess of five years.

SEC. 5. That the administration, protection, and development of the Kings Canyon National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, March 4, 1940.

[CHAPTER 41]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 83a of chapter IX of an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, be, and it is hereby, amended by inserting immediately after the first paragraph of said section 83a the following: "Wherever the petition seeks to effect a plan for the composition of obligations represented by securities, or evidences in any form of rights

March 4, 1940  
[H. R. 6506]  
[Public, No. 425]

Bankruptcy Act of 1898, amendments.

50 Stat. 655.  
11 U. S. C., Supp. V, § 403 (a).  
Petition for composition of obligations.

to payment, issued by the petitioner to defray the cost of local improvements and payable out of the proceeds of special assessments or special taxes levied by the petitioner, it shall be sufficient if the petitioner aver that the property liable for the payment of such securities, principal, and interest, is not of sufficient value to pay same, and that the accrued interest on such securities is past due and in default; and the list of creditors to be filed with such petition need contain only the known claimants of rights based on those securities evidencing the obligations sought to be composed under this chapter, and such list shall include separately the names and addresses of those creditors who have accepted the plan of composition. A list of the record owners or holders of title, legal, or equitable, to any real estate involved in the proceeding, shall also be filed with the petition, and such record owners or holders of title shall be notified in the manner provided in this section for creditors and be entitled to hearing by the court upon reasonable application therefor."

SEC. 2. The provisions of the foregoing section shall be deemed to be additional and cumulative and not in diminution of any of the powers conferred by the Act hereby amended.

Approved, March 4, 1940.

[CHAPTER 44]

AN ACT

To facilitate the procurement of aircraft for the national defense.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until June 30, 1941, whenever contracts are to be awarded as a result of competitive bids for furnishing the War Department or the Navy Department with aircraft, aircraft parts, and accessories therefor, the Secretary of War or the Secretary of the Navy is authorized to award a contract for the aircraft, aircraft parts, and accessories to be purchased as a result of any such competition to the bidder that the said Secretary shall find to be the lowest responsible bidder that can satisfactorily perform the work or service required to the best advantage of the Government, or, in his discretion and when such action is considered necessary by the said Secretary in the interest of the national defense, to award contracts for such aircraft, aircraft parts, and accessories to such bidders, not exceeding three in number, as said Secretary shall find to be the lowest responsible bidders that can satisfactorily perform the work or the service required to the best advantage of the Government. The determinations as to such multiple awards and the necessity for making the same shall be based upon quality, times and rate of delivery, price and the prevention of the overloading of a plant or plants and such division of awards shall be made only when found by the said Secretary to be in the interest of the national defense: *Provided*, That no awards shall be made at prices in excess of those offered by the bidders in any such competition and that the decision of the Secretary of the Department concerned as to the award of any such contract, or contracts, the interpretation of the provisions thereof, and the application and administration of the same shall not be reviewable, otherwise than as may be therein provided for, by any officer or tribunal of the United States except the President and the Federal courts: *Provided further*, That a report shall be made to the Congress by the Secretary of the Department concerned in the case of any competition as a result of which quantity contracts are entered into under authority*

List of creditors, contents.

List of record owners, etc., of real estate involved.

Hearing.

Provisions deemed additional.

March 5, 1940  
[S. 2968]

[Public, No. 426]

Procurement of aircraft for national defense.  
Awarding of contracts.

Multiple awards.

Determination and necessity for making, basis.

*Provisos.*  
Price limitation.

Decision, interpretation, application, etc.; review restriction.

Quantity contracts, report to Congress.

of this Act with more than one bidder, immediately upon the execution of such contracts, setting forth the articles purchased, the prices paid therefor, the name or names of each bidder, and of each contractor receiving a contract, and the particular reasons for awarding each of such contracts: *Provided further*, That any contract entered into under the authority hereby granted, for the construction of any complete aircraft or any portion thereof, shall be subject to the applicable profit-limitation provisions of the Act of March 27, 1934 (48 Stat. 505), as amended by the Act of June 25, 1936 (49 Stat. 1926), and as further amended by the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress): *Provided further*, That procurement of aircraft, aircraft parts, and accessories therefor shall be made under authority of this Act only when in the opinion of the Secretary of the Department concerned such action is necessary in the public interest: *Provided further*, That the authority herein granted shall not be construed to abrogate, repeal, or suspend any of the provisions of Revised Statutes (3709, U. S. C. 41:5), the Act of March 2, 1901 (31 Stat. 905), the Act of July 2, 1926 (44 Stat. 787), section 14 of the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), or of the Act of July 13, 1939 (Public, Numbered 168, Seventy-sixth Congress), or to prohibit the award of any contracts in any manner now authorized by law, but shall be construed as additional legislation to be utilized under the conditions herein set forth, during the effective period of this Act: *And provided further*, That this Act shall be applicable under the conditions herein set forth to awards of contracts upon which competitive bids have been heretofore requested or received but as a result of which contracts have not been awarded.

Approved, March 5, 1940.

[CHAPTER 45]

AN ACT

To facilitate control of soil erosion and flood damage on lands within the Ozark and Ouachita National Forests in Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Ozark and Ouachita National Forests, in the State of Arkansas, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the receipts from the sale of natural resources other than mineral or occupancy of public land within the Ozark National Forest and that part of the Ouachita National Forest situated in the State of Arkansas, not to exceed one-half of which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such parts of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, March 5, 1940.

Limitation on profits.

53 Stat. 560.  
 10 U. S. C., Supp. V, §§ 311, 312; 34 U. S. C. § 496; Supp. V, § 496.  
 Necessity for procurement.

Authority herein granted, construction.

53 Stat. 560, 1000.  
 10 U. S. C. §§ 310, 1201; Supp. V, §§ 311-313; 34 U. S. C., Supp. V, § 496.

Application to designated contracts.

March 5, 1940  
 [H. R. 112]  
 [Public, No. 427]

Ozark and Ouachita National Forests, Ark. Acquisition of lands by U. S. to minimize soil erosion, etc.  
 36 Stat. 962.

Payment.

Proviso. Disposition of unexpended, etc., funds.

## [CHAPTER 46]

## AN ACT

Providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles.

March 6, 1940  
[H. R. 3391]  
[Public, No. 428]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General is hereby authorized and directed to credit disbursing agents of the Bureau of Reclamation for payments made as mileage reimbursement for the use, during the period of February 14, 1931, to April 30, 1932, of privately owned motor vehicles, in accordance with the Act of February 14, 1931 (46 Stat. 1146), which payments were suspended and/or disallowed pursuant to the decision of the Comptroller General of April 30, 1932 (A-41688). In those cases where collections have been made from employees pursuant to such suspension and/or disallowed, refunds are authorized: *Provided, however,* That all payments made pursuant to this Act shall be at the rate of 4 cents per mile.

Bureau of Reclamation.

Payments to employees for travel in privately owned motor vehicles.

Refunds.

*Proviso.*  
Rate.

Approved, March 6, 1940.

## [CHAPTER 47]

## AN ACT

To amend the Bonneville Project Act.

March 6, 1940  
[H. R. 7270]  
[Public, No. 429]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 (a) of chapter 720 of the Acts of the Seventy-fifth Congress, first session (50 Stat. 731, 732), is hereby amended by inserting after the second sentence ending "in the vicinity of the Bonneville project.", the following sentence: "The Secretary of the Interior shall also appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each at not exceeding \$7,500 per annum. The Assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease, and, in the event of a vacancy in the office of Administrator until a successor is appointed."

Bonneville Project Act, amendments.  
16 U. S. C., Supp. V, § 832a.

Assistant Administrator; appointment, duties, and powers.

SEC. 2. Section 2 (a) of said Act is hereby further amended by adding at the end of said section the following:

"The office of the Administrator of the Bonneville project is hereby constituted an office in the Department of the Interior and shall be under the jurisdiction and control of the Secretary of the Interior. All functions vested in the Administrator of the Bonneville project under this Act may be exercised by the Secretary of the Interior and, subject to his supervision and direction, by the Administrator and other personnel of the project."

Jurisdiction, etc.

SEC. 3. Section 4 (b) of the said chapter is hereby amended by striking out the words and figures "January 1, 1941" wherever they occur therein and by substituting in lieu thereof the words and figures "January 1, 1942".

Sale of power, time extensions.  
16 U. S. C., Supp. V, § 832c.

Approved, March 6, 1940.

## [CHAPTER 48]

## JOINT RESOLUTION

To authorize the United States Maritime Commission to acquire certain lands at Saint Petersburg, Florida.

March 9, 1940  
[H. J. Res. 424]  
[Pub. Res., No. 57]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Maritime Commission is hereby authorized, with funds in the construction fund of the Commission, to acquire on behalf of the United

St. Petersburg, Fla. Acquisition of certain lands at, authorized.

States by purchase, condemnation, or otherwise, and pay all costs incident to the examination, transfer, and perfecting of title to that certain tract of land aggregating ten and five one-hundredths acres, more or less, situated and being in the county of Pinellas, State of Florida, together with the structures thereon, described as follows:

Description.

Beginning at the southeast corner of lot 6, block 22, Bayboro Addition, as recorded in plat book 3, pages 51 and 52, records of Pinellas County, Florida; thence run south along the west line of Asbury Street South to a point two hundred and seventy-seven and forty-one one-hundredths feet south; thence southeast on an angle of forty-five degrees to the left a distance of nine hundred and sixty-nine and sixteen one-hundredths feet; thence east on an angle of forty-four degrees fifty-seven minutes to the left a distance of three hundred and ninety-five and four-tenths feet; thence northwest on an angle of one hundred and twenty-four degrees forty-two minutes thirty-four seconds to the left a distance of nine hundred and seventy and thirty-eight one-hundredths feet to the farthest southwest corner of the wharf of the port of Saint Petersburg, Florida; thence west on an angle of fifty-five degrees sixteen minutes twenty-six seconds to the left a distance of three hundred and forty-three and eighty-five one-hundredths feet to the west line of First Street South; thence north on said west line of First Street South and on an angle of eighty-nine degrees fifty-six minutes to the right a distance of one hundred and sixty-four and three-tenths feet to the southeast corner of lot 4, block 23, said Bayboro Addition; thence west on an angle of eighty-nine degrees forty-six minutes forty-two seconds to the left and on the south line of said lot 4, block 23, and continue west to the west line of Asbury Street South a distance of one hundred and eighty-five feet to the point of beginning, all of said tract lying and being in the city of Saint Petersburg, county of Pinellas, State of Florida.

Approved, March 9, 1940.

[CHAPTER 49]

AN ACT

March 9, 1940

[S. 643]

[Public, No. 430]

Authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

Indians on Quinaielt  
Reservation, Wash.  
Payment to certain  
attorneys for services  
rendered and expenses  
incurred.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the attorneys of record for those Quinaielt Indians who received their allotments on the Quinaielt Reservation, State of Washington, pursuant to judgments or decrees of a United States district or appellate court in a case wherein they were named parties plaintiff, the reasonable and fair value of the services rendered and expenses incurred, as heretofore fixed and determined by said Secretary; and the sum of \$28,400.10, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to make said payments, the amount so paid for the account of each allottee to be reimbursed to the United States out of any funds now or hereafter accruing to the account of each such Indian allottee from the sale of his or her allotment, or the timber thereon.

Appropriation au-  
thorized.  
Post, p. 642.

Reimbursement.

Approved, March 9, 1940.

## [CHAPTER 51]

## AN ACT

Granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyoming, for dam site and reservoir purposes in connection with the Riverton reclamation project.

March 14, 1940  
[S. 2843]  
[Public, No. 431]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby granted to the United States and its assigns, including its successors in control of the operation and maintenance of the Riverton reclamation project, Wyoming, a flowage easement and an easement for a dam site, together with all rights and privileges incident to the use and enjoyment of said easements, over tribal and allotted lands of the Wind River or Shoshone Indian Reservation within that part of said reservation required for the construction of the Bull Lake Dam and Reservoir on Bull Lake Creek, a tributary of the Wind River, in connection with the Riverton reclamation project, Wyoming, and for the impounding of approximately one hundred and fifty-five thousand acre-feet of water, including a ten-foot freeboard: *Provided,* That in consideration of the said rights insofar as they affect tribal lands there shall be deposited into the Treasury of the United States pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560), for credit to the Shoshone and Arapaho Indians of the Wind River Reservation the sum of \$6,500, from moneys appropriated for the construction of the said Bull Lake Dam and Reservoir, and the said sum when so credited shall draw interest at the rate of 4 per centum per annum.

Wind River or Shoshone Indian Reservation, Wyo.  
Easements granted U. S., concerning Riverton reclamation project.

Bull Lake Dam and Reservoir.

*Proviso.*  
Amount to credit of Indians.

25 U. S. C. § 155.

Compensation.

SEC. 2. That compensation to the individual Indian owners of the allotted lands within the area described in section 1 shall be made from moneys appropriated for the construction of the Bull Lake Dam and Reservoir at the appraised value of the easements: *Provided,* That should any individual Indian not agree to accept the appraised value of the easement as it affects his land, the Secretary of the Interior be, and he is hereby, authorized to acquire such easement by condemnation proceedings.

*Proviso.*  
Condemnation proceedings.

SEC. 3. The easements herein granted shall not interfere with the use by the Indians of the Wind River or Shoshone Indian Reservation of the lands herein dealt with and the waters of Bull Lake Creek and the reservoir insofar as the use by the Indians shall not be inconsistent with the use of said lands for reservoir purposes.

Use of lands, etc., by Indians.

SEC. 4. The Secretary of the Interior is authorized to perform any and all acts and to prescribe such regulations as may be necessary to carry out the provisions of this Act.

Administrative provisions.

Approved, March 14, 1940.

## [CHAPTER 52]

## AN ACT

To provide for allowance of expenses incurred by Veterans' Administration beneficiaries and their attendants in authorized travel for examination and treatment.

March 14, 1940  
[S. 2866]  
[Public, No. 432]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs is hereby authorized, under regulations to be prescribed by the President, to pay the actual necessary expenses of travel, including lodging and subsistence, or in lieu thereof an allowance based upon the mileage traveled, of any person to or from a Veterans' Administration facility, or other place for the purpose of examination, treatment, or care: *Provided,* That payment of mileage upon termination of examination, treatment, or

Veterans' Administration.  
Allowance of expenses to certain beneficiaries.

*Proviso.*  
Mileage.

Expenses of an attendant.

care may be made prior to completion of such travel: *And provided further*, That when any such person requires an attendant other than an employee of the Veterans' Administration for the performance of such travel, such attendant may be allowed expenses of travel upon a similar basis.

Approved, March 14, 1940.

[CHAPTER 53]

AN ACT

March 14, 1940

[S. 3012]

[Public, No. 433]

To amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), relative to the payment of the commuted rations of enlisted men.

Enlisted men, Navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), insofar as the provisions thereof are embodied in section 908 of title 34 of the United States Code, is hereby amended to read as follows:

Payments from accrued commuted rations.

"Money accruing from the commuted rations of enlisted men legally assigned to duty with officers' or other messes, afloat or ashore, may be paid under such regulations as may be prescribed by the Secretary of the Navy."

Approved, March 14, 1940.

[CHAPTER 56]

JOINT RESOLUTION

March 15, 1940

[S. J. Res. 206]

[Pub. Res., No. 58]

Creating a commission to arrange for the celebration of the sesquicentennial anniversary of the signing of the first United States patent law.

First patent law, sesquicentennial celebration.

Preamble.

Whereas there will occur on April 10, 1940, the one hundred and fiftieth anniversary of President George Washington's approval of the first Act of Congress authorizing and regulating the grant of patents as contemplated in article I, section 8, of the Constitution; and

Whereas the encouragement and the protection thus afforded to discoverers and inventors have both inspired and rewarded their genius to the benefit of this Nation and the whole world; and

Whereas the American patent system inaugurated by this Act of Congress has promoted countless applications of the arts and sciences to the needs and well-being of our people and thereby contributed notably to a higher standard of living in our country; and

Whereas it is fitting that the anniversary of the institution of a system so beneficial to the people of the United States should be worthily observed: Now, therefore, be it

Commission on arrangements.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby created a commission consisting of the chairman of the Senate Committee on Patents, the chairman of the House Committee on Patents, the Secretary of Commerce, the Commissioner of Patents, and five other members to be selected by them, with power and authority to make suitable arrangements for an appropriate observance of the sesquicentennial of the first United States patent law.

Inventors' and Patent Day. President requested to set aside April 10, 1940, as.

SEC. 2. That the President of the United States is requested to set aside April 10, 1940, as Inventors' and Patent Day to invite a general public commemoration of an event which has proved so important and salutary to this Nation.

SEC. 3. That the Senate and the House of Representatives shall conduct suitable exercises whereby Congress may mark the anniversary.  
Approved, March 15, 1940.

Commemorative exercises by Congress.

## [CHAPTER 57]

## AN ACT

To amend section 23 of the Act of March 4, 1909, relating to copyrights.

March 15, 1940

[S. 547]

[Public, No. 434]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 23 of the Act of March 4, 1909 (35 Stat. 1080; U. S. C., title 17, sec. 23), is hereby amended by deleting from the second proviso clause thereof the words "when such contribution has been separately registered".

Copyright Act of 1909, amendment. Renewals and extensions.

Approved, March 15, 1940.

## [CHAPTER 58]

## AN ACT

To authorize the Administrator of Veterans' Affairs to exchange certain property located at Veterans' Administration facility, Tuskegee, Alabama, title to which is now vested in the United States, for certain property of the Tuskegee Normal and Industrial Institute.

March 15, 1940

[S. 1088]

[Public, No. 435]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs is hereby authorized and directed to transfer to the Tuskegee Normal and Industrial Institute, Tuskegee Institute, Alabama, title to the land described in subsection (a) of this Act, now vested in the United States, in exchange for certain property, described in subsection (b) of this Act, from the Tuskegee Normal and Industrial Institute.

Tuskegee, Ala. Exchange of lands at, authorized.

(a) The following-described property located in the northwest corner of the northeast quarter of the southwest quarter of section 23, township 17, range 23 east, Macon County, Alabama, and being all that portion of the Government reservation lying west of the old Chehaw Road:

Property transferred by U. S.

Beginning at a point, said point being the northwest corner of the northeast quarter of the southwest quarter of said section 23, said point also being the northwest corner of that part of the Government reservation lying west of the old Chehaw Road; thence east along the north line of the northeast quarter of the southwest quarter of said section 23, same also being the north line of that part of the Government reservation lying west of the old Chehaw Road, a distance of three and four-tenths chains to a point in the west side of the old Chehaw Road; thence south twenty-five degrees east along the west line of the old Chehaw Road, a distance of three and thirty-four one-hundredths chains to a point, said point being in the southerly boundary line of the Government reservation; thence west along the southerly boundary line of the Government reservation, a distance of four and eighty-one one-hundredths chains to the west line of the northeast quarter of the southwest quarter of said section 23; thence north along the west line of the northeast quarter of the southwest quarter of said section 23, a distance of three and three one-hundredths chains to the point of beginning, containing, in all, one and twenty-four one-hundredths acres more or less.

Description.

(b) The following-described property located in the north half of the southeast quarter of section 23, township 17, range 23 east, Macon County, Alabama:

Property transferred by Tuskegee Normal and Industrial Institute.

Beginning at a point, said point being in the northeast quarter of the southeast quarter of said section 23, and also being three and

Description.

three one-hundredths chains south of the east and west half section line of said section 23 and ten and two-tenths chains west of the east line of said section 23, and further being in the south line of the Government reservation as at present constituted; thence south a distance of six and eighty-one one-hundredths chains to a point; thence west a distance of eleven chains to a point, said point being west one and two-tenths chains from the east line of the northwest quarter of the southeast quarter of said section 23; thence north a distance of six and eighty-one one-hundredths chains to a point, said point being in the southerly boundary line of the present Government reservation; thence east along the southerly boundary line of the Government reservation a distance of eleven chains to the point of beginning, containing seven and five-tenths acres, more or less.

Approved, March 15, 1940.

[CHAPTER 59]

AN ACT

To protect scenic values along the Catalina Highway within the Coronado National Forest, Arizona.

March 15, 1940

[S. 2152]

[Public, No. 436]

Coronado National Forest, Ariz.  
Conditional title to certain lands along Catalina Highway within, authorized.

Use restricted.

Proviso.  
Existing claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter mining locations made under the mining laws of the United States upon lands within four hundred feet of the center line of the Catalina Highway, Coronado National Forest, Arizona, which highway begins at the south boundary of said national forest near the southeast corner of section 7, township 13 south, range 16 east, Gila and Salt River base and meridian, and runs in a general northerly direction for a distance of about twenty-five miles to Soldier Camp, shall confer on the locator no right to the surface of the land described in his location other than the right to occupy and use, under the rules and regulations relating to the administration of the Coronado National Forest, so much thereof as may be reasonably necessary to carry on prospecting and mining, and shall not authorize the taking of any resource other than the mineral deposits, or the occupancy of said land for any purpose other than prospecting and mining; and each patent issued thereafter under the United States mining laws upon a mineral location made upon lands within four hundred feet of said center line shall convey title only to the mineral deposits within said land and the right, subject to rules and regulations relating to the national forests, to occupy and use the surface of the land for prospecting and mining only: *Provided,* That valid mining claims within said lands existing on the date of enactment of this Act and thereafter maintained in compliance with the laws under which they were initiated and the laws of the State of Arizona may be perfected in accordance with the laws under which they were initiated.

Approved, March 15, 1940.

[CHAPTER 60]

AN ACT

To amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds.

March 15, 1940

[S. 2740]

[Public, No. 437]

National Defense Act, amendment.  
10 U. S. C. § 173.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 9a of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 766), be, and the same is hereby, further amended as follows:

After the word "officers", in line 13 of the said section, insert the words "or warrant officers"; before the word "to", in line 15, insert the words "or warrant officer".

Approved, March 15, 1940.

Regular Army, warrant officers as disbursing agents.

## [CHAPTER 61]

## AN ACT

To amend section 55, National Defense Act, as amended, to provide for enlistment of men up to forty-five years of age in technical units of the Enlisted Reserve Corps.

March 15, 1940  
[S. 2769]

[Public, No. 438]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 55 of the National Defense Act of June 3, 1916, as amended (44 Stat. 704), be and the same is hereby further amended to read as follows:

National Defense Act, amendment.  
10 U. S. C. §§ 421, 423-425.

"SEC. 55. THE ENLISTED RESERVE CORPS.—The Enlisted Reserve Corps shall consist of persons voluntarily enlisted therein. The period of enlistment shall be three years, except in the case of persons who served in the Army, Navy, or Marine Corps at some time between April 6, 1917, and November 11, 1918, who may be enlisted for one-year periods and who in time of peace shall be entitled to discharge within ninety days if they make application therefor. Enlistments shall be limited to persons eligible for enlistment in the Regular Army who have had such military or technical training as may be prescribed by regulations of the Secretary of War, except that for original enlistments of such specialists in units as may be prescribed by regulations of the Secretary of War the maximum age shall be forty-five years. All enlistments in force at the outbreak of war, or entered into during its continuation, whether in the Regular Army or the Enlisted Reserve Corps, shall continue in force until six months after its termination unless sooner terminated by the President."

Enlisted Reserve Corps, composition, enlistment period.

Eligibility.

Continuance of enlistments in time of war.

Approved, March 15, 1940.

## [CHAPTER 62]

## AN ACT

To authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States, at Quantico, Virginia.

March 15, 1940  
[S. 2992]

[Public, No. 439]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to transfer to the Richmond, Fredericksburg and Potomac Railroad Company, a corporation of the State of Virginia, by appropriate deed of conveyance, free from all encumbrances and without cost to the Richmond, Fredericksburg and Potomac Railroad Company all right, title, and interest of the United States in and to the following parcels of land contained within the Marine Corps Reservation at Quantico, Virginia, as indicated by metes and bounds descriptions on blueprint "P. W. Drawing No. 665, approved August 19, 1938", and "Right of Way and Track Map of Richmond, Fredericksburg and Potomac Railroad Company V-1/40", both on file in the Navy Department:

Quantico, Va.  
Exchange of lands with R. F. and P. Railroad Co., authorized.

Parcel 1. Strip of land approximately ten feet wide and nine hundred feet long adjacent to and along the east side of the right-of-way of the Richmond, Fredericksburg and Potomac Railroad Company, containing two thousand and sixty-six ten-thousandths of an acre, more or less; and

Parcel 4. A strip of land twenty feet wide and twelve hundred feet long adjacent to and along the east side of the right-of-way of the

Richmond, Fredericksburg and Potomac Railroad Company, containing five thousand and five hundred and nine ten-thousandths of an acre, more or less; in consideration of the transfer to the United States by appropriate deed of conveyance by the Richmond, Fredericksburg and Potomac Railroad Company, free from all encumbrances, and without cost to the United States, all right, title, and interest of the Richmond, Fredericksburg and Potomac Railroad Company, to the following parcels of land:

Parcel 2. A strip of land along the west boundary of the Richmond, Fredericksburg and Potomac Railroad Company right-of-way between the center line of the old channel of Chopawamsic Creek and the 1877 channel change, containing five and three one-hundredths acres, more or less; and

Parcel 3. A strip of land between the west boundary of the Richmond, Fredericksburg and Potomac Railroad Company and the 1877 channel of Chopawamsic Creek, containing nine and forty-eight one-hundredths acres, more or less.

Acquisition of adjoining areas.

SEC. 2. The Secretary of the Navy is further authorized to acquire on behalf of the United States by purchase, condemnation, or otherwise, all right, title, and interest in any remaining small areas adjoining parcels 2 and 3 and the 1877 channel change of Chopawamsic Creek in order to adjust the boundary line of the Marine Corps Reservation.

Right reserved.

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

Approved, March 15, 1940.

[CHAPTER 65]

AN ACT

March 18, 1940

[S. 2284]

[Public, No. 440]

To amend the Act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint one hundred acting assistant surgeons for temporary service.

Medical Corps,  
Navy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of May 4, 1898, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes" (30 Stat. 369), is hereby amended so that the last paragraph of the appropriation for the Bureau of Medicine and Surgery (30 Stat. 380), shall read as follows: "The President is hereby authorized to appoint for temporary service one hundred acting assistant surgeons, who shall have the rank and compensation of assistant surgeons".

34 U. S. C. § 21.  
Additional acting  
assistant surgeons for  
temporary service.  
authorized.

Approved, March 18, 1940.

[CHAPTER 66]

AN ACT

March 18, 1940

[H. R. 7863]

[Public, No. 441]

To amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

Federal Communi-  
cations Commission.  
Time extension for  
report.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 602 (e) of the Communications Act of 1934, as amended (50 Stat. 197; U. S. C., 1934 edition, Supp. IV, title 47, sec. 602), is hereby amended by striking out the words "not later than December 31, 1939", and inserting in lieu thereof the words "as soon as practicable but not later than January 1, 1941".

Approved, March 18, 1940.

[CHAPTER 71]

## AN ACT

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

March 25, 1940  
[H. R. 8068]  
[Public, No. 442]

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

Treasury and Post  
Office Departments  
Appropriation Act,  
1941.

## TITLE I—TREASURY DEPARTMENT

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department for the fiscal year ending June 30, 1941, namely:

Treasury Depart-  
ment Appropriation  
Act 1941.

## OFFICE OF THE SECRETARY

Salaries: Secretary of the Treasury, Under Secretary of the Treasury, three Assistant Secretaries of the Treasury, and other personal services in the District of Columbia, including the temporary employment of experts, \$263,360: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Treasury and the Assistant Postmasters General, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salaries.

Experts.

*Proviso.*  
Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Restriction not ap-  
plicable in designated  
cases.

42 Stat. 1490.  
5 U. S. C. § 666.

## DIVISION OF RESEARCH AND STATISTICS

Salaries: For personal services in the District of Columbia, \$168,000.

Salaries.

## OFFICE OF GENERAL COUNSEL

Salaries: For the General Counsel and other personal services in the District of Columbia, \$136,000.

Salaries.  
*Post*, p. 652.

## DIVISION OF PERSONNEL

Salaries: For the Chief of the Division and other personal services in the District of Columbia, \$134,600.

Salaries.

## OFFICE OF CHIEF CLERK

Salaries.  
Post, p. 652.

Salaries: For the Chief Clerk and other personal services in the District of Columbia, \$178,445.

## MISCELLANEOUS AND CONTINGENT EXPENSES, TREASURY DEPARTMENT

Department contin-  
gent, etc., expenses.  
Post, p. 1045.  
Operating expenses,  
Department build-  
ings.

For miscellaneous and contingent expenses of the Office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors', and Liberty Loan Buildings; newspaper clippings, financial journals, books of reference, law books, technical and scientific books, newspapers, and periodicals, expenses incurred in completing imperfect series, library cards, supplies, and all other necessary expenses connected with the library; not exceeding \$5,000 for traveling expenses, including the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department; freight, expressage, telegraph and telephone service; purchase and exchange of motortrucks, and maintenance and repair of motortrucks and three passenger automobiles (one for the Secretary of the Treasury and two for general use of the Department), all to be used for official purposes only; file holders and cases; fuel, oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; flags; hand trucks, ladders; miscellaneous hardware; streetcar fares not exceeding \$750; thermometers; lavatory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment, removal of rubbish; postage; and other absolutely necessary articles, supplies, and equipment not otherwise provided for; \$227,000: *Provided*, That the appropriations for the Public Debt Service, Internal Revenue Service, Federal Alcohol Administration, United States Processing Tax Board of Review, Procurement Division, and Division of Disbursement for the fiscal year 1941 are hereby made available for the payment of items otherwise properly chargeable to this appropriation, the provisions of section 6, Act of August 23, 1912 (31 U. S. C. 669), to the contrary notwithstanding: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Treasury Department when the aggregate amount involved does not exceed the sum of \$50.

Traveling expenses.

Vehicles.

*Proviso.*  
Additional funds.  
Post, pp. 58, 60, 62,  
66, 57.

37 Stat. 414.

Minor purchases.  
Post, p. 1109.

## CUSTODY OF TREASURY BUILDINGS

Operating force.  
Post, p. 652.

Salaries of operating force: For the Superintendent of Treasury Buildings and for other personal services in the District of Columbia, including the operating force of the Treasury Building, the Treasury Annex, the Liberty Loan Building, the Auditors' Building, and of other buildings under the control of the Treasury Department, except the buildings of the Bureau of Engraving and Printing, \$308,140.

Guard force.

Salaries and expenses, guard force: For salaries and expenses of the guard force for Treasury Department buildings in the District of Columbia, including the Bureau of Engraving and Printing, including not to exceed \$6,000 for purchase, repair, and cleaning of uniforms, and for the purchase of arms and ammunition and miscel-

aneous equipment, \$290,000: *Provided*, That this appropriation may be reimbursed in an amount not exceeding \$40,000, for service rendered in the Bureau of Engraving and Printing in connection with the protection of currency, bonds, stamps, and other papers of value the cost of producing which is not covered and embraced in the direct appropriations for such Bureau: *Provided further*, That the Secretary of the Treasury may detail an agent of the Secret Service to supervise such force.

*Proviso.*  
Reimbursement for designated services.

Secret Service supervisor.

#### DIVISION OF PRINTING

**Salaries:** For the Chief, Division of Printing, and other personal services in the District of Columbia, \$66,760.

Salaries.

**Printing and binding:** For printing and binding for the Treasury Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, except the Bureau of Internal Revenue, and including materials for the use of the bookbinder, located in the Treasury Department, but not including work done at the New York Customhouse bindery authorized by the Joint Committee on Printing in accordance with the Act of March 1, 1919 (44 U. S. C. 111), and for the cost of transportation to field offices of printed and bound material, including cost of necessary packing boxes and packing materials, \$460,000.

Printing and binding.  
*Post*, p. 1045.

Work excluded.

40 Stat. 1270.

**Stationery:** For stationery for the Treasury Department and its several bureaus and offices, and field services thereof, including tags, labels, and index cards, printed in the course of manufacturing, packing boxes and other materials necessary for shipping stationery supplies, and cost of transportation of stationery supplies purchased free on board point of shipment and of such supplies shipped from Washington to field offices, \$573,700.

Stationery.  
*Post*, pp. 653, 1045.

#### OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

**Salaries:** For Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$386,000.

Salaries.  
*Post*, p. 653.

**Division of Disbursement, salaries and expenses:** For personal services in the District of Columbia and in the field, stationery, travel, rental of equipment, and all other necessary miscellaneous and contingent expenses, \$1,396,800: *Provided*, That with the approval of the Director of the Bureau of the Budget there may be transferred to this appropriation from funds available for the Agricultural Adjustment Administration, Federal Housing Administration, United States Housing Authority, Federal Surplus Commodities Corporation, Federal Prison Industries, Railroad Retirement Board, Social Security Board, United States Maritime Commission, the Federal Crop Insurance Corporation, and the Commodity Credit Corporation, such sums as may be necessary to cover the expense incurred in performing the function of disbursement therefor.

Division of Disbursement.  
*Ante*, p. 56.

*Proviso.*  
Transfer of funds from designated agencies.

**Contingent expenses, public moneys:** For contingent expenses under the requirements of section 3653 of the Revised Statutes (31 U. S. C. 545), for the collection, safekeeping, transfer, and disbursement of the public money, transportation of notes, bonds, and other securities of the United States, transportation of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933, actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes (31 U. S. C. 548), also including examinations of cash accounts at mints, \$175,000.

Contingent expenses, public moneys.

Examination of depositories.

Recoinage of minor coins.

Recoinage of minor coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent minor coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$25,000.

Recoinage of silver coins.

Recoinage of silver coins: To enable the Secretary of the Treasury to continue the recoinage of worn and uncurrent subsidiary silver coins of the United States now in the Treasury or hereafter received, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coins and the amount the same will produce in new coins, \$425,000.

Relief of the indigent, Alaska.

Relief of the indigent, Alaska: For the payment to the United States district judges in Alaska but not to exceed 10 per centum of the receipts from licenses collected outside of incorporated towns in Alaska, to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, \$30,000.

Refund of moneys erroneously received and covered.

Refund of moneys erroneously received and covered: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 18 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, and any other collections erroneously received and covered which are not properly chargeable to any other appropriation, \$35,000.

48 Stat. 1231.  
31 U. S. C. § 725q.

Government losses in shipment (revolving fund).

Fund for Payment of Government Losses in Shipment (Revolving Fund): For an additional amount for the revolving fund for payment of Government losses in shipment, created in accordance with the provisions of section 2 of the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 479-484), as amended, including expenses other than personal services incurred in the defense, safeguard, or recovery of valuables, or the value thereof, replacement of which shall have been made out of the fund, or for which a claim for replacement shall have been made, \$1,000.

5 U. S. C., Supp. V,  
§ 134a.

Payment of unclaimed moneys.

Payment of unclaimed moneys: To enable the Secretary of the Treasury to meet any expenditures of the character formerly chargeable to the appropriation accounts abolished under section 17 of the Permanent Appropriation Repeal Act of 1934, approved June 26, 1934, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown", \$15,000.

48 Stat. 1230.  
31 U. S. C. § 725p.

Ante, p. 56.

#### PUBLIC DEBT SERVICE

Salaries and expenses.

Salaries and expenses: For necessary expenses connected with the administration of any public-debt issues and United States paper-currency issues with which the Secretary of the Treasury is charged, including the purchase of law books, directories, books of reference, pamphlets, periodicals, and newspapers, and the maintenance, operation, and repair of a motor-propelled bus or station wagon for use of the Destruction Committee, and including the Commissioner of the Public Debt and other personal services in the District of Columbia, \$2,375,000: *Provided*, That the amount to be expended for personal services in the District of Columbia shall not exceed \$2,345,500.

Proviso.  
Limitation.

Expenses of loans, restriction.  
40 Stat. 292.  
31 U. S. C., Supp.  
V, §§ 760, 761.

Expenses of loans: The indefinite appropriation "Expenses of loans, Act of September 24, 1917, as amended and extended" (31 U. S. C. 760, 761), shall not be used during the fiscal year 1941 to supplement the appropriation herein made for the current work of the Public Debt Service, and the amount obligated under such indefinite appro-

priation during such fiscal year shall not exceed \$4,000,000: *Provided*, That the proviso in the Act of June 16, 1921 (31 U. S. C. 761), limiting the availability of this appropriation for expenses of operations on account of any public debt issue to the close of the fiscal year next following the fiscal year in which such issue was made, shall not apply to savings bond transactions handled by the Federal Reserve banks for account of the Secretary of the Treasury.

Inapplicability to savings bond transactions.  
42 Stat. 36.

Distinctive paper for United States securities: For distinctive paper for United States currency and Federal Reserve bank currency, including transportation of paper, traveling, mill, and other necessary expenses, and salaries of employees and allowance, in lieu of expenses, of officer or officers detailed from the Treasury Department, not exceeding \$50 per month each when actually on duty; in all, \$800,000: *Provided*, That in order to foster competition in the manufacture of distinctive paper for United States securities, the Secretary of the Treasury is authorized, in his discretion, to split the award for such paper for the fiscal year 1941 between the two bidders whose prices per pound are the lowest received after advertisement.

Distinctive paper for U. S. securities.

*Proviso.*  
Division of award.

#### BUREAU OF CUSTOMS

Salaries and expenses: For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed \$100,000 for the securing of evidence of violations of the customs laws; for expenses of transportation and transfer of customs receipts from points where there are no Government depositories; not to exceed \$84,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed \$1,700 for any one person; not to exceed \$500 for subscriptions to newspapers; not to exceed \$2,000 for improving, repairing, maintaining, or preserving buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders acquired under authority of the Act of June 26, 1930 (19 U. S. C. 68); and including the purchase (not to exceed \$87,500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; \$20,900,000, of which such amount as may be necessary shall be available for the payment of extra compensation earned by customs officers or employees for overtime services, at the expense of the parties in interest, in accordance with the provisions of section 5 of the Act approved February 13, 1911, as amended by the Act approved February 7, 1920, and section 451 of the Tariff Act, 1930 (19 U. S. C. 261, 267, and 1451): *Provided*, That the receipts from such parties in interest for such overtime services shall be deposited as a refund to the appropriation from which such overtime compensation is paid, in accordance with the provisions of section 524 of the Tariff Act of 1930 (19 U. S. C. 1524); for the cost of seizure, storage, and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws, for the purchase of arms, ammunition, and accessories, and \$497,180 shall be available for personal services in the District of Columbia exclusive of ten persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930: *Provided*, That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in the District of Columbia except two for use in connection with the work of the customhouse in Georgetown.

Salaries and expenses.

Transfer of receipts from points lacking Government depositories.  
Living quarters.

46 Stat. 818.

Quarters along borders.

46 Stat. 817.

Vehicles.

Overtime service at expense of parties in interest.

36 Stat. 901; 41 Stat. 402; 46 Stat. 715.  
19 U. S. C., Supp. V, § 1451.  
*Provisos.*  
Deposit of receipts as refund to appropriation.  
46 Stat. 741.  
19 U. S. C., Supp. V, § 1524.  
Cost of seizure, etc., under customs laws.

Personal services.  
Details to D. C. from field service.  
46 Stat. 741.  
19 U. S. C. § 1525.  
Vehicle restriction.

Refunds and drawbacks.

Refunds and drawbacks: For the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances, as authorized by law, \$14,200,000.

#### OFFICE OF TREASURER OF THE UNITED STATES

Salaries.

Salaries: For Treasurer of the United States, Assistant Treasurer, and for other personal services in the District of Columbia, \$1,248,920.

Redeeming Federal Reserve and national currency.

Salaries (Reimbursable): For personal services in the District of Columbia, in redeeming Federal Reserve and national currency, \$58,000, to be reimbursed by the Federal Reserve and national banks.

Transfer of funds.

With the approval of the Director of the Bureau of the Budget, there may be transferred sums (not exceeding a total of \$650,000) to the appropriations, "Salaries, Office of Treasurer of the United States, 1941", "Contingent expenses, Treasury Department, 1941", "Printing and binding, Treasury Department, 1941", and "Stationery, Treasury Department, 1941", from funds available for the Agricultural Adjustment Administration, Home Owners' Loan Corporation, Farm Credit Administration, Tennessee Valley Authority, Federal Farm Mortgage Corporation, Reconstruction Finance Corporation, Federal land banks and other banks and corporations under the supervision of the Farm Credit Administration, Railroad Retirement Board, Soil Conservation Service, including Soil Conservation and Domestic Allotment, Social Security Board, Federal Housing Administration, United States Housing Authority, Civilian Conservation Corps, Public Works Administration, Commodity Credit Corporation, Rural Electrification Administration, and corporations and banks under the Federal Home Loan Bank Board to cover the expenses incurred on account of such respective activities in clearing of checks, servicing of bonds, handling of collections, and rendering of accounts therefor.

*Ante*, pp. 56, 57.

#### OFFICE OF THE COMPTROLLER OF THE CURRENCY

Salaries.

Salaries: Comptroller of the Currency and other personal services in the District of Columbia, \$245,500.

*Ante*, p. 56.

#### BUREAU OF INTERNAL REVENUE

Salaries and expenses.

Salaries and expenses: For salaries and expenses in connection with the assessment and collection of internal-revenue taxes and the administration of the internal-revenue laws, including the administration of such provisions of other laws as are authorized by or pursuant to law to be administered by or under the direction of the Commissioner of Internal Revenue, including the Commissioner of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, an assistant to the Commissioner, a special deputy commissioner, five deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, investigators, chemists, supervisors, storekeeper-gaugers, guards, clerks, janitors, and messengers in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents and the several supervisory districts, to be appointed as provided by law; the securing of evidence of violations of the Acts, the cost of chemical analyses made by others than employees of the United States and expenses incident to such chemists testifying when necessary; telegraph and telephone service, rent in the District of Columbia and elsewhere, postage, freight, express, neces-

*Post*, pp. 653, 1045.

Commissioner, Assistant General Counsel, and other personal services.

Securing of evidence of law violations.

Miscellaneous expenses.

sary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses, including stenographic reporting services; for the acquisition of property under the provisions of title III of the Liquor Law Repeal and Enforcement Act, approved August 27, 1935 (49 Stat. 872-881), and the operation, maintenance, and repair of property acquired under such title III; for the purchase (not to exceed \$25,000), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, for official use of the Alcohol Tax Unit in field work; printing and binding (not to exceed \$525,000); and the purchase of such supplies, equipment, furniture, mechanical devices, laboratory supplies, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents, and the several supervisory districts, \$60,156,860, of which amount not to exceed \$9,394,920 may be expended for personal services in the District of Columbia: *Provided*, That no part of this amount shall be used in defraying the expenses of any officer designated above, subpoenaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of jurors and witnesses, United States courts": *Provided further*, That not more than \$100,000 of the total amount appropriated herein may be expended by the Commissioner of Internal Revenue for detecting and bringing to trial persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violation.

Salaries and administrative expenses for refunding processing and related taxes and administering title III, Revenue Act of 1936: For salaries and expenses in connection with (1) the assessment and collection of the tax on unjust enrichment imposed by title III, Revenue Act of 1936, (2) the making of refunds and payments of processing and related taxes, as authorized by titles IV and VII of the Revenue Act of 1936, as amended, and (3) the refund of taxes collected under the Cotton Act of April 21, 1934, as amended (48 Stat. 598), the Tobacco Act of June 28, 1934, as amended (48 Stat. 1275), and the Potato Act of August 24, 1935 (49 Stat. 782), as authorized by the Second Deficiency Appropriation Act, fiscal year 1938, as amended, including personal services and rent in the District of Columbia and elsewhere, the hiring of experts, stationery and office supplies, equipment, furniture, mechanical devices, law books and books of reference, trade journals, stenographic reporting service, telegraph and telephone services, postage, freight, express, printing and binding, notarial fees, travel expenses, fees of expert witnesses, and fees and mileage of witnesses, which shall be the same as are paid witnesses in the courts of the United States and may be paid in advance upon certification of such officer as the Commissioner of Internal Revenue or the Secretary of the Treasury may designate, \$2,800,000, of which amount not to exceed \$1,441,580 may be expended for personal services in the District of Columbia.

Refunding internal-revenue collections: For refunding internal-revenue collections, as provided by law, including the payment of claims for the fiscal year 1941 and prior years and accounts arising under "Allowance or draw-back (Internal Revenue)", "Redemption of stamps (Internal Revenue)", "Refunding legacy taxes, Act of

Acquisition of property.

40 U. S. C., Supp. V, §§ 304f-304m.

Vehicles.

Printing and binding.

Personal services.

*Provisos.* Officers attending trials, etc.

*Post*, pp. 204, 209.

Detection and prosecution of violations.

Refund of processing, etc., taxes.  
49 Stat. 1734.  
28 U. S. C., Supp. V, §§ 700-705.

49 Stat. 1739, 1747.  
7 U. S. C., Supp. V, §§ 641-643; 644-659.  
Refunds under Cotton, Tobacco, and Potato Acts.

52 Stat. 1150.  
Administrative expenses.

Printing and binding.  
Witness fees and mileage.

Personal services.

Refunds of internal-revenue collections.

45 Stat. 398.

*Proviso.*  
Report to Congress.

45 Stat. 996; 53 Stat.  
466.  
26 U. S. C., Supp. V,  
§ 3776.

Refunds and pay-  
ments of processing,  
etc., taxes.  
49 Stat. 1739, 1747.  
7 U. S. C., Supp. V,  
§§ 641-643; 644-659.  
7 U. S. C. §§ 701-725;  
751-766; Supp. V, §§  
701-723, 725; 751-766;  
801-833.

Redemption of tax  
stamps, continuance  
of funds.

53 Stat. 662.

Alaska railroads, ad-  
ditional income tax.

March 30, 1928", and "Repayment of taxes on distilled spirits destroyed by casualty", \$42,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts and alphabetically arranged of all disbursements hereunder in excess of \$500 as required by section 3 of the Act of May 29, 1928 (sec. 3776, I. R. C.), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Refunds and payments of processing and related taxes: For refunds and payments of processing and related taxes as authorized by titles IV and VII, Revenue Act of 1936, as amended; for refunds of taxes collected (including penalties and interest) under the Cotton Act of April 21, 1934, as amended (48 Stat. 598), the Tobacco Act of June 28, 1934, as amended (48 Stat. 1275), and the Potato Act of August 24, 1935 (49 Stat. 782), in accordance with the Second Deficiency Appropriation Act, fiscal year 1938 (52 Stat. 1150), as amended, and as otherwise authorized by law; and for redemption of tax stamps purchased under the aforesaid Tobacco and Potato Acts, there is hereby continued available during the fiscal year 1941, the unexpended balance of the funds made available to the Treasury Department for these purposes for the fiscal year 1940 by the Treasury Department Appropriation Act, 1940.

Additional income tax on railroads in Alaska: For the payment to the Treasurer of Alaska of an amount equal to the tax of 1 per centum collected on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which tax is in addition to the normal income tax collected from such corporations on net income, and the amount of such additional tax to be applicable to general Territorial purposes, \$11,900.

*Ante*, p. 56.

## UNITED STATES PROCESSING TAX BOARD OF REVIEW

Salaries and ex-  
penses.  
49 Stat. 1748.  
7 U. S. C., Supp. V,  
§ 648.

49 Stat. 1747.  
7 U. S. C., Supp. V,  
§§ 644-659.

Printing and bind-  
ing.

Salaries and expenses: For salaries and expenses of the Board of Review established by section 906 of the Revenue Act of 1936 for review of the disallowance by the Commissioner of Internal Revenue of claims for refund of processing taxes filed under title VII, Revenue Act of 1936, as amended, including personal services and rent in the District of Columbia and elsewhere, stationery and office supplies, equipment, furniture, mechanical devices, law books and books of reference, press releases, trade journals, periodicals and newspapers, contract reporting services, telegraph and telephone services, postage, freight, express, printing and binding, notarial fees, travel expenses, and such other miscellaneous expenses as may be authorized or approved by the Secretary of the Treasury for the work of this Board, \$145,000.

*Ante*, p. 56.

## FEDERAL ALCOHOL ADMINISTRATION

Salaries and ex-  
penses.  
49 Stat. 977.  
27 U. S. C., Supp. V,  
§§ 201-212.

Securing of evidence  
of violations.

Salaries and expenses: For the purpose of administering the provisions of the "Federal Alcohol Administration Act", approved August 29, 1935 (27 U. S. C. 201), as amended, including personal and other services; supplies and materials; equipment; communication service; stationery; travel and subsistence expenses as authorized by law; maintenance, repair, and operation of automobiles; law books, books of reference, magazines, periodicals, and newspapers; contract stenographic reporting service; the securing of evidence of violations of the Act; and miscellaneous and contingent expenses, \$415,000.

## BUREAU OF NARCOTICS

Salaries and expenses: For expenses to enforce the Act of December 17, 1914 (26 U. S. C. 1383-1391), as amended by the Revenue Act of 1918 (26 U. S. C. 1040-1064), the Narcotic Drugs Import and Export Act, as amended (21 U. S. C. 171-184), and the Marihuana Tax Act of 1937 (26 U. S. C. 1399-1399q); pursuant to the Act of March 3, 1927 (5 U. S. C. 281c), and the Act of June 14, 1930 (5 U. S. C. 282-282c), including the employment of executive officers, attorneys, agents, inspectors, chemists, supervisors, clerks, messengers, and other necessary employees in the field and in the Bureau of Narcotics in the District of Columbia, to be appointed as authorized by law; the securing of information and evidence of violations of the Acts; the costs of chemical analyses made by others than employees of the United States; the transportation of household and other personal effects incident to the change of headquarters of all employees engaged in field activities, not to exceed five thousand pounds in any one case, together with the necessary expenses incident to packing, crating, boxing, and draying same; the purchase of such supplies, equipment, mechanical devices, books, and such other expenditures as may be necessary in the several field offices; cost incurred by officers and employees of the Bureau of Narcotics in the seizure, storage, and disposition of property under the internal-revenue laws when the same is disposed of under section 3460, Revised Statutes (26 U. S. C. 1624); purchase (not to exceed \$10,000), exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary for official use in field work; purchase of arms and ammunition, and for rental of necessary quarters in the District of Columbia and elsewhere; in all, \$1,304,600, of which amount not to exceed \$195,000 may be expended for personal services in the District of Columbia: *Provided*, That the Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of the Act of August 27, 1935 (27 U. S. C. 157), and to pay the cost of acquisition, maintenance, repair, and operation thereof: *Provided further*, That not exceeding \$10,000 may be expended for the collection and dissemination of information and appeal for law observance and law enforcement, including cost of printing, purchase of newspapers, and other necessary expenses in connection therewith and not exceeding \$1,500 for attendance at meetings concerned with the work of the Bureau of Narcotics: *Provided further*, That not exceeding \$10,000 may be expended for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice: *Provided further*, That moneys expended from this appropriation for the purchase of narcotics including marihuana, and subsequently recovered shall be reimbursed to the appropriation for enforcement of the Narcotic Acts current at the time of the deposit.

Salaries and ex-  
penses.

38 Stat. 785.  
26 U. S. C., Supp. V,  
§§ 3220-3228.  
40 Stat. 1057.  
26 U. S. C., Supp. V,  
§§ 2550-2571, 2606.  
35 Stat. 614.  
31 U. S. C., Supp. V,  
§§ 529a-g.  
50 Stat. 551.  
26 U. S. C., Supp. V,  
§§ 2590-2604.  
44 Stat. 1382.  
46 Stat. 585.

Transportation of  
personal effects.

Seizures, etc.

Vehicles.

Rent.

Personal services.

*Proviso.*  
Use of confiscated  
vehicles.

49 Stat. 874.  
27 U. S. C., Supp. V,  
§ 157.  
Law observance.

Apprehension of nar-  
cotic law violators.

Reimbursement.

## COAST GUARD

Office of Commandant: For personal services in the District of Columbia, \$619,260 (composed of "A" item, \$557,940, and "B" item, \$61,320): *Provided*, That no part of any appropriation contained in this Act shall be used to pay any enlisted man of the Coast Guard while detailed for duty at Coast Guard headquarters if such detail increases the total number of enlisted men detailed on such duty at any time above fourteen.

Personal services.  
*Post*, pp. 600, 1045.

*Proviso.*  
Details at head-  
quarters, restriction.

Pay and allowances.  
Post, pp. 66, 600,  
1045.

Retired members of  
former Life Saving  
Service.  
46 Stat. 164.

Cash prizes.

Death allowances.  
41 Stat. 824.

Traveling expenses.

43 Stat. 1261.

Recruiting.

Post, pp. 600, 1045.

Provisos.  
Increased pay for  
aerial flights.

Commutation of rations,  
payments.

General expenses.  
Post, pp. 600, 1045.

Vehicles.

Shore stations.

Beacons, etc.

Lake St. Clair,  
Mich., station.

Vessels, etc., repairs.

Forfeited vessels,  
operation, etc.

Pay and allowances: For pay and allowances prescribed by law for commissioned officers, cadets, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, surfmen, substitute surfmen, and three civilian instructors, retired pay for certain members of the former Life Saving Service authorized by the Act approved April 14, 1930 (14 U. S. C. 178a), and not exceeding \$10,000 (composed of "A" item, \$8,000, and "B" item, \$2,000) for cash prizes for men for excellence in boatmanship, gunnery, target practice, and engineering competitions; for carrying out the provisions of the Act of June 4, 1920 (34 U. S. C. 943); not to exceed \$10,000 for cost of special instruction, including maintenance of students; rations or commutation thereof for cadets, petty officers, and other enlisted men, mileage and expenses allowed by law for officers; and traveling expenses of other persons traveling on duty under orders from the Treasury Department, including transportation of cadets, enlisted men, and applicants for enlistment, with subsistence and transfers en route, or cash in lieu thereof, and traveling expenses for the examinations authorized by the Act entitled "An Act to provide for retirement for disability in the Lighthouse Service", approved March 4, 1925 (33 U. S. C. 765); expenses of recruiting for the Coast Guard, rent of rendezvous, and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen and applicants for appointment as cadets; transportation and packing allowances for baggage or household effects of commissioned officers, warrant officers, and enlisted men; and including not to exceed \$32,000 (composed of "A" item, \$23,000, and "B" item, \$9,000) for the recreation, education, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, \$22,204,335 (composed of "A" item, \$19,510,000, and "B" item, \$2,694,335): *Provided*, That no part of this appropriation shall be used for increased pay at a rate in excess of \$1,440 per annum to any nonflying commissioned officer or commissioned officer observer for making aerial flights; which rate shall be the legal maximum rate of such increased pay as to any such officer: *Provided further*, That money accruing from commutation of rations of enlisted men commuted for the benefit of any mess may be paid on proper voucher to the officer in charge of such mess;

General expenses, Coast Guard: For fuel, lubricating oil, illuminants, kerosene, and water; the furnishing of heat, light, and power (service) for vessels, shore stations, depots and offices; outfits, including necessary supplies and equipment, medals, newspapers, technical books and periodicals, and library books for shore stations and vessels; rental of mechanical accounting machinery and other equipment; repairs to portable equipment at shore units; ship chandlery, engineers' stores, draft animals and their maintenance; purchase (not to exceed \$5,000), exchange, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use at headquarters and in the field; the rebuilding, repairing, maintenance, and incidental expenses of shore stations, including lighthouses, lights, beacons, and other fixed aids to navigation, radio stations, depots and offices; temporary leases and rentals; improvement of property for Coast Guard purposes, including rental or use of additional land where necessary and the purchase of land for beacons, day marks, and fog signals; not to exceed \$100,000 for the acquisition of a site and commencement of construction of the station authorized by the Act approved June 29, 1936 (49 Stat. 2031); repairs to Coast Guard vessels, boats, and aircraft, including cost of salvage operations when incident to the repair thereof; repair, maintenance, and operation of vessels forfeited to the United States and delivered to the Treasury Department under the terms of

the Act approved March 3, 1925 (27 U. S. C. 41); coastal communication lines and facilities and their maintenance, and communication service; establishment, maintenance, repair, and improvement of post lights, buoys, submarine signals, fog signals, beacons, day marks, and other aids to navigation; construction of necessary outbuildings, including oil houses at light stations, at a cost not exceeding \$2,500 at any one light station in any fiscal year; wages of persons attending post lights; temporary employees and field force while engaged on works of general repair and maintenance, and laborers and mechanics at lighthouse depots; rations and provisions, or commutation thereof, for working parties in the field, officers and crews of light vessels and tenders, and officials and other authorized persons of the Coast Guard on duty on board of such tenders or vessels, but money accruing from commutation of rations and provisions for the above-named persons on board tenders and light vessels or in working parties in the field may be paid on proper voucher to the person having charge of the mess of such vessel or party; not exceeding \$3,500 for packing, crating, and transporting personal household effects of employees, not to exceed six thousand pounds in any one case, when transferred from one official station to another for permanent duty; purchase of rubber boots, oilskins, rubber gloves, goggles, and coats, caps, and aprons for steward's department on vessels; fuel, light, and rent of quarters where necessary for keepers of lighthouses; traveling expenses of teachers while actually employed by States or private persons to instruct the children of keepers of lighthouses; not to exceed \$1,500 for traveling expenses of new appointees from ports of embarkation in the United States to first post of duty at isolated light stations in districts outside the continental limits of the United States, and not to exceed \$2,500 for the transportation of the children of lighthouse keepers at isolated light stations where necessary to enable such children to attend school, as authorized by the Act of May 13, 1938 (52 Stat. 353); necessary traveling expenses of lighthouse keepers at isolated stations incurred in obtaining medical attention as authorized by the Act of February 25, 1929 (45 Stat. 1261); purchase of provisions for sale to Coast Guard personnel at isolated stations, and the appropriation reimbursed; contingent expenses, including subsistence and clothing for shipwrecked and destitute persons succored by the Coast Guard, and including reimbursement, under rules prescribed by the Secretary of the Treasury, of Coast Guard personnel who furnish from their personal stock subsistence and clothing to such persons; subsistence of prisoners while in the custody of the Coast Guard; instruments, apparatus, and services necessary to the carrying on of scientific investigation, and not to exceed \$4,000 for experimental and research work; motion-picture equipment (not to exceed \$30,000) and material for official purposes; care, transportation, and burial of deceased officers and enlisted men, including those who die in Government hospitals; apprehension of deserters; wharfage, towage, freight, storage, advertising, surveys, entrance fees in matches for the rifle team and special equipment therefor; not to exceed \$2,500 for contingencies for the Superintendent, United States Coast Guard Academy, to be expended in his discretion; payment of rewards for the apprehension and conviction, or for information helpful to the apprehension and conviction, of persons found interfering, in violation of section 6 of the Act of May 14, 1908 (33 U. S. C. 761), with aids to navigation maintained by the Coast Guard; and all other necessary expenses which are not included under any other heading, \$11,260,000 (composed of "A" item, \$10,225,000, and "B" item, \$1,035,000);

Civilian employees, Coast Guard: For compensation of civilian employees in the field, including per diem labor, but excluding per-

43 Stat. 1116.  
19 U. S. C. §§ 522-524; Supp. V, §§ 522-524.  
Communication lines, etc.  
Aids to navigation.

Light vessels and tenders.

Traveling expenses.

33 U. S. C., Supp. V, § 748a.

33 U. S. C. § 747b.  
Provisions for sale, isolated stations.  
Contingent expenses.

Subsistence of prisoners.

Burial expenses.

Rifle matches.

Coast Guard Academy, contingencies.

Payment of rewards.

35 Stat. 162.

Civilian field employees.

sonnel provided for in the appropriation "General expenses, Coast Guard", \$4,896,440 ("A" item);

Additional air-  
planes.

Additional airplanes: For additional airplanes and their equipment, including radio equipment, spare parts, and accessories, to be constructed or purchased in the discretion of the Secretary of the Treasury, \$500,000 ("B" item), to remain available until June 30, 1942;

Special projects, etc.

Special projects, vessels, and aids to navigation: For constructing or purchasing and equipping lighthouse tenders and light vessels for the Coast Guard, not to exceed \$600,000; and for establishing and improving aids to navigation and other works, not to exceed \$500,000, of which \$8,000 shall be available for establishing buoys and lights on the American side of the international waters of Lake of the Woods and Rainy Lake; in all, \$1,100,000 ("A" item), which sum shall be available for all expenditures directly relating to the respective projects;

Aids to navigation,  
etc.

Retired members of  
former Lighthouse  
Service, etc.

Retired pay, former Lighthouse Service, Coast Guard: For retired pay of certain officers and employees entitled thereto by virtue of former employment in the Lighthouse Service engaged in the field service or on vessels of the Coast Guard, except persons continuously employed in district offices and shops, \$885,000 ("A" item);

Aviation shore sta-  
tions, restrictions.

No part of the appropriations contained in this Act under the Coast Guard, nor of any appropriation heretofore made, shall be used for the construction for the Coast Guard of any new permanent aviation shore station or for the permanent enlargement of the capacity of any existing aviation shore station, but this limitation shall not apply to expenditures for completion of construction for which funds were made available by the Second Deficiency Appropriation Act, fiscal year 1938, or by the First Deficiency Appropriation Act, fiscal year 1940;

Exceptions.

52 Stat. 1151.  
Post, p. 91.

Replacement of ci-  
vilians by military  
personnel.

53 Stat. 1216.  
14 U. S. C., Supp. V,  
§ 10f.

Wherever during the fiscal year 1941, civilian employees of the Coast Guard are replaced by military personnel, as provided in the Act of August 5, 1939 (Public, Numbered 291, Seventy-sixth Congress), funds for the pay and allowances of such military personnel may be transferred, with the approval of the Director of the Bureau of the Budget, from the appropriation or appropriations which provide for the pay of such civilian personnel to the appropriation "Pay and Allowances, Coast Guard";

Ante, p. 64.

Proviso.  
Aviation expendi-  
ture.

Total, Coast Guard, exclusive of Office of Commandant, \$40,845,775 (composed of "A" item, \$36,616,440, and "B" item, \$4,229,335): *Provided*, That not more than a total of \$2,422,498 (composed of "A" item, \$2,328,098, and "B" item, \$94,400) out of the appropriations contained in this Act under the caption "Coast Guard" except the appropriations "Salaries, Office of Commandant" and "Additional airplanes" may be expended for aviation.

Designations de-  
fined.

When used herein under the heading "Coast Guard", the words in parentheses ("A" item) and ("B" item) shall mean, respectively, "amounts for or relating to regular activities" and "amounts for or relating to activities pursuant to Executive Order Numbered 8254, dated September 18, 1939"; but such designations when combined for an appropriation or an amount limitation shall not be deemed to require separate administrative or fund accounting for each designation.

Accounting.

#### BUREAU OF ENGRAVING AND PRINTING

Work authorized.

For the work of engraving and printing, exclusive of repay work, during the fiscal year 1941, United States currency and internal-revenue stamps, including opium orders and special-tax stamps

required under the Act of December 17, 1914 (26 U. S. C. 1040, 1383), checks, drafts, and miscellaneous work, as follows:

Salaries and expenses: For the Director, two Assistant Directors, and other personal services in the District of Columbia, including wages of rotary press plate printers at per diem rates and all other plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work; for engravers' and printers' materials and other materials, including distinctive and nondistinctive paper, except distinctive paper for United States currency and Federal Reserve bank currency; equipment of, repairs to, and maintenance of buildings and grounds and for minor alterations to buildings; directories, technical books and periodicals, examples of engraving and printing, including foreign securities and stamps, and books of reference, not exceeding \$500; traveling expenses not to exceed \$2,000; miscellaneous expenses, including not to exceed \$1,500 for articles approved by the Secretary of the Treasury as being necessary for the protection of the person of employees; for transfer to the Bureau of Standards for scientific investigations in connection with the work of the Bureau of Engraving and Printing, not to exceed \$15,000; and for the maintenance and driving of two motor-propelled passenger-carrying vehicles; \$8,450,000, to be expended under the direction of the Secretary of the Treasury.

During the fiscal year 1941 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for such Bureau for such fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the Act of August 4, 1886 (31 U. S. C. 176), shall be credited when received to the appropriation for such Bureau for the fiscal year 1941.

#### SECRET SERVICE DIVISION

Salaries: For the Chief of the Division and other personal services in the District of Columbia, \$65,000.

Suppressing counterfeiting and other crimes: For salaries and other expenses under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal or other officer having jurisdiction, dealers and pretended dealers in counterfeit money, persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments (including endorsements thereon and assignments thereof), as well as the coins of the United States and of foreign governments, and persons committing other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; purchase (not to exceed \$15,000), exchange, hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, \$855,500: *Provided*, That no part of the amount herein appropriated shall be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States

38 Stat. 785.  
26 U. S. C., Supp. V,  
§§ 2550, 3220.

Salaries and expenses.

Materials, etc.

Reference books, etc.

Scientific investigations.

Vehicles.

Credit of proceeds from work.

24 Stat. 227.

Salaries.

Suppressing counterfeiting, etc. *Post*, p. 664.

Vehicles.

Protection of the President, etc.

*Provisos.*  
Witness fees.

court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses and jurors, United States courts": *Provided further*, That of the amount herein appropriated not to exceed \$15,000 may be expended in the discretion of the Secretary of the Treasury for the purpose of securing information concerning violations of the laws relating to the Treasury Department, and for services or information looking toward the apprehension of criminals.

White House police: Captain, lieutenant, three sergeants, and for fifty-five privates, at rates of pay provided by law; in all, \$146,900.

For uniforming and equipping the White House Police, including the purchase, issue, and repair of revolvers, and the purchase and issue of ammunition and miscellaneous supplies, to be procured in such manner as the President in his discretion may determine, \$4,500.

## BUREAU OF THE MINT

## OFFICE OF DIRECTOR OF THE MINT

Salaries. *Post*, p. 1046.

Transportation of bullion and coin. *Post*, p. 654.

Contingent expenses, etc. *Post*, p. 1046.

Mints and assay offices. Salaries and expenses. *Post*, p. 1046.

Expenses, Gold Reserve and Silver Purchase Acts, 1934. 48 Stat. 337, 1178. 31 U. S. C. §§ 440-446; 448-448e; Supp. V, §§ 441, 444.

Protective devices.

Motorbusses.

Annual assay commission. Specimen and rare coins, acquisition.

Method of manufacturing coin, experiment.

Salaries: For the Director of the Mint and other personal services in the District of Columbia, \$108,500.

Transportation of bullion and coin: For transportation of bullion and coin, by registered mail or otherwise, between mints, assay offices, and bullion depositories, \$215,000, including compensation of temporary employees and other necessary expenses incident thereto; and there is hereby continued available during the fiscal year 1941 not to exceed \$100,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1940.

Contingent expenses and examination of mints: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessities, including books, periodicals, specimens of coins, ores, and incidentals, for rent in the District of Columbia, and for examination of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, \$14,500.

Salaries and expenses, mints and assay offices: For compensation of officers and employees of the mints at Philadelphia, Pennsylvania, San Francisco, California, Denver, Colorado, and New Orleans, Louisiana, the assay offices at New York, New York, and Seattle, Washington, and the bullion depositories at Fort Knox, Kentucky, and West Point, New York, including necessary personal services for carrying out the provisions of the Gold Reserve Act of 1934 and the Silver Purchase Act of 1934, and any Executive orders, proclamations and regulations issued thereunder, and for incidental and contingent expenses, including traveling expenses, new machinery, and repairs, arms, and ammunition, uniforms and accessories for guards, protective devices and their maintenance, training of employees in use of firearms and protective devices, maintenance, repair, and operation of two motorbusses for use at the Fort Knox Bullion Depository, cases and enameling for medals manufactured, net wastage in melting and refining and in coining departments, loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, not to exceed \$500 for the expenses of the annual assay commission, not exceeding \$1,000 for the acquisition, at the dollar face amount or otherwise, of specimen and rare coins, including United States and foreign gold coins and pieces of gold used as, or in lieu of, money, and ores, for addition to the Government's collection of such coins, pieces and ores, not to exceed \$39,185 for continuing an experiment to develop a more economical

and efficient method of manufacturing coin including the purchase of necessary equipment and materials, the reimbursement to other Government agencies for labor and materials furnished, and salaries and traveling expenses, including subsistence, of technical assistants who may be temporarily employed without regard to civil-service laws and regulations, \$2,282,540.

Technical assistants.

#### PROCUREMENT DIVISION

*Ante*, p. 56.

Salaries and expenses: For the Director of Procurement and other personal services in the District of Columbia and in the field service, and for miscellaneous expenses, including office supplies and materials, purchase and exchange of motortrucks and maintenance thereof, telegrams, telephone service, traveling expenses, office equipment, fuel, light, electric current, and other expenses for carrying into effect regulations governing the procurement, warehousing, and distribution by the Procurement Division of the Treasury Department of property, equipment, stores, and supplies in the District of Columbia and in the field (including not to exceed \$500 to settle claims for damages caused to private property by motor vehicles used by the Procurement Division), \$688,973: *Provided*, That the Secretary of the Treasury is authorized and directed during the fiscal year 1941 to transfer to this appropriation from any appropriations or funds available to the several departments and establishments of the Government for the fiscal year 1941 such amounts as may be approved by the Director of the Bureau of the Budget, not to exceed the sum of (a) the amount of the annual compensation of employees who may be transferred or detailed to the Procurement Division, respectively, from any such department or establishment, where the transfer or detail of such employees is incident to a transfer of a function or functions to that Division and (b) such amount as the Director of the Bureau of the Budget may determine to be necessary for expenses other than personal services incident to the proper carrying out of functions so transferred: *Provided further*, That payments during the fiscal year 1941 to the general supply fund for materials, and supplies (including fuel), and services, and overhead expenses for all issues shall be made on the books of the Treasury Department by transfer and counterwarrants prepared by the Procurement Division of the Treasury Department and countersigned by the Comptroller General, such warrants to be based solely on itemized invoices prepared by the Procurement Division at issue prices to be fixed by the Director of Procurement: *Provided further*, That advances received pursuant to law (31 U. S. C. 686) from departments and establishments of the United States Government and the government of the District of Columbia during the fiscal year 1941 shall be credited to the general supply fund: *Provided further*, That not to exceed \$1,000,000 shall be available from the general supply fund during the fiscal year 1941 for personal services: *Provided further*, That the term "fuel" shall be held to include "fuel oil": *Provided further*, That the requirements of sections 3711 and 3713 of the Revised Statutes (40 U. S. C. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia: *Provided further*, That the reconditioning and repair of surplus property and equipment, for disposition or reissue to Government service, may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division".

Salaries and expenses.

Damage claims.

*Provisos.*  
Transfer of funds for pay of details, etc.

Other expenses.

Payments for supplies, services, etc.

Advances, credit of.  
47 Stat. 417.  
31 U. S. C., Supp. V,  
§ 686.

Personal services.

"Fuel" construed.  
Separate certificate waived.

Reconditioning, cost;  
accounting.

Repairs to typewriting machines.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the appropriation "Salaries and expenses, Procurement Division".

Price of standard machines.

No part of any money appropriated by this or any other Act shall be used during the fiscal year 1941 for the purchase of any standard typewriting machines, except bookkeeping and billing machines, at a price in excess of the following for models with carriages which will accommodate paper of the following widths, to wit: Ten inches (correspondence models), \$70; twelve inches, \$75; fourteen inches, \$77.50; sixteen inches, \$82.50; eighteen inches, \$87.50; twenty inches, \$94; twenty-two inches, \$95; twenty-four inches, \$97.50; twenty-six inches, \$103.50; twenty-eight inches, \$104; thirty inches, \$105; thirty-two inches, \$107.50; or, for standard typewriting machines distinctively quiet in operation, the maximum prices shall be as follows for models with carriages which will accommodate paper of the following widths, to wit: Ten inches, \$80; twelve inches, \$85; fourteen inches, \$90; eighteen inches, \$95.

Strategic and critical materials.

Post, p. 600.

53 Stat. 811.  
50 U. S. C., Supp. V,  
§§ 98-98c.

Scientists, etc.

Strategic and critical materials: For all necessary expenses for the acquisition, transportation, maintenance, storage, and rotation of strategic and critical materials in accordance with sections 1 to 6, inclusive, of the Act of June 7, 1939 (Public, Numbered 117, Seventy-sixth Congress), including personal services and rental and maintenance of storage space in the District of Columbia and elsewhere; payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Treasury, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed; printing and binding; and traveling expenses; \$12,500,000, to continue available until expended, and of which amount \$3,000,000 shall be immediately available: *Provided*, That when, in order to prevent deterioration, materials purchased with funds from this appropriation are issued to other departments and agencies of the Government, or sold, reimbursement therefor or the proceeds of such sale shall be credited to this appropriation.

Printing and binding.

Proviso.  
Credits for materials issued.

Citation of title.

This title may be cited as the "Treasury Department Appropriation Act 1941".

## TITLE II—POST OFFICE DEPARTMENT

Post Office Department Appropriation Act, 1941.  
5 Stat. 80.

The following sums are appropriated in conformity with the Act of July 2, 1836 (5 U. S. C. 380, 39 U. S. C. 786), for the Post Office Department for the fiscal year ending June 30, 1941, namely:

### POST OFFICE DEPARTMENT, WASHINGTON, DISTRICT OF COLUMBIA OFFICE OF THE POSTMASTER GENERAL

Salaries.

Salaries: For the Postmaster General and other personal services in the office of the Postmaster General in the District of Columbia, \$228,344.

#### SALARIES IN BUREAUS AND OFFICES

Salaries in bureaus and offices.

For personal services in the District of Columbia in bureaus and offices of the Post Office Department in not to exceed the following amounts, respectively:

Office of the First Assistant Postmaster General, \$391,420.

Office of the Second Assistant Postmaster General, \$587,600.

Office of the Third Assistant Postmaster General, \$798,560.  
 Office of the Fourth Assistant Postmaster General, \$474,240.  
 Office of the Solicitor for the Post Office Department, \$111,300.  
 Office of the chief inspector, \$237,000.  
 Office of the purchasing agent, \$47,240.  
 Bureau of Accounts, \$114,120.

*Post*, p. 1044.

### CONTINGENT EXPENSES, POST OFFICE DEPARTMENT

For contingent and miscellaneous expenses; stationery and blank books, index and guide cards, folders and binding devices, including purchase of free penalty envelopes; telegraph and telephone service, furniture and filing cabinets and repairs thereto; purchase, exchange, maintenance, and repair of tools, electrical supplies, typewriters, adding machines, and other labor-saving devices; maintenance of motortrucks and of two motor-driven passenger-carrying vehicles, to be used only for official purposes (one for the Postmaster General and one for the general use of the Department); streetcar fares; floor coverings; postage stamps for correspondence addressed abroad, which is not exempt under article 49 of the Cairo convention of the Universal Postal Union; purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department; newspapers, not exceeding \$200; expenses, except membership fees, of attendance at meetings or conventions concerned with postal affairs, when incurred on the written authority of the Postmaster General, not exceeding \$2,000; expenses of the purchasing agent and of the Solicitor and attorneys connected with his office while traveling on business of the Department, not exceeding \$800; and other expenses not otherwise provided for; \$84,388.

Department contingent expenses.

Vehicles.

Correspondence addressed abroad.  
49 Stat. 2768.

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$850,000.

Printing and binding.

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Department in the District of Columbia: *Provided*, That the actual and necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may continue to be paid from the appropriations for the service in connection with which the travel is performed, and appropriations for the fiscal year 1941 of the character heretofore used for such purposes shall be available therefor: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be immediately available for expenses in connection with the examination of estimates for appropriations in the field including per diem allowances in lieu of actual expenses of subsistence.

Field service appropriations, use restricted.

*Provided*.  
Travel expenses.

Examination of estimates for field expenses.

### FIELD SERVICE, POST OFFICE DEPARTMENT

#### OFFICE OF THE POSTMASTER GENERAL

Travel expenses, Postmaster General and Assistant Postmasters General: For travel and miscellaneous expenses in the Postal Service, offices of the Postmaster General and Assistant Postmasters General, \$3,000.

Travel, etc., expenses.

## Damage claims.

Personal or property damage claims: To enable the Postmaster General to pay claims for damages, occurring during the fiscal year 1941, or in prior fiscal years, to persons or property in accordance with the provisions of the Deficiency Appropriation Act, approved June 16, 1921 (5 U. S. C. 392), as amended by the Act approved June 22, 1934 (48 Stat. 1207), \$45,000.

42 Stat. 63.

## Adjusted losses and contingencies.

Adjusted losses and contingencies: To enable the Postmaster General to pay to postmasters, Navy mail clerks, and assistant Navy mail clerks or credit them with the amount ascertained to have been lost or destroyed during the fiscal year 1941, or prior fiscal years, through burglary, fire, or other unavoidable casualty resulting from no fault or negligence on their part, as authorized by the Act approved March 17, 1882, as amended, \$90,000.

22 Stat. 29,  
39 U. S. C. § 49;  
Supp. V, § 49.

## OFFICE OF CHIEF INSPECTOR

## Inspectors, salaries.

Salaries of inspectors: For salaries of fifteen inspectors in charge of divisions and six hundred inspectors, \$2,349,500.

## Traveling and miscellaneous expenses.

Traveling and miscellaneous expenses: For traveling expenses of inspectors, inspectors in charge, the chief post-office inspector, and the assistant chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases; for tests, exhibits, documents, photographs, office, and other necessary expenses incurred by post-office inspectors in connection with their official investigations, including necessary miscellaneous expenses of division headquarters, and not to exceed \$500 for technical and scientific books and other books of reference needed in the operation of the Post Office Inspection Service, \$637,000: *Provided*, That not exceeding \$28,000 of this sum shall be available for transfer by the Postmaster General to other departments and independent establishments for chemical and other investigations.

*Proviso.*  
Chemical, etc., investigations.

## Clerks, division headquarters.

Clerks, division headquarters: For compensation of one hundred and ninety-four clerks at division headquarters of post-office inspectors, \$480,000.

## Payment of rewards.

Payment of rewards: For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, highway mail robbers, and persons mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, \$55,000: *Provided*, That rewards may be paid in the discretion of the Postmaster General, when an offender of the classes mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates in excess of those specified in Post Office Department Order 9273, dated July 25, 1936: *Provided further*, That of the amount herein appropriated not to exceed \$20,000 may be expended in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

*Provisos.*  
Death of offender.

## Rate limitation.

## Securing of information.

## OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

## Compensation to postmasters.

Compensation to postmasters: For compensation to postmasters, including compensation as postmaster to persons who, pending the designation of an acting postmaster, assume and properly perform the duties of postmaster in the event of a vacancy in the office of postmaster of the third or fourth class, and for allowances for rent, light, fuel, and equipment to postmasters of the fourth class, \$49,650,000.

## Assistant postmasters.

Compensation to assistant postmasters: For compensation to assistant postmasters at first- and second-class post offices, \$7,142,000.

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, \$205,900,000.

Clerks, first- and second-class offices.

Clerks, contract stations: For compensation to clerks in charge of contract stations, \$1,600,000.

Clerks, contract stations.

Separating mails: For separating mails at third- and fourth-class post offices, \$410,000.

Separating mails.

Unusual conditions: For unusual conditions at post offices, \$75,000.

Unusual conditions.

Clerks, third-class post offices: For allowances to third-class post offices to cover the cost of clerical services, \$8,000,000.

Clerks, third-class offices.

Miscellaneous items, first- and second-class post offices: For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations, \$1,750,000.

Miscellaneous, first- and second-class offices.

Village delivery service: For village delivery service in towns and villages having post offices of the second or third class, and in communities adjacent to cities having city delivery, \$1,675,000.

Village delivery service.

Detroit River service: For Detroit River postal service, \$11,460.

Detroit River service.

Carfare and bicycle allowance: For carfare and bicycle allowance, including special-delivery carfare, \$1,400,000.

Carfare and bicycle allowance.

City delivery carriers: For pay of letter carriers, City Delivery Service, \$143,480,000.

City delivery carriers.

Special-delivery fees: For fees to special-delivery messengers, \$8,700,000.

Special-delivery fees.

Domestic Air Mail Service: For the inland transportation of mail by aircraft, as authorized by law, and for the incidental expenses thereof, including not to exceed \$50,000 for supervisory officials and clerks at air-mail transfer points, travel expenses, and not to exceed \$63,000 for personal services in the District of Columbia, \$19,330,000.

Domestic Air Mail Service.  
Post, pp. 649, 1044.

Foreign air mail transportation: For transportation of foreign mails by aircraft, as authorized by law, \$16,074,149.

Foreign air mail transportation.  
Post, p. 649.

#### OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Star-route service: For inland transportation by star routes (excepting service in Alaska) including temporary service to newly established offices, \$11,150,000.

Star-route service.

Star-route service, Alaska: For inland transportation by star routes in Alaska, \$150,000.

Alaska.

Powerboat service: For inland transportation by steamboat or other powerboat routes, including ship, steamboat, and way letters, \$1,325,500.

Powerboat service.

Railroad transportation and mail messenger service: For inland transportation by railroad routes and for mail messenger service, \$107,000,000: *Provided*, That separate accounts be kept of the amount expended for mail messenger service: *Provided further*, That there may be expended from this appropriation for personal services in the District of Columbia not exceeding the sum of \$33,050 to carry out the provisions of section 214 of the Act of February 28, 1925 (39 U. S. C. 826) (cost ascertainment).

Railroad transportation, etc., service.

*Provisos.*  
Messenger service, accounting.  
Personal services, limitation.

43 Stat. 1069.

Railway Mail Service: For fifteen division superintendents, fifteen assistant division superintendents, one assistant superintendent at large, one hundred and twenty chief clerks, one hundred and twenty assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, \$56,283,000.

Railway Mail Service.  
Division superintendents, etc.

Railway postal clerks, travel allowance.

Railway postal clerks, travel allowance: For travel allowance to railway postal clerks and substitute railway postal clerks, \$3,250,000.

Railway Mail Service, traveling expenses.

Railway Mail Service, traveling expenses: For actual and necessary expenses, general superintendent and assistant general superintendent, division superintendents, assistant division superintendents, assistant superintendents, chief clerks, and assistant chief clerks, Railway Mail Service, and railway postal clerks, while actually traveling on business of the Post Office Department and away from their several designated headquarters, \$60,000.

Miscellaneous expenses.

Railway Mail Service, miscellaneous expenses: For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, telephone service, badges for railway postal clerks, rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution cannot, under the Postal Laws and Regulations, properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary to terminal railway post offices, \$450,000.

Terminal offices, etc.

Electric- and cable-car service.

Electric- and cable-car service: For electric- and cable-car service, \$230,000.

Foreign mail transportation; exception. *Post*, p. 649. *Proviso*.  
Sea post service.

Foreign mail transportation: For transportation of foreign mails, except by aircraft, \$2,670,000: *Provided*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed \$70,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States.

Balances due foreign countries.

Balances due foreign countries: For balances due foreign countries, fiscal year 1941 and prior years, \$1,200,000.

Indemnities, international mail.

Indemnities, international mail: For payment of limited indemnity for the injury or loss of international mail in accordance with convention, treaty, or agreement stipulations, fiscal year 1941 and prior years, \$10,000.

Rural Delivery Service.

Rural Delivery Service: For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferrriage, Rural Delivery Service, and for the incidental expenses thereof, \$91,840,000, of which not less than \$200,000 shall be available for extensions and new service.

#### OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL

Stamps, stamped paper, postal cards, etc.

Manufacture and distribution of stamps and stamped paper: For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, stamped envelopes, newspaper wrappers, postal cards, and for coiling of stamps, and including not to exceed \$22,500 for pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and for expenses of agency, \$4,500,000.

Indemnities, domestic mail.

Indemnities, domestic mail: For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, and for failure to remit collect-on-delivery charges, \$522,500.

Unpaid money orders more than one year old.

Unpaid money orders more than one year old: For payment of domestic money orders after one year from the last day of the month of issue of such orders, \$190,000.

#### OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL

Stationery, etc.

Post office stationery, equipment, and supplies: For stationery for the Postal Service, including the money-order and registry system;

and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the Act of June 25, 1910 (39 U. S. C. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased and rented quarters; for the purchase (including exchange), repair, and replacement of arms and miscellaneous items necessary for the protection of the mails; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed \$1,500; for wrapping twine and tying devices (not more than three-fourths of the funds herein appropriated for the purchase of twine shall be expended in the purchase of twine manufactured from materials or commodities produced outside the United States); for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding \$62,300 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, accident prevention, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed \$35,000 for salaries of thirteen traveling mechanics, and for traveling expenses, \$3,150,000: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 per centum thereof added.

Equipment shops, Washington, District of Columbia: For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto; material, machinery, and tools necessary for the manufacture and repair of such other equipment for the Postal Service as may be deemed expedient; accident prevention; for the expenses of maintenance and repair of the mail bag equipment shops building and equipment, including fuel, light, power, and miscellaneous supplies and services; maintenance of grounds; for compensation to labor employed in the equipment shops and in the opera-

Postal Savings System, supplies.

Bond expenses.

36 Stat. 817.  
39 U. S. C., Supp. V, § 760.  
Miscellaneous equipment, etc.

Purchase, etc., of machines.

Furniture, etc., rented quarters.

Post-route maps, etc.

Twine and tying devices.

Personal services.

Traveling mechanics.  
*Proviso.*  
Sale of maps, etc.

Equipment shops, materials, etc.

Personal services.	tion, care, maintenance, and protection of the equipment shops building, grounds, and equipment, \$1,100,000, of which not to exceed \$590,000 may be expended for personal services in the District of Columbia: <i>Provided</i> , That out of this appropriation the Postmaster General is authorized to use as much of the sum, not exceeding \$15,000, as may be deemed necessary for the purchase of material and the manufacture in the equipment shops of such small quantities of distinctive equipments as may be required by other executive departments; and for service in Alaska, Puerto Rico, Philippine Islands, Hawaii, or other island possessions.
<i>Proviso.</i> Distinctive equipments, manufacture.	
Rent, light, fuel, and water.	Rent, light, fuel, and water: For rent, light, fuel, and water, for first-, second-, and third-class post offices, and the cost of advertising for lease proposals for such offices, \$9,975,000.
Pneumatic-tube service, New York City.	Pneumatic-tube service, New York City: For rental of not exceeding twenty-eight miles of pneumatic tubes, hire of labor, communication service, electric power, and other expenses for transmission of mail in the city of New York including the Borough of Brooklyn, \$542,741: <i>Provided</i> , That the provisions of the Acts of April 21, 1902, May 27, 1908, and June 19, 1922 (39 U. S. C. 423), relating to contracts for the transmission of mail by pneumatic tubes or other similar devices shall not be applicable hereto.
<i>Proviso.</i> Provisions inapplicable. 32 Stat. 114; 35 Stat. 412; 42 Stat. 661.	
Pneumatic-tube service, Boston.	Pneumatic-tube service, Boston: For the rental of not exceeding two miles of pneumatic tubes, not including labor and power in operating the same, for the transmission of mail in the city of Boston, Massachusetts, \$24,000: <i>Provided</i> , That the provisions not inconsistent herewith of the Acts of April 21, 1902 (39 U. S. C. 423), and May 27, 1908 (39 U. S. C. 423), relating to the transmission of mail by pneumatic tubes or other similar devices shall be applicable hereto.
<i>Proviso.</i> Provisions applicable. 32 Stat. 114; 35 Stat. 412.	
Vehicle service. Repairs; vehicles included.	Vehicle service: For vehicle service; the hire of vehicles; the rental of garage facilities; the purchase, exchange, maintenance, and repair of motor vehicles, including the repair of vehicles owned by, or under the control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the Postal Service; accident prevention; the hire of supervisors, clerical assistance, mechanics, drivers, garage men, and such other employees as may be necessary in providing vehicles and vehicle service for use in the collection, transportation, delivery, and supervision of the mail, \$15,500,000: <i>Provided</i> , That the Postmaster General may, in his disbursement of this appropriation, apply a part thereof to the leasing of quarters for the housing of Government-owned motor vehicles at a reasonable annual rental for a term not exceeding ten years: <i>Provided further</i> , That the Postmaster General, during the fiscal year 1941 may purchase and maintain from the appropriation "Vehicle service" such tractors and trailer trucks as may be required in the operation of the vehicle service: <i>Provided further</i> , That no part of this appropriation shall be expended for maintenance or repair of motor-propelled passenger-carrying vehicles for use in connection with the administrative work of the Post Office Department in the District of Columbia.
<i>Provisos.</i> Housing.	
Tractors and trailer trucks.	
Maintenance, etc., restriction.	
Transportation of equipment and supplies.	Transportation of equipment and supplies: For the transportation and delivery of equipment, materials, and supplies for the Post Office Department and Postal Service by freight, express, or motor transportation, and other incidental expenses, \$350,000.

## PUBLIC BUILDINGS, MAINTENANCE AND OPERATION

## Operating force.

Operating force: For personal services in connection with the operation of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, operated by the Post Office Department, together with the grounds thereof and the

equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, \$23,720,000: *Provided*, That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

*Proviso.*  
Pay rates.

Operating supplies, public buildings: For fuel, steam, gas, and electric current for lighting, heating, and power purposes, water, ice, lighting supplies, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, telephone service for custodial forces, and for miscellaneous services and supplies, accident prevention, vacuum cleaners, tools and appliances and repairs thereto, for the operation of completed and occupied public buildings and grounds, including mechanical and electrical equipment, but not the repair thereof, operated by the Post Office Department, including the Washington Post Office and the Customhouse Building in the District of Columbia, and for the transportation of articles and supplies authorized herein, \$5,400,000: *Provided*, That the foregoing appropriation shall not be available for personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building: *Provided further*, That the Postmaster General is authorized to contract for telephone service in public buildings under his administration by means of telephone switchboards or equivalent telephone switching equipment jointly serving in each case two or more governmental activities, where he determines that joint service is economical and in the interest of the Government, and to secure reimbursement for the cost of such joint service from available appropriations for telephone expenses of the bureaus and offices receiving the same.

Operating supplies.

*Provisos.*  
Personal services, restriction.

Contracts for telephone service.

Furniture, carpets, and safes, public buildings: For the procurement, including transportation, of furniture, carpets, safes, safe and vault protective devices, and repairs of same, for use in public buildings which are now, or may hereafter be, operated by the Post Office Department, \$675,000: *Provided*, That, excepting expenditures for labor for or incidental to the moving of equipment from or into public buildings, the foregoing appropriation shall not be used for personal services except for work done under contract or for temporary job labor under exigency and not exceeding at one time the sum of \$100 at any one building: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan of furniture.

Furniture, etc.

*Provisos.*  
Personal services, restriction.

Use of present furniture.

Scientific investigations: In the disbursement of appropriations contained in this title for the field service of the Post Office Department the Postmaster General may transfer to the Bureau of Standards not to exceed \$20,000 for scientific investigations in connection with the purchase of materials, equipment, and supplies necessary in the maintenance and operation of the Postal Service.

Scientific investigations.  
Transfer of funds to Bureau of Standards.

Deficiency in postal revenues: If the revenues of the Post Office Department shall be insufficient to meet the appropriations made under title II of this Act, a sum equal to such deficiency in the revenues of such Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply such deficiency in the revenues of the Post Office Department for the fiscal year ending June 30, 1941, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Deficiency in postal revenues.

Citation of title.

This title may be cited as the "Post Office Department Appropriation Act, 1941".

### TITLE III—GENERAL PROVISIONS

Travel expenses on change of station.

SEC. 301. Appropriations for the fiscal year 1941 available for expenses of travel of civilian officers and employees of the executive departments and establishments shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized by the head of the department or establishment concerned in the order directing such transfer: *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of any officer or employee.

Proviso.  
Restriction.

Restriction on designated expenditures.

SEC. 302. No appropriation available for the executive departments and independent establishments of the Government for the fiscal year ending June 30, 1941, whether contained in this Act or any other Act, shall be expended—

Cost limitation on automobiles.

(a) To purchase any motor-propelled passenger-carrying vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of \$750, unless otherwise specifically provided for in the appropriation.

Maintenance, etc., of automobiles not for official purposes.

(b) For the maintenance, operation, and repair of any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department or establishment concerned. The limitations of this subsection (b) shall not apply to any motor vehicles for official use of the President, the heads of the executive departments, ambassadors, ministers, and *chargés d'affaires*.

Exception.

Maintenance, etc., limitation.

(c) For the maintenance, upkeep, and repair (exclusive of garage rent, pay of operators, tires, fuel, and lubricants) on any one motor-propelled passenger-carrying vehicle, except busses and ambulances, in excess of one-third of the market price of a new vehicle of the same make and class and in no case in excess of \$400.

Prerequisites to payments.

SEC. 303. No part of the money appropriated under this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate upon vote has failed to confirm the nomination of such person.

Citizenship, etc., provisions.

SEC. 304. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States: *Provided*, That this section shall not apply to enlisted men of the United States Coast Guard who are on active duty in that service on the effective date of this Act, until the expiration of the period required for such enlisted men to complete their naturalization, nor shall it apply to personnel of the Coast Guard on the retired list, and enlisted men on active duty with over twelve years' honorable service who are ineligible for United States citizenship.

Proviso.  
Exceptions.

SEC. 305. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Administrative within-grade promotions, restrictions.

SEC. 306. This Act may be cited as the "Treasury and Post Office Departments Appropriation Act, 1941".

Short title.

Approved, March 25, 1940.

[CHAPTER 72]

AN ACT

To amend the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917, as amended, to increase the penalties for peacetime violations of such Act.

March 28, 1940  
[S. 1398]  
[Public, No. 443]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of title I of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917, as amended, is amended by striking out "shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000".

Espionage and other crimes.

40 Stat. 217.  
50 U. S. C. § 31.

Penalty.

SEC. 2. Section 5 of title I of such Act, as amended, is amended to read as follows:

40 Stat. 219.  
50 U. S. C. § 35.

"SEC. 5. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

Harboring or concealing offenders, etc.

Penalty.

SEC. 3. (a) Section 2 of title II of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 220.  
50 U. S. C. § 192.  
Vessels in U. S. ports, violation of emergency regulations.

Penalty.

(b) Section 3 of title II of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and shall, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 220.  
50 U. S. C. § 193.  
Unlawful use of vessels, etc.

Penalty.

SEC. 4. Section 1 of title IV of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than twenty years and may, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 221.  
18 U. S. C. § 381.  
Violent interference with foreign commerce.

Penalty.

SEC. 5. Section 6 of title V of such Act, as amended, is amended by striking out "shall be fined not more than \$10,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof

40 Stat. 222.  
18 U. S. C. § 36.  
Unlawfully taking vessel out of port.

## Penalty.

the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$10,000."

40 Stat. 226.  
22 U. S. C. §§ 231-233.  
Disturbance of foreign relations.

## Penalty.

SEC. 6. Sections 1, 2, and 3 of title VIII of such Act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$5,000 or imprisoned not more than five years, or both.", and inserting in lieu of the matter stricken out the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$5,000."

40 Stat. 227.  
22 U. S. C. §§ 220-222.  
Passport offenses.

## Penalty.

SEC. 7. Sections 2, 3, and 4 of title IX of such Act, as amended, are amended by striking out of each of such sections "shall be fined not more than \$2,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$2,000."

40 Stat. 230.  
18 U. S. C. § 98.  
Illegal possession of papers in aid of foreign government.  
Penalty.

SEC. 8. Section 22 of title XI of such Act, as amended, is amended by striking out "shall be fined not more than \$1,000 or imprisoned not more than two years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$1,000."

40 Stat. 230.  
18 U. S. C. § 345.  
Unlawful use of mails.

## Penalty.

SEC. 9. Section 3 of title XII of such Act, as amended, is amended by striking out "shall be fined not more than \$5,000 or imprisoned not more than five years, or both.", and inserting in lieu thereof the following: "shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than \$5,000."

Approved, March 28, 1940.

## [CHAPTER 73]

## AN ACT

March 28, 1940

[S. 2739]

[Public, No. 444]

To amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States.

Unlawful entry on military reservations.

18 U. S. C. § 97.

Application of existing law to outlying posts, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 45 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. 1097), be, and the same is hereby, amended by inserting after the word "Whoever" and before the word "shall", in the first line of said section, a comma, followed by the phrase: "within the territory or jurisdiction of the United States, including the Canal Zone, Puerto Rico, and the Philippine Islands,".

Approved, March 28, 1940.

## [CHAPTER 74]

## AN ACT

March 29, 1940

[H. R. 4868]

[Public, No. 445]

To amend the Act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for

other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of \$30,000; and the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist and Transportation Company that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist and Transportation Company in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this Act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

Approved, March 29, 1940.

[CHAPTER 75]

AN ACT

To authorize the Secretary of Agriculture to delegate certain regulatory functions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—*

(a) The term "regulatory order" means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term "regulatory function" means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

SEC. 2. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to

48 U. S. C., §§ 301-305, 307.

Mount McKinley National Park, Alaska.  
Tourist facilities, etc.  
Appropriation authorized.  
*Post*, p. 447.

Purchase of Mount McKinley Tourist and Transportation Co., equities, etc.

Motor vehicles.

April 4, 1940  
[S. 1955]

[Public, No. 446]

Secretary of Agriculture, functions.

Definitions.  
"Regulatory order."

"Regulatory function."

Delegation of regulatory functions.

Personnel; assignment of titles.

Allocation of positions.

assign appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

42 Stat. 1492, 1496.  
5 U. S. C. § 673.

Limitation on number so designated.

Revocation.

Legal effect.

SEC. 3. Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

Revocation not retroactive.

Scope of provisions.

SEC. 4. The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

Appropriation authorized.

SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved, April 4, 1940.

[CHAPTER 76]

JOINT RESOLUTION

Providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

April 5, 1940  
[S. J. Res. 226]

[Pub. Res., No. 59]

Smithsonian Institution.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of John C. Merriam, be filled by the appointment of Vannevar Bush, a resident of the city of Washington, for the statutory term of six years.

Vannevar Bush, appointment to Board of Regents.

Approved, April 5, 1940.

[CHAPTER 77]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes.

April 6, 1940  
[H. R. 8641]

[Public, No. 447]

First Deficiency Appropriation Act, 1940.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, namely:

## TITLE I—GENERAL APPROPRIATIONS

## LEGISLATIVE

## HOUSE OF REPRESENTATIVES

For payment to the widow of Cassius C. Dowell, late a Representative from the State of Iowa, \$10,000.

Cassius C. Dowell.  
Payment to widow.

For payment to Sadie Sirovich Rosenbaum, sister of William I. Sirovich, late a Representative from the State of New York, \$10,000.

William I. Sirovich.  
Payment to sister.

The two foregoing amounts to be disbursed by the Sergeant at Arms of the House of Representatives.

Contingent expenses—Stenographic reports of committee hearings: For stenographic reports of hearings of committees, other than special and select committees, for the fiscal years that follow:

Reports of committee hearings.

For 1939, \$1,200;

52 Stat. 388.

For 1940, \$15,000.

53 Stat. 830.

Contested-election expenses: For payment to the following contestant and contestee for expenses incurred in the contested-election case of Scott versus Eaton, as audited and recommended by the Committee on Elections Numbered 2:

Contested-election expenses.

Byron N. Scott, contestant, \$2,000;

Byron N. Scott.

Thomas M. Eaton, contestee, \$2,000; such sum to be paid to his widow, Ivah B. Eaton;

Thomas M. Eaton.

In all, \$4,000, to be disbursed by the Clerk of the House of Representatives.

## OFFICE OF ARCHITECT OF CAPITOL

Capitol grounds: For an additional amount for the care and improvement of the grounds surrounding the Capitol, Senate and House Office Buildings, and so forth, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, \$5,000.

Capitol grounds.

53 Stat. 832.

Capitol Power Plant: For an additional amount for lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and so forth, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, \$60,000.

Capitol Power Plant.  
Maintenance.

53 Stat. 833.

## EXECUTIVE OFFICE OF THE PRESIDENT

Portrait of former President Herbert Hoover: For the procurement of an oil painting of former President Herbert Hoover in accordance with Public Resolution Numbered 42 of the Seventy-sixth Congress, approved August 5, 1939, fiscal year 1940, \$2,500, to remain available until expended.

Portrait of former President Herbert Hoover, procurement.

53 Stat. 1222.

## INDEPENDENT ESTABLISHMENTS

## BENJAMIN HARRISON MEMORIAL COMMISSION

For carrying out the provisions of the Act entitled "An Act to establish the Benjamin Harrison Commission to formulate plans for the construction of a permanent memorial to the memory of Benjamin Harrison, twenty-third President of the United States", approved August 9, 1939, fiscal year 1940, \$2,500, to remain available until September 30, 1940; such sum to be paid to the Commission for expenditure within its discretion for the purposes of such Act without

Expenses.

53 Stat. 1274.  
Availability.

*Proviso.*  
Report to Congress.

regard to the provisions of any other Acts: *Provided*, That the Commission shall make to Congress, at the next regular session thereof, a detailed report of the expenditure of such amount.

#### CIVIL SERVICE COMMISSION

Salaries and expenses.

53 Stat. 528.

Salaries and expenses: For an additional amount for the purposes of, and under the limitations specified in, the appropriation "Salaries and Expenses, Civil Service Commission, 1940", fiscal year 1940, \$200,000.

Printing and binding.

53 Stat. 528.

Printing and binding: For an additional amount for printing and binding for the Civil Service Commission, fiscal year 1940, \$25,000.

#### FEDERAL LOAN AGENCY

Export-Import Bank of Washington. Salaries and expenses, limitation increased.

53 Stat. 982.

Export-Import Bank of Washington, salaries and administrative expenses: The limitation of \$75,000 for administrative expenses of the Export-Import Bank of Washington for the fiscal year 1940 contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is hereby increased to \$85,000.

#### FEDERAL SECURITY AGENCY

Cooperative vocational rehabilitation of persons disabled in industry.

53 Stat. 733.

41 Stat. 735.  
29 U. S. C., Supp. V, § 45b.

53 Stat. 1381.

Office of Education—Cooperative vocational rehabilitation of persons disabled in industry: For an additional amount for carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended (29 U. S. C., 31-40 and 45b), and section 508 (a) of the Social Security Act Amendments of 1939, fiscal year 1940, \$295,000.

#### FEDERAL WORKS AGENCY

Limitations on expenditures and obligations modified.

53 Stat. 928.

Work Projects Administration: The limitation of \$50,000,000 on the aggregate amount which may be obligated for administrative expenses of the Work Projects Administration, and the limitations of the amounts which may be obligated for the following respective purposes: Salaries, \$42,500,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding, \$500,000; contained in section 1 (e) of the Emergency Relief Appropriation Act, 1939, are hereby changed to \$53,950,000, \$44,700,000, \$725,000, \$4,575,000, and \$475,000, respectively.

#### GALLIPOLIS SESQUICENTENNIAL COMMISSION

Expenses.

53 Stat. 1346.

For carrying out the provisions of the public resolution entitled "Joint resolution to provide for the observance and celebration of the one hundred and fiftieth anniversary of the settlement of the city of Gallipolis, Ohio", approved August 10, 1939, fiscal year 1940, \$10,000, to remain available until December 31, 1940; such sum to be paid to the Commission for expenditure within its discretion for the purposes of such Act without regard to the provisions of any other Acts: *Provided*, That the Commission shall make to Congress, at the next regular session thereof, a detailed report of the expenditure of such amount.

*Proviso.*  
Report to Congress.

#### NATIONAL LABOR RELATIONS BOARD

Printing and binding.  
Transfer of funds.

53 Stat. 536.

Printing and binding: There may be transferred to the appropriation "Printing and Binding, National Labor Relations Board, 1940", from the appropriation "Salaries and Expenses, National Labor Relations Board, 1940", not to exceed \$55,000.

## NATIONAL MEDIATION BOARD

Printing and binding: There may be transferred to the appropriation "Printing and binding, National Mediation Board, 1940", from the appropriation "Salaries and expenses, National Mediation Board, 1940", not to exceed \$750.

Printing and binding.  
Transfer of funds.  
53 Stat. 537.

National Railroad Adjustment Board, salaries and expenses: There may be transferred to the appropriation "Salaries and Expenses, National Railroad Adjustment Board, National Mediation Board, 1940", from the appropriation "Printing and Binding, National Railroad Adjustment Board, National Mediation Board, 1940", not to exceed \$20,000, to be available only for salaries and expenses of referees: *Provided*, That the rate of compensation for any referee payable from this additional appropriation shall not exceed \$50 per day.

National Railroad Adjustment Board.  
Transfer of funds.  
53 Stat. 537.

*Proviso.*  
Referee's compensation.

## TEMPORARY NATIONAL ECONOMIC COMMITTEE

To complete carrying out the purposes of the joint resolution creating the Temporary National Economic Committee, approved June 16, 1938, to be available only for allocation to the departments and agencies represented on the Committee for the necessary expenses thereof, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1938, \$60,000, fiscal year 1940, to remain available until the expiration of the Seventy-sixth Congress.

Expenses.

52 Stat. 705.

52 Stat. 1118.

Availability.

## UNITED STATES MARITIME COMMISSION

Administrative expenses: Not to exceed \$2,270.70 of the moneys made available for administrative expenses of the United States Maritime Commission by the Independent Offices Appropriation Act, 1940, shall be available during the fiscal year 1940 for compensation for the period beginning August 5, 1939, and ending June 30, 1940, as authorized by the Act of August 4, 1939, for officers of the Army, Navy, Marine Corps, or Coast Guard detailed to the Commission.

Administrative expenses.

53 Stat. 543.

53 Stat. 1182.  
46 U. S. C., Supp. V,  
§ 1111(f).

## DISTRICT OF COLUMBIA

## CONTINGENT AND MISCELLANEOUS

Printing and binding: For an additional amount for printing and binding, fiscal year 1940, \$2,500, to remain available until June 30, 1941.

Printing and binding.

53 Stat. 1009.

## ELECTRICAL DEPARTMENT

Police-patrol and fire-alarm systems: For an additional amount for placing wires of fire-alarm, police-patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional cables, labor, material, appurtenances, and other necessary equipment and expenses, fiscal year 1940, \$14,720, to remain available until June 30, 1941.

Police-patrol and fire-alarm systems.  
*Post*, p. 315.

Availability.

## PUBLIC SCHOOLS

Buildings and grounds: For an additional amount for completing the construction of a new senior high school at Fifth and Sheridan Streets Northwest, \$16,000, and the limit of cost of such building is increased to \$1,441,000.

Senior high, 5th and Sheridan Streets NW.

53 Stat. 1017.

## POLICEMEN'S AND FIREMEN'S RELIEF

Payments.  
53 Stat. 1019.

For an additional amount to pay the policemen's and firemen's relief and other allowances as authorized by law, fiscal year 1940, \$60,000.

## FIRE DEPARTMENT

Buildings and grounds.  
Post, p. 322.

Buildings and grounds: For an additional amount for repairs and improvements to buildings and grounds, including structural alterations to fire department buildings to carry into effect the recommendations of the Fire Survey Board appointed pursuant to the provisions of the District of Columbia Appropriation Act, 1940, fiscal year 1940, \$12,200, to remain available until June 30, 1941.

53 Stat. 1020.

## DIVISION OF EXPENSES

Division of expenses.

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia appropriation Acts for the respective fiscal years for which such sums are provided.

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

Fighting, etc., forest fires.

Fighting forest fires: For an additional amount for fighting and preventing forest fires, fiscal year 1940, including the same objects specified under this head in the Department of Agriculture Appropriation Act, 1940, \$3,550,000.

53 Stat. 956.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Insect pests and plant diseases, control.  
53 Stat. 962.  
Post, p. 640.

Control of incipient and emergency outbreaks of insect pests and plant diseases: To enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, \$2,500,000, to remain available until June 30, 1941.

7 U. S. C., Supp. V,  
§§ 148-148e.

## AGRICULTURAL MARKETING SERVICE

Federal Seed Act.

Federal Seed Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Federal Seed Act, approved August 9, 1939 (53 Stat. 1275-1290), fiscal year 1940, \$10,000, such sum to be in addition to the amount appropriated under the head "Federal Seed Act" by the Department of Agriculture Appropriation Act, 1940.

7 U. S. C., Supp. V,  
§§ 1551-1610.

53 Stat. 969.

## CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

Expenses.  
Post, p. 561.  
49 Stat. 1148.  
16 U. S. C., Supp. V,  
§§ 590g-590q.

For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936 (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938 (52 Stat. 31-70) (except the making of payments pursuant to sections 303 and 381 and the provisions of titles IV and V), fiscal year 1940, including the same purposes and under the same limitations specified under this head in the Department of Agriculture Appropriation Act, 1940, \$60,000,000.

7 U. S. C., Supp. V,  
ch. 35.

53 Stat. 973.

## DEPARTMENT OF COMMERCE

## BUREAU OF THE CENSUS

Expenses of the Sixteenth Census: For an additional amount for beginning the work of taking, compiling, and publishing the Sixteenth Census of the United States, fiscal year 1940, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1940, and to carry out the provisions of the Act, approved August 11, 1939 (53 Stat. 1406), directing the taking of a census of housing as a part of the population inquiry of the sixteenth decennial census, \$5,000,000, to remain available until June 30, 1941.

Expenses of the Sixteenth Census.  
*Post*, p. 194.

53 Stat. 910.

13 U. S. C., Supp. V, §§ 106, 107.

## DEPARTMENT OF THE INTERIOR

## BUREAU OF RECLAMATION

Colorado-Big Thompson project, Colorado: For continuation of construction, \$850,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

Colorado-Big Thompson project, Colo.  
53 Stat. 716.

Rio Grande project, New Mexico-Texas: For continuation of construction, \$1,017,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

Rio Grande project, N. Mex.-Tex.  
53 Stat. 717.

Boulder Canyon project: For continuation of construction of the Boulder Dam and incidental works in the main stream of the Colorado River at Black Canyon, fiscal year 1940, including the same objects and subject to the same limitations under this head in the Interior Department Appropriation Act, 1940, \$1,000,000, to remain available until advanced to the Colorado River Dam Fund.

Boulder Canyon project.

53 Stat. 718.  
Availability.

For continuation of construction of the following projects in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner and for the same objects of expenditure as specified for projects in the Interior Department Appropriation Act, 1940, under the caption "Bureau of Reclamation", fiscal year 1940, to remain available until expended, and to be reimbursable under the reclamation law:

Construction of designated projects; reimbursement.

53 Stat. 719.

Central Valley project, California, \$5,000,000;  
Grand Coulee Dam project, Washington, \$7,000,000;  
In all, \$12,000,000.

Central Valley project, Calif.  
Grand Coulee Dam project, Wash.

## GOVERNMENT IN THE TERRITORIES

The Alaska Railroad: The limitation of \$11,000 upon the amount that may be expended for printing and binding from the appropriations for the Alaska Railroad contained in the Interior Department Appropriation Act, 1939, and the Second Deficiency Appropriation Act, fiscal year 1939, is hereby increased to \$11,972.25.

Alaska Railroad.  
Printing and binding.

52 Stat. 339.

53 Stat. 634.

## DEPARTMENT OF JUSTICE

## OFFICE OF THE ATTORNEY GENERAL

Traveling expenses: For an additional amount for traveling expenses, Department of Justice and the Judiciary, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$50,000.

Traveling expenses.

53 Stat. 897.  
*Post*, p. 644.

## PENAL AND CORRECTIONAL INSTITUTIONS

Maintenance.  
*Post*, p. 645.

Federal jails and correctional institutions, maintenance: For an additional amount for Federal jails and correctional institutions, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$49,375.

53 Stat. 901.

Support of U. S.  
prisoners.

Support of United States prisoners: For an additional amount for support of United States prisoners, fiscal year 1939, including the same objects specified under this head in the Department of Justice Appropriation Act, 1939, \$86,154.

52 Stat. 264.

## FEDERAL BUREAU OF INVESTIGATION

Salaries and ex-  
penses.  
*Ante*, p. 33.

Salaries and expenses: The limitation on the amount which may be expended for personal services in the District of Columbia from the appropriation "Salaries and expenses, Federal Bureau of Investigation, 1940", contained in the Department of Justice Appropriation Act, 1940, is hereby increased from \$1,872,480 to \$2,022,480.

53 Stat. 897.

Damage claims.  
*Post*, p. 644.

Claims for damages: For the payment of claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation, acting within the scope of their employment, considered, adjusted, and determined by the Attorney General, under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims arising out of the activities of the Federal Bureau of Investigation", approved March 20, 1936 (5 U. S. C. 300 b), as fully set forth in House Document Numbered 623, Seventy-sixth Congress, \$184.65.

49 Stat. 1184.  
5 U. S. C., Supp. V,  
§ 300b.

## UNITED STATES COURTS

Sum reappropriated  
for designated pur-  
poses.  
52 Stat. 268.

The sum of \$24,703.04 of the unexpended balance of the appropriation "Fees of jurors and witnesses, United States courts, 1939", is hereby transferred and made available for the purposes of the appropriations to which transferred, as follows: The sum of \$17,500 to "Traveling expenses, Department of Justice and Judiciary, 1939"; the sum of \$520 to "Pay of bailiffs, and so forth, United States courts, 1939", including the compensation of jury commissioners for the District of Columbia in conformity with the provisions of title 18, chapter 10, section 341, of the Code of the District of Columbia; the sum of \$997.12 to "Miscellaneous salaries, United States courts, 1939"; the sum of \$5,022.11 to "Fees of jurors and witnesses, United States courts, 1938"; the sum of \$651.61 to "Salaries and expenses of clerks, United States courts, 1937"; and the sum of \$12.20 to "Miscellaneous expenses, United States courts, 1936".

31 Stat. 1222.

Conciliation com-  
missioners.

Conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$70,000.

49 Stat. 1327.

## DEPARTMENT OF LABOR

## IMMIGRATION AND NATURALIZATION SERVICE

Overtime pay.

Salaries, field service: For an additional amount for salaries of field personnel of the Immigration and Naturalization Service, fiscal year 1939, to be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the Act of March 2, 1931 (8 U. S. C. 109a-109b; 31 U. S. C. 725d), \$5,192.

52 Stat. 286.

46 Stat. 1467.

## WAGE AND HOUR DIVISION

Not to exceed \$15,000 of the appropriation "Salaries, Wage and Hour Division, Department of Labor, 1940", shall be available for transfer to the appropriation "Contingent expenses, Department of Labor, 1940", and not to exceed \$65,000 of the appropriation "Salaries, Wage and Hour Division, Department of Labor, 1940", shall be available for transfer to the appropriation for miscellaneous expenses (other than salaries), Wage and Hour Division: *Provided*, That such appropriation for salaries, Wage and Hour Division, shall be available for reimbursement to State, Federal, and local agencies and their employees for services rendered.

Transfer of designated funds.  
53 Stat. 926, 920.

*Proviso.*  
Reimbursement.

## NAVY DEPARTMENT

## OFFICE OF SECRETARY OF THE NAVY

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in Senate Document Numbered 154, and House Document Numbered 625, Seventy-sixth Congress, \$3,040.78.

Collision damage claims.  
*Post*, p. 648.

42 Stat. 1066.  
34 U. S. C. § 590.

## POST OFFICE DEPARTMENT

## OUT OF THE POSTAL REVENUES

## BUREAU OF ACCOUNTS

Salaries, Bureau of Accounts: For an additional amount for salaries, Bureau of Accounts, fiscal year, 1940, \$2,000.

Salaries.  
53 Stat. 675.

## DEPARTMENT OF STATE

## OFFICE OF SECRETARY OF STATE

Salaries: For an additional amount for salaries, Office of the Secretary of State, fiscal year 1940, subject to the limitations specified under this head in the Department of State Appropriation Act, 1940, \$41,387.

Salaries.

53 Stat. 885.

Contingent expenses (departmental): For an additional amount for contingent expenses, Department of State (departmental), including the same objects specified under this head in the Department of State Appropriation Act, 1940, fiscal year 1940, \$18,000, of which amount there may be expended not to exceed \$2,400 for the purchase of typewriters, adding machines, and other labor-saving devices, including rental, exchange, and repair thereof.

Contingent expenses (departmental).

53 Stat. 886.

## FOREIGN INTERCOURSE

Salaries, Foreign Service clerks: For an additional amount for salaries, Foreign Service clerks, fiscal year 1940, \$40,000.

Foreign Service clerks.  
53 Stat. 888.

Contingent expenses, Foreign Service: For an additional amount for contingent expenses, Foreign Service, fiscal year 1940, including the same objects specified under this head in the Department of State Appropriation Act, 1940, \$500,000.

Contingent expenses, Foreign Service.  
53 Stat. 889.

Minister to Commonwealth of Australia.

53 Stat. 887.

Emergencies, Diplomatic and Consular Service.  
53 Stat. 890.

Neutrality Act expenses.  
*Ante*, p. 12.  
22 U. S. C., Supp. V,  
§ 245 j-17.

**Salaries, Ambassadors and Ministers:** So much as may be necessary of the appropriation for salaries of ambassadors and ministers contained in the Department of State Appropriation Act, fiscal year 1940, shall be available for the salary of an Envoy Extraordinary and Minister Plenipotentiary to the Commonwealth of Australia, at the rate of \$10,000 per annum.

**Emergencies arising in the Diplomatic and Consular Service:** For an additional amount to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), fiscal year 1940, \$500,000.

#### FIRST INTER-AMERICAN CONGRESS ON INDIAN LIFE

Participation expenses.

Printing and binding.

Reimbursement of other appropriations.

Availability.

For the expenses of participation by the United States in the first Inter-American Congress on Indian Life, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere; stenographic reporting, translating, and other services by contract if deemed necessary; rent; travel expense; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; costs of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941 (convention on the Pan American Union, adopted at Havana, Cuba, February 1928, ratified by the President March 6, 1931; resolution XCIII, adopted at Montevideo, December 24, 1933; resolution XIII, adopted at Lima, Peru, December 31, 1938), \$2,000.

### TREASURY DEPARTMENT

#### MISCELLANEOUS AND CONTINGENT EXPENSES, TREASURY DEPARTMENT

Department contingent expenses.

53 Stat. 656.

**Contingent expenses:** For an additional amount for miscellaneous and contingent expenses, Treasury Department, fiscal year 1940, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$10,000.

#### CUSTODY OF TREASURY BUILDINGS

Guard force.

53 Stat. 657.

**Salaries and expenses, guard force:** For an additional amount for salaries and expenses of the guard force for Treasury Department buildings in the District of Columbia, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$8,000.

#### DIVISION OF PRINTING

Printing and binding.

53 Stat. 657.

**Printing and binding:** For an additional amount for printing and binding for the Treasury Department, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$50,000.

**Stationery:** For an additional amount for stationery for the Treasury Department, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$20,000.

Stationery.

53 Stat. 657.

## OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

**Contingent expenses, public moneys:** For an additional amount for contingent expenses, public moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$50,000.

Contingent ex-  
penses, public moneys.

53 Stat. 657.

**Payment of unclaimed moneys (trust fund):** For an additional amount for payment of unclaimed moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$10,000, payable from the funds held by the United States in the trust fund receipt account "Unclaimed moneys of individuals whose whereabouts are unknown".

Payment of un-  
claimed moneys (trust  
fund).*Post*, p. 653.

53 Stat. 658.

## COAST GUARD

**Pay and allowances:** For an additional amount for pay and allowances, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$187,500.

Pay and allow-  
ances.*Ante*, p. 34.  
53 Stat. 664.

**General expenses, Lighthouse Service, Coast Guard:** The limitation of \$3,500 for packing, crating, and transporting personal household effects of employees when transferred from one official station to another for permanent duty, contained under the heading "Bureau of Lighthouses, general expenses", in the Department of Commerce Appropriation Act, 1940, is hereby increased to \$14,500.

Transportation of  
effects.*Ante*, p. 34.

53 Stat. 913.

**Retired pay, Lighthouse Service, Coast Guard:** For an additional amount for retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, fiscal year 1940, \$105,000.

Retired pay.

53 Stat. 914.

**Claims for damages, operation of vessels:** To pay claims for damages adjusted and determined by the Secretary of the Treasury under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and the Public Health Service, in sums not exceeding \$3,000 in any one case", approved June 15, 1936, as fully set forth in House Document Numbered 622, Seventy-sixth Congress, \$122.06.

Operation of ves-  
sels, damage claims.*Post*, p. 664.49 Stat. 1514.  
14 U. S. C., Supp. v,  
§ 71.

## SECRET SERVICE DIVISION

**Suppressing counterfeiting and other crimes:** For an additional amount for suppressing counterfeiting and other crimes, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$90,000.

Suppressing coun-  
terfeiting, etc.

53 Stat. 666.

## BUREAU OF THE MINT

**Salaries and expenses, mints and assay offices:** For an additional amount for salaries and expenses, mints and assay offices, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$306,000, of which not to exceed \$675 may be transferred to the appropriation "Contingent expenses, Office of Director of the Mint, 1940".

Mints and assay  
offices.

53 Stat. 670.

Transfer of funds.

## WAR DEPARTMENT

## MILITARY ACTIVITIES

## OFFICE OF THE SECRETARY OF WAR

Private property  
damage claims.  
53 Stat. 599.  
Post, p. 654.

Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes", approved August 24, 1912, as fully set forth in House Document Numbered 615, Seventy-sixth Congress, \$3,974.32.

37 Stat. 586.  
5 U. S. C. § 208.

## CIVIL FUNCTIONS

## CORPS OF ENGINEERS

Rivers and harbors.

Rivers and harbors: For an additional amount for rivers and harbors, including the same objects and under the same conditions specified under this head in the War Department Civil Appropriation Act, 1940, \$1,500,000.

53 Stat. 858.

Damage claims,  
rivers and harbors.

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document Numbered 153, and House Document Numbered 620, Seventy-sixth Congress, \$2,119.89.

41 Stat. 1015.

## THE PANAMA CANAL

Maintenance and  
operation.

Maintenance and operation of the Panama Canal: For an additional amount for the maintenance and operation of the Panama Canal, fiscal year 1940, including the same objects specified under this head in the War Department Civil Appropriation Act, 1940, \$191,000, to remain available until expended.

53 Stat. 861.

Sanitation.

Sanitation, Canal Zone, Panama Canal: For an additional amount for sanitation, Canal Zone, Panama Canal, fiscal year 1940, including the same objects specified under this head in the War Department Civil Appropriation Act, 1940, \$42,500, to remain available until expended.

53 Stat. 861.

## TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

## PROPERTY DAMAGE CLAIMS

Property damage  
claims.

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in House Document Numbered 621 of the Seventy-sixth Congress, as follows:

42 Stat. 1066.

Federal Housing Administration, \$137.11;  
Federal Security Agency, \$52.87;  
Federal Works Agency, \$637.50;  
National Advisory Committee for Aeronautics, \$117.60;  
Veterans' Administration, \$45;  
Department of Agriculture, \$3,163.18;  
Department of Commerce, \$86.04;

Department of the Interior, \$2,138.75;  
 Department of Justice, \$28.25;  
 Department of Labor, \$218;  
 Navy Department, \$873.78;  
 Treasury Department, \$185.21;  
 War Department, \$12,168.26;  
 Post Office Department (payable from postal revenues), \$1,534.15;  
 In all, \$21,385.70.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 152 of the Seventy-sixth Congress, as follows:

Civil Aeronautics Authority, \$1,327.08;  
 Federal Works Agency—  
     Work Projects Administration, \$2,516.33;  
 Department of Agriculture, \$374.99;  
 Department of the Interior, \$111.15;  
 Navy Department, \$1,031.03;  
 War Department, \$1,344.70;  
 In all, \$6,705.28.

Settlement of  
 claims not exceeding  
 \$1,000.

42 Stat. 1066.

#### JUDGMENTS, UNITED STATES COURTS

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by the Judicial Code, approved March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in Senate Document Numbered 158, and House Document Numbered 613, under the following establishment and departments:

Federal Works Agency, \$4,933.37;  
 Department of Commerce, \$28.34;  
 Department of Labor, \$2,073;  
 Navy Department, \$2,390.39;  
 Post Office Department, \$1,808.09;  
 War Department, \$3,523.13;

In all, \$14,756.32, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C., 781-789), certified to the Seventy-sixth Congress in Senate Document Numbered 156, and House Document Numbered 617, under the following departments:

Treasury Department, \$8,093.68;  
 War Department, \$5,370.65;

In all, \$13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

Judgments, U. S.  
 Courts.

24 Stat. 506; 36 Stat.  
 1168.

Costs and interest.

Suits in admiralty.

43 Stat. 1112.

Interest.

Judgments in special cases.

Henry H. Carr and others.

Refuse deposits in navigable waters.  
30 Stat. 1152.

Time for payment.

Interest.

(c) For the payment of final judgment and decree in special cases rendered against the Government of the United States pursuant to authority contained in the Act approved May 15, 1937 (Private Act Numbered 96, Seventy-fifth Congress, 50 Stat. 965), and the Act approved March 3, 1899 (33 U. S. C. 407 and the following), and certified to the Seventy-sixth Congress in House Documents Numbered 616 and 618, under the War Department, \$23,650.

(d) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

(e) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

#### JUDGMENTS, COURT OF CLAIMS

Payment.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document Numbered 155, and House Document Numbered 614, under the following establishment and departments, namely:

Veterans' Administration, \$71,069.65;  
Department of Agriculture, \$6,773.56;  
Department of Labor, \$15,000;  
Navy Department, \$7,804.22;  
Post Office Department, \$222,825.96;  
Treasury Department, \$2,000;  
War Department, \$124,951.33;

Interest.

In all, \$450,424.72, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

William W. Brunswick, retirement pay.

(b) For the payment of judgment numbered 44629 rendered by the Court of Claims in favor of William W. Brunswick, covering retirement pay withheld from the plaintiff by the Comptroller General, \$4,233.65, to be paid from the Foreign Service retirement and disability fund.

Time for payment.

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

#### AUDITED CLAIMS

Payment.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 627, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

23 Stat. 254.

Legislative.

**Legislative:** For public printing and binding, Government Printing Office, \$478.05.

Independent Offices.

**Independent Offices:** For Federal Civil Works Administration, \$153.61.

For National Industrial Recovery, National Recovery Administration, \$7.70.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1,767.26.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$498.45.

For air-navigation facilities, \$19.88.

For salaries and expenses, Civil Service Commission, \$2.50.

For Federal Power Commission, \$1.25.

For salaries and expenses, Federal Communications Commission, \$202.53.

For salaries and expenses, National Mediation Board, \$49.

For Securities and Exchange Commission, \$325.90.

For Chicago World's Fair Centennial Celebration, \$20.60.

For salaries, Office of Surgeon General, Public Health Service, 27 cents.

For National Industrial Recovery, Treasury, Public Health Service, \$1.81.

For pay of personnel and maintenance of hospitals, Public Health Service, \$214.11.

For wage records, Social Security Board, \$7.35.

For general expenses, Office of Education, \$2.70.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$707.24.

For repairs, preservation, and equipment, public buildings, Procurement Division, \$115.86.

For Army and Navy pensions, \$262.

For military and naval insurance, Veterans' Administration, \$143.75.

For medical and hospital services, Veterans' Bureau, \$235.26.

For salaries and expenses, Veterans' Administration, \$7,362.74.

**Department of Agriculture:** For salaries and expenses, Soil Conservation Service, \$30,589.69.

For salaries and expenses, Forest Service, \$337.65.

For salaries and expenses, Bureau of Agricultural Economics, \$561.12.

For salaries and expenses, Extension Service, \$10.43.

For salaries and expenses, Bureau of Plant Industry, \$4.47.

For salaries and expenses, Farm Credit Administration, \$2.08.

For salaries and expenses, Bureau of Entomology and Plant Quarantine, \$3.52.

For salaries and expenses, Bureau of Agricultural Engineering, \$49.99.

For salaries and expenses, Weather Bureau, \$4.73.

For salaries and expenses, Bureau of Animal Industry, \$46.89.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$7,364.21.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$2,587.12.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$48.25.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$4,131.

For acquisition of lands for protection of watersheds of navigable streams, \$481.99.

For National Industrial Recovery, Resettlement Administration, subsistence homesteads (transfer to Agriculture), \$41.75.

For agricultural credits and rehabilitation, emergency relief, \$94.63.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$287.15.

For loans and relief in stricken agricultural areas (transfer to Farm Credit Administration), \$385.05.

For grasshopper control, \$20.79.

Department of Agriculture.

48 Stat. 1055.

48 Stat. 22.

For plant reserve stations, Soil Conservation Service, \$20.63.

For loans and relief in stricken agricultural areas (transfer to Agriculture), \$98.68.

For elimination of diseased cattle, Department of Agriculture, \$171.53.

For conservation and use of agricultural land resources, Department of Agriculture, \$383.72.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Agriculture), \$13.59.

For working fund, Agriculture, Animal Industry (Agricultural Adjustment Administration), \$50.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$14.45.

For National Industrial Recovery, Agricultural Adjustment Administration, \$3.35.

For loans to farmers in drought- and storm-stricken areas, emergency relief, \$52.83.

Department of  
Commerce.

**Department of Commerce:** For air-navigation facilities, \$347.55.

For salaries and expenses, Bureau of Marine Inspection and Navigation, \$3.63.

For research and development, National Bureau of Standards, \$34.

For National Industrial Recovery, Commerce, Aeronautics, \$6.23.

Department of the  
Interior.

**Department of the Interior:** For National Park Service, \$5.68.

For Geological Survey, \$77.46.

For National Industrial Recovery, Interior, National Park Service, recreational-demonstration projects, \$225.75.

For miscellaneous expenses, Bureau of Fisheries, \$10.30.

40 Stat. 1009.

For operations under Mineral Act of October 5, 1918, \$11,962.57.

For National Industrial Recovery, Interior, oil regulations, \$5.27.

For salaries and expenses, Division of Grazing Control, Department of the Interior, \$200.

For general expenses, General Land Office, \$9.58.

For petroleum administration (transfer to Interior), \$2.76.

50 Stat. 72.

For salaries and expenses, National Bituminous Coal Commission, Department of the Interior (transfer, Act April 26, 1937), \$9.20.

For salaries and expenses, Bureau of Biological Survey, \$5.42.

For salaries and expenses, Division of Investigations, Department of the Interior, \$2.50.

For temporary government for Virgin Islands, \$4.10.

For Reindeer Service, Alaska, \$42.79.

For protecting seal and salmon fisheries of Alaska, \$1.50.

49 Stat. 1601.

For emergency conservation work (transfer to Interior, Indians, Act June 22, 1936), \$423.83.

For construction, and so forth, irrigation systems, Indian reservations (reimbursable), \$71.01.

50 Stat. 10.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$4,469.87.

For support of Indians and administration of Indian property, \$1,407.07.

For agriculture and stock raising among Indians, \$123.20.

For fulfilling treaties with Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota, \$28.

For conservation of health among Indians, \$898.92.

For loans and relief in stricken agricultural areas (transfer from Agriculture to Interior, Indians), \$62.61.

For suppressing liquor traffic among Indians, \$6.95.

For clinical survey of disease conditions among Indians, \$179.98.

For Indian boarding schools, \$13.65.

For purchase and transportation of Indian supplies, \$2.64.

For irrigation, Indian reservations (reimbursable), \$31.01.  
For expenses of organizing Indian corporations, and so forth, \$114.34.

For administration of Indian forests, \$8.20.

For Indian school support, \$518.83.

For pay of Indian police, \$2.60.

For emergency conservation fund (transfer from War to Interior, Indians, Act March 31, 1933), \$138.95.

48 Stat. 22.

**Department of Justice:** For salaries, fees, and expenses of marshals, United States courts, \$352.73.

Department of Justice.

For support of United States prisoners, \$702.35.

For miscellaneous expenses, United States courts, \$373.81.

For fees of jurors and witnesses, United States courts, \$55.

For salaries and expenses, Bureau of Prisons, \$4.95.

For fees of commissioners, United States courts, \$904.08.

For contingent expenses, Department of Justice, \$85.56.

For printing and binding, Department of Justice and courts, \$260.05.

For salaries and expenses, Federal Bureau of Investigation, \$49.92.

For United States Industrial Reformatory, Chillicothe, Ohio, maintenance, \$1,021.32.

For pay of special assistant attorneys, United States courts, \$1.75.

For fees and expenses of conciliation commissioners, United States courts, \$125.

For United States Northeastern Penitentiary, maintenance, \$28.03.

**District of Columbia:** For miscellaneous expenses, Supreme Court, District of Columbia, \$35.

District of Columbia.

For National Training School for Girls, District of Columbia, \$5.

**Department of Labor:** For grants to States for services for crippled children, Social Security Act, Children's Bureau, \$2,541.56.

Department of Labor.

For salaries and expenses, Immigration and Naturalization Service, \$18.56.

For salaries and expenses, Bureau of Labor Statistics, \$2.80.

For salaries and expenses, commissioners of conciliation, \$3.25.

**Navy Department:** For miscellaneous expenses, Navy, \$67.

Navy Department.

For transportation, Bureau of Navigation, \$28.65.

For engineering, Bureau of Engineering, \$236,494.94.

For pay of the Navy, \$162.39.

For pay, subsistence, and transportation, Navy, \$7,409.08.

For maintenance, Bureau of Supplies and Accounts, \$747.34.

For aviation, Navy, \$52,830.76.

For pay, Marine Corps, \$177.19.

For general expenses, Marine Corps, \$5.06.

For prize money to captors, Spanish War, \$26.99.

For ordnance and ordnance stores, Bureau of Ordnance, \$71,112.47.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$918.75.

For increase of the Navy, emergency construction, \$20,645.74.

For maintenance, Bureau of Yards and Docks, \$5.90.

For care of the dead, Bureau of Medicine and Surgery, \$2.50.

For relief of claimants, explosion at naval ammunition depot, Lake Denmark, New Jersey, \$15.

For organizing the Naval Reserve, \$6.72.

**Department of State:** For transportation of Foreign Service officers, \$1,285.24.

Department of State.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (State), \$539.45.

For contingent expenses, Department of State, \$9.

For transportation of families and effects of officers and employees, Bureau of Foreign and Domestic Commerce, \$30.

For Special Mexican Claims Commission, \$8.12.

For contingent expenses, Foreign Service, \$70.

For office and living quarters, Foreign Service, \$9.62.

Treasury Department.

**Treasury Department:** For collecting the internal revenue, \$267.54.

For contingent expenses, Coast Guard, \$168.46.

For general expenses, Lighthouse Service, \$21.44.

For suppressing counterfeiting and other crimes, \$54.30.

For pay and allowances, Coast Guard, \$664.21.

For Coast Guard, \$194.47.

For contingent expenses, Treasury Department, \$135.25.

For repairs to Coast Guard vessels, \$5.70.

For salaries and expenses, Bureau of Narcotics, \$30.27.

For salaries and expenses, Bureau of Engraving and Printing, \$4.83.

For special projects, Lighthouse Service, \$475.

For outfits, Coast Guard, \$1.12.

For retired pay, Lighthouse Service, \$42.25.

For salaries and expenses, Division of Disbursement, \$21.22.

For collecting the revenue from customs, \$9.96.

For stationery, Treasury Department, \$10.35.

49 Stat. 1755.

For salaries and administrative expenses, section 915, Revenue Act of 1936 (transfer from exportation and domestic consumption of agricultural commodities, Department of Agriculture, 1936), \$18.31.

For debentures or drawbacks, bounties or allowances (Customs), \$106.19.

For furniture and repairs of same for public buildings, Procurement Division, \$41.40.

49 Stat. 84.

For medical and hospital service, penal institutions (Justice transfer to Treasury, Public Health Service, Act of March 22, 1935), 55 cents.

For quarantine service, \$13.66.

For repairs, preservation, and equipment, public buildings, Procurement Division, \$2.29.

For pay of personnel and maintenance of hospitals, Public Health Service, \$17.15.

War Department.

**War Department:** For general appropriations, Quartermaster Corps, \$31,730.76.

For pay of the Army, \$15,905.95.

For pay, and so forth, of the Army, \$9,638.16.

For Army transportation, \$899.34.

For subsistence of the Army, \$938.07.

For National Guard, \$1,387.21.

For barracks and quarters, Army, 24 cents.

For replacing Army transportation, \$161.94.

For travel, military and civil personnel, War Department, \$1.50.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (War), \$259.89.

For pay, and so forth, of the Army, War with Spain, \$4.62.

For supplies, services, and transportation, Quartermaster Corps, \$153.53.

For repairs of arsenals, Army, 5 cents.

For claims of officers and men of the Army for destruction of private property, \$68.33.

For medical and hospital department, Army, \$130.53.

For ammunition-storage facilities, Army, \$13.83.

- For Reserve Officers' Training Corps, \$276.87.
- For registration and selection for military service, \$16.
- For Air Corps, Army, \$80.
- For special field exercises, Army, \$49.05.
- For Organized Reserves, \$525.87.
- For ordnance service and supplies, Army, \$195.14.
- For travel of the Army, \$639.67.
- For clothing and equipage, Army, \$90.73.
- For replacing clothing and equipage, \$851.85.
- For increase of compensation, Military Establishment, \$2,386.89.
- For replacing ordnance and ordnance stores, \$173.20.
- For seacoast defenses, \$349.84.
- For working fund, War, Chemical Warfare Service (Navy, construction and repair), \$2,016.98.
- For engineer service, \$746.55.
- For pay of National Guard for armory drills, \$9.20.
- For cemeterial expenses, War Department, \$1.31.
- For payment of claimants under Public Act Numbered 436, February 11, 1936, War Department, \$105.42. 49 Stat. 1107.
- For emergency conservation fund (transfer to War, Act March 31, 1933), including \$141.66 for this purpose under the heading "Emergency Relief" on page 102 of House Document Numbered 627, \$2,004.63. 48 Stat. 22.
- For emergency conservation fund (transfer to War, Act June 19, 1934), \$875.15. 48 Stat. 1055.
- For emergency conservation fund (transfer to War, Act March 31, 1933), \$5.83. 48 Stat. 22.
- For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$442.56. 48 Stat. 1055.
- For emergency conservation work (transfer to War, Act June 22, 1936), \$3,770.70. 49 Stat. 1601.
- For emergency conservation work (transfer to War, Act February 9, 1937), including \$15.37 for this purpose under the heading "Emergency Relief" on page 102 of House Document Numbered 627, \$3,908.79. 50 Stat. 10.
- Emergency Relief:** For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$302.19. Emergency relief.
- For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$702.96.
- For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$21,823.54.
- For emergency relief, Agriculture, Soil Conservation Service, \$154.60.
- For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$11,344.84.
- For emergency relief, Works Progress Administration, grants to States, and so forth, \$4,614.97.
- For emergency relief, conservation work, War, Civilian Conservation Corps, \$3,191.45.
- For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$1,396.46.
- For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$5,681.45.
- For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$1,492.09.
- For emergency relief, Works Progress Administration, public buildings, \$1,061.34.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$4,392.94.

For emergency relief, Agriculture, administrative expenses, \$206.56.

For emergency relief, Agriculture, Animal Industry, \$11.49.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$1,271.86.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$25.40.

For emergency relief, Works Progress Administration, miscellaneous work projects (Federal projects), \$19.54.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$3,118.49.

For emergency relief, Agriculture, Biological Survey, \$551.40.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$5.49.

For emergency relief, Treasury, administrative expenses, \$16.54.

For emergency relief, Navy, yards and docks, \$94.

For emergency relief, Interior, Indians, loans and grants to Indians for rehabilitation, \$15.25.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$601.21.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$40.67.

For emergency relief, Works Progress Administration, women's projects, \$2.47.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$17.03.

For emergency relief, Works Progress Administration, work-relief projects, \$15.15.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$2.96.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$7.

For emergency relief, Agriculture, agricultural economics, assistance for educational, professional, and clerical persons, \$1.25.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$981.61.

For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$21.10.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, \$527.47.

For emergency relief, Interior, Office of Education, grants to States, and so forth, \$3.30.

For emergency relief, War, Quartermaster Corps, construction and improvement of buildings, and so forth, \$947.44.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$347.43.

For emergency relief, War, Office of Chief of Staff, work-relief projects, \$41.80.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, including \$2.55 for this purpose under the heading "War Department" on page 88 of House Document Numbered 627, \$1,141.69.

For emergency relief, Treasury, Coast Guard, \$1,958.50.

For emergency relief, emergency conservation work, Interior, National Park Service, acquisition of land adjacent to Petersburg National Military Park, \$600.

For emergency relief, Interior, Office of Education, assistance for educational, professional, and clerical persons, \$7.60.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons, \$113.28.

For emergency relief, Works Progress Administration, public utilities, and so forth (Federal projects), \$12.18.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$18.77.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$1,065.56.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$490.88.

For emergency relief, Interior, National Park Service, flood control and other conservation, \$3.53.

For emergency relief, Interior, National Park Service, \$9,545.83.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$25.19.

For emergency relief, Works Progress Administration, flood control and other conservation, \$56.21.

For emergency relief, Works Progress Administration, administrative expenses, \$23.15.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, flood control and other conservation (Federal projects), \$68.25.

**Post Office Department—Postal Service—(out of the postal revenues):** For city delivery carriers, \$173.85.

Post Office Department.

For clerks, first- and second-class post offices, \$52.94.

For compensation to postmasters, \$513.74.

For contract air-mail service, \$85,999.44.

For foreign mail transportation, \$8.68.

For freight, express, or motor transportation of equipment, and so forth, \$1.20.

For furniture, carpets, and safes for public buildings, Post Office Department, \$5.64.

For indemnities, domestic mail, \$369.65.

For miscellaneous items, first- and second-class post offices, \$11.

For operating force for public buildings, Post Office Department, \$20.

For operating supplies for public buildings, Post Office Department, \$1.92.

For post-office stationery, equipment, and supplies, \$20.

For railroad transportation and mail-messenger service, \$16.77.

For Railway Mail Service, salaries, \$98.01.

For Railway Mail Service, miscellaneous expenses, \$51.80.

For rent, light, and fuel, \$140.19.

For Rural Delivery Service, \$431.59.

For separating mails, \$130.35.

For special-delivery fees, \$7.79.

For temporary clerk hire, \$4.

For transportation of equipment and supplies, \$379.51.

For vehicle service, \$10.55.

Total, audited claims, section 204 (a), \$732,831.77, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Total; additional sum, increases in rates of exchange.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of

Additional audited claims.

18 Stat. 110.

section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 157, Seventy-sixth Congress, there is appropriated as follows:

Independent Offices.

**Independent Offices:** For Thomas Jefferson Memorial Commission, \$64.65.

40 Stat. 1009.

For operations under Mineral Act of October 5, 1918, \$4,161.24.

For medical and hospital services, Veterans' Bureau, \$29.40.

For vocational rehabilitation, Veterans' Bureau, 40 cents.

For salaries and expenses, Veterans' Administration, \$1,890.73.

Federal Security Agency.

**Federal Security Agency:** For pay of personnel and maintenance of hospitals, Public Health Service, \$33.41.

49 Stat. 84.

For medical and hospital services, penal institutions (Justice, transfer to Treasury, Public Health Service, Act March 22, 1935), 70 cents.

Federal Works Agency.

**Federal Works Agency:** For National Industrial Recovery, Federal Emergency Administration of Public Works, \$16.25.

For repairs, preservation, and equipment, public buildings, Procurement Division, 50 cents.

Department of Agriculture.

**Department of Agriculture:** For salaries and expenses, Forest Service, \$173.74.

For salaries and expenses, Bureau of Animal Industry, \$37.22.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$1,196.79.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,568.80.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$15.25.

48 Stat. 1055.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$1,681.46.

For National Industrial Recovery, Agricultural Adjustment Administration, \$46.72.

Department of Commerce.

**Department of Commerce:** For salaries and expenses, Bureau of Marine Inspection and Navigation, \$49.25.

For testing, inspection, and information service, National Bureau of Standards, \$495.

Department of the Interior.

**Department of the Interior:** For National Industrial Recovery, Interior, oil regulation, \$23.06.

40 Stat. 1009.

For operations under Mineral Act of October 5, 1918, \$58.88.

For Indian school support, \$10.26.

For conservation of health among Indians, \$19.50.

50 Stat. 10.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$177.38.

Department of Justice.

**Department of Justice:** For fees of jurors and witnesses, United States courts, \$7.80.

For salaries, fees, and expenses of marshals, United States courts, \$457.76.

For salaries and expenses, Division of Investigation, \$168.76.

Department of Labor.

**Department of Labor:** For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$15.43.

Navy Department.

**Navy Department:** For transportation, Bureau of Navigation, \$140.40.

For pay, subsistence, and transportation, Navy, \$11.83.

For maintenance, Bureau of Supplies and Accounts, \$125.93.

For aviation, Navy, \$47.25.

For pay, Marine Corps, \$104.61.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$187.01.

For increase of the Navy, emergency construction, \$32,613.23.

For care of the dead, Bureau of Medicine and Surgery, \$25.

For organizing the Naval Reserve, \$3.60.

**Department of State:** For transportation of Foreign Service officers, \$690.11.

Department of State.

For salaries, Foreign Service officers, \$953.16.

For office and living quarters, Foreign Service, \$45.83.

**Treasury Department:** For salaries, lighthouse vessels, \$7.59.

Treasury Department.

For general expenses, Lighthouse Service, \$3.85.

For collecting the internal revenue, \$128.42.

For salaries and expenses, Bureau of Narcotics, 86 cents.

For collecting the revenue from customs, 50 cents.

**War Department:** For general appropriations, Quartermaster Corps, \$8,345.46.

War Department.

For pay, and so forth, of the Army, \$1,873.04.

For Air Corps, Army, \$152.57.

For increase of compensation, Military Establishment, \$147.22.

For pay of the Army, \$8,478.97.

For travel of the Army, \$256.67.

For Engineer Service, \$1.70.

For National Guard, \$230.40.

For Organized Reserves, \$6.43.

For library, Surgeon General's Office, \$1.06.

For supplies, services, and transportation, Quartermaster Corps, \$2.94.

For Reserve Officers' Training Corps, \$43.79.

For clothing and equipage, Army, \$13.63.

For Army transportation, \$33.75.

For ordnance service and supplies, Army, \$289.61.

For Chemical Warfare Service, Army, \$4.99.

For subsistence of the Army, \$33.64.

For cemeterial expenses, War Department, \$1.53.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$2.57.

48 Stat. 22.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$208.21.

48 Stat. 1055.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$94.13.

49 Stat. 1601.

For emergency conservation work (transfer to War, Act June 22, 1936), \$261.53.

50 Stat. 10.

For emergency conservation work (transfer to War, Act February 9, 1937), \$111.82.

**Emergency Relief:** For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$9.50.

Emergency relief.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$615.

For emergency relief, Agriculture, Soil Conservation Service, \$23.57.

For emergency relief, Agriculture, administrative expenses, \$16.10.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$538.74.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$3,059.69.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$8.40.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$343.72.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$15.60.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$350.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons (certified claims), \$3.81.

For emergency relief, Treasury, administrative expenses, \$1.07.

For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$284.83.

For emergency relief, War, Corps of Engineers, flood control and other conservation (non-Federal projects), \$103.25.

For emergency relief, Works Progress Administration, National Youth Administration (non-Federal projects), \$51.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$943.94.

For emergency relief, Works Progress Administration (non-Federal projects, approved prior to June 22, 1936), \$427.57.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$44.52.

For emergency relief, Works Progress Administration, public buildings, \$25.75.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.40.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$36.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$2.25.

For emergency relief, Works Progress Administration, administrative expenses, 41 cents.

Post Office Department.

**Post Office Department—Postal Service (out of the postal revenues):** For foreign mail transportation, \$20,456.83.

For transportation of equipment and supplies, \$30.06.

For operating supplies for public buildings, Post Office Department, \$162.81.

For rent, light, and fuel, \$115.

Total; additional sum, increases in rates of exchange.

Total, audited claims section 204 (b), \$95,773.50, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

War with Spain. Payment of claims. 30 Stat. 784; 31 Stat. 205.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document Numbered 159, and House Document Numbered 624, Seventy-sixth Congress, \$247.20.

48 Stat. 1226.

Short title.

SEC. 206. This Act may be cited as the "First Deficiency Appropriation Act, 1940".

Approved, April 6, 1940.

## [CHAPTER 78]

## JOINT RESOLUTION

To approve the action of the Secretary of the Interior in deferring the collection of certain irrigation charges against lands under the Blackfeet Indian irrigation project.

April 11, 1940  
[S. J. Res. 153]  
[Pub. Res., No. 60]

Whereas the Act of Congress approved June 22, 1936 (49 Stat. 1803), provides that the Secretary of the Interior may adjust, defer, or cancel irrigation charges against non-Indian-owned lands within Indian irrigation projects, where conditions are found to justify such action, subject to the approval of Congress; and

Blackfeet Indian irrigation project, Mont.  
25 U. S. C., Supp. V,  
§ 389.

Whereas an investigation of conditions affecting the Blackfeet Indian irrigation project, Montana, is contemplated within the near future pursuant to the provisions of the said Act; and

Whereas the Secretary of the Interior has deferred certain irrigation charges against lands of the said project which are now delinquent or will become due and payable before the proposed investigation can be completed: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That in accordance with the Act of June 22, 1936 (49 Stat. 1803), the action of the Secretary of the Interior in deferring such charges under said irrigation project is hereby approved.

Deferment of certain irrigation charges, approval.

Approved, April 11, 1940.

## [CHAPTER 79]

## AN ACT

To amend section 40 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended.

April 11, 1940  
[S. 607]  
[Public, No. 448]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 40 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, is amended by inserting after the words "Panama Railroad Company" the following: "and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the Act entitled 'An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin', approved March 28, 1908, as amended, or any other Act relating to tribal timber and logging operations on the Menominee Reservation".

U. S. Employees' Compensation Act, amendment.

39 Stat. 750.  
5 U. S. C., § 790;  
Supp. V, § 790.  
Application to employees of Menominee Indian Reservation, Wis.

35 Stat. 51; 36 Stat. 1076; 40 Stat. 689.

SEC. 2. Any award heretofore made by the United States Employees' Compensation Commission under such Act of September 7, 1916, to persons coming within the purview of the first section hereof, for disability or death resulting from a personal injury sustained prior to the enactment of this Act, shall be valid, if such award would be valid if made in respect to an injury or death sustained after the enactment of this Act. Claim on account of disability or death of any person coming within the purview of the first section hereof, for benefits on account of injury incurred subsequent to July 28, 1935, may be filed under said Act: *Provided*, That such claim be filed within one year after the approval hereof.

Provisions retroactive.

Injury incurred since July 28, 1935.

Proviso.  
Time for filing claim.

Approved, April 11, 1940.

## [CHAPTER 80]

## AN ACT

To reimpose the trust on certain lands allotted to Indians of the Crow Tribe, Montana.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period of trust on lands allotted to Indians of the Crow Reservation, Montana, upon which the trust period expired July 14, 1931, or at any other time prior to the approval of this Act, and for which lands patents in fee have not been issued, is hereby reimposed and extended to May 23, 1940: *Provided,* That further extension of the period of trust may be made by the President, in his discretion, as provided by section 5 of the Act of February 8, 1887 (24 Stat. 388), and the Act of June 21, 1906 (34 Stat. 326).

Approved, April 11, 1940.

April 11, 1940  
[S. 2609]  
[Public, No. 449]

Crow Indian Reser-  
vation, Mont.  
Period of trust on  
certain allotments ex-  
tended.

*Proviso.*  
Further extension  
permitted.  
25 U. S. C. §§ 348,  
391.

## [CHAPTER 81]

## AN ACT

To amend section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 33 of the Act entitled "An Act to amend and consolidate the Acts respecting copyright", approved March 4, 1909, is amended to read as follows:

"Sec. 33. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce individually or jointly such rules and regulations as shall prevent the importation into the United States of articles prohibited importation by this Act, and may require, as conditions precedent to exclusion of any work in which copyright is claimed, the copyright proprietor or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such work to file with the Post Office Department or the Treasury Department a certificate of the Register of Copyrights that the provisions of section 12 of this Act, as amended, have been fully complied with, and to give notice of such compliance to postmasters or to customs officers at the ports of entry in the United States in such form and accompanied by such exhibits as may be deemed necessary for the practical and efficient administration and enforcement of the provisions of sections 30 and 31 of this Act."

Approved, April 11, 1940.

April 11, 1940  
[S. 2689]  
[Public, No. 450]

Copyrights.  
35 Stat. 1083.  
17 U. S. C. § 33.

Prevention of im-  
portation of pro-  
hibited articles.  
Regulations.

Certificate of de-  
posit to be filed.

35 Stat. 1078.  
17 U. S. C. § 12.  
Notice to post-  
masters, etc.; purpose.

35 Stat. 1082.  
17 U. S. C. §§ 30, 31.

## [CHAPTER 82]

## AN ACT

Authorizing the construction and maintenance of a dike or dam across Stansbury Creek in Baltimore County, Maryland.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Glenn L. Martin Company and its successors and assigns to construct and maintain a dike or dam across Stansbury Creek at a point suitable to the interests of navigation about five-eighths mile above the mouth of Stansbury Creek in the county of Baltimore in the State of Maryland, in accordance with the provisions of section 9 of the River and Harbor Act of March 3, 1899.

Approved, April 11, 1940.

April 11, 1940  
[S. 2977]  
[Public, No. 451]

Stansbury Creek.  
Dike, etc., author-  
ized across, in Balti-  
more County, Md.

30 Stat. 1151.  
33 U. S. C. § 401.

[CHAPTER 83]

## AN ACT

Granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage, in the State of Mississippi.

April 11, 1940  
[S. 3209]  
[Public, No. 452]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Pearl River, at a point suitable to the interests of navigation, at or near Carthage, Leake County, Mississippi, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Pearl River.  
Bridge authorized  
across, at Carthage,  
Miss.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

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

Right reserved.

Approved, April 11, 1940.

[CHAPTER 96]

## JOINT RESOLUTION

To extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

April 12, 1940  
[H. J. Res. 407]  
[Pub. Res., No. 61]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the period during which the President is authorized to enter into foreign-trade agreements under section 350 of the Tariff Act of 1930, as amended by the Act (Public, Numbered 316, Seventy-third Congress) approved June 12, 1934, is hereby extended for a further period of three years from June 12, 1940.

Foreign-trade  
agreements.  
Authority of the  
President to enter in-  
to, extended.  
48 Stat. 943.  
19 U. S. C. §§ 1351-  
1354; Supp. V, §§ 1351,  
1352.

Approved, April 12, 1940.

[CHAPTER 97]

## AN ACT

To amend the joint resolution creating the Niagara Falls Bridge Commission.

April 12, 1940  
[H. R. 9016]  
[Public, No. 453]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the joint resolution creating the Niagara Falls Bridge Commission and authorizing said Commission to construct, maintain, and operate a bridge across the Niagara River at or near the city of Niagara Falls, New York, approved June 16, 1938 (52 Stat. 767, ch. 490), as amended by the Act of July 25, 1939 (53 Stat. 1083), be, and is hereby, amended as follows:

Niagara Falls  
Bridge Commission.

Provisions relating  
to, amended.

Insert in the third from last sentence of section 4 of said joint resolution, between the words "for" and "twenty-four months", the words "not exceeding".

Interest.

SEC. 2. Section 6 of said joint resolution, as amended, is further amended in its entirety so as to read as follows:

"SEC. 6. Title to the bridge structure, exclusive of the approaches thereto, shall remain in the Commission until payment of the bonds and the interest thereon, or until a sinking fund sufficient for such payment shall have been provided and shall be held for that purpose, whereupon title to said bridge shall be conveyed to the State of New York and to the Canadian interests in the manner hereinafter provided. When, however, the State of New York shall be authorized by law to accept the same the Commission shall deliver to said State

Title to bridge structure.

Conveyance of inter-  
ests.

<b>Exception.</b>	deeds or other suitable instruments of conveyance of the interests of the Commission in all properties or rights situated in said State theretofore acquired, other than said bridge structure, and title to all properties or interests in properties situated in the State of New York thereafter acquired, other than said bridge structure, shall be taken by the Commission in the name of said State; and when the Dominion of Canada, or any province, municipality, or agency thereof (herein referred to as the Canadian interests), shall be authorized by law to accept the same, the Commission shall deliver to such Canadian interests deeds or other suitable instruments of conveyance of the interests of the Commission in all properties or rights situated in the Dominion of Canada theretofore acquired, other than said bridge structure, and title to all properties or interests in properties situated in the Dominion of Canada thereafter acquired shall be taken by the Commission in the name of such Canadian interests. All such conveyances shall be subject to the following conditions:
<b>Conditions.</b>	
Rights and functions of Commission. Bridge construction; time limitation.	“(a) That the Commission shall have the right to the use of all such properties for the construction and operation of the bridge. Any Act to the contrary notwithstanding, the Commission shall commence the construction of such bridge on or before June 17, 1940, and shall complete said bridge within three years from said date;
Operation; application of revenues.	“(b) That the Commission shall have the exclusive right to operate such bridge and shall be entitled to receive and apply the revenues derived from the operation of said bridge in the manner provided in said Act of June 16, 1938, and Acts amendatory thereof, so long as any bonds or the interest thereon, payable out of such revenues, shall remain unpaid;
52 Stat. 769; 53 Stat. 1063.	
Conveyance of title, etc., upon payment of bonds.	“(c) That upon payment of all bonds issued by the Commission and the interest thereon, or after a sinking fund sufficient for such payment shall have been provided and held for that purpose, the Commission shall deliver deeds or other suitable instruments of conveyance of all title and interest of the Commission in and to that part of the bridge which is located within the United States to the State of New York, and shall deliver deeds or other instruments of conveyance of all title and interest in the Commission in that part of the bridge which is located within the Dominion of Canada to the Canadian interests, and thereafter the bridge shall be maintained and operated by the State of New York and by the Canadian interests in such manner as they may agree upon as a free, public bridge.
Operation by Commission; condition.	“If either the State of New York or the Canadian interests shall not be authorized to accept title to the above-described properties under such conditions, then title to all such properties shall be in the Commission, and after payment of the bonds issued by the Commission and the interest thereon, the Commission shall continue to own, maintain, and operate the bridge, and shall charge rates of tolls which shall be so adjusted as to provide a fund not exceeding the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management.
Taxation.	“The bridge hereby authorized or the income therefrom shall be subject to Federal, State, municipal, or local taxation only to the extent that a like structure or the income therefrom owned and operated by a public authority or public agency of the State of New York shall be subject to taxation. The bonds or obligations of the Commission, from time to time outstanding, and the income derived therefrom shall be subject to taxation in the hands of the holders thereof.”
Bonds, etc.	<b>SEC. 3.</b> That portion of section 8 of said public joint resolution as so amended be further amended by striking out the third sentence thereof reading, “After all bonds and interest thereon * * * Niagara Falls, Ontario, Canada”, and substituting in lieu thereof:
52 Stat. 770; 53 Stat. 1063.	

“If the Commission shall have conveyed all of its properties and rights to the State of New York and to the Canadian interests, as provided in section 6 hereof, the Commission shall be dissolved and shall cease to have further existence, after all bonds issued by the Commission and the interest thereon shall have been paid, and all other obligations of the Commission paid or discharged, or provision for all such payments shall have been made, as hereinbefore provided. In the event that construction of such bridge is not commenced by the Commission and carried to completion within the times prescribed by section 6 hereof, the Commission shall be dissolved and shall cease to have further existence by an order of the comptroller of the State of New York, made on his own initiative or upon application of the Commission or any member or members thereof, but only after a public hearing in the city of Niagara Falls, notice of the time and place of which hearing and the purpose thereof shall have been published once, at least thirty days before the date thereof in a newspaper published in the city of Niagara Falls, New York, and in a newspaper published in the city of Niagara Falls, Ontario, Canada.”

Approved, April 12, 1940.

Dissolution.

[CHAPTER 100]

AN ACT

To provide for terms of the District Court of the United States for the Western District of Arkansas at Fayetteville.

April 17, 1940  
[H. R. 7421]  
[Public, No. 454]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsections (a), (b), and (c) of section 71 of the Judicial Code, as amended (U. S. C., title 28, sec. 144 (a), (b), and (c)), be and they are hereby, amended to read as follows:

Judicial Code,  
amendments.  
36 Stat. 1106.  
Post, p. 302.

“SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

Arkansas judicial  
districts.

“(b) The western district shall include five divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy; and the Fayetteville division, which shall include the territory embraced on such date in the counties of Benton, Madison, and Washington.

Western district.  
Texarkana division.

El Dorado division.

Fort Smith division.

Harrison division.

Fayetteville divi-  
sion.

Terms of court.

“(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; for the Harrison division, at Harrison on the first Mondays in April and October; and for the Fayetteville division at Fayetteville on the second Mondays in March and October: *Provided*, That suitable rooms and accommodations for holding court at Fayetteville are furnished without expense to the United States: *And provided further*, That nothing in this section shall be construed to prevent the provision of quarters for the officers

*Provisos.*  
Rooms, etc., at Fayetteville.  
Accommodations in new Federal building.

of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building which may be constructed in Fayetteville.”

Approved, April 17, 1940.

[CHAPTER 101]

AN ACT

To amend the Judicial Code with respect to the continuation of grand juries to finish investigations.

April 17, 1940  
[H. R. 8702]  
[Public, No. 456]

Judicial Code,  
amendment.  
36 Stat. 267.  
28 U. S. C., Supp.  
V, § 421.  
Continuation of  
grand juries to finish  
investigations.

*Proviso.*  
Court may excuse  
juror for good cause  
shown.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fifth sentence of section 284 of the Judicial Code as amended (U. S. C., title 28, sec. 421), be, and it is hereby, amended to read as follows: “A district judge may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury, but no grand jury shall be permitted to sit in all during more than eighteen months: *Provided,* That, for good cause shown, the court may, at any time after the end of the term for which the grand jury was originally summoned, excuse any member of the grand jury and summon and impanel another person in his place.”

Approved, April 17, 1940.

[CHAPTER 104]

AN ACT

To authorize the Secretary of the Navy to accept, without cost to the United States, a fee-simple conveyance of sixteen and four-tenths acres, more or less, of land at Floyd Bennett Field in the city and State of New York.

April 18, 1940  
[S. 3174]  
[Public, No. 456]

New York, N. Y.  
Acceptance of land  
at Floyd Bennett  
Field for naval sea-  
plane base authorized.

*Proviso.*  
Title, conveyance,  
etc.

Rights included.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized to accept on behalf of the United States of America, from the city of New York, free of all encumbrances, and without cost to the United States Government, a tract of land containing sixteen and four-tenths acres, more or less, at Floyd Bennett Field in the city and State of New York, for use as a naval seaplane base: *Provided,* That the title to said land shall be satisfactory to the Attorney General and that the conveyance of said land shall be made to the United States of America and shall include the right of access for wheeled vehicles to the land conveyed from the highway bordering the said Floyd Bennett Field property on the westward, known as Flatbush Avenue; also the right of access over adjoining lands of Floyd Bennett Field for the purpose of transporting dredge material to be taken from the submerged or tidal lands adjacent to lands of Floyd Bennett Field for filling the land to be conveyed to a grade conforming to present grades of the Coast Guard reservation and the said Floyd Bennett Field, and also the right to lay, construct, and maintain through the Floyd Bennett Field property water lines, electric lines, telephone lines, gas lines, and other services as the Navy Department may find necessary for its proper and convenient use of the property acquired pursuant to the provisions hereof.

Approved, April 18, 1940.

## [CHAPTER 105]

## AN ACT

To amend section 6 of the Organic Act of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 6 of the Act entitled "An Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes", approved August 24, 1912 (37 Stat. 512), is hereby amended to read as follows:

"SEC. 6. CONVENING AND SESSIONS OF LEGISLATURE.—The Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the fourth Monday in January in the year 1941 and on the fourth Monday in January every two years thereafter; but the said legislature shall not continue in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the Governor, which shall set forth the object thereof and give at least fifteen days' notice in writing or by telegram or radiogram to each member of said legislature, and in such case shall not continue in session longer than thirty days. The Governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding thirty days when requested to do so by the President of the United States, or when any public danger or necessity may require it."

SEC. 2. Section 2 of the Act entitled "An Act fixing the date for holding elections of a Delegate from Alaska to the House of Representatives and of members of the Legislature of Alaska; fixing the date on which the Legislature of Alaska shall hereafter meet; prescribing the personnel of the Territorial canvassing board, defining its duties, and for other purposes", approved March 26, 1934 (48 Stat. 465), is repealed.

Approved, April 18, 1940.

April 18, 1940  
[H. R. 4776]  
[Public, No. 457]

Organic Act of Alaska, amendment.

37 Stat. 514.  
48 U. S. C. § 74.

Convening and sessions of Legislature.

Limitation.

Extraordinary sessions.

Section repealed.

48 U. S. C. § 74.

## [CHAPTER 106]

## AN ACT

For the transfer of funds to the town of Wrangell, Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the judge of the district court for the first judicial division of Alaska is hereby authorized and directed to pay to the city treasurer of the incorporated town of Wrangell, Alaska, from a fund called fund "C" of said district court, the sum of \$6,092.76, heretofore paid into said fund "C" by the Diamond K Packing Company, a corporation, of Wrangell, Alaska, in satisfaction of a judgment imposed upon said corporation by said court for nonpayment of license tax due the United States, in approximately the same sum, and by law inuring to the benefit of said town of Wrangell.

Approved, April 18, 1940.

April 18, 1940  
[H. R. 7612]  
[Public, No. 458]

Wrangell, Alaska.  
Transfer of certain funds to town authorized.

## [CHAPTER 107]

## AN ACT

Making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not other-

April 18, 1940  
[H. R. 7922]  
[Public, No. 459]

Independent Offices Appropriation Act, 1941.

wise appropriated, for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, namely:

## EXECUTIVE OFFICE OF THE PRESIDENT

### COMPENSATION OF THE PRESIDENT AND VICE PRESIDENT

President. For compensation of the President of the United States, \$75,000.  
 Vice President. For compensation of the Vice President of the United States, \$15,000.

### THE WHITE HOUSE OFFICE

Salaries. Salaries: For personal services in the office of the President, including the Secretary to the President, two additional secretaries to the President and six administrative assistants to the President at \$10,000 each; \$222,800: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be deemed necessary.

*Proviso.*  
 Temporary details.

Contingent expenses.

Contingent expenses: For contingent expenses of The White House Office, including stationery, record books, telegrams, telephones, books for library, furniture and carpets for offices, automobiles, expenses of garage, including labor, special services, and miscellaneous items to be expended in the discretion of the President, \$50,000.

Printing and binding.  
 Traveling, etc., expenses.

For printing and binding, \$2,700.

Traveling expenses: For traveling and official entertainment expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, \$30,000.

Total, The White House Office, \$305,500.

### EXECUTIVE MANSION AND GROUNDS

Care, repair, etc.  
*Post*, p. 630.

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures of the Executive Mansion, the Executive Mansion greenhouses, including reconstruction, and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of any other Act, \$152,750.

### BUREAU OF THE BUDGET

Salaries and expenses.  
*Post*, p. 630.

Salaries and expenses: For every expenditure requisite for and incident to the work of the Bureau of the Budget, including personal services in the District of Columbia and elsewhere, contract stenographic reporting services, traveling expenses, including expenses of attendance at meetings when necessary in furthering the work of the Bureau of the Budget, streetcar fares, law books, books of reference, periodicals, newspapers and press clippings, purchase of office equipment and supplies, without regard to section 3709 of the Revised Statutes when the amount involved in any case does not exceed \$50, purchase (not to exceed \$750), maintenance, repair, and operation of passenger-carrying automobiles for official use, and not to exceed \$50,000 for temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes, or the civil-service laws, or the Classification Act of 1923, as amended, \$742,600, together with the unexpended balance of the appropriation under this head for the fiscal year 1940.

Books of reference, etc.  
 Office equipment and supplies.  
 41 U. S. C. § 5.  
*Post*, p. 1109.

Automobiles.  
 Temporary services.  
*Post*, p. 630.

42 Stat. 1438.  
 5 U. S. C. §§ 661-674;  
 Supp. V, §§ 673, 673c.

Printing and binding.

For printing and binding, \$44,000.

## NATIONAL RESOURCES PLANNING BOARD

Salaries and expenses: For all necessary administrative expenses of the National Resources Planning Board, to perform the functions transferred to said Board on July 1, 1939, including personal services in the District of Columbia and elsewhere in accordance with civil-service laws and the Classification Act of 1923; rent in the District of Columbia and elsewhere; contract stenographic reporting services; purchase of books of reference, and periodicals; expenses of attendance at meetings concerned with development, conservation, and use of the resources of the Nation; traveling expenses; purchase of office equipment and supplies, and temporary employment of persons, \$710,000, of which not to exceed \$40,000 shall be available for printing and binding: *Provided*, That no part of the funds appropriated under this item shall be used for the performance of any functions or duties other than the functions heretofore authorized by law to be performed by the Federal Employment Stabilization Board.

Total, Executive Office of the President, \$2,044,850.

Salaries and expenses.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Printing and binding.  
*Proviso.*  
Use restricted.

## INDEPENDENT ESTABLISHMENTS

## AMERICAN BATTLE MONUMENTS COMMISSION

For every expenditure requisite for or incident to the work of the American Battle Monuments Commission authorized by the Act of March 4, 1923 (36 U. S. C. 121-138), and by Executive Order Numbered 6614 of February 26, 1934, including the acquisition of land or interest in land in foreign countries for carrying out the purposes of said Act and Executive order without submission to the Attorney General of the United States under the provisions of section 355 of the Revised Statutes (34 U. S. C. 520; 40 U. S. C. 255); employment of personal services in the District of Columbia and elsewhere; including not to exceed \$3,000 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a); purchase and repair of uniforms for caretakers of national cemeteries and monuments in Europe at a cost not exceeding \$600; travel expenses; rent of office space in foreign countries; the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles which may be furnished to the Commission by other departments of the Government or acquired by purchase; printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries in Europe; the purchase of maps, textbooks, newspapers and periodicals, \$135,000: *Provided*, That notwithstanding the requirements of existing laws or regulations, and under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment in Europe and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel: *Provided further*, That the Commission may purchase supplies and materials in the United States without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$500, and may enter into leases in foreign countries for office or garage space without regard to said section 3709, and rent therefor may be paid in advance: *Provided further*, That when traveling on business of the Commission, officers of the Army serving as members or as secretary of the Commission may be reimbursed for expenses

All expenses.

42 Stat. 1509.  
36 U. S. C., Supp.  
V, ch. 8.  
Acquisition of land  
abroad.

Living quarters.

46 Stat. 818.  
Uniforms for care-  
takers.

Vehicles.

Printing, binding,  
etc.

*Proviso.*  
Technical work,  
etc., in Europe.

Minor purchases.  
*Post*, p. 1109.

Traveling expenses.

as provided for civilian members of the Commission: *And provided further*, That the Commission may delegate to its chairman, secretary, or officials in charge of either its Washington or Paris offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper.

Delegation of authority.

### BOARD OF TAX APPEALS

All expenses.  
43 Stat. 336; 44 Stat. 105.  
26 U. S. C. §§ 600-645; Supp. V, §§ 1100-1146.  
45 Stat. 871.  
47 Stat. 286.

For every expenditure requisite for and incident to the work of the Board of Tax Appeals as authorized under title IX, section 900, of the Revenue Act of 1924, approved June 2, 1924, as amended by title X of the Revenue Act of 1926, approved February 26, 1926, and title IV of the Revenue Act of 1928, approved May 29, 1928, and title IX of the Revenue Act of 1932, approved June 6, 1932, including personal services and contract stenographic reporting services, rent outside the District of Columbia, traveling expenses, carfare, stationery, furniture, office equipment, purchase and exchange of typewriters, law books and books of reference, periodicals, and all other necessary supplies, \$522,000.

Printing and binding.

For all printing and binding for the Board of Tax Appeals, \$35,000.

Total, Board of Tax Appeals, \$557,000.

### CIVIL AERONAUTICS AUTHORITY

General administration.

General administration: For all necessary expenses of the offices of the members of the Authority, Coordinator and Secretary, General Counsel, Director of Statistics and Information, and Director of Regional Offices, in carrying out the provisions of the Civil Aeronautics Act of 1938 (52 Stat. 973), including personal services and rent in the District of Columbia and elsewhere; expenses of the Air Safety Board other than those specifically provided for under "Air Safety Board, Civil Aeronautics Authority"; contract stenographic reporting services; fees and mileage of witnesses; expenses of examination of estimates of appropriations in the field; purchase (including exchange), operation, maintenance, and repair of aircraft; hire, maintenance, repair, and operation of passenger-carrying automobiles; \$1,543,932.

49 U. S. C., Supp. V, §§ 401-682.  
Air Safety Board.  
Post, p. 116.

Aircraft, purchase, operation, repairs, etc.

Automobiles.

Economic regulation.  
52 Stat. 987.  
49 U. S. C., Supp. V, §§ 481-496.

Economic regulation: For all expenses necessary in carrying out the provisions of title IV of the Civil Aeronautics Act of 1938 and all other provisions of said Act relating to economic regulation, including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; fees and mileage of witnesses; \$469,222.

Air-navigation facilities, maintenance, etc.  
Post, p. 1039.

Maintenance and operation of air-navigation facilities: For all necessary expenses of the Office of the Administrator and the operation and maintenance of air-navigation facilities, including personal services and rent in the District of Columbia and elsewhere; purchase (including exchange), operation, maintenance, repair, and overhaul of aircraft; purchase and exchange (not to exceed \$13,550), hire, maintenance, repair, and operation of passenger-carrying automobiles; purchase of special wearing apparel and equipment for aviation purposes (including snowshoes and skis); salaries and traveling expenses of employees detailed by the Administrator to attend courses of training conducted by the Government or industries serving aviation; not to exceed 3 cents per mile for travel, in their personally owned automobiles within the limits of their official posts of duty, of employees engaged in the maintenance and operation of remotely controlled air-navigation facilities; and for the purchase of necessary food supplies (not exceeding \$2,500) for storage at isolated stations

Aircraft.

Automobiles.

Aviation training courses.

Food supplies at isolated stations.

for emergency use, the cost of which when consumed by employees shall be collected therefrom, and deposited in miscellaneous receipts; \$12,000,000.

**Technical development:** For all expenses necessary in carrying out the provisions of the Civil Aeronautics Act of 1938 relative to such developmental work and service testing as tends to the creation of improved air-navigation facilities, aircraft, aircraft engines, propellers, appliances, personnel, and operation methods, including personal services and rent in the District of Columbia and elsewhere; operation, maintenance, repair, and overhaul of aircraft, aircraft engines, propellers, and equipment and spare parts therefor, and passenger-carrying automobiles; purchase of special wearing apparel and equipment for aviation purposes (including snow shoes and skis); purchase of reports, documents, plans, and specifications; \$557,000.

**Safety regulation:** For all expenses necessary to carry out the provisions of title VI of the Civil Aeronautics Act of 1938 and all other provisions of said Act relating to safety regulation, except air-traffic control, including personal services and rent in the District of Columbia and elsewhere; contract stenographic reporting services; fees and mileage of witnesses, including expert witnesses; employment of attorneys and examiners on a fee basis (not to exceed \$7,500); salaries and traveling expenses of employees detailed to attend courses of training conducted by the Government or industries serving aviation; purchase (including exchange), operation, maintenance, and repair and overhaul of aircraft; purchase and exchange (not to exceed \$29,200), hire, maintenance, repair, and operation of passenger-carrying automobiles; special wearing apparel and equipment (including snowshoes and skis), \$2,406,520.

**Establishment of air-navigation facilities:** For the acquisition and establishment of air-navigation facilities, including the equipment of additional civil airways for day and night flying; the construction of additional necessary lighting, radio, and other signaling and communicating structures and apparatus; the alteration and modernization of existing air-navigation facilities; and for the acquisition of the necessary sites by lease or grant, \$5,265,280, of which amount \$2,000,000 shall be available for the payment of contractual obligations authorized to be incurred prior to July 1, 1940: *Provided*, That in addition to the amount herein appropriated, the Administrator may, prior to July 1, 1941, enter into contracts for the purchase, construction, and installation of additional air-navigation facilities not in excess of \$2,000,000: *Provided further*, That construction work under this appropriation may be accomplished either by contract or by purchase and hire: *Provided further*, That this appropriation shall be available, when required in connection with the construction program, for the purchase and exchange (not to exceed \$750), hire, maintenance, repair, and operation of passenger-carrying automobiles; purchase and exchange, operation, maintenance, repair, and overhaul of aircraft; temporary personnel; purchase of special wearing apparel and equipment suitable for aviation purposes (including snowshoes and skis); and all other necessary expenses.

**Civilian pilot training:** For all necessary expenses of the Civil Aeronautics Authority in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Civilian Pilot Training Act of 1939 (53 Stat. 855) including personal services and rentals in the District of Columbia and elsewhere; traveling expenses; purchase and exchange, operation, maintenance, repair, and overhaul of aircraft; purchase and exchange (not to exceed \$5,000), hire, maintenance, repair, and operation of passenger-

Technical develop-  
ment.  
52 Stat. 973.  
49 U. S. C., Supp.  
V, §§ 401-682.

Safety regulation.  
Post, pp. 116, 599.  
52 Stat. 1007.  
49 U. S. C., Supp.  
V, §§ 551-560.  
Personal services  
and rent.

Witnesses, fees and  
mileage.

Training courses.

Aircraft, automo-  
biles, etc.

Air-navigation facil-  
ities, establishment,  
etc.  
Post, p. 1039.

Acquisition of sites.

*Providos*.  
Contracts for addi-  
tional facilities.

Construction work.

Automobiles.

Aircraft.

Civilian pilot train-  
ing.  
Post, p. 599.  
49 U. S. C., Supp.  
V, §§ 751-757.

Aircraft.  
Automobiles.  
Post, p. 599.

carrying automobiles; purchase and exchange of professional and scientific books, books of reference, atlases, maps, and periodicals; in all, \$5,000,000: *Provided*, That not to exceed \$117,800 of this amount may be transferred to the appropriation "Safety Regulation, Civil Aeronautics Authority", for expenditure in connection with payment of salaries and travel of aeronautical inspectors engaged in supervision and promotion of the safety features of the civilian pilot training program.

*Proviso.*  
Transfer of funds.  
*Ante*, p. 115; *post*,  
p. 599.

Air Safety Board.  
*Ante*, p. 114.

**Air Safety Board:** For all expenses of the Air Safety Board necessary in performing the duties imposed upon it by law, including personal services in the District of Columbia; contract stenographic reporting services; purchase (including exchange) of office machinery and equipment; fees and mileage of expert and other witnesses; operation, maintenance, and repair of passenger-carrying automobiles; operation, maintenance, repair, and overhaul of aircraft, aircraft engines, aircraft radio, propellers, and equipment and spare parts therefor; purchase of special wearing apparel and equipment for airmen (including snowshoes and skis), and for photostat and other machine operators; \$380,000.

Automobiles, air-  
craft, etc.

Printing and bind-  
ing.  
Minor purchases.  
*Post*, p. 1109.

**Printing and binding:** For printing and binding, \$100,000.

Section 3709 of the Revised Statutes of the United States (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Civil Aeronautics Authority or the Air Safety Board when the aggregate amount involved does not exceed \$100.

Attendance at meet-  
ings.

The foregoing appropriations under the Civil Aeronautics Authority shall be available when specifically authorized by the Chairman of the Authority or the Administrator or, in case of the Air Safety Board, by the Chairman thereof, for expenses of attendance at meetings of associations and other properly constituted bodies concerned with aeronautics (not to exceed \$3,000), and when so authorized, for expenses of packing, crating, drayage, and transportation of household effects (not exceeding in any one case five thousand pounds) of employees when transferred from one official station to another for permanent duty, and for the purchase of law books, books of reference, and periodicals.

Transfer of house-  
hold effects.

Total, Civil Aeronautics Authority, \$27,721,954.

## CIVIL SERVICE COMMISSION

Commissioners and  
office personnel.

For three Commissioners and other personal services in the District of Columbia, including personal services required for examination of Presidential postmasters, and including not to exceed \$2,500 for employment of expert examiners not in the Federal service on special subjects for which examiners within the service are not available, and for personal services in the field; for medical examinations; for necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, including not to exceed \$5,000 for expenses incident to attendance at meetings concerned with problems of public officials, educational groups, Government employees as such, and other similar organizations, which are peculiar to the interests and business of the Commission, when specifically directed by the Commission; for furniture and other equipment and repairs thereto; rental of equipment; supplies; advertising; telegraph, telephone, and laundry service; freight and express charges; streetcar fares not to exceed \$300; stationery; purchase and exchange of law books, books of reference, directories, subscriptions to newspapers and periodicals, not to exceed \$10,000; charts; purchase, exchange, maintenance, and repair of motortrucks, motorcycles, and bicycles; garage rent; postage

Attendance at meet-  
ings.

Miscellaneous ex-  
penses.

stamps to prepay postage on matter addressed to Postal Union countries; special-delivery stamps; and other like miscellaneous necessary expenses not hereinbefore provided for, \$4,975,000, of which not to exceed \$175,000 shall be available for reimbursement of the Veterans' Administration for services rendered the Commission in connection with physical examinations of applicants for and the employees in the Federal classified service: *Provided*, That notwithstanding any provisions of law to the contrary, the Civil Service Commission is authorized to expend not to exceed \$3,000 of this amount for actuarial services pertaining to the civil service, Canal Zone, and Alaska Railroad retirement and disability funds, to be obtained by contract, without obtaining competition, at such rates of compensation as the Commission may determine to be reasonable: *Provided further*, That no details from any executive department or independent establishment in the District of Columbia or elsewhere to the Commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1941, but this shall not affect the making of details for service as members of the boards of examiners outside the immediate offices of the district managers: *Provided further*, That the Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees to or from its office or field force.

*Provisos.*  
Actuarial services.

Details from departments, etc., restriction.

Emergency transfers, etc.

Printing and binding.

For all printing and binding for the Civil Service Commission, including all of its bureaus, offices, institutions, and services located in Washington and elsewhere, \$160,000.

**CIVIL-SERVICE RETIREMENT AND DISABILITY FUND**

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (38 U. S. C. 11), \$90,754,000, which amount shall be placed to the credit of the "civil-service retirement and disability fund".

Contribution.

41 Stat. 614.  
5 U. S. C., ch. 14;  
Supp. V, ch. 14.

**CANAL ZONE RETIREMENT AND DISABILITY FUND**

For financing of the liability of the United States, created by the Act entitled "An Act for the retirement of employees of the Panama Canal and the Panama Railroad Company, on the Isthmus of Panama, who are citizens of the United States", approved March 2, 1931, and Acts amendatory thereof (48 U. S. C. 1371n), \$1,177,000, which amount shall be placed to the credit of the "Canal Zone retirement and disability fund".

Contribution.

46 Stat. 1471.

**ALASKA RAILROAD RETIREMENT AND DISABILITY FUND**

For financing of the liability of the United States created by the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936 (49 Stat. 2017), \$175,000, which amount shall be placed to the credit of the "Alaska Railroad retirement and disability fund".

Contribution.

5 U. S. C., Supp. V,  
§§ 745-745r.

Total, Civil Service Commission, \$97,241,000.

**DISTRICT OF COLUMBIA ALLEY DWELLING AUTHORITY**

The unexpended balance on June 30, 1940, of the "Conversion of inhabited alleys fund", established pursuant to the provisions of the District of Columbia Alley Dwelling Act, together with all accretions

Reappropriation.  
53 Stat. 529.  
48 Stat. 932.  
25 D. C. Code,  
Supp. V, § 25 (a).

50 Stat. 888.  
42 U. S. C., Supp.  
V, § 1428.

during the fiscal year 1941 to said fund under the provisions of said Act and of the United States Housing Act of 1937 shall be available until June 30, 1941, for the purpose of carrying out the provisions of said District of Columbia Alley Dwelling Act.

### FEDERAL COMMUNICATIONS COMMISSION

Salaries and ex-  
penses.  
Post, p. 1032.

47 U. S. C. §§ 151-  
609; Supp. V, §§ 151-  
602.

36 Stat. 629.  
46 U. S. C., Supp.  
V, §§ 484-487.

Submarine cable  
licenses.

50 Stat. 1146.

Minor purchases.  
Post, p. 1109.

Vehicles.

Attendance at meet-  
ings.

Transmission of in-  
formation by U. S.  
ships.

50 Stat. 195.  
47 U. S. C., Supp. V,  
§ 357.

Transfer of personal  
effects.

Personal services.

Printing and bind-  
ing.

Salaries and expenses: For seven Commissioners, and for all other authorized expenditures of the Federal Communications Commission in performing the duties imposed by the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1064), the Ship Act of 1910, approved June 24, 1910, as amended (46 U. S. C. 484-487), the International Radiotelegraphic Convention (45 Stat., pt. 2, p. 2760), Executive Order Numbered 3513, dated July 9, 1921, as amended under date of June 30, 1934, relating to applications for submarine cable licenses, and the radiotelegraphy provisions of the Convention for Promoting Safety of Life at Sea, ratified by the President of the United States, July 7, 1936, including personal services, contract stenographic reporting services, rental of quarters, newspapers, periodicals, reference books, law books, special counsel fees, supplies and equipment, including purchase and exchange of instruments, which may be purchased without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$25; improvement and care of grounds and repairs to buildings, not to exceed \$5,000, purchase and exchange (not to exceed \$15,000), maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in the field, travel expenses, including expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities, reimbursement to ships of the United States for charges incurred by such ships in transmitting information in compliance with section 357 of the Communications Act of 1934, as amended, expenses of packing, crating, drayage, and transportation of household goods and other personal effects (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty upon specific authorization by the Commission, \$2,051,340, of which amount not to exceed \$1,246,340 may be expended for personal services in the District of Columbia, including compensation of employees of the Interdepartment Radio Advisory Committee.

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

Total, Federal Communications Commission, \$2,076,340.

### FEDERAL LOAN AGENCY

#### OFFICE OF THE ADMINISTRATOR

Administrative ex-  
penses.

53 Stat. 1429, 561.  
5 U. S. C., Supp. V,  
§ 133t (note); §§ 133-  
133r.

Personal services.

Printing and bind-  
ing.

Attendance at meet-  
ings.

Administrative expenses, Federal Loan Agency: Of the funds available for administrative expenses to the agencies placed under the supervision of the Federal Loan Administrator by section 402 of Reorganization Plan Numbered I under authority of the Reorganization Act of 1939, \$200,000 is hereby made available to the Federal Loan Agency for all the general administrative expenses thereof, including personal services in the District of Columbia and elsewhere; printing and binding (\$1,500); law books, other books of reference and periodicals; newspapers (not exceeding \$500); not exceeding \$1,500 for expenses of attendance at meetings or conventions of societies or associations concerned with the furtherance of the work of the Agency, when specifically authorized by the Administrator; purchase (including exchange in part payment) of office equipment and pur-

chase of one passenger-carrying automobile at \$1,800 for the use of the Administrator and the rental of garage therefor, and the maintenance, operation, or repair thereof; not to exceed \$15,000 for the temporary employment of persons or organizations for special services by contract or otherwise without regard to section 3709 of the Revised Statutes or civil-service law and regulations; payment when specifically authorized by the Administrator of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their home, without other compensation from the United States, in an advisory capacity to the Agency: *Provided*, That section 3709 of the Revised Statutes shall not be construed as applying to any purchase by or service rendered to the Agency when the aggregate amount involved in any such case does not exceed \$100: *Provided further*, That none of the funds made available by this Act for administrative expenses of the Federal Loan Agency and the agencies under its supervision named herein shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act, as amended.

Special services.  
Post, p. 1109.

Transportation, etc.,  
expenses.

*Provisos.*  
Minor purchases.  
41 U. S. C. § 5.  
Post, p. 1109.

Obligation or ex-  
penditure of funds.

Accounting.

#### ELECTRIC HOME AND FARM AUTHORITY

Electric Home and Farm Authority, salaries and administrative expenses: Not to exceed \$600,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order Numbered 7139 of August 12, 1935, and continued as such agency until June 30, 1941, by the Act of March 4, 1939 (Public Act Numbered 2, Seventy-sixth Congress), shall be available during the fiscal year 1941 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); not exceeding \$3,000 for expenses incurred in packing, crating, and transporting household effects (not exceeding five thousand pounds in any one case) of personnel when transferred in the interest of the service from one official station to another for permanent duty when specifically authorized in the order directing the transfer; printing and binding; lawbooks and books of reference; not to exceed \$200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now held or acquired on or before June 30, 1941, by the Authority shall be considered as nonadministrative expenses for the purposes hereof.

Salaries and ex-  
penses.

53 Stat. 510.  
15 U. S. C., Supp.  
V, §§ 701-712 (note).

Travel expenses.  
44 Stat. 688.

Printing and bind-  
ing.

*Proviso.*  
Nonadministrative  
expenses.

#### EXPORT-IMPORT BANK OF WASHINGTON

Export-Import Bank of Washington, salaries and administrative expenses: Not to exceed \$125,000 of the funds of the Export-Import Bank of Washington, established as an agency of the Government by Executive Order Numbered 6581 of February 2, 1934, and continued as such agency until June 30, 1941, by the Act approved March 4, 1939 (Public Act Numbered 3, Seventy-sixth Congress), shall be available during the fiscal year 1941 for administrative expenses of the bank, including personal services in the District of Columbia

Salaries and ex-  
penses.

53 Stat. 510.  
15 U. S. C., Supp. V,  
§ 713b.

Travel expenses.  
44 Stat. 688.  
Printing and binding.  
*Provido.*  
Nonadministrative expenses.

and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$250 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

#### FEDERAL HOME LOAN BANK BOARD

Administrative expenses.

12 U. S. C. §§ 1421-1449; Supp. V, §§ 1422-1442.

Travel expenses.  
44 Stat. 688.

Printing and binding.

Supplies, etc.  
41 U. S. C. § 5.  
*Post*, p. 1109.

Use of other services and facilities.

*Provido.*  
Nonadministrative expenses.

Payment.

47 Stat. 725.  
12 U. S. C., Supp. V, §§ 1422-1442.

For the administrative expenses of the Federal Home Loan Bank Board, established by the Federal Home Loan Bank Act of July 22, 1932 (47 Stat. 725), including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$2,500) of attendance at meetings concerned with the work of the Board when specifically authorized by the Board; printing and binding; lawbooks, books of reference, and not to exceed \$500 for periodicals and newspapers; procurement of supplies, equipment, and services without regard to section 3709 of the Revised Statutes when the aggregate amount involved in any one case does not exceed \$50; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent outside of the District of Columbia; payment, when specifically authorized by the Board, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Board; use of the services and facilities of the Home Owners' Loan Corporation and the Federal Savings and Loan Insurance Corporation; and all other necessary administrative expenses, \$1,350,000, payable from assessments upon the Federal home-loan banks and receipts of the Federal Home Loan Bank Board from other sources for the fiscal year 1941 and prior fiscal years: *Provided*, That all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under said Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of said Act of July 22, 1932, as amended (12 U. S. C. 1421-1449).

#### FEDERAL HOUSING ADMINISTRATION

Administrative expenses.  
*Post*, p. 631.

Not to exceed \$10,900,000 of the mutual mortgage insurance fund, \$1,200,000 of the housing insurance fund and \$1,200,000 from the account in the Treasury comprised of funds derived from premiums collected under authority of section 2 (f) title I of the National

Housing Act (48 Stat. 1246), as amended by the Act of June 3, 1939, in all, \$13,300,000, shall be available for administrative expenses of the Federal Housing Administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833), but there may be allowed in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle reimbursement for the actual cost of ferry fares and bridge and tunnel tolls, and employees engaged in the inspection of property may be paid an allowance not to exceed 3 cents per mile for all travel performed in their personally owned automobiles within the limits of their official posts of duty when such travel is performed in connection with such inspection; printing and binding; law books, books of reference, and not to exceed \$1,500 for periodicals and newspapers; not to exceed \$1,500 for contract actuarial services; procurement of supplies, equipment, and services; purchase (including exchange) of one (for the official use of the Administrator, not exceeding \$1,500) and maintenance, repair, and operation of two motor-propelled passenger-carrying vehicles, to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses of the Administration (including services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, protection, completion, operation, maintenance, improvement, or disposition of real or personal property of the Administration acquired under authority of titles I and II of said National Housing Act, shall be considered as nonadministrative expenses for the purposes hereof, and such expenses with respect to title I property shall be paid from funds in the Treasury derived from premiums collected under authority of section 2 (f) title I of said Act and such expenses with respect to title II property shall be paid from the mutual mortgage insurance fund or the housing insurance fund as provided in title II of said Act: *Provided further*, That, except for the limitations in amounts hereinbefore specified and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (12 U. S. C. 1701-1723): *Provided further*, That not exceeding \$300,000 of the sum herein authorized shall be expended in the District of Columbia for purposes of the Public Relations and Education Division.

Not to exceed \$2,000,000 of the funds of the Reconstruction Finance Corporation, advanced or to be advanced to the Federal Housing Administration under authority of the National Housing Act of June 27, 1934 (48 Stat. 1246), as amended, and not to exceed \$3,000,000 of the funds (after the allowance of said \$1,200,000 for administrative expenses) in the account in the Treasury comprised of premiums collected under authority of section 2 (f), title I, of the National Housing Act, as amended, shall be available for the payment of losses under insurance granted under section 2 and section 6, title I, of said Act.

53 Stat. 805.  
12 U. S. C., Supp.  
V, § 1703 (f).

Travel expenses.

44 Stat. 688.

Printing and binding.

Contract actuarial services.  
Supplies, etc.  
Vehicles.

Transportation expenses.

Attendance at meetings.

*Provisos.*  
Nonadministrative expenses.

48 Stat. 1246.  
12 U. S. C. §§ 1701-1715; Supp. V, §§ 1702-1715c.

Payments.

Administrative expenses, etc.

48 Stat. 1246.  
12 U. S. C., Supp.  
V, §§ 1701a-1722.  
Amount for Public Relations and Education Division.

Insurance of financial institutions.  
Payment of losses.  
Post, p. 631.

12 U. S. C. § 1705;  
Supp. V, § 1705.

12 U. S. C., Supp.  
V, § 1703 (f).

12 U. S. C. § 1703;  
Supp. V, §§ 1703, 1706a.

## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

## Administrative expenses.

48 Stat. 1255.  
12 U. S. C. §§ 1724-1730; Supp. V, §§ 1725-1729.

## Travel expenses.

44 Stat. 688.

## Printing and binding.

## Use of services of designated agencies.

*Provisos.*  
Nonadministrative expenses.

## Payment.

Not to exceed \$300,000 of the funds of the Federal Savings and Loan Insurance Corporation, established by title IV of the National Housing Act of June 27, 1934 (48 Stat. 1246), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$2,500) of attendance at meetings concerned with the work of the Corporation when specifically authorized by the Board of Trustees; printing and binding; lawbooks, books of reference, and not to exceed \$250 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, Federal Reserve banks, and agencies of the Government as authorized by said title IV; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the liquidation of insured institutions under said title IV shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That, except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of June 27, 1934, as amended (12 U. S. C. 1725-1732).

## HOME OWNERS' LOAN CORPORATION

## Administrative expenses.

*Post*, p. 631.  
12 U. S. C. §§ 1461-1468; Supp. V, §§ 1462-1467.

## Travel expenses.

44 Stat. 688.

## Printing and binding.

## Supplies, etc.

## Vehicles.

## Use of services of designated agencies.

*Provisos.*  
Nonadministrative expenses.

## Payment.

Not to exceed \$22,000,000 of the funds of the Home Owners' Loan Corporation, established by the Home Owners' Loan Act of 1933 (48 Stat. 128), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); expenses (not to exceed \$3,500) of attendance at meetings concerned with the work of the Corporation when specifically authorized by the Board of Directors; printing and binding; lawbooks, books of reference, and not to exceed \$500 for periodicals and newspapers; procurement of supplies, equipment and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Home Loan Bank Board, Federal home-loan banks, and Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to the Corporation or in which it has an interest, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1461-1468).

RECONSTRUCTION FINANCE CORPORATION

Not to exceed \$9,250,000 of the funds of the Reconstruction Finance Corporation, established by the Act of January 22, 1932 (47 Stat. 5), shall be available during the fiscal year 1941 for administrative expenses of the Corporation and of The RFC Mortgage Company, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks, books of reference, and not to exceed \$1,500 for periodicals and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange, rent in the District of Columbia and elsewhere; use of the services and facilities of the Federal Reserve banks; and all other necessary administrative expenses: *Provided*, That all necessary expenses in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or The RFC Mortgage Company or in which they have an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That notwithstanding any other provisions of this Act, except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 22, 1932, as amended (15 U. S. C. 601-617).

Administrative expenses.

15 U. S. C. §§ 601-617; Supp. V, §§ 601-613c.

Travel expenses.

44 Stat. 688.

Printing and binding.

*Provisos.*  
Nonadministrative expenses.

Payment.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by law except for the work authorized by the Act of June 28, 1938, entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control and for other purposes" (52 Stat. 1215), including traveling expenses; expenses of attendance at meetings which in the discretion of the Commission are necessary for the efficient discharge of its responsibilities; contract stenographic reporting services; rent outside the District of Columbia; purchase and exchange (not to exceed \$3,000), hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, including not more than one such vehicle for general administrative use in the District of Columbia; supplies and office equipment; services; scientific instruments; expenses incurred in packing, crating, drayage and transportation of household effects and other property (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty, when specifically authorized by the Commission; and not exceeding \$6,000 for purchase and exchange of lawbooks, other books of reference, newspapers, periodicals and newspaper clippings, \$2,235,000; of which amount not to exceed \$1,163,000 shall be available for personal services in the District of Columbia, exclusive of not to exceed \$25,000 which may be expended for consultants and special counsel.

Expenses; exception.

33 U. S. C., Supp. V, §§ 701b-706.

Vehicles.

Transfer of household effects.

Consultants and special counsel.

Flood-control expenses.

For every expenditure requisite for and incident to the work of the Federal Power Commission as authorized by the provisions of the Act of June 28, 1938, entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control,

33 U. S. C., Supp. V,  
§§ 701b-706.

and for other purposes" (52 Stat. 1215), including travel expenses; contract stenographic reporting services; purchase, maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle; supplies and office equipment; services; scientific instruments; \$200,000, of which amount not to exceed \$180,000 shall be available for personal services in the District of Columbia.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

In all, salaries and expenses, Federal Power Commission, \$2,435,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved in any case does not exceed \$50.

Printing and binding.

For all printing and binding for the Federal Power Commission, including engraving, lithographing, and photolithographing, \$45,500.  
Total, Federal Power Commission, \$2,480,500.

### FEDERAL TRADE COMMISSION

Salaries and expenses.

For five Commissioners, and for all other authorized expenditures of the Federal Trade Commission in performing the duties imposed by law or in pursuance of law, including secretary to the Commission and other personal services, contract stenographic reporting services; supplies and equipment, law books, books of reference, periodicals, garage rentals, traveling expenses, including not to exceed \$900 for expenses of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Federal Trade Commission, for newspapers and press clippings not to exceed \$600, foreign postage, and witness fees and mileage in accordance with section 9 of the Federal Trade Commission Act; \$2,240,000: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of the funds appropriated herein for the Federal Trade Commission shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

Attendance at meetings.

Witness fees, etc.  
38 Stat. 722.  
15 U. S. C. § 49.

*Provisos.*  
Minor purchases.  
*Post*, p. 1109.

Expenditure restriction.

Printing and binding.

For all printing and binding for the Federal Trade Commission, \$60,000.

Total, Federal Trade Commission, \$2,300,000.

### FEDERAL WORKS AGENCY

#### OFFICE OF THE ADMINISTRATOR

Salaries and expenses.

Salaries and expenses: For salaries in the Office of the Administrator in the District of Columbia, including the salary of a General Counsel at \$10,000 per annum, and other expenses of said office, including printing and binding (not to exceed \$8,000); actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes without other compensation from the United States, in an advisory capacity to the Administrator; purchase (including exchange) of law books and other books of reference, periodicals, and press clippings; not to exceed \$700 for the purchase of a motor-propelled passenger-carrying vehicle; not to exceed \$1,500 for expenses of attendance, when specifically authorized by the Administrator, at meetings or conventions relating to the work of the Agency; not to exceed \$10,000 for the employment of persons or organizations by contract or otherwise, for special services determined by the Administrator to be necessary, without regard to

Printing and binding.

Attendance at meetings.

Special services.

section 3709 of the Revised Statutes, and the civil-service and classification laws, \$250,000: *Provided*, That the Administrator in order to effectuate part 3 of Reorganization Plan Numbered 1 submitted and approved pursuant to the Reorganization Act of 1939 may transfer to this appropriation from funds available for administrative expenses of the constituent units of the Federal Works Agency such sums as represent a consolidation in the Office of the Administrator of any of the administrative functions of said constituent units; but no such transfer of funds shall be made unless the consolidation of administrative functions will result in a reduction of administrative salary and other expenses and such reduction is accompanied by savings in funds appropriated to the Federal Works Agency, which savings shall not be expended for any other purpose but shall be impounded and returned to the Treasury.

41 U. S. C. § 5.  
*Proviso.*  
 Transfer of funds.  
 53 Stat. 1426.  
 5 U. S. C., Supp. V,  
 § 133t (note).  
 53 Stat. 561.  
 5 U. S. C., Supp. V,  
 §§ 133-133r.

Conditional upon  
 reduction of expenses.

#### PUBLIC BUILDINGS ADMINISTRATION

For carrying into effect the provisions of the Public Buildings Acts, as provided in section 6 of the Act of May 30, 1908 (31 U. S. C. 683), and for the repair, preservation, and upkeep of all completed public buildings under the control of the Federal Works Agency, the mechanical equipment and the grounds thereof, and sites acquired for buildings, and for the operation of certain completed and occupied buildings under the control of the Federal Works Agency, including furniture and repairs thereof, but exclusive, with respect to operation, of buildings of the United States Coast Guard, of hospitals, quarantine stations, and other Public Health Service buildings, mints, bullion depositories, and assay offices, the Treasury, Treasury Annex, Liberty Loan, and Auditors' Buildings:

General administrative expenses: For architectural, engineering, mechanical, administrative, clerical, and other personal services; traveling expenses, including expenses of employees directed by the Federal Works Administrator to attend meetings of technical and professional societies and educational exhibits in connection with subjects related to the work of the Public Buildings Administration, and transportation of household goods, incident to change of headquarters of all employees engaged in field activities not to exceed five thousand pounds at any one time, together with the necessary expenses incident to packing and draying same; printing and binding (not to exceed \$13,000), advertising, not exceeding \$1,000 for expenses of educational exhibits, specifically approved by the Federal Works Administrator, testing instruments, lawbooks, books of reference, periodicals, and such other contingencies, articles, services, equipment, or supplies as the Commissioner of Public Buildings may deem necessary in connection with any of the work of the Public Buildings Administration; rent in the District of Columbia and elsewhere, including ground rent of the Federal buildings at Salamanca, New York, and Columbus, Mississippi, for which payment may be made in advance, and including such expenses necessary to wind up the affairs of the United States Housing Corporation and effect its dissolution; \$876,340, of which amount not to exceed \$518,500 may be expended for personal services in the District of Columbia and not to exceed \$196,910 for personal services in the field: *Provided*, That the foregoing appropriations shall not be available for the cost of surveys, plaster models, progress photographs, test pits and borings, or mill and shop inspections, but the cost thereof shall be construed to be chargeable against the construction appropriations of the respective projects to which they relate.

Repair, preservation, and equipment, outside the District of Columbia: For repairs, alterations, improvement, and preservation includ-

Maintenance.  
 35 Stat. 537.

Furniture, etc.

General administrative  
 expenses.

Attendance at meet-  
 ings.

Printing and bind-  
 ing.  
 Educational exhib-  
 its.

Rent.

U. S. Housing Cor-  
 poration, dissolution.

*Proviso.*  
 Appropriations not  
 available for desig-  
 nated objects.

Buildings, etc., out-  
 side D. C.

ing personal services employed therefor, of completed Federal buildings (including Marcus Hook), the grounds and approaches thereof, wharves, and piers, together with the necessary dredging adjacent thereto, and care and safeguarding, not otherwise provided for, of sites acquired for Federal buildings, including tools and materials for the use of the custodial and mechanical force, wire partitions and insect screens, installation and repair of mechanical equipment, gas, and electric-light fixtures, conduits, wiring, platform scales, and tower clocks; vaults and lockbox equipment in all buildings completed and occupied, and for necessary safe equipments in buildings under the administration of the Federal Works Agency, including repairs thereto, and changes in, maintenance of, and repairs to the pneumatic-tube system in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and the payment of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533), \$3,016,900: *Provided*, That the total expenditures for the fiscal year for the repair and preservation of buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings and the installation and repair of the mechanical equipment thereof shall not exceed 20 per centum of the annual rental of such buildings.

Pneumatic-tube system, New York City.

*Proviso.*  
Limitation.

New York, N. Y., customhouse. Furniture, equipment, etc.

New York, New York, Customhouse: For the purchase of new furniture, furnishings, venetian blinds, shelving, counters, and filing equipment, and to make expenditures for services, supplies, and materials for the reconditioning of old furniture and equipment for the customhouse building, New York, New York, including moving and administrative expenses, \$150,000.

Public buildings and grounds, D. C. Salaries and general expenses. *Post*, p. 1035.

Salaries and general expenses, public buildings and grounds in the District of Columbia: For administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia maintained and operated by the Public Buildings Administration, including the National Archives Building; repair, preservation, and equipment of the Treasury, Treasury Annex, City Post Office, Auditors' Building, Liberty Loan Building, and Customhouse; per diem employees at rates of pay approved by the Commissioner of Public Buildings, not exceeding current rates for similar services in the District of Columbia, and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator; rent of buildings; demolition of buildings; expenses incident to moving various executive departments and establishments in connection with the assignment, allocation, transfer, and survey of building space; traveling expenses and carfare; leather and rubber articles and gas masks for the protection of public property and employees; furnishings and equipment; arms and ammunition for the guard force; not exceeding \$40,090 for purchase, repair, and cleaning of uniforms for guards and elevator conductors; and the purchase of two motor-propelled passenger-carrying vehicles; \$8,938,245, of which amount not to exceed \$500,000 shall be available for major repairs and improvements to public buildings and grounds in the District of Columbia.

Public buildings outside D. C. Salaries and expenses.

Salaries and expenses, public buildings outside the District of Columbia: For operation, protection, and maintenance, including cleaning, heating, lighting, rental of buildings and equipment, supplies, materials, furnishings and equipment, personal services, arms, ammunition, leather and rubber articles and gas masks for the protection of public property and employees, and every expenditure requisite for and incidental to such maintenance and operation of public buildings outside of the District of Columbia maintained

and operated by the Public Buildings Administration, \$2,906,785: *Provided*, That in no case shall the rates of compensation for the mechanical labor force under this appropriation be in excess of the rates current at the time and in the place where such services are employed: *Provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether or not it corresponds with the present regulation plan for furniture: *Provided further*, That this appropriation shall be available for contracts for telephone switchboards or equivalent telephone-switching equipment jointly serving in each case two or more Governmental activities in buildings operated by the Public Buildings Administration where it is found that joint service is economical and in the interests of the Government, and any Government activity receiving such service shall pay promptly by check upon the written request of the Commissioner of Public Buildings, either in advance or after the service has been furnished, for deposit to the credit of this appropriation, all or part of the estimated or actual cost thereof, as the case may be, and proper adjustment upon the basis of the actual cost shall be made for service paid for in advance.

*Proviso.*  
Mechanical labor  
force, pay rates.

Use of present furni-  
ture.

Joint telephone-  
switching equipment.

Payment for serv-  
ice.

Construction outside the District of Columbia: For continuation of construction of, and acquisition of sites for, public buildings outside of the District of Columbia, including the purposes and objects, and subject to the limitations, specified under this head in the Third Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 773), as supplemented by the Federal Public Buildings Act, 1938, and also including those increases in the limits of cost of certain authorized projects, twenty-five in number, as specified in House Document Numbered 177, Seventy-sixth Congress, \$15,000,000: *Provided*, That the provisions of section 322 of the Act of June 30, 1932 (47 Stat. 412), shall not apply with respect to the rental of temporary quarters for housing Federal activities during the replacement or remodeling of buildings authorized under this or previous Acts.

Construction out-  
side D. C.  
*Post*, p. 633.

52 Stat. 818.

*Proviso.*  
Rental of temporary  
quarters.  
40 U. S. C. § 40a.

Social Security Board and Railroad Retirement Board Buildings: For completion of the acquisition of the necessary land and the construction of buildings for the Social Security Board and the Railroad Retirement Board, \$3,250,000.

Social Security  
Board and Railroad  
Retirement Board  
Buildings.  
Site and construc-  
tion.  
*Post*, p. 633.  
War Department  
Building.  
Site and construc-  
tion.

War Department Building: For continuation of the acquisition of land as a site for buildings for the War Department, and for continuation of the construction of the first building unit, \$2,000,000.

#### PUBLIC ROADS ADMINISTRATION

General administrative expenses: For the employment of persons and means, including rent, advertising (including advertising in the city of Washington for work to be performed in areas adjacent thereto), printing and binding (not to exceed \$32,000), purchase (including exchange) of law books, books of reference and periodicals, and the preparation, distribution, and display of exhibits, in the city of Washington and elsewhere for the purpose of conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; and studies of types of mechanical plants and appliances used for road building and maintenance, and of methods of road repair and maintenance suited to the needs of

General administra-  
tive expenses.  
*Post*, p. 129.

Printing and bind-  
ing.

Display of exhibits.

Road-making exper-  
iments, etc.

Bulletins and reports. 23 U. S. C. §§ 12a, 48; 16 U. S. C. § 503.

different localities; for maintenance and repairs of experimental highways; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916 (39 Stat. 355-359), as amended, or as otherwise provided.

## FEDERAL-AID HIGHWAY SYSTEM

Construction of rural post roads.

23 U. S. C. §§ 12a, 48; 16 U. S. C. § 503.

Departmental personal services.

Amount transferred to Federal Works Administrator. *Provided*, Convict labor.

Vehicles.

42 Stat. 217.

Engineering, etc., equipment, depreciation.

Warehouse maintenance, etc. main-

Reimbursement for cost of materials, etc.

Medical supplies, etc., in emergencies.

Transportation of personal effects.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$1,110,000 for departmental personal services in the District of Columbia, \$99,990,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1940 by section 1 of the Act approved June 8, 1938 (52 Stat. 633), less \$10,000 transferred to the Federal Works Administrator for the administrative expenses of his office: *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Public Roads Administration in the District of Columbia: *Provided further*, That, during the fiscal year 1941, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1941 the appropriations for the work of the Public Roads Administration shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Public Roads Administration, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That the appropriations available to the Public Roads Administration may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Administration: *Provided further*, That of the appropriations for the work of the Public Roads Administration, not exceeding \$3,500 shall be available, when specifically authorized by the Commissioner, for the necessary expenses of packing, crating, drayage, transportation, and uncrating of household and other per-

sonal effects (not to exceed 5,000 pounds in any one case), of officers or employees transferred from one official station to another for permanent duty: *Provided further*, That the appropriations for the work of the Public Roads Administration shall be available for necessary expenses (not exceeding \$9,000) of attendance at meetings and conferences of highway departments, associations, organizations, and other agencies concerned: *Provided further*, That not exceeding \$15,000 of the appropriations for work of the Public Roads Administration shall be available for the temporary employment, by contract or otherwise, of technical consultants and experts without regard to section 3709 of the Revised Statutes, the civil service and classification laws.

Attendance at meetings.

Temporary employment of technical consultants, etc.  
*Ante*, p. 127.

41 U. S. C. § 5.  
*Post*, p. 1109.

#### INTER-AMERICAN HIGHWAY

For all necessary expenses to enable the President to utilize the services of the Public Roads Administration in fulfilling the obligations of the United States under the Convention on the Pan-American Highway between the United States and other American Republics, signed at Buenos Aires, December 23, 1936, and proclaimed September 16, 1937 (51 Stat. 152), for the continuation of cooperation with several governments, members of the Pan American Union, in connection with the survey and construction of the Inter-American Highway as provided in Public Resolution, approved March 4, 1929 (45 Stat. 1697), as amended or supplemented, and for performing engineering service in pan-American countries for and upon the request of any agency or governmental corporation of the United States, \$75,000 to be derived from the administrative funds provided under the Act of July 11, 1916, as amended or supplemented (23 U. S. C. 21), or as otherwise provided.

Expenses.

Survey and construction.

39 Stat. 355.

#### FEDERAL-AID SECONDARY OR FEEDER ROADS

For secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes, \$15,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1940, by section 2 of the Act approved June 8, 1938 (52 Stat. 634).

Federal aid.

#### ELIMINATION OF GRADE CROSSINGS

For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, \$25,000,000, to be immediately available and to remain available until expended, which sum is composed of \$10,000,000, which is the remainder of the amount authorized to be appropriated for the fiscal year 1939 by section 8 of the Act approved June 16, 1936 (49 Stat. 1521), and \$15,000,000 authorized to be appropriated for the fiscal year 1940, by section 3 of the Act approved June 8, 1938 (52 Stat. 634).

Elimination of railroad grade crossings.

#### PUBLIC-LANDS HIGHWAYS

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (23 U. S. C. 3), \$1,000,000, to be immediately available and to remain available until expended, which sum is authorized for the fiscal year 1941 by section 6 of the Act approved June 8, 1938 (52 Stat. 635).

Survey, construction, etc.

46 Stat. 805.

Total Public Roads Administration, \$140,990,000.

## PUBLIC WORKS ADMINISTRATION

Administrative expenses.  
52 Stat. 816.

Travel expenses.

44 Stat. 688.

Attendance at meetings.

*Proviso.*  
Payments.

48 Stat. 200.  
40 U. S. C. §§ 401-411; Supp. V, ch. 8.

Not to exceed \$3,585,000 of the funds appropriated by the Public Works Administration Appropriation Act of 1938 shall be available for administrative expenses of said Administration, which administrative expenses shall include personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; purchase including exchange of lawbooks, and books of reference, and not to exceed \$500 for periodicals, newspapers, and press clippings; procurement of supplies, equipment, and services; not to exceed \$500 for expenses of attendance, when specifically authorized by the Commissioner, at meetings concerned with the work of the Administration; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Administration shall be incurred, allowed, and paid in accordance with the provisions of title II of the National Industrial Recovery Act.

## UNITED STATES HOUSING AUTHORITY

Salaries and expenses.

*Post*, p. 631.  
50 Stat. 888.  
42 U. S. C., Supp. V, § 1406.

Printing and binding.

Vehicles.

Attendance at meetings.

Exhibits.

Special services.

41 U. S. C. § 5.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
*Provisos.*  
Informational service.

Non-Federal projects, reimbursement.

Nonadministrative expenses.  
Annual contributions in assistance of low rentals.  
50 Stat. 891.  
42 U. S. C., Supp. V, § 1410.

Salaries and expenses: Not to exceed \$4,510,000 of the funds of the United States Housing Authority, established by the United States Housing Act of 1937, as amended (42 U. S. C., Supp. IV, 1401) shall be available for all necessary administrative expenses of the Authority in carrying out the provisions of said Act, including personal services and rent in the District of Columbia and elsewhere; printing and binding; reproducing, photographing, and labor-saving devices and office appliances; not to exceed \$5,000 for the purchase and exchange of lawbooks and other books of reference, periodicals, newspapers, and press clippings; not to exceed \$4,000 for purchase of seven motor-propelled passenger-carrying vehicles, to be used only for official purposes; not to exceed \$2,500 for expenses of attendance, when specifically authorized by the Administrator, at meetings or conventions concerned with the work of the Authority; not to exceed \$15,000 for the preparation, mounting, shipping, and installation of exhibits; not to exceed \$25,000 for employing persons or organizations, by contract or otherwise, for special reporting, engineering, technical, legal, and other services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes, and the civil-service laws and the Classification Act of 1923, as amended: *Provided*, That of the funds made available under this paragraph, the amount used by the Authority in connection with its informational service functions, including press and related activities, photographic displays, exhibits, and other educational or descriptive pamphlets or materials, printing, binding, and reproduction of materials involving informational service functions, shall not exceed \$125,000: *Provided further*, That all necessary expenses of providing construction advisers at the site of non-Federal projects, in connection with the construction thereof by public housing agencies with the aid of the Authority, shall be reimbursed or paid by such agencies, and expenditures by the Authority from such receipts shall be considered as nonadministrative expenses.

Annual contributions: For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U. S. C., Supp. IV,

1410), \$10,000,000: *Provided*, That, except for payments required on contracts entered into prior to the date of enactment of this Act, no part of this appropriation shall be available for payment to any public-housing agency for expenditure in connection with any low-rent housing project, unless the public housing agency shall have adopted regulations prohibiting as a tenant of any such project by rental or occupancy, any person other than a citizen of the United States.

*Proviso.*  
Citizenship require-  
ment.

Any of the foregoing appropriations for general or administrative expenses under the Federal Works Agency shall be available for the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles in the District of Columbia and in the field.

Vehicles.

The Federal Works Administrator or other official designated by him may exchange motor-propelled vehicles, scientific apparatus, instruments, labor-saving office devices, and accessories in whole or in part payment for vehicles, scientific apparatus, instruments, labor-saving devices, and accessories.

Exchanges author-  
ized.

Section 3709 of the Revised Statutes shall not apply to any purchase by or service rendered for, any office or agency of the Federal Works Agency, when the aggregate amount involved in any such case does not exceed the sum of \$100.

Minor purchases.  
41 U. S. C. § 5.  
*Post*, p. 1109.

### FOREIGN-SERVICE PAY ADJUSTMENT

Foreign-service pay adjustment of officers and employees of the United States in foreign countries due to appreciation of foreign currencies: For the purpose of carrying into effect the provisions of the Act entitled "An Act to authorize annual appropriations to meet losses sustained by officers and employees of the United States in foreign countries due to appreciation of foreign currencies in their relation to the American dollar, and for other purposes", approved March 26, 1934 (U. S. C. Supp. IV, Title 5, Sec. 118c), and for each and every object and purpose specified therein, \$1,280,000.

Losses due to cur-  
rency appreciation.

48 Stat. 466.  
5 U. S. C. § 118c;  
Supp. V, § 118c.

### GENERAL ACCOUNTING OFFICE

Salaries: For Comptroller General, Assistant Comptroller General, and other personal services in the District of Columbia and elsewhere, \$4,954,600.

Salaries.

Contingent expenses: For traveling expenses, materials, supplies, equipment, and services; rent of buildings and equipment; furnishing of heat and light; purchase and exchange of books, lawbooks, books of reference, and periodicals, typewriters, calculating machines, and other office appliances, including their development, repairs, and maintenance, including one motor-propelled, passenger-carrying vehicle; and miscellaneous items, \$272,140: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the General Accounting Office when the aggregate amount involved does not exceed the sum of \$50.

Contingent ex-  
penses.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

For all printing and binding for the General Accounting Office, including monthly and annual editions of selected decisions of the Comptroller General of the United States, \$79,800.

Printing and bind-  
ing.

Total, General Accounting Office, \$5,306,540.

### INTERSTATE COMMERCE COMMISSION

#### SALARIES AND EXPENSES

General administrative expenses: For eleven Commissioners, secretary, and for all other authorized expenditures necessary in the execution of laws to regulate commerce, including one chief counsel,

General administra-  
tive expenses.

one director of finance, and one director of traffic at \$10,000 each per annum, field hearings, traveling expenses, and contract stenographic reporting services, \$2,580,940, of which amount not to exceed \$2,338,040 may be expended for personal services in the District of Columbia, exclusive of special counsel, for which the expenditure shall not exceed \$50,000; not exceeding \$3,000 for purchase and exchange of necessary books, reports, and periodicals; not exceeding \$100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule.

**Regulating accounts:** To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the Interstate Commerce Act as amended by the Act approved June 29, 1906 (49 U. S. C. 20), and as amended by the Transportation Act, 1920 (49 U. S. C. 20), including the employment of necessary special accounting agents or examiners, and traveling expenses, \$840,000, of which amount not to exceed \$190,000 may be expended for personal services in the District of Columbia.

**Safety of employees and travelers upon railroads:** To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with Acts to promote the safety of employees and travelers upon railroads; the Act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906 (45 U. S. C. 35), and the provision of the Sundry Civil Act approved May 27, 1908 (45 U. S. C. 36, 37), to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation, inspectors, and for traveling expenses, \$506,000, of which amount not to exceed \$90,000 may be expended for personal services in the District of Columbia.

**Signal safety systems:** For all authorized expenditures under section 26 of the Interstate Commerce Act, as amended by the Transportation Act, 1920 (49 U. S. C. 26), and the Act of August 26, 1937 (50 Stat. 835), with respect to the provision thereof under which carriers by railroad subject to the Act may be required to install automatic train-stop, or train-control devices which comply with specifications and requirements prescribed by the Commission, including investigations and tests pertaining to block-signal and train-control systems, as authorized by the joint resolution approved June 30, 1906 (45 U. S. C. 35), and including the employment of the necessary engineers, and for traveling expenses, \$126,810, of which amount not to exceed \$40,000 may be expended for personal services in the District of Columbia.

**Locomotive inspection:** For all authorized expenditures under the provisions of the Act of February 17, 1911, entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto" (45 U. S. C. 22), as amended by the Act of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenances of the locomotive and tender" (45 U. S. C. 30), and amendment of June 7, 1924 (45 U. S. C. 27), providing for the appointment from time to time by the Interstate Commerce Commission of not more than fifteen inspectors in addition to the number authorized in the first paragraph of section 4 of the Act of 1911 (45 U. S. C. 26), and the amendment of June 27, 1930 (45 U. S. C. 24, 26), including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two

Personal services.

Books, furniture, etc.

Regulating accounts.

24 Stat. 386; 34 Stat. 593; 41 Stat. 493.  
49 U. S. C., Supp. V, § 20 (note).

Safety of employees and travelers upon railroads.

Reports and investigations.  
Safety appliances.

34 Stat. 838.  
35 Stat. 325.

Personal services.

Signal safety systems.

41 Stat. 498.  
49 U. S. C., Supp. V, § 26.

Automatic train-control devices.

Block-signal, etc., systems.

34 Stat. 838.

Personal services.

Locomotive inspection.

36 Stat. 913; 38 Stat. 1192.

43 Stat. 659.

Additional inspectors.  
36 Stat. 914; 46 Stat. 822.

assistants may require and for traveling expenses, \$475,000, of which amount not to exceed \$71,450 may be expended for personal services in the District of Columbia.

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities", approved March 1, 1913, as amended by the Act of June 7, 1922 (49 U. S. C. 19a), and by the "Emergency Railroad Transportation Act, 1933" (49 U. S. C. 19a), including one director of valuation at \$10,000 per annum, and traveling expenses, \$640,000.

Motor transport regulation: For all authorized expenditures necessary to enable the Interstate Commerce Commission to carry out the provisions of the Motor Carrier Act, approved August 9, 1935 (49 U. S. C. 301-327), including one director at \$10,000 per annum and other personal services in the District of Columbia and elsewhere; traveling expenses; supplies; services and equipment; not to exceed \$1,000 for purchase and exchange of books, reports, newspapers, and periodicals; contract stenographic reporting services; purchase (not to exceed \$18,000), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; not to exceed \$5,000 for the purchase of evidence in connection with investigations of apparent violations of said Act, \$3,690,000: *Provided*, That Joint Board members may use Government transportation requests when traveling in connection with the duties as Joint Board members.

Not to exceed \$2,500 of the appropriations herein made for the Interstate Commerce Commission shall be available for expenses, except membership fees, for attendance at meetings concerned with the work of the Commission, and not to exceed \$5,000 shall be available for expenses of packing, crating, drayage, and transportation of household and other personal effects (not to exceed 5,000 pounds in any one case) of officers and employees when transferred from one official station to another for permanent duty when specifically authorized by the Commission.

In all, salaries and expenses, Interstate Commerce Commission, \$8,858,750: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50.

For all printing and binding for the Interstate Commerce Commission, including reports in all cases proposing general changes in transportation rates and not to exceed \$17,000 to print and furnish to the States, at cost, report form blanks, and the receipts from such reports and blanks shall be credited to this appropriation, \$200,000: *Provided*, That no part of this sum shall be expended for printing the Schedule of Sailings required by section 25 of the Interstate Commerce Act.

Total, Interstate Commerce Commission, \$9,058,750.

## MARITIME LABOR BOARD

Salaries and expenses: For three Board members and for all other authorized and necessary expenditures of the Maritime Labor Board in performing the duties imposed by law, including contract stenographic reporting services; supplies and equipment; lawbooks and books of reference; rental of equipment; travel expenses, in accordance with the Standardized Government Travel Regulations and the

Personal services.

Valuation of property of carriers.

37 Stat. 701; 42 Stat. 624.

48 Stat. 221.  
49 U. S. C., Supp. V, § 19a (note).

Motor transport regulation.

49 Stat. 543.  
49 U. S. C., Supp. V, §§ 301-327.  
Personal services.

Vehicles.

*Proviso.*  
Use of Government transportation requests.

Attendance at meetings.

Transfer of personal effects.

*Proviso.*  
Minor purchases.  
Post, p. 1109.

Printing and binding.

*Proviso.*  
Restriction.  
41 Stat. 497.  
49 U. S. C. § 25 (3).

Salaries and expenses.

Travel expenses.

44 Stat. 638.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

Act of June 3, 1926, as amended (5 U. S. C. 821-833); and not to exceed \$200 for newspapers and periodicals; \$175,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$100.

### NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

#### Expenses.

For scientific research, technical investigations, and special reports in the field of aeronautics, including the necessary laboratory and technical assistants; contracts for personal services in the making of special investigations and in the preparation of special reports; traveling expenses of members and employees, including not to exceed \$1,500 for expenses, except membership fees, of attendance upon meetings of technical and professional societies; expenses of packing, crating, drayage, and transporting of household effects (not exceeding 5,000 pounds in any case) of employees when transferred from one official station to another for permanent duty; office supplies and other miscellaneous expenses, including technical periodicals and books of reference; equipment, maintenance, and operation of the Langley Memorial Aeronautical Laboratory and the research laboratory provided for in the Third Deficiency Appropriation Act, fiscal year 1939, approved August 9, 1939; purchase, maintenance, operation, and exchange of motor-propelled passenger-carrying vehicles; personal services in the field and not to exceed \$168,000 for personal services in the District of Columbia; in all, \$2,775,000, of which amount not to exceed \$2,000 may be expended for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (46 Stat. 818), but not to exceed \$1,700 for any one person: *Provided*, That the Committee is hereby authorized to pay the compensation, in accordance with the Classification Act of 1923, as amended, of a retired officer of the Army or Navy while performing service for the Committee, but while so serving such officer shall not be entitled to receive retired pay.

Traveling expenses,  
etc.

Langley Memorial  
Aeronautical Laboratory  
and research laboratory.  
53 Stat. 1306.  
Vehicles.

Personal services.

Allowances.

5 U. S. C. § 118a.

*Proviso.*  
Employment of retired Army, etc., officer, salary provision.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Printing and binding.

For all printing and binding for the National Advisory Committee for Aeronautics, including all of its offices, laboratories, and services located in Washington, District of Columbia, and elsewhere, \$25,000.

Construction and  
equipment, Langley  
Field, Va.

For construction and equipment of additional laboratory buildings and research facilities on the United States military reservation at Langley Field, Virginia, including connections to public utilities and necessary rights-of-way, to be immediately available, \$1,000,000.

Moffett Field, Calif.

Construction and equipment: For continuing construction and equipment of research laboratory (at Moffett Field, California) for which an initial appropriation of \$1,890,980 was provided in the Third Deficiency Appropriation Act, fiscal year 1939, \$4,200,000.

53 Stat. 1306.

Total, National Advisory Committee for Aeronautics, \$8,000,000.

### NATIONAL ARCHIVES

Salaries and expenses.  
*Post*, p. 634.  
40 U. S. C., Supp.  
V, ch. 2A.

44 U. S. C., Supp.  
V, ch. 8 A.

44 U. S. C., Supp.  
V, §§ 351-361.

Supplies and equipment.

Salaries and expenses: For the Archivist and for all other necessary and authorized expenditures in carrying out the provisions of the Act of June 19, 1934 (48 Stat. 1122-1124; 40 U. S. C. ch. 2A), as amended; the Act of July 26, 1935 (49 Stat. 500-503; U. S. C., Supp. II, title 44, ch. 8A), as amended; the Act of July 18, 1939 (53 Stat. 1062-1066), and the Act of August 5, 1939 (53 Stat. 1219-1221); including personal services in the District of Columbia; supplies and equipment, including scientific, technical, first-aid, protective, and other apparatus and materials for the arrangement, titling,

scoring, repair, processing, editing, duplication, reproduction, and authentication of photographic and other records (including motion-picture and other films and sound recordings) in the custody of the Archivist; purchase and exchange of books, including law books, books of reference, maps, and charts; contract stenographic reporting services; purchase of newspapers, periodicals, and press clippings; not to exceed \$100 for payment in advance when authorized by the Archivist for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; travel expenses, including not to exceed \$1,000 for the expenses of attendance at meetings concerned with the furtherance of the purposes of the said Acts; exchange of scientific and technical apparatus and labor-saving devices; repairs to equipment; purchase, including exchange, of one passenger-carrying motor vehicle and maintenance, operation, and repair of motor vehicles, \$906,200: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered when the aggregate cost involved does not exceed the sum of \$50.

Membership fees.

Attendance at meetings.

Vehicles.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

Printing and binding.

Printing and binding: For all printing and binding, \$14,000.

Total, The National Archives, \$920,200.

## NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission necessary toward carrying into effect the provisions of the Act entitled "An Act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital", approved May 29, 1930; personal services, including real estate and other technical services, at rates of pay to be fixed by the Commission and not exceeding those usual for similar services and without reference to civil-service rules and the Classification Act of 1923, as amended; travel expenses; expenses of surveys and searching of titles, purchase of options, and all other costs incident to the acquisition of land, operation and maintenance of passenger-carrying vehicles for official use, \$850,000, to be expended in carrying out the provisions of section 4 of said Act, and to remain available until expended.

All expenses.

George Washington Memorial Parkway.

46 Stat. 482.  
Personal services.42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Acquisition of land.  
Vehicles.

## PROTECTION OF INTERESTS OF THE UNITED STATES IN MATTERS AFFECTING OIL LANDS IN FORMER NAVAL RESERVES

Protection of interests of the United States in matters affecting oil lands in former naval reserves: For compensation and expenses of special counsel and for all other expenses, including employment of experts and other assistants at such rates as may be authorized or approved by the President, in connection with carrying into effect the joint resolution entitled "Joint resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian", approved February 21, 1924, \$25,850, to be expended by the President: *Provided*, That no part of this sum shall be used to compensate any person at a rate in excess of \$10,000 per annum.

Compensation and expenses of special counsel, etc.

43 Stat. 15.  
*Proviso.*  
Restriction.

## SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses.

For five Commissioners, and other personal services in the District of Columbia, and for all other authorized expenditures of the Securities and Exchange Commission in performing the duties imposed by law or in pursuance of law, including employment of experts when necessary; contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspapers, and press clippings; travel expenses, including the expense of attendance, when specifically authorized by the Commission, at meetings concerned with the work of the Securities and Exchange Commission; garage rental; foreign postage; mileage and witness fees; rent of quarters outside the District of Columbia; rental of equipment; operation, maintenance, and repair of one motor-propelled passenger-carrying vehicle; purchase of rubber gloves; and other necessary expenses; \$5,330,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Securities and Exchange Commission when the aggregate cost involved does not exceed the sum of \$50.

Attendance at meetings.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

Printing and binding.

For all printing and binding for the Securities and Exchange Commission, \$70,000.

Total, Securities and Exchange Commission, \$5,400,000.

## SMITHSONIAN INSTITUTION

Administrative expenses.

Ethnological investigations.

Astrophysical Observatory.

National Collection of Fine Arts.

Attendance at meetings.

Preservation of collections.

Printing and binding.

For expenses of the general administrative office; for the system of international exchanges between the United States and foreign countries; for continuing ethnological researches among the American Indians and the natives of Hawaii and the excavation and preservation of archeologic remains; for maintenance of the Astrophysical Observatory, including assistants, and making necessary observations in high altitudes; for cases, furniture, fixtures, and appliances required for the exhibition and safekeeping of collections; and for administration of the National Collection of Fine Arts; including personal services, purchase of books of reference and periodicals, traveling expenses, including not exceeding \$1,000 for expenses of attendance at meetings concerned with the work of the Institution when specifically authorized by the Secretary of the Smithsonian Institution; uniforms for guards, supplies and equipment, preparation of manuscripts, drawings, and illustrations, supplying of heating, lighting, electrical, telegraphic, and telephone service, repairs and alterations of buildings, shops, sheds, and approaches, and other necessary expenses, \$386,260.

Preservation of collections: For continuing preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, and from other sources, including personal services, traveling expenses, including not exceeding \$1,500 for expenses of attendance at meetings concerned with the work of the National Museum when specifically authorized by the Secretary of the Smithsonian Institution, purchasing and supplying, repairing and cleaning of uniforms for guards and elevator conductors, postage stamps, and foreign postal cards, and all other necessary expenses, and not exceeding \$5,500 for preparation of manuscripts, drawings, and illustrations for publications, and not exceeding \$3,000 for purchase of books, pamphlets, and periodicals, \$627,470.

Printing and binding: For all printing and binding for the Smithsonian Institution, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and else-

where, except the National Gallery of Art, \$73,000, of which not to exceed \$8,000 shall be available for printing the report of the American Historical Association.

Salaries and expenses, National Gallery of Art: For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and all administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution Numbered 9, Seventy-sixth Congress), including personal services in the District of Columbia (except as otherwise provided in sec. 4 (c) of such Act); traveling expenses, including not exceeding \$1,000 for expenses of attendance at meetings concerned with the work of the National Gallery of Art, when specifically authorized by the treasurer of the gallery; streetcar fares; supplies; equipment including labor-saving machines and devices and the rental, repair, and exchange thereof; periodicals and books of reference; purchase, repair, and cleaning of uniforms for guards and elevator operators; not to exceed \$8,000 for printing and binding; purchase or rental of devices for protecting buildings and contents thereof; and maintenance and repair of buildings, approaches, and grounds, \$300,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Smithsonian Institution in all its branches when the aggregate cost involved does not exceed the sum of \$100: *And provided further*, That said section 3709, the civil-service laws or the Classification Act of 1923, as amended, shall not apply to the restoration and repair of works of art for the National Gallery of Art, the cost of which shall not exceed \$15,000.

Total, Smithsonian Institution, \$1,386,730, of which amount not to exceed \$1,055,000 may be expended for personal services in the District of Columbia.

### TARIFF COMMISSION

For salaries and expenses of the Tariff Commission, including personal services in the District of Columbia and elsewhere, purchase and exchange of labor-saving devices, the purchase and exchange of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, rent in the District of Columbia and elsewhere, subscriptions to newspapers and periodicals, and contract stenographic reporting services, as authorized by sections 330 to 341 of the Tariff Act of 1930, approved June 17, 1930 (19 U. S. C. 1330-1341), \$905,000, of which amount not to exceed \$2,500 may be expended for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the Commission; and not to exceed \$7,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), but not to exceed \$1,700 for any one person: *Provided*, That the Commission may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50: *Provided further*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative.

For all printing and binding for the Tariff Commission, \$15,000.  
Total, Tariff Commission, \$920,000.

American Historical Association, report.

National Gallery of Art, maintenance.

20 U. S. C., Supp. V, §§ 71-75.

53 Stat. 577.  
20 U. S. C., Supp. V, § 74.

Traveling expenses.

Printing and binding.

*Provisos.*  
Minor purchases.  
Post, p. 1109.

Repairs, etc.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Personal services.

Salaries and expenses.

Contract reporting services.  
46 Stat. 606.  
19 U. S. C., Supp. V, §§ 1330, 1334, 1340.  
Attendance at meetings.

Living quarters.

46 Stat. 818.  
*Provisos.*  
Supplies and services.  
Post, p. 1109.  
Salary restriction.

46 Stat. 701.  
19 U. S. C. §§ 1336-1338.

Printing and binding.

## TENNESSEE VALLEY AUTHORITY

Expenses.  
48 Stat. 58; 49 Stat.  
1075; 53 Stat. 1083.  
16 U. S. C., Supp.  
V, §§ 831-831dd.

Designated dams.

Printing and bind-  
ing.

Salaries and ex-  
penses.

Proviso.  
Accounting.  
53 Stat. 542.

48 Stat. 71; 49 Stat.  
1079.  
16 U. S. C., Supp.  
V, § 831y.  
Post, p. 781.  
Payment of obliga-  
tions.

For the purpose of carrying out the provisions of the Act entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933, as amended by the Act approved August 31, 1935, and by the Act approved July 26, 1939 (16 U. S. C., ch. 12a), including the continued construction of Chickamauga Dam; Hiwassee Dam; Kentucky Dam at Gilbertsville, Kentucky; Watts Bar Dam; and for construction of a dam near Lenoir City, Tennessee, and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such Acts, and for printing and binding, lawbooks, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field, \$40,000,000: *Provided*, That this appropriation and any unexpended balance on June 30, 1940, in the "Tennessee Valley Authority fund, 1940", and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1941 (subject to the provisions of section 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority fund, 1941", to remain available until June 30, 1941, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority fund, 1940".

## THOMAS JEFFERSON MEMORIAL COMMISSION

Expenses.

For carrying out the provisions of the Act entitled "An Act to authorize the execution of plans for a permanent memorial to Thomas Jefferson", approved June 3, 1936 (49 Stat. 1397), including continuation of construction of such memorial, \$480,000, to remain available until expended.

## UNITED STATES MARITIME COMMISSION

Construction fund.  
49 Stat. 1985.  
46 U. S. C., Supp.  
V, §§ 1101-1279.  
Administrative ex-  
penses.  
Travel expenses.

44 Stat. 688.  
5 U. S. C. §§ 821-833.

Printing and bind-  
ing.

Automobiles.

To increase the construction fund established by the "Merchant Marine Act, 1936", \$144,500,000, of which not to exceed \$5,000,000 shall be available for administrative expenses of the United States Maritime Commission, including the following: Personal services in the District of Columbia and elsewhere; travel expenses in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, including not to exceed \$2,000 for expenses of attendance, when specifically authorized by the Chairman of the Commission, at meetings concerned with work of the Commission; printing and binding; lawbooks, books of reference, and not to exceed \$4,000 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services, including telephone, telegraph, radio, and teletype services; purchase and exchange (not to exceed \$3,000), maintenance, repair, and operation of passenger-carrying automobiles for official use; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; rent, including heat, light, and power, in the District of Columbia and elsewhere; expenses (not exceeding \$15,000) of packing, crating, drayage, and transportation of household effects and other personal property (not exceeding 5,000 pounds in any one case) of employees when transferred from one official station to another for permanent duty, upon

specific authorization by the Chairman of the Commission; expenses incurred in preparing and transporting, to their former homes in this country or to a place not more distant, the remains of employees who may die while in the discharge of their official duties abroad or in transit thereto or therefrom, and for the ordinary expenses of interment of such remains; necessary expenses (not exceeding \$5,000) incident to the education and training of personnel of the Commission detailed at institutions for scientific education and research as authorized by the Act of August 4, 1939; compensation as authorized by said Act of August 4, 1939, for officers of the Army, Navy, Marine Corps, or Coast Guard, detailed to the Commission; allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930; and including not to exceed \$75,000 for the employment, on a contract or fee basis, of persons, firms, or corporations for the performance of special services, including accounting, legal, actuarial, and statistical services, without regard to section 3709 of the Revised Statutes.

Burial, etc., expenses.

Scientific education and research, details.  
53 Stat. 1182.  
46 U. S. C., Supp. V, § 1111 (f).  
Army, etc., details.

Living quarters.  
46 Stat. 818.  
5 U. S. C. § 118a.  
Special services.

41 U. S. C. § 5.

## VETERANS' ADMINISTRATION

Administration, medical, hospital, and domiciliary services: For all salaries and expenses of the Veterans' Administration, including the expenses of maintenance and operation of medical, hospital, and domiciliary services of the Veterans' Administration, in carrying out the duties, powers, and functions devolving upon it pursuant to the authority contained in the Act entitled "An Act to authorize the President to consolidate and coordinate governmental activities affecting war veterans", approved July 3, 1930 (38 U. S. C. 11-11f), and any and all laws for which the Veterans' Administration is now or may hereafter be charged with administering, \$101,228,240: *Provided*, That not to exceed \$3,500 of this amount shall be available for expenses, except membership fees, of employees, detailed by the Administrator of Veterans' Affairs to attend meetings of associations for the promotion of medical science or for the betterment of insurance practices and conventions of organized war veterans: *Provided further*, That this appropriation shall be available also for personal services and rentals in the District of Columbia and elsewhere, including traveling expenses; examination of estimates of appropriations in the field, including actual expenses of subsistence or per diem allowance in lieu thereof; for expenses incurred in packing, crating, drayage, and transportation of household effects and other property, not exceeding in any one case five thousand pounds, of employees when transferred from one official station to another for permanent duty and when specifically authorized by the Administrator; furnishing and laundering of such wearing apparel as may be prescribed for employees in the performance of their official duties; purchase and exchange of lawbooks, books of reference, periodicals, and newspapers; for passenger-carrying and other motor vehicles, including purchase, maintenance, repair, and operation of same, including not more than two passenger automobiles for general administrative use of the central office in the District of Columbia; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to utilize Government-owned automotive equipment in transporting children of Veterans' Administration employees located at isolated stations to and from school under such limitations as he may by regulation prescribe; and notwithstanding any provisions of law to the contrary, the Administrator is authorized to expend not to exceed \$2,000 of this appropriation for actuarial services pertaining to the Government life-insurance fund, to be obtained by contract, without obtaining competition, at such rates

Salaries and expenses.  
*Post*, pp. 634, 1012.

46 Stat. 101a.

*Provisos*.  
Attendance at meetings, etc.

Services, rentals, traveling expenses, etc.

Subsistence, etc.

Wearing apparel.

Vehicles.

School transportation.

Actuarial services.

Transfer of funds.	of compensation as he may determine to be reasonable; for allotment and transfer to the Public Health Service, the War, Navy, and Interior Departments, for disbursement by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans' Administration, including minor repairs and improvements of existing facilities under their jurisdiction necessary to such care and treatment; for expenses incidental to the maintenance and operation of farms; for recreational articles and facilities at institutions maintained by the Veterans' Administration; for administrative expenses incidental to securing employment for war veterans; for funeral, burial, and other expenses incidental thereto for beneficiaries of the Veterans' Administration accruing during the year for which this appropriation is made or prior fiscal years: <i>Provided further</i> , That the appropriations herein made for the care and maintenance of veterans in hospitals or homes under the jurisdiction of the Veterans' Administration shall be available for the purchase of tobacco to be furnished, subject to such regulations as the Administrator of Veterans' Affairs shall prescribe, to veterans receiving hospital treatment or domiciliary care in Veterans' Administration hospitals or homes: <i>Provided further</i> , That this appropriation shall be available for continuing aid to State or Territorial homes for the support of disabled volunteer soldiers and sailors, in conformity with the Act approved August 27, 1888 (24 U. S. C. 134), as amended, for those veterans eligible for admission to Veterans' Administration facilities for hospital or domiciliary care: <i>Provided further</i> , That the Administrator is hereby authorized to employ medical consultants for duty on such terms as he may deem advisable and without regard to the Classification Act of 1923, as amended: <i>Provided further</i> , That this appropriation shall be available for the purchase directly from sources authorized by the common carriers of printed reduced fare requests for use by veterans when traveling at their own expense from or to Veterans' Administration facilities.
Recreational facilities.	
Burial, etc., expenses.	
Purchase of tobacco.	
Aid to State, etc., homes.	
25 Stat. 450.	
Employment of medical consultants.	
42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c. Purchase of printed reduced fare requests.	
Use for new construction, etc., forbidden.	No part of this appropriation shall be expended for the purchase of any site for or toward the construction of any new hospital or home, or for the purchase of any hospital or home; and not more than \$2,500,000 of this appropriation may be used to repair, alter, improve, or provide facilities in the several hospitals and homes under the jurisdiction of the Veterans' Administration either by contract or by the hire of temporary employees and the purchase of materials.
Repairs, etc.	
Printing and binding.	For printing and binding for the Veterans' Administration, including all its bureaus and functions located in Washington, District of Columbia, and elsewhere, \$120,000.
Pensions.	Pensions: For the payment of compensation, pensions, gratuities, and allowances, now authorized under any Act of Congress, or regulation of the President based thereon, or which may hereafter be authorized, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans' Administration, accruing during the fiscal year for which this appropriation is made or in prior fiscal years, \$456,492,304, to be immediately available.
Emergency officers' retirement pay, etc.	
Military and naval insurance.	For military and naval insurance accruing during the fiscal year for which this appropriation is made or in prior fiscal years, \$20,000,000.
Hospital and domiciliary facilities. Post, p. 635. Provisos. Extension of facilities.	Hospital and domiciliary facilities: For hospital and domiciliary facilities, \$2,165,000, to remain available until expended: <i>Provided</i> , That this amount shall be available for use by the Administrator of Veterans' Affairs, with the approval of the President, for extending any of the facilities under the jurisdiction of the Veterans' Administration or for any of the purposes set forth in sections 1 and 2 of the

Act approved March 4, 1931 (38 U. S. C. 438j): *Provided further*, That not to exceed 3 per centum of this amount shall be available for the employment in the District of Columbia and in the field of necessary technical and clerical assistants to aid in the preparation of plans and specifications for the projects as approved hereunder and in the supervision of the execution thereof, and for traveling expenses, rentals in the District of Columbia, field office equipment, and supplies in connection therewith.

46 Stat. 1550-1551.  
Technical and clerical assistants.

Total, Veterans' Administration, \$580,005,544: *Provided*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes: *Provided further*, That no part of this appropriation can be used for hospitalization or examination of persons other than veterans unless a reciprocal schedule of pay is in effect with the agency or department involved.

*Proviso.*  
Butter substitutes, etc.

Hospitalization, etc., restrictions.  
Post, p. 635.

SEC. 2. In expending appropriations or portions of appropriations contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salary restrictions.

42 Stat. 1498.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

*Proviso.*  
Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

SEC. 3. During the fiscal year ending June 30, 1941, the salaries of the members of the Authority and the Administrator, Civil Aeronautics Authority, of the Commissioners of the Interstate Commerce Commission, the Commissioners of the United States Maritime Commission, and the Commissioners of the United States Tariff Commission shall be at the rate of \$10,000 each per annum.

Salaries of designated officials fixed.

SEC. 4. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Citizenship requirements.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not

Administrative within-grade promotions.

exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Short title.

SEC. 6. This Act may be cited as the "Independent Offices Appropriation Act, 1941".

Approved, April 18, 1940.

[CHAPTER 108]

AN ACT

To legalize a bridge across the Nestucca River at Pacific City, Oregon.

April 18, 1940  
[H. R. 7389]  
[Public, No. 460]

Nestucca River.  
Bridge across, at  
Pacific City, Oreg.,  
legalized.

Proviso.  
State authorization,  
etc.

Structure deemed  
lawful, etc.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a bridge already constructed by the county of Tillamook across the Nestucca River at Pacific City, Oregon: *Provided,* That said bridge has been authorized by the legislature of the State of Oregon and as located and constructed affords free, easy, and unobstructed navigation.

SEC. 2. That when the location and plans of said bridge have been so approved, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

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

Approved, April 18, 1940.

[CHAPTER 109]

AN ACT

To authorize the Secretary of War to furnish certain markers for certain graves.

April 18, 1940  
[H. R. 8063]  
[Public, No. 461]

Grave markers for  
deceased veterans.  
Type of, to be  
furnished where stone  
markers not accept-  
able.

Proviso.  
National cemeteries,  
etc.  
24 U. S. C. § 279.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provision of existing law the Secretary of War is authorized to furnish, upon application, for use on graves in cemeteries where stone markers are not acceptable, a headstone or marker of such standard design and material as may be approved by him, within the limit of prevailing costs of the standard World War type headstone, for the grave of any deceased person for which the Secretary of War is authorized to furnish a marker or headstone: *Provided,* That the Secretary of War shall furnish the upright stone marker, authorized by section 4877 of the Revised Statutes, for cemeteries under the jurisdiction of the Secretary of War.

Approved, April 18, 1940.

[CHAPTER 116]

AN ACT

Authorizing the Secretary of the Navy to sell certain surplus land owned by the United States in Bremerton, Washington.

April 20, 1940  
[H. R. 7081]  
[Public, No. 462]

Bremerton, Wash.  
Sale of land au-  
thorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized to sell at such price as he shall deem reasonable, and in connection with such sale to convey, all the right, title, and interest of the United States in and to the east nine-foot strip of lot 47, block 14, original plat of Bremerton, Kitsap County, Washington.

Approved, April 20, 1940.

## [CHAPTER 117]

## AN ACT

To extend original jurisdiction to district courts in civil suits between citizens of the District of Columbia, the Territories of Hawaii or Alaska, and any State or Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That clause (b) of paragraph (1), section 24, of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 41; Supp. IV, title 28, sec. 41), be, and the same is hereby, amended to read as follows:

“(b) Is between citizens of different States, or citizens of the District of Columbia, the Territory of Hawaii, or Alaska, and any State or Territory.”

Approved, April 20, 1940.

April 20, 1940  
[H. R. 8822]  
[Public, No. 463]

Judicial Code,  
amendment.

36 Stat. 1091.

U. S. district courts.  
Original jurisdiction  
in civil suits extended.

## [CHAPTER 118]

## AN ACT

To amend the Act entitled “An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled “An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor”, approved February 23, 1931, as amended, be, and the same is hereby, amended as follows: Section 26 (e) of said Act, as amended by the Act of April 24, 1939, is amended to read as follows:

“(e) The annuity of a retired Foreign Service officer shall be equal to 2 per centum of his average annual basic salary for the ten years next preceding the date of retirement, multiplied by the number of years of service not exceeding thirty years and in determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated: *Provided*, That at the time of his retirement a Foreign Service officer, if the husband of a wife to whom he has been married for at least five years, may elect to receive a reduced annuity and designate his wife as his beneficiary, to whom will be paid any portion up to two-thirds of his reduced annuity, at the option of the officer, as long as she may live after his death: *Provided, however*, That the annuity payable to the widow shall in no case exceed 25 per centum of the officer's average annual basic salary for the ten years next preceding the date of retirement. If the age of the officer is less than the age of the wife or exceeds her age by not more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow. If the age of the officer exceeds the age of the wife by more than eight years, the annuity of the officer will be reduced by an amount equal to one-half the annuity which he elects to have paid to his widow plus an additional reduction equal to 2 per centum of such widow's annuity for each year, or fraction thereof, that the difference in age exceeds eight: *Provided further*, That the officer may at his option also elect to have his annuity reduced by an additional 5 per centum of the amount which he elects to have paid to his widow, with a provision that, from and after the death of his wife, if the officer shall survive her, the annuity payable to the officer shall be that amount which would

April 20, 1940  
[H. R. 8446]  
[Public, No. 464]

Foreign Service retirement and disability system.

46 Stat. 1211,  
22 U. S. C. § 21 (e);  
Supp. V, § 21 (e).  
53 Stat. 585.  
Post, p. 184.

Annuities; amount.

*Provisos.*  
Wife as beneficiary.

Annuity payable to widow, limitation.

Computation of amounts.

Survivorship provision.

Retired officers receiving annuities on effective date of Act.

Increases not to operate retroactively; no reductions.

Exception.

Effective date of section 1.

53 Stat. 583.

Retired officer electing reduced annuity and life annuity to widow, amendment of election.

46 Stat. 1211; 53 Stat. 585.  
22 U. S. C. § 21 (e); Supp. V, § 21 (e).

Proviso. Effective date of amended election.

Extension of time for making election.

Proviso. Effective date of election.

Effective date of Act.

have been payable if no option had been elected: *Provided further*, That a retired officer who is receiving an annuity on the effective date of this Act, if the husband of a wife to whom he was married at the time of his retirement and for a total period of at least five years, shall be entitled under the same terms and conditions set forth above, to elect to receive a reduced annuity, a portion of which will be continued on his death throughout the life of his surviving widow, but all such elections by retired officers shall be made within six months following the effective date of this Act, and they shall all be effective on the same date, to be prescribed by the President: *And provided further*, That no increases in annuities under this Act shall operate retroactively and nothing in this Act shall be interpreted as reducing the rate of the annuity received by any retired officer on the effective date of this Act, unless the officer voluntarily elects to receive a reduced annuity as provided herein."

SEC. 2. The provisions of section 1 of this Act shall be construed and interpreted in every respect as having been in effect on and after July 1, 1939 (the effective date of the Act of April 24, 1939, which it amends), and, accordingly, any retired officer is hereby authorized to avail himself of the benefits of these provisions, as follows:

(a) A retired officer who elected to receive a reduced annuity and a life annuity payable to his surviving widow as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act, to amend such election in accordance with the additional provisions of the aforesaid section 26 (e) as established by section 1 of this Act and to change the amount thereof within the limitations established by these provisions: *Provided*, That such an amended election shall be effective on the first day of the calendar month in which the application is filed, except where the wife of such an officer has died since September 1, 1939, the date heretofore fixed in accordance with law as the effective date for such elections, such amended election shall be considered effective as of the latter date.

(b) A retired officer who did not elect to receive a reduced annuity and a life annuity payable to his surviving widow, as provided in section 26 (e) of the Act of February 23, 1931, as amended by the Act of April 24, 1939, is hereby authorized, within six months of the effective date of this Act to make such an election, but only in accordance with the additional provisions of the aforesaid section 26 (e) as provided in section 2 of this Act: *Provided*, That such an election shall be effective on the first day of the calendar month in which the application is filed.

SEC. 3. This Act shall take effect on the 1st day of the calendar month following the date of its approval by the President.

Approved, April 20, 1940.

[CHAPTER 119]

AN ACT

Authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the funeral expenses of the deceased persons hereinafter specified.

April 20, 1940  
[S. 3067]

[Public, No. 465]

Navy and Marine Corps.

Disposition of remains of personnel and certain civilian employees; funds authorized.

Post, p. 248.

SEC. 2. The words "funeral expenses" as used in this Act, and in subsequent Acts appropriating funds as herein authorized, shall be construed to include the expenses of, and incident to, the recovery of bodies; cremation, but only on request of the relatives of the deceased; preparation for burial; transportation to the home of the deceased or to a national or other cemetery designated by proper authority; and interment.

"Funeral expenses" defined.

SEC. 3. Funeral expenses shall be allowed for—

Persons entitled to benefits.  
Post, p. 248.

(a) Officers and enlisted men of the Navy and Marine Corps, including those on the retired lists who die while on active duty;

(b) Members of the Nurse Corps (female) of the Navy, including those on the retired list who die while on active duty;

(c) Members of the Naval Reserve or Marine Corps Reserve who die while on active or training duty, or while performing authorized travel to or from such duty;

(d) Accepted applicants for enlistment;

(e) Civilian employees of the Navy Department or the Naval Establishment who have been ordered away from their homes in the United States to duty outside the continental limits of the United States and who die while on such duty or while performing authorized travel to or from such duty;

(f) Former enlisted men of the Navy and Marine Corps who were discharged while patients in hospitals and who remain as patients in such hospitals to the day of their death; and

(g) Pensioners and destitute patients who die in naval hospitals: *Provided*, That only the expenses of preparation for burial and interment shall be allowed in disposing of the remains of such pensioners and destitute patients.

Pensioners and destitute patients dying in naval hospitals.  
*Proviso.*  
Restriction.

SEC. 4. The provisions of this Act shall apply in the case of personnel temporarily absent with or without leave when death occurred.

Personnel temporarily absent when death occurred.

SEC. 5. In any case where funeral expenses authorized by this Act are incurred prior to receipt of official authority, reimbursement may be made in the amount allowed by the Navy Department for such services.

Reimbursement for expenses incurred; limitation.

SEC. 6. Funds to be expended under such regulations as the Secretary of the Navy may prescribe are hereby authorized to be appropriated as may be necessary from time to time for the purchase and care of cemetery lots; for the care of graves of deceased personnel of the Navy and Marine Corps outside the continental limits of the United States, with which shall be included those in sites not owned by the United States; and for the removal of remains from abandoned cemeteries to naval or national cemeteries or to the homes of the persons deceased, with which shall be included remains interred in isolated graves in the United States and abroad and remains temporarily interred.

Items included in expenses.  
Post, p. 279.

Approved, April 20, 1940.

[CHAPTER 123]

AN ACT

To authorize an exchange of lands between the city of San Diego, California, and the United States, and acceptance by gift of certain lands from the city of San Diego, California.

April 22, 1940  
[S. 2933]

[Public, No. 466]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized to transfer under such conditions as may be approved by the said Secretary, to the city of San Diego, California, without cost to the said city of San Diego, California, all right, title, and interest in and to the following parcels,

San Diego, Calif.  
Exchange of lands authorized.

situated in the city of San Diego, California, metes and bounds descriptions of which are on file in the Navy Department:

Parcel A. Sixty-one and seventy-two one-hundredths acres, more or less, of Marine Corps base area adjacent to the municipal airport, lying between the southwesterly prolongation of the southeasterly lines of Harasthy Street and Southerland Street to the combined pierhead and bulkhead line;

Parcel B. A triangular piece of land of the naval supply depot on the westerly side of Pacific Highway between E Street and F Street, containing six hundred and nineteen square feet, more or less;

Parcel C. A strip of land ten and one-half feet wide, of the naval training station, extending along and adjacent to Rosecrans Street, between Lytton Street and Lowell Street, including a curbed corner at the intersection of Lytton Street and Rosecrans Street, containing an area of one and sixty-eight one-hundredths acres, more or less;

Parcel D. That portion of the Marine Corps base lying to the north of the south side of Water Street extending easterly from Wright Street, containing an area of four and twenty-five one-hundredths acres, more or less;

Parcel E. A triangular piece of land comprising the corner at the intersection of Barnett Avenue and Pacific Highway, being a part of the Marine Corps base, containing an area of twenty-five one-hundredths of an acre, more or less;

Parcel F. Three areas comprising one and thirty-six one-hundredths acres, more or less, being a part of the destroyer base situated on the north and south sides of Bay Front Street included in the proposed Harbor Drive and a small parcel to the east thereof; in consideration of the transfer and quitclaim to the United States by said city of San Diego, free from all encumbrances, except as hereinafter provided, and without cost to the United States, all right, title, and interest which the said city may claim in and to the following parcels, metes and bounds descriptions of which are on file in the Navy Department:

Parcel 1. A parcel of land between Broadway and E Street and between Pacific Highway and the westerly line of Belt Street in the city of San Diego, California, containing an area of one and ninety-three one-hundredths acres, more or less, excepting and reserving therefrom (a) the area held and occupied by The Sunset Sea Food Company under a lease that expires on July 20, 1951; and (b) the area held and occupied by the Star and Crescent Oil Company under a lease that expires April 30, 1942: *Provided*, That the areas held under said leases, upon expiration of the terms thereof, become the property of the United States in fee simple.

*Proviso.*  
Status of areas under leases.

Parcel 2. A parcel of land between E Street and F Street and between Harbor Street and the easterly line of Belt Street in the city of San Diego, California, containing an area of two and seven one-hundredths acres, more or less; excepting and reserving therefrom the area held and occupied by The Union Ice Company under a lease that expires on September 23, 1941: *Provided*, That the area held under said lease, upon expiration of the term thereof becomes the property of the United States in fee simple.

*Proviso.*  
Status of area under lease.

Parcel 3. A parcel of land between F Street and Market Street and Harbor Street and Pacific Highway, in the city of San Diego, California, containing an area of four and twenty-six one-hundredths acres, more or less, excepting and reserving therefrom (a) the area held and occupied by the Arrowhead Puritas Distributors, Incorporated, under a lease that expires on February 28, 1947; and (b) the area held and occupied by the General Petroleum Corpora-

tion under a lease that expires on March 31, 1948: *Provided*, That the areas held under said leases, upon the expiration of the terms thereof, become the property of the United States in fee simple.

*Proviso.*  
Status of areas under leases.

Parcel 4. A parcel of land between the United States bulkhead line and the United States pierhead line, lying southerly and adjacent to the present Navy pier in the city of San Diego, California, containing an area of two and seventy-seven one-hundredths acres, more or less: *Provided*, That said parcels 1 to 4, inclusive, shall be used for military purposes, and particularly for the purpose of establishing and maintaining thereon piers, landings, buildings, and structures to be used by the United States and reserving to the said city of San Diego perpetual easements in said parcels for the laying and maintaining of underground public utilities, such as sewers, drains, water mains, gas, electric, and power lines across said parcels wherever necessary or convenient.

*Proviso.*  
Uses and purposes, parcels 1 to 4.

SEC. 2. The Secretary of the Navy is further authorized, on behalf of the United States, to accept from the city of San Diego, California, without cost to the United States, all right, title, and interest of the said city in and to the following-described parcels of land situated in the city of San Diego, California:

Parcel 1. A strip of municipal tidelands four hundred and thirty and five-tenths feet in width and containing fourteen and fifty-one one-hundredths acres, more or less, in the city of San Diego, California, lying northerly of and adjacent to the northerly line of the United States destroyer base for military uses of the United States and particularly to be used by the Navy Department in connection with and as part of the naval destroyer base in the city of San Diego;

Parcel 2. All land lying between the high-water mark and the westerly line of proposed Harbor Drive adjacent to the easterly boundary of the destroyer base, in the city of San Diego, California, excluding that portion of the destroyer base embraced within the proposed Harbor Drive on the northerly and southerly sides of Bay Front Street and to the east of proposed Harbor Drive, containing an area of eight acres, more or less;

Parcel 3. All that portion of Balboa Park, in the city of San Diego, California, in pueblo lots 1136 and 1143 of the pueblo lands of the city of San Diego, California, adjoining the southeasterly, southerly, and southwesterly boundaries of the Naval Hospital, San Diego, California, containing an area of thirty-two and ninety-three one-hundredths acres, more or less;

Parcel 4. A triangular area embracing portions of lots 2 to 11, inclusive, in West Atlantic Street Addition and a triangular area embracing the unnumbered block in Middletown, lots 7 to 12, inclusive, of block 231; and lots 7 to 12, inclusive, of block 236, in the city of San Diego, California, adjoining the northerly and easterly portions of the athletic field of the Marine Corps base, San Diego, California, containing an area of two acres, more or less.

SEC. 3. The Secretary of the Navy is further authorized, on behalf of the United States, to accept from the city of San Diego, California, without cost to the United States, all right, title, and interest of the said city in and to such other areas abutting the naval properties at San Diego, California, as will bring the exterior boundaries thereof to the adjoining boundary of the proposed Harbor Drive as now or hereafter may be located.

SEC. 4. The acceptance by the Secretary of the Navy of the transfer or quitclaim by the city of San Diego of any of the lands herein mentioned shall not be construed as a relinquishment by the United

Federal rights reserved.

States of its claim of title or interest in said land in any manner arising.

Amendment, etc.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, April 22, 1940.

[CHAPTER 124]

AN ACT

April 22, 1940  
[S. 3440]

[Public, No. 467]

To amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of the chief inspector and assistant chief inspectors of locomotive boilers.

Locomotive Inspection Act, amendments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto", approved February 17, 1911, as amended, is amended—

36 Stat. 913.  
45 U. S. C. §§ 22-34.  
Titles of designated officers changed.

(1) By striking out "chief inspector" wherever appearing therein and inserting in lieu thereof "director of locomotive inspection".

(2) By striking out "assistant chief inspector" wherever appearing therein and inserting in lieu thereof "assistant director of locomotive inspection".

(3) By striking out "assistant chief inspectors" wherever appearing therein and inserting in lieu thereof "assistant directors of locomotive inspection".

(4) By striking out "of locomotive boilers" in the first sentence of section 3 and in section 9.

Textual amendments.

SEC. 2. Section 2 of the Act entitled "An Act to amend an Act entitled 'An Act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto', approved February seventeenth, nineteen hundred and eleven", approved March 4, 1915, is amended—

38 Stat. 1192.  
45 U. S. C. § 30.

(1) By striking out "chief inspector" and inserting in lieu thereof "director of locomotive inspection".

(2) By striking out "assistant chief inspectors" and inserting in lieu thereof "assistant directors of locomotive inspection".

No new office, etc., created.

SEC. 3. Nothing in this Act shall be construed to create any new office or to create a vacancy in any office the title of which is changed by this Act.

Approved, April 22, 1940.

[CHAPTER 125]

AN ACT

April 22, 1940

[H. R. 6379]

[Public, No. 468]

To amend section 1 of an Act entitled "An Act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work", approved February 28, 1929 (45 Stat. 1406).

Reclamation work.  
43 U. S. C. § 411b.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act of February 28, 1929 (45 Stat. 1406), authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work is hereby amended to read as follows:

Employment of engineers, etc., for consultation on important work.

"That the Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work ten consulting engineers, geologists, appraisers,

and economists, at rates of compensation to be fixed by him, but not to exceed \$50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided*, That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed \$5,000: *Provided further*, That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this Act."

Approved, April 22, 1940.

*Provisos.*  
Compensation, limitation.

Employment of retired Army and Navy officers.

[CHAPTER 126]

AN ACT

To reenact section 259 of the Judicial Code, relating to the traveling and subsistence expenses of circuit and district judges.

April 22, 1940  
[H. R. 7015]

[Public, No. 469]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 259 of the Judicial Code (U. S. C., title 28, sec. 374) is hereby reenacted, the section reading as follows:

Judicial Code, amendment.  
36 Stat. 1161.

"SEC. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Puerto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed \$10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Puerto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence."

Expense allowance to designated judges away from official residence.

Official residence.

Effective date.

SEC. 2. This Act shall take effect July 1, 1939.

Approved, April 22, 1940.

[CHAPTER 127]

AN ACT

To amend the District of Columbia Unemployment Compensation Act.

April 22, 1940  
[H. R. 7265]

[Public, No. 470]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 (b) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, is further amended by adding a new paragraph:

District of Columbia Unemployment Compensation Act, amendment.  
49 Stat. 946.

"(9) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution."

8 D. C. Code, Supp. V, § 311 (b).  
"Employment" not to include newspaper, etc., carriers.  
*Post*, p. 730.

SEC. 2. This amendment shall be effective January 1, 1940.

Approved, April 22, 1940.

Effective date.

## [CHAPTER 128]

## AN ACT

To amend laws for preventing collisions of vessels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That article 11 of section 1 of the Act of June 7, 1897 (U. S. C., 1934 edition, title 33, sec. 180), be, and is hereby, amended to read as follows:

"ART. 11. A vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length when at anchor in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.

"A vessel of one hundred and fifty feet or upward in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

"The length of a vessel shall be deemed to be the length appearing in her certificate of registry."

SEC. 2. Rule 9 of section 1 of the Act of February 8, 1895, as amended (U. S. C., 1934 edition, title 33, sec. 258), be, and is hereby, amended to read as follows:

"RULE 9. A vessel under one hundred and fifty feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, by rule, regulation, or order designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length, when at anchor, in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.

"A vessel of one hundred and fifty feet or upward in register length, when at anchor, shall carry in the forward part of the vessel, two white lights at the same height of not less than twenty and not exceeding forty feet above the hull and not less than ten feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least one mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than fifteen feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of one hundred feet along the deck measuring from the forward lights, said deck lights to be not less than two feet above the

April 22, 1940  
[H. R. 7420]  
[Public, No. 471]

Navigation rules for harbors, etc., generally.  
30 Stat. 98.  
Post, p. 163.  
Anchor lights on small vessels.

Provisos.  
"Special anchorage areas."

Exempted vessels.

Large vessels.

Vessel length defined.

28 Stat. 647.

Great Lakes, etc.  
Anchor lights on small vessels.

Provisos.  
"Special anchorage areas."

Exempted vessels.

Large vessels.

deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach.”

SEC. 3. Rule 10 of section 4233 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 33, sec. 319), be and is hereby, amended to read as follows:

“RULE 10. All vessels, whether steam vessels or sail vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile: *Provided*, That the Secretary of War may, after investigation, rule, regulation, or order, designate such areas as he may deem proper as ‘special anchorage areas’; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of War shall deem such change or abolition in the interest of navigation: *Provided further*, That vessels not more than sixty-five feet in length when at anchor in any such special anchorage area shall not be required to carry or exhibit the white light required by this article.”

Approved, April 22, 1940.

[CHAPTER 129]

AN ACT

Authorizing the reconstruction or replacement of certain bridges necessitated by the Rio Grande canalization project and authorizing appropriation for that purpose.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of State, acting through the American Section, International Boundary Commission, United States and Mexico, is authorized to reconstruct or replace certain bridges over the Rio Grande within the Rio Grande canalization project known as the Courchesne, Country Club, Borderland, and Vinton Bridges in El Paso County, Texas, and the Berino, Vado, Mesquite, Shalem, and Hatch-Rincon Bridges in Dona Ana County, New Mexico, and such other bridges within said project as the Secretary of State may determine to include.

SEC. 2. That notwithstanding the limitation imposed on the total cost of construction of the Rio Grande canalization project by section 2 of the Act entitled “An Act authorizing construction, operation, and maintenance of Rio Grande canalization project and authorizing appropriation for that purpose”, approved June 4, 1936, there is authorized to be appropriated the sum of \$350,000, which shall be in addition to appropriations heretofore authorized for such project, for the purposes of carrying out the provisions of section 1 hereof, other than for operation and maintenance, including salaries and wages, fees for professional services; rents, travel expenses; per diem in lieu of actual subsistence; printing and binding, lawbooks and books of reference; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; hire with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, condemnation, or purchase of real and personal property; transportation (including drayage) of personal effects of employees upon change of station; telephone, telegraphic, and air-mail communications; rubber boots for official use by employees; ice; equipment, services, supplies, and materials and other such miscellaneous expenses as the Secretary of State may deem necessary prop-

28 Stat. 672.

Rivers emptying into Gulf of Mexico. Anchor lights on vessels in roadsteads or fairways.

*Provisos.* “Special anchorage areas.”

Exempted vessels.

April 22, 1940  
[H. R. 7809]  
[Public, No. 472]

Rio Grande canalization project. Reconstruction or replacement of certain bridges authorized.

Additional appropriation authorized.

49 Stat. 1463.  
Post, p. 650.

Expenses included.

*Provisos.*  
Minor purchases.

Purchase, etc., of  
real property.  
Conditional expend-  
iture.

Property title.

Approach roads.

Operation, etc., of  
bridges.

Release from liabil-  
ity for damage, etc.

Dona Ana County,  
N. Mex., bridges.

erly to carry out the provisions of the Act: *Provided*, That the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured when the aggregate amount involved is \$100 or less: *Provided further*, That not more than \$3,500 shall be expended for the purchase of real property, and expenses incidental thereto: *Provided further*, That no part of the appropriation herein authorized shall be expended for the construction of any of the county bridges to be located within any county until the governing body of such county has given assurance, satisfactory to the Secretary of State—

(a) That it will cause to be furnished, without cost to the United States, evidence satisfactory to the American Commissioner, International Boundary Commission, United States and Mexico, that title to all lands or easements in lands which may be designated by the said American Commissioner as necessary for the construction, operation, and maintenance of the bridges and approaches, the title to which is not vested in the United States, is vested in the county;

(b) That it will perform without cost to the United States all work involved in any required changes, including changes in pavements or other road surfaces, in the approaches or approach roads to the bridges to be located within such county;

(c) That it will, upon notification by the said American Commissioner that any bridge has been completed, take over and operate and maintain such bridge; and

(d) That it will hold the United States harmless on account of any damage or claim of damage arising out of or in any way connected with the construction, operation or maintenance, or failure to operate and maintain any bridge or bridges or any part thereof located within such county;

*And provided further*, That no part of the appropriation herein authorized shall be expended for the construction of any of the bridges to be located in Dona Ana County, New Mexico, until the governing body of said county has given assurance satisfactory to the Secretary of State that it will remove or rebuild, in accordance with plans and specifications to be approved by the American Commissioner, the bridges known as Old Anthony Bridge and Salem Bridge.

Approved, April 22, 1940.

[CHAPTER 130]

AN ACT

Providing for the incorporation of the United Spanish War Veterans.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the organization known as United Spanish War Veterans, with a membership limited to officers, soldiers, and sailors of the Army, Navy, or Marine Corps of the United States of America, including acting assistant surgeons, contract doctors, dentists, veterinary surgeons, officers, and enlisted men in the United States Revenue Cutter Service on vessels temporarily under the control of the War or Navy Department, commissioned medical officers of the United States Marine Hospital Service, officers and enlisted men in the Philippine Scouts and other organizations of native troops maintained by the War Department in the Philippine Islands, paymaster clerks actually on duty in the field or aboard ship who served at any time during the War between the United States of America and the Kingdom of Spain, or at any time during the War for the Suppression of the Insurrection in the Philippine Islands, including the China Relief Expedition, prior to July 4,

April 22, 1940

[H. R. 8238]

[Public, No. 473]

United Spanish War  
Veterans, incorpora-  
tion.  
Membership.

1902, and who either have been honorably discharged from the service or still continue in the same, and women who served honorably under contract or by appointment as Army nurses, chief nurses, or superintendents of the Army Nurse Corps at any time between April 21, 1898, and July 4, 1902, is hereby created a body corporate and politic of the District of Columbia, by the name of "United Spanish War Veterans", by which name it shall be a person in law, capable of suing and being sued, and of having and exercising all incidental powers as a litigant or otherwise as if it were a natural person, with power to acquire by purchase, gift, devise, or bequest, and to hold, convey, or otherwise dispose of property, real or personal, as may be necessary to carry into effect the patriotic, fraternal, and charitable purposes of its organization, and to use in carrying out the purposes of the corporation such emblems and badges as it may have heretofore or may hereafter adopt, and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

Corporate powers.

SEC. 2. The object and purpose of this corporation shall be to perpetuate the name of United Spanish War Veterans and to preserve in corporate form said organization as now and heretofore maintained and conducted, and to thus provide and continue an agency and instrumentality through and by which its members, for and during the remainder of their natural lives, unite in the fraternal bonds of comradeship; perpetuate the memories of the War with Spain and the campaigns incident thereto; promote peace and good will at home and among all nations; encourage an adequate national defense and protect and preserve our institutions of government. The corporation shall not at any time engage in any business for pecuniary profit and gain.

Object and purpose.

SEC. 3. The principal office of this corporation shall be kept and maintained in the city of Washington, District of Columbia, but annual or other meetings of its governing body and members may be held in any State of the Union, and the corporation shall have the power to possess and hold property needful or desirable for its objects and purposes anywhere in the United States or any of its Territories or dependencies consistently with the provisions of local laws pertaining thereto.

Principal office.

SEC. 4. The supreme governing and controlling authority in said organization shall be the national encampment thereof, composed of representatives from the several department encampments as are now or may hereafter be organized: *Provided*, That there shall never be any change in the plan of organization of said national encampment that shall materially change its present representative form of government or render possible the concentration of the control thereof in the hands of a limited number or in a self-perpetuating body not representative of the membership at large.

Power of corporation to possess and hold property.

National encampment, authority.

SEC. 5. The qualifications for membership in said organization, except as they are limited by the provisions in section 1 of this Act, and the rights and privileges of the members thereof shall be such as are fixed by the constitution and rules and regulations heretofore or hereafter adopted by said national encampment.

*Proviso.*  
Restriction on change of plan, etc.

Qualifications, rights, and privileges.

SEC. 6. The activities of said corporation shall be exercised through and by the following agencies in accordance with the constitution and rules and regulations now in force or such as may be hereafter enacted by the national encampment thereof, namely:

Activities exercised by designated agencies.

First. Through the national encampment, its officers, and committees.

National encampment.

Second. Through such department encampments as may have been heretofore or as may be hereafter organized, their officers, and committees.

Department encampments.

Camps.  
Auxiliary organiza-  
tions.

Third. Through such camps as may have been heretofore or may be hereafter organized, their officers, and committees.

Authority of agen-  
cies.

Fourth. Through such auxiliary organizations by whatever name or designation as have been heretofore or may hereafter be authorized by the national encampment.

Exclusive rights to  
name.

Such department encampments and auxiliary organizations shall be subject and subordinate in authority to the national encampment, and such camps shall be also subject to such control exercised through the department encampment and department officers of the particular department to which it belongs.

Termination on  
death of last member.

SEC. 7. Said corporation and its State and local subdivisions shall have the sole and exclusive rights to have and to use in carrying out its purposes the name "United Spanish War Veterans."

Provisos.  
Continuance if an-  
nual encampments no  
longer held.

SEC. 8. The corporate existence of United Spanish War Veterans and the exclusive rights of its surviving members to wear the insignia of membership therein shall terminate only when the last of its members dies: *Provided, however,* That if, at any national encampment hereafter held, a memorial shall be adopted by the vote of three-fourths of the members present reciting that because of the decrease in its membership, or because of the age and infirmity of its surviving members, it no longer is advisable and practicable to hold future annual national encampments, such action shall not operate to deprive said organization of any of its corporate powers; but the government thereof may be modified to provide for such contingency subject to the restrictions contained in section 3 of this Act: *Provided further,* That nothing in this Act shall in any manner affect the right or the power of such camps or departments to dispose of or otherwise affect the ownership of property held by any camp or department in its own name, nor affect the right of such camps or departments to organize corporations under State laws for the purpose of caring for and disposing of such property.

Property rights, etc.

Disposition and fu-  
ture ownership of  
property.

SEC. 9. The national encampment may, by resolution, provide for the disposition and future ownership of its property and archives, and may declare the event in which such disposition shall become effective and such ownership vested, and a duly authenticated copy of such resolutions shall be filed in the office of the Supreme Court of the District of Columbia. Upon the happening of the event thus declared, and upon the filing of a petition in said Supreme Court reciting said facts, said court shall take jurisdiction thereof and, upon due proof being made, the court shall enter a decree which shall be effectual to vest title and ownership in accordance with the provisions of such resolution.

Approved, April 22, 1940.

[CHAPTER 131]

AN ACT

To regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes.

April 22, 1940  
[H. R. 8262]  
[Public, No. 474]

Disposal of certain  
refuse, D. C.  
Acts repealed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Acts of Congress entitled "An Act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes", approved January 25, 1898, and "An Act to amend an Act entitled 'An Act to regulate, in the District of Columbia, the disposal of certain refuse, and for other purposes', approved January 25, 1898", approved March 20, 1902, are hereby repealed.

30 Stat. 231; 32  
Stat. 74.  
20 D. C. Code, ch. 5,  
pt. VII.

SEC. 2. That it shall be unlawful for any person or persons to maintain, upon any original lot or any subdivisional lot, situated on any street in the District of Columbia, where there is a public sewer and water main available for the use of such lot, any system of disposal of human excreta except by means of water closets connected with such sewer and water main.

Water closets, requirements.

SEC. 3. That no person shall, in the District of Columbia, erect or maintain a privy, or other means or system for the disposal of human excreta, except by means of water closets connected with a sewer and water main, without having secured from the health officer a permit so to do.

Privy not to be erected, etc., without permit.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce any such regulations as they deem necessary to regulate the design, construction, and maintenance of any system of disposal of human excreta, and the handling, storage, treatment, and disposal of human body wastes.

Regulations authorized.

SEC. 5. That any person who shall violate or aid or abet in violating any of the provisions of this Act or of the regulations promulgated by the Commissioners of the District of Columbia under this Act shall be punished by a fine of not more than \$50 or by imprisonment for not exceeding fifteen days.

Penalty.

Approved, April 22, 1940.

[CHAPTER 132]

AN ACT

To authorize the Secretary of the Interior to permit the payment of the costs of repairs, resurfacing, improvement, and enlargement of the Arrowrock Dam in twenty annual installments, and for other purposes.

April 22, 1940  
[H. R. 8498]  
[Public, No. 475]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purpose of avoiding an unduly high operation and maintenance assessment in any one year and to keep the operation and maintenance charges in connection with the Arrowrock Division of the Boise reclamation project within the ability of the water users to pay, the Secretary of the Interior is authorized to allow the irrigation districts of the said Arrowrock Division and the irrigation districts, ditch companies, and water users who have assumed obligations to pay proportionate parts of the estimated cost of the operation and maintenance of the Arrowrock Reservoir, to pay the costs, as determined conclusively by said Secretary, incurred in the repair, resurfacing, and improvement of the Arrowrock Dam and in increasing the height thereof (to provide additional capacity to offset past and, to some extent, future losses of capacity resulting from the deposit of silt in the said reservoir) in twenty annual installments instead of requiring the payment of all of such operation and maintenance costs in one year as provided in section 5 of the Act of Congress of August 13, 1914 (38 Stat. 686): *Provided*, That such costs, for the purpose of any amendatory contracts affecting the construction charges of Arrowrock Dam that may be entered into as authorized by the Act of August 4, 1939 (53 Stat. 1187), may, in the discretion of the Secretary, be treated as part of the construction charges of said dam, and as payable in the same manner as such charges.

Arrowrock Dam, etc.  
Repayment of improvements in twenty annual installments.

43 U. S. C. § 492.  
*Proviso.*  
Treatment, etc., of construction costs.

43 U. S. C., Supp. V, §§ 485-485k.

Approved, April 22, 1940.

## [CHAPTER 133]

## AN ACT

To authorize an increase in the White House police force.

April 22, 1940

[H. R. 8540]

[Public, No. 476]

White House police force, increase. *Ante*, p. 68; *post*, p. 654.  
3 U. S. C., Supp. V, § 62.

Composition.

Appointment of members.

Vacancies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (a) of section 2 of the Act entitled "An Act to create the White House police force, and for other purposes", approved September 14, 1922 (42 Stat. 841, as amended; U. S. C., Supp. IV, title 3, sec. 62), is hereby amended to read as follows:

"SEC. 2. (a) The White House police force shall consist of one captain with grade corresponding to that of captain (Metropolitan Police), two lieutenants with grade corresponding to that of lieutenant (Metropolitan Police), four sergeants with grade corresponding to that of sergeant (Metropolitan Police); and of such number of privates, with grade corresponding to that of private of the highest grade (Metropolitan Police), as may be necessary, but not exceeding seventy-three in number. Members of the White House police shall be appointed from the members of the Metropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner."

Approved, April 22, 1940.

## [CHAPTER 134]

## AN ACT

To change the name of a portion of Twenty-fourth Street Northwest to Williamsburg Lane.

April 22, 1940

[H. R. 8639]

[Public, No. 477]

District of Columbia. Portion of 24th St. NW., renamed Williamsburg Lane.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the name of that portion of the street in the District of Columbia now known as Twenty-fourth Street Northwest, which begins at Porter Street and extends one block in a northerly direction to Rock Creek Park, is hereby changed to Williamsburg Lane.

Approved, April 22, 1940.

## [CHAPTER 135]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri.

April 22, 1940

[H. R. 8669]

[Public, No. 478]

Missouri River. Time extended for bridging, at Randolph, Mo.

45 Stat. 729, 1431; 46 Stat. 328, 1063; 47 Stat. 149, 772; 48 Stat. 572; 49 Stat. 1196; 52 Stat. 585.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Missouri, authorized to be built by The Kansas City Southern Railway Company, its successors and assigns, by an Act of Congress approved May 24, 1928, heretofore extended by Acts of Congress approved March 1, 1929, May 14, 1930, February 6, 1931, May 6, 1932, January 19, 1933, April 9, 1934, April 10, 1936, and May 31, 1938, are hereby further extended two and four years, respectively, from May 24, 1940.

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

Approved, April 22, 1940.

## [CHAPTER 136]

## AN ACT

To authorize and direct the Commissioners of the District of Columbia to accept and maintain a memorial fountain to the members of the Metropolitan Police Department.

April 22, 1940  
[H. R. 8792]  
[Public, No. 479]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia are authorized and directed to accept and maintain for the District of Columbia the gift of a memorial fountain to the members of the Metropolitan Police Department: *Provided,* That the design and model of the memorial fountain are approved by the Commission of Fine Arts, and thereafter erected at a location to be approved by the Commissioners of the District of Columbia and the National Capital Park and Planning Commission on land now owned by the District of Columbia, for the municipal center.

Metropolitan Police Department, D. C. Acceptance, etc., of memorial fountain to members of, authorized.

*Proviso.*  
Design, location, etc.

Approved, April 22, 1940.

## [CHAPTER 137]

## AN ACT

To authorize the construction of a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56, and for other purposes.

April 22, 1940  
[H. R. 8917]  
[Public, No. 480]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized, for the convenience of the public, to permit the Capital Transit Company of Washington, District of Columbia, to construct, maintain, and operate, at its own expense, a waiting room and comfort station in Commodore Barney Circle, United States Reservation 55-56: *Provided,* That the plans and specifications for this structure shall first be approved by the Secretary of the Interior, the National Capital Park and Planning Commission, and the Commission of Fine Arts: *Provided further,* That the Capital Transit Company is hereby authorized to operate within such structure, either directly or by contract, such concession as in the determination of the Secretary of the Interior or his duly authorized representative may be desirable for the convenience of the public, and apply the revenues derived therefrom toward the cost of maintenance and operation of the structure. In the event the Capital Transit Company shall at any time discontinue the operation of the waiting room and comfort station as herein provided, the same shall become the property of the United States.

Commodore Barney Circle, D. C. Waiting room, etc., authorized.

*Provisos.*  
Plans and specifications, approval.

Operation of concession.

Reversionary provision.

Approved, April 22, 1940.

## [CHAPTER 138]

## JOINT RESOLUTION

To protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, California, in 1940.

April 22, 1940  
[H. J. Res. 433]  
[Pub. Res., No. 62]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Librarian of Congress and the Commissioner of Patents are hereby authorized and directed to establish branch offices under the direction of the Register of Copyrights and the Commissioner of Patents, respectively, in suitable quarters on the grounds of the Golden Gate International Exposition, to be held at San Francisco, California, in 1940, under the direction of the San Francisco Bay Exposition, a California corporation, said quarters to be furnished free of charge by said corporation,

Golden Gate International Exposition. Protection of copyrights and patents of foreign exhibitors. Branch copyright, etc., offices at Exposition.

said offices to be established at such time as may, upon sixty days' advance notice, in writing, to the Register of Copyrights and the Commissioner of Patents, respectively, be requested by said San Francisco Bay Exposition, but not earlier than April 1, 1940, and to be maintained until the close of the general public of said exposition; and the proprietor of any foreign copyright, or any certificate of trade-mark registration, or letters patent of invention, design, or utility model issued by any foreign government protecting any trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition and exhibited at said exposition may, upon presentation of proof of such proprietorship satisfactory to the Register of Copyrights or the Commissioner of Patents, as the case may be, obtain without charge and without prior examination as to novelty, a certificate from such branch office, which shall be prima facie evidence in the Federal courts of such proprietorship, the novelty of the subject matter covered by any such certificate to be determined by a Federal court in case an action or suit is brought based thereon; and said branch offices shall keep registers of all such certificates issued by them, which shall be open to public inspection.

Certificates of proprietorship to be issued.

Registers to be kept.

Deposit at close of exposition.

Certified copies of certificates.

Infringement on rights; liability.

At the close of said Golden Gate International Exposition the register of certificates of the copyright registrations aforesaid shall be deposited in the Copyright Office in the Library of Congress at Washington, District of Columbia, and the register of all other certificates of registrations aforesaid shall be deposited in the United States Patent Office at Washington, District of Columbia, and there preserved for future reference. Certified copies of any such certificates shall, upon request, be furnished by the Register of Copyrights or the Commissioner of Patents, as the case may be, either during or after said exposition, and at the rates charged by such officials for certified copies of other matter; and any such certified copies shall be admissible in evidence in lieu of the original certificates of any Federal court.

SEC. 2. It shall be unlawful for any person without authority of the proprietor thereof to copy, republish, imitate, reproduce, or practice at any time during the period specified in section 6 hereof, any subject matter protected by registration as aforesaid at either of the branch offices at said exposition which shall be imported for exhibition at said exposition, and there exhibited and which is substantially different in a copyright, trade-mark, or patent sense, as the case may be, from anything publicly used, described in a printed publication or otherwise known in the United States of America prior to such registration at either of said branch offices as aforesaid; and any person who shall infringe upon the rights thus protected under this Act shall be liable—

Injunction.

(a) To an injunction restraining such infringement issued by any Federal court having jurisdiction of the defendant;

Pecuniary damages.

(b) To pay to the proprietor such damages as the proprietor may have suffered due to such infringement, as well as all the profits which the infringer may have made by reason of such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just;

Delivery of articles that infringe. For impoundment.

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles found by the court after a preliminary hearing to infringe the rights herein protected; and

For destruction.

(d) To deliver up on oath, for destruction, all articles found by the court at final hearing to infringe the rights herein protected.

SEC. 3. Any person who willfully and for profit shall infringe any right protected under this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than \$100 nor more than \$1,000, or both, in the discretion of the court.

Infringement, penalty.

SEC. 4. All the Acts, regulations, and provisions which apply to protecting copyrights, trade-marks, designs, and patents for inventions or discoveries not inconsistent with the provisions of this Act shall apply to certificates issued pursuant to this Act, but no notice of copyright on the work shall be required for protection hereunder.

Terms of protection.

SEC. 5. Nothing contained in this Act shall bar or prevent the proprietor of the subject matter covered by any certificate issued pursuant to this Act from obtaining protection for such subject matter under the provisions of the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto, and upon making application and complying with the provisions prescribed by such laws; and nothing contained in this Act shall prevent, lessen, impeach, or avoid any remedy at law or in equity under any certificate of copyright registration, certificate of trade-mark registration, or letters patent for inventions or discoveries or designs issued under the copyright, trade-mark, or patent laws of the United States of America, as the case may be, in force prior hereto, and which any owner thereof and of a certificate issued thereon pursuant to this Act might have had if this Act had not been passed, but such owner shall not twice recover the damages he has sustained or the profit made by reason of any infringement thereof.

Copyright actions, etc.

SEC. 6. The rights protected under the provisions of this Act as to any copyright, trade-mark, apparatus, device, machine, process, method, composition of matter, design, or manufactured article imported for exhibition at said Golden Gate International Exposition shall begin on the date the same is placed on exhibition at said exposition and shall continue for a period of six months from the date of the closing to the general public of said exposition.

Duration of protection.

SEC. 7. All necessary expenses incurred by the United States in carrying out the provisions of this Act shall be reimbursed to the Government of the United States by the San Francisco Bay Exposition, under regulations to be prescribed by the Librarian of Congress and the Commissioner of Patents, respectively; and receipts from such reimbursements shall be deposited as refunds to the appropriations from which such expenses were paid.

Reimbursement of incurred expenses.

SEC. 8. Section 6 of Public Resolution Numbered 35 of the Seventy-fifth Congress, approved May 28, 1937, is hereby amended by adding thereto at the end thereof immediately before the period the words "in 1940".

Duration of protection extended.  
60 Stat. 213.

Approved, April 22, 1940.

[CHAPTER 139]

#### JOINT RESOLUTION

Authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, and for other purposes.

April 22, 1940  
[H. J. Res. 465]  
[Pub. Res., No. 63]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency, and such other officers of the District of Columbia and the United States as control any public lands in the District of Columbia, are hereby authorized to grant permits, under such restrictions as they may deem necessary, to the Committee on*

Inaugural ceremonies, 1941.  
Use of public spaces.

Inaugural Ceremonies to be appointed with the approval of the President-elect for the use of any reservations or other public spaces in the District of Columbia under their control on the occasion of the inauguration of the President-elect in January 1941: *Provided*, That in their opinion no serious or permanent injuries will be thereby inflicted upon such reservations or public spaces or statuary thereon; and the Commissioners of the District of Columbia may designate for such and other purposes, on the occasion aforesaid, such streets, avenues, and sidewalks in said District of Columbia under their control as they may deem proper and necessary: *Provided, however*, That all stands or platforms that may be erected on the public space, as aforesaid, including such as may be erected in connection with the display of fireworks, shall be under the said supervision of the said inaugural committee, and no stand shall be built on the sidewalk, streets, parks, and public grounds of the District of Columbia, not including the area on the south side of Pennsylvania Avenue directly in front of the White House, except such as are approved by the inaugural committee, the building inspector of the District of Columbia, and the Administrator of the Federal Works Agency: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall, after the inauguration, be promptly restored to their condition before such occupation, and that the inaugural committee shall indemnify the appropriate agency of the Government for any damages of any kind whatsoever upon such reservations or spaces by reason of such use.

**SEC. 2.** The Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for said inaugural ceremonies, to stretch suitable overhead conductors, with sufficient supports wherever necessary, for the purpose of connecting with the present supply of light for the purpose of effecting the said illumination: *Provided*, That, if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further*, That the said conductors shall not be used for conveying electrical currents after January 24, 1941, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said District of Columbia on or before January 31, 1941: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, or such other officials as may have jurisdiction in the premises, who shall see that the provisions of this resolution are enforced, that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removal of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

**SEC. 3.** The Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the Committee on Inaugural Ceremonies such hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, belonging to the Government of the United States (except battle flags), that are not now in use and may be suitable and proper for decoration, and which may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of

*Provisos.*  
Condition.

Supervision of  
stands, etc.

Prompt removal of  
structures, etc.

Overhead conduc-  
tors for illumination.

*Provisos.*  
Supervision of work.

Time limitation.

Safety precaution.

No Federal or local  
expense or damage.

Loan of tents, flags,  
etc.

public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the loan of the said hospital tents, smaller tents, camp appliances, ensigns, flags, signal numbers, and so forth, to said committee shall not take place prior to the 11th of January, and they shall be returned by the 25th day of January 1941: *Provided further*, That the said committee shall indemnify the said Departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee for the purpose of caring for the sick, injured, and infirm on the occasion of said inauguration such hospital tents and camp appliances, and other necessaries, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further*, That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances, as aforesaid, not necessarily incident to such use.

SEC. 4. The Commissioners of the District of Columbia and the Administrator of the Federal Works Agency be, and they are hereby, authorized to permit telegraph, telephone, and radio-broadcasting companies to extend overhead wires to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within ten days after the conclusion of the ceremonies.

Approved, April 22, 1940.

[CHAPTER 140]

JOINT RESOLUTION

To provide for the maintenance of public order and the protection of life and property in connection with the Presidential inaugural ceremonies of 1941.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That \$25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1941, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms; for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the Commissioners. Said Commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

SEC. 2. Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week

*Provisos.*  
Time limit.

Indemnity for damage, etc.

Loan of hospital tents, supplies, etc.

Indemnity for damage, etc.

Temporary overhead wires permitted.

April 22, 1940  
[H. J. Res. 466]  
[Pub. Res., No. 64]

Inaugural ceremonies, 1941.

Appropriation authorized for maintenance of order, etc.

Post, p. 636.

Regulations.

Licenses to peddlers, etc.

Duration of regulations, etc.

subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia and in such other manner as the Commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine of not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than sixty days.

Approved, April 22, 1940.

Penalties.

[CHAPTER 152]

AN ACT

To amend an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That an Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, is hereby amended in the first sentence of section 22 (a) by striking out the words "second regular session of the Seventy-first Congress" and substituting the following words: "first regular session of the Seventy-seventh Congress", and by striking out "fifteenth" and inserting "sixteenth".

SEC. 2. The first sentence of section 22 (b) of such Act is amended to read as follows: "If the Congress to which the statement required by subdivision (a) of this section is transmitted has not, within sixty calendar days after such statement is transmitted, enacted a law apportioning Representatives among the several States, then each State shall be entitled, in the next Congress and in each Congress thereafter until the taking effect of a reapportionment under this Act or subsequent statute, to the number of Representatives shown in the statement based upon the method used in the last preceding apportionment."

Approved, April 25, 1940.

[CHAPTER 153]

AN ACT

To amend the Naval Reserve Act of 1938 (Public, Numbered 732, 52 Stat. 1175).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 206 of the Naval Reserve Act of June 25, 1938, is hereby amended by striking out the last two provisions and substituting therefor the following: "*Provided further,* That in the computation of service requisite for transfer of enlisted men of the Fleet Reserve to the retired list of the Regular Navy and for payment of allowances to which enlisted men on the retired list of the Regular Navy are entitled, service in the Army, Navy, Marine Corps, Coast Guard, Naval Reserve Force, Fleet Naval Reserve, Fleet Reserve, Marine Corps Reserve Force, and the Marine Corps Reserve, and on the retired list of the Regular Navy shall be included: *And provided further,* That such service as may heretofore have been authorized by law to be counted as double time shall be credited as double time in this computation."

Approved, April 25, 1940.

April 25, 1940

[S. 2599]

[Public, No. 482]

Naval Reserve Act of 1938, amendment.  
52 Stat. 1179.

34 U. S. C., Supp. V, § 854e.

Transfer from Fleet Reserve to retired list, Regular Navy; payment of allowances.

Service included.

Double-time credit.

Fifteenth, etc., censuses.

Apportionment of Representatives in Congress.

46 Stat. 26.  
2 U. S. C. § 2a.  
Time for filing statement modified.

46 Stat. 26.  
2 U. S. C. § 2a (b).  
Number of Representatives if no new apportionment law enacted.

## [CHAPTER 154]

## AN ACT

Authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of any other law the Secretary of State be, and he is hereby, authorized in his discretion to issue under the limitations and restrictions hereinafter established requisitions for advances of funds to disbursing officers of the Division of Disbursement, Treasury Department, under a "State account of advances" not to exceed the total amount of appropriations for the Department of State, the amounts so advanced to be used exclusively to pay upon proper vouchers obligations lawfully payable under the respective appropriations: *Provided,* That a separate "State account of advances" shall be established on the books of the Treasury Department relating to appropriations made to the Department of State for each fiscal year and that a "State account of advances" relating to the appropriations for one fiscal year shall not be used to pay vouchers pertaining to the appropriations of any other fiscal year. Expenditures from the amounts requisitioned under the "State account of advances" shall be charged to applicable appropriations on the books of the Treasury Department on the basis of transfer and counter warrants prepared in the State Department as of the close of each month and prior to audit, certification, or adjustment by the General Accounting Office. The General Accounting Office shall subsequently declare the sums finally due from the several appropriations upon audited vouchers according to law and shall certify the same to the Treasury Department which shall make the necessary adjustments between appropriations upon the basis of such audited settlements of the General Accounting Office: *Provided further,* That such adjustments shall be reflected on the books of the Government in the month and fiscal year during which the audited settlements are certified to the Treasury.

Approved, April 25, 1940.

April 25, 1940  
[S. 3528]

[Public, No. 483]

Foreign Service accounting procedure.

Disbursements of appropriated funds under a "State account of advances" authorized.

Use of advances.

*Proviso.*  
Separate account to be established.

Charging of expenditures.

Adjustments.

Entry provisions.

## [CHAPTER 155]

## AN ACT

To amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the word "motorboat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided,* That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motorboats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

SEC. 2. Motorboats subject to the provisions of this Act shall be divided into four classes as follows:

Class A. Less than sixteen feet in length.

April 25, 1940  
[H. R. 6039]

[Public, No. 484]

Motorboats.  
*Ante,* p. 150.  
Vessels included.

*Proviso.*  
Inspection.

Classification.

Class 1. Sixteen feet or over and less than twenty-six feet in length.  
 Class 2. Twenty-six feet or over and less than forty feet in length.  
 Class 3. Forty feet or over and not more than sixty-five feet in length.

Lights required.

SEC. 3. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

Classes A and 1.

(a) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

Classes 2 and 3.

(b) Every motorboat of classes 2 and 3 shall carry the following lights:

Fore part of the vessel.

First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.

Aft.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Sides.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

When propelled by sail, etc.

(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section:

Provisions. Other lights to be carried.

*Provided, however,* That motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision:

Exemptions.

*Provided further,* That motorboats of classes A and 1, when so propelled, shall not be required to carry the combined lantern prescribed by subsection (a) of this section.

Visibility of lights.

(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this Act, when applied to lights, shall mean visible on a dark night with clear atmosphere.

Sound signals.

SEC. 4. Every motorboat of class 1, 2, or 3, shall be provided with an efficient whistle or other sound-producing mechanical appliance.

SEC. 5. Every motorboat of class 2 or 3 shall be provided with an efficient bell.

Life preservers.

SEC. 6. Every motorboat subject to any of the provisions of this Act and also all vessels propelled by machinery other than by steam more than sixty-five feet in length shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board,

so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board.

*Proviso.*  
Boats carrying passengers for hire.

SEC. 7. No such motorboat, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by a local board of inspectors. Whenever any person applies to be licensed as operator of any motorboat carrying passengers for hire, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such motorboat carrying passengers for hire for the term of five years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 239): *Provided*, That motorboats shall not be required to carry licensed officers except as required in this Act: *And provided further*, That licenses herein prescribed shall not be required of motorboats engaged in fishing contests previously arranged and announced.

Licensed-operator requirements.

Suspension, etc., of license.

50 Stat. 544.  
46 U. S. C., Supp. V, § 239.

*Provisos.*  
Other licensed officers.

Fishing contests.

SEC. 8. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Fire extinguishers.

SEC. 9. The provisions of sections 4, 5, and 8 of this Act shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

Racing boats propelled by outboard motors.

SEC. 10. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That this section shall apply only to such motorboats or vessels the construction of which or the replacement of the engine or engines of which is commenced subsequent to the passage of this Act.

Flame arrestor devices.

*Proviso.*  
Application restricted.

SEC. 11. Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the board of supervising inspectors with the approval of the Secretary of Commerce for properly and efficiently ventilating the bilges of the

Bilge, etc., ventilation.

engine and fuel tank compartments so as to remove any explosive or inflammable gases: *Provided*, That this section shall apply only to such motorboats or vessels, the construction or decking over of which is commenced subsequent to the passage of this Act.

*Proviso.*  
Application re-  
stricted.

Pilot rules.

SEC. 12. Motorboats shall not be required to carry on board copies of the pilot rules.

Reckless operation  
of vessels.

SEC. 13. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

Penalty.

SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

Enforcement.

SEC. 15. Any officer of the United States authorized to enforce the navigation laws of the United States, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 13, or who may violate any provision of said section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: *Provided further*, That whenever an arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

*Provisos.*  
Arrest.

Examination of al-  
leged offense.

Liability of owner  
or operator.  
Penalties.

SEC. 16. If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of this Act, be liable to a penalty of \$100: *Provided*, That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this Act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.

*Proviso.*  
Motorboats carry-  
ing passengers for  
hire.

Liability of vessel.

Regulations.

SEC. 17. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.

Remission of fine,  
etc.

Officers, minimum  
number.  
46 U. S. C. § 222.

SEC. 18. The proviso contained in the last paragraph of section 2 of the Act of May 11, 1918 (40 Stat. 549), shall apply also with like force and effect to motorboats as defined in this Act.

Motorboats as defined in this Act are hereby exempted from the provisions of Revised Statutes 4399, as amended (48 Stat. 125).

SEC. 19. This Act shall take effect upon its approval as to all of the sections hereof except sections 6, 7, and 8, which sections shall take effect one year from the date of said approval, and for a period of one year from the date of approval of this Act sections 5, 6, and 7 of the Motorboat Act of June 9, 1910 (Public, Numbered 201, Sixty-first Congress; 36 Stat. 462), shall continue in full force and effect, except that from and after the date of the approval of this Act the Secretary of Commerce shall have authority to remit or mitigate all fines or penalties heretofore or hereafter incurred or imposed under sections 5 and 6 of the Motorboat Act of June 9, 1910. Except as hereinabove expressly provided, the Motorboat Act of June 9, 1910, above referred to, is repealed upon the approval of this Act and as to sections 5, 6, and 7 of said Act hereinabove continued the said sections are hereby repealed effective one year from the date of approval of this Act. Nothing in this Act shall be deemed to alter or amend section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a), the Act of August 26, 1935 (U. S. C., 1934 edition, Supp. IV, ch. 7A, secs. 178 and 179), the Act of June 20, 1936 (U. S. C., 1934 edition, Supp. IV, title 46, sec. 367), or repeal Acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

SEC. 20. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 21. The provisions of section 210 of title II of the Anti-Smuggling Act, approved August 5, 1935 (49 Stat. 526; U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), requiring a certificate of award of a number to be kept at all times on board of the vessel to which the number has been awarded shall not apply to any vessel not exceeding seventeen feet in length measured from end to end over the deck, excluding sheer, or to any vessel whose design of fittings are such that the carrying of the certificate of award of the number on such vessel would render such certificate imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification.

Approved, April 25, 1940.

[CHAPTER 156]

AN ACT

To amend the provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1103), as amended by section 9 of the Act of March 3, 1933 (47 Stat. 1516; U. S. C., title 5, sec. 73a), entitled "An Act to permit payments for the operation of motorcycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses", is further amended by striking out the words "his own" wherever they appear therein and inserting in lieu thereof the words "a privately owned".*

Approved, April 25, 1940.

Exemption from certain inspection.  
46 U. S. C. § 361.

Effective dates.

36 Stat. 463.  
46 U. S. C. §§ 515-517.

Continuance of certain provisions.

Authority to remit fines, etc.

Repeal of Act of 1910; exceptions.

Designated Acts or treaties not affected.  
49 Stat. 868.  
46 U. S. C., Supp. V, §§ 178, 179.  
49 Stat. 1544.

Appropriation authorized.

Undocumented vessels, certificates of award, etc.

April 25, 1940

[H. R. 6693]

[Public, No. 486]

Private vehicles for official travel.  
Provisions relating to use of, amended.

## [CHAPTER 157]

## JOINT RESOLUTION

To provide for the quartering, in certain public buildings in the District of Columbia, of troops participating in the inaugural ceremonies.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of the Federal Works Agency or head of any executive department or establishment is authorized to allocate such space in any public building under his care and supervision as he deems necessary for the purposes of quartering troops participating in the inaugural ceremonies to be held on January 20, 1941, but such use shall not continue after January 22, 1941. Authority granted by this joint resolution may be exercised notwithstanding the provisions of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ending June 30, 1903, approved April 28, 1902, prohibiting the use of public buildings in connection with inaugural ceremonies.*

Approved, April 25, 1940.

## [CHAPTER 158]

## JOINT RESOLUTION

To amend section 5 of Public Law Numbered 360, Sixty-sixth Congress.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Osage Act (S. 4039, Public, Numbered 360, Sixty-sixth Congress; 41 Stat. 1249) be amended to read as follows:*

"SEC. 5. That the State of Oklahoma is authorized from and after the passage of this Act to levy and collect a gross-production tax, not to exceed the existing rate, upon all oil and gas produced in Osage County, Oklahoma, except as herein otherwise provided, and all taxes so collected shall be paid and distributed, and shall be in lieu of all other State and county taxes levied upon the production of oil and gas as provided by the laws of Oklahoma. The gross-production tax on the royalty interests of the Osage Indians shall be at the rate levied by said State but in no event to exceed 5 per centum and said tax shall be paid by the Secretary of the Interior, through the proper officers of the Osage Agency, to the State of Oklahoma from the amount received by the Osage Indians from the production of oil and gas to be distributed in like manner as gross-production tax under the laws of said State and the Secretary shall pay the tax herein authorized upon the condition and not otherwise that an additional one-fifth of said sum or sums paid by the Secretary in pursuance of this Act shall be delivered over to Osage County, Oklahoma, at the same time or times as the other payment or payments herein provided for are made to said county, one-half thereof to be apportioned to a fund to be used by said county only for the construction and maintenance of roads and bridges therein, the other one-half thereof to be used for the maintenance of common schools of said county as provided by law."

Approved, April 25, 1940.

## [CHAPTER 159]

## AN ACT

For forest protection against the white-pine blister rust, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to promote the stability of white-pine forest-using industries, employment, and communities through the continuous supply of white- and sugar-pine timber, the Secretary of Agriculture is authorized in cooperation*

April 25, 1940  
[S. J. Res. 218]  
[Pub. Res., No. 65]

Inaugural ceremonies, 1941.  
Temporary quartering of troops in public buildings during, authorized.

32 Stat. 152.  
40 U. S. C. §§ 19, 31.

April 25, 1940  
[H. J. Res. 289]  
[Pub. Res., No. 66]

Osage Act, amendment.

State tax upon oil and gas produced in Osage County, Okla.; exception.

To be in lieu of other State taxes.

Rate, on royalty interests.

Conditional provision.

April 26, 1940  
[H. R. 3406]  
[Public, No. 486]

White-pine blister rust.  
Cooperative forest protection measures against, authorized.

with such agencies as he may deem necessary to use such funds as have been, or may hereafter be, made available for the purpose of controlling white-pine blister rust, by preventing the spread to, and eliminating white-pine blister rust from, all forest lands, irrespective of the ownership thereof, when in the judgment of the Secretary of Agriculture the use of such funds on such lands is necessary in the control of the white-pine blister rust: *Provided*, That in the discretion of the Secretary of Agriculture no expenditures from funds provided under this authorization shall be made on private or State lands (except where such lands are intermingled with those which are federally owned and it is necessary in order to protect the property of the United States to work on those parts of the private or State-owned lands that immediately adjoin Federal lands) until a sum, or sums, at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations concerned: *Provided further*, That no part of such appropriations shall be used to pay the cost or value of property injured or destroyed: *And provided further*, That any plan for the control and elimination of white-pine blister rust on lands owned by the United States or retained under restriction by the United States for Indian tribes and for individual Indians shall be subject to the approval of the Federal agency or Indian tribe having jurisdiction over such lands, and the Secretary of Agriculture may, in his discretion and out of any moneys made available under this Act, make allocations to said Federal agencies in such amounts as he may deem necessary for white-pine blister-rust control and elimination on lands so held or owned by the United States, the moneys so allocated to be expended by said agencies for the purposes specified.

*Provisos.*  
State or local contribution.

No pay for property injured, etc.

Work on Indian lands.

Approved, April 26, 1940.

[CHAPTER 160]

AN ACT

To provide for rearrangement of the location of the several boards of local inspectors.

April 30, 1940  
[S. 2661]

[Public, No. 487]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Commerce is authorized, as the exigencies of the service may require, to rearrange from time to time, by consolidation or otherwise, the location of the several boards of local inspectors and to discontinue boards of local inspectors by abolishing the same or establishing others in their stead: *Provided*, That the whole number of boards of local inspectors shall at no time be made to exceed those established and authorized on the date of the enactment of this Act, except as the same may thereafter be provided by law: *Provided further*, That the Secretary of Commerce shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done under the provisions of this Act and the reasons therefor.

Marine inspection and navigation.  
Rearrangement of location of boards of local inspectors.

*Provisos.*  
Limitation.

Annual statement to Congress.

Approved, April 30, 1940.

[CHAPTER 161]

AN ACT

Granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Middletown, Pennsylvania.

April 30, 1940  
[H. R. 7406]

[Public, No. 488]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby granted to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and

Susquehanna River.  
Bridge authorized across, at Middletown, Pa.

Tunnel Commission, either singly or jointly, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Middletown, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Tolls.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintenance, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs.  
Records; availability.

Amendment.

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

Approved, April 30, 1940.

[CHAPTER 162]

AN ACT

Granting the consent of Congress to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a toll bridge across the Susquehanna River at or near the city of Millersburg, Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the General State Authority, Commonwealth of Pennsylvania, and/or the Pennsylvania Bridge and Tunnel Commission, either singly or jointly, to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River, at a point suitable to the interests of navigation, at or near Millersburg, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Susquehanna River. Bridge authorized across, at Millersburg, Pa.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Tolls.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintenance, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridge and its approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Maintenance as free bridge after amortizing costs.

Records; availability.

Amendment.

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

Approved, April 30, 1940.

## [CHAPTER 163]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Delaware River between the village of Barryville, New York, and the village of Shohola, Pennsylvania.

April 30, 1940  
[H. R. 7655]  
[Public, No. 490]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of the highway bridge across the Delaware River between points in the village of Barryville, Sullivan County, New York, and the village of Shohola, Pike County, Pennsylvania, authorized to be built by the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania, by an Act of Congress approved June 19, 1936, heretofore extended by an Act of Congress approved August 23, 1937, are hereby further extended one and three years, respectively, from June 19, 1939.

Delaware River.  
Time extended for  
bridging, Barryville,  
N. Y., to Shohola, Pa.

49 Stat. 1531; 50 Stat.  
746.

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

Amendment.

Approved, April 30, 1940.

## [CHAPTER 164]

## AN ACT

To amend section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities.

April 30, 1940  
[H. R. 7660]  
[Public, No. 491]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 35B of the Criminal Code of the United States, as amended by the Act of June 18, 1934 (ch. 587, 48 Stat. 996), and public law numbered 465, Seventy-fifth Congress, third session, April 4, 1938 (52 Stat. 197), as contained in United States Code, title 18, section 86, is hereby amended to read as follows: "Whoever shall purchase, or receive in pledge from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law; or to any former member of such military or naval service at or by any hospital, home, or facility maintained by the United States; having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, or otherwise, shall be fined not more than \$500 or imprisoned not more than two years, or both."

Criminal Code,  
amendment.

18 U. S. C., Supp.  
V, § 86.  
Purchase of certain  
U. S. supplies from  
military, etc., person-  
nel.

From former mem-  
bers of military, etc.,  
services.

Penalty.

Approved, April 30, 1940.

## [CHAPTER 165]

## AN ACT

Providing for sick leave for substitute postal employees.

April 30, 1940  
[H. R. 7663]  
[Public, No. 492]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 1 and 2 of Public Law Numbered 194, first session of the Seventy-sixth Congress, be amended to read as follows:

Postal Service.  
53 Stat. 1062.  
39 U. S. C., Supp.  
V, §§ 824a, 824b.

"That hereafter substitutes in the Postal Service shall be rated as employees and each substitute postal employee in the classified civil

Annual and sick  
leave to substitutes.

service shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time actually employed.

Sick leave; disqualifications.

"SEC. 2. No substitute shall be entitled to sick leave for an illness or disability incurred at a time when such substitute is on leave of absence, granted at his own request, other than annual leave, or when such substitute is not available for duty."

Approved, April 30, 1940.

[CHAPTER 166]

AN ACT

April 30, 1940

[H. R. 8320]

[Public, No. 493]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River near Jefferson Barracks, Missouri.

Mississippi River.  
Time extended for  
bridging, near Jefferson  
Barracks, Mo.  
53 Stat. 1267.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Mississippi River near Jefferson Barracks, Missouri, authorized to be built by the county of Saint Louis, State of Missouri, by an Act of Congress approved August 7, 1939, is hereby extended one and three years, respectively, from August 7, 1940.

Amendment.

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

Approved, April 30, 1940.

[CHAPTER 167]

AN ACT

April 30, 1940

[H. R. 8397]

[Public, No. 494]

To extend the times for commencing and completing the construction of a bridge or bridges across the Saint Louis River at or near the city of Duluth, Minnesota, and the city of Superior, Wisconsin, and to amend the Act of August 7, 1939, and for other purposes.

Saint Louis River.  
Time extended for  
bridging, at Duluth,  
Minn.

53 Stat. 1268.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time for commencing and completing the construction of a bridge and approaches thereto across the Saint Louis River, at or near the city of Duluth, Minnesota, and the city of Superior, Wisconsin, authorized to be constructed by the city of Duluth by an Act of Congress approved August 7, 1939, is hereby extended one year from August 7, 1940, and three years from August 7, 1940, respectively.

Bonds, form and  
maturity.  
53 Stat. 1269.

SEC. 2. The second sentence of section 3 of said Act approved August 7, 1939, is hereby amended to read: "All such bonds shall be in a form not inconsistent with this Act and shall mature at such time or times as the city may determine, not exceeding twenty years from August 7, 1940."

Amendment.

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

Approved, April 30, 1940.

[CHAPTER 168]

AN ACT

April 30, 1940

[H. R. 8398]

[Public, No. 495]

Amending Acts extending the franking privilege to widows of ex-Presidents of the United States.

Franking privilege  
to widows of ex-Presi-  
dents of U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Acts of February 1, 1909 (ch. 55, 35 Stat. 591), October 27, 1919 (ch. 84, 41 Stat. 1449), March 4, 1924 (ch. 45, 43 Stat. 1359), June 14, 1930

(ch. 493, 46 Stat. 1906), and June 16, 1934 (ch. 560, 48 Stat. 1395), extending the franking privilege to Frances F. Cleveland (Preston), Mary Lord Harrison, Edith Carow Roosevelt, Edith Bolling Wilson, Helen H. Taft, and Grace G. Coolidge, respectively, are hereby amended by inserting in each of said Acts the words "or facsimile thereof" after the words "under her written autograph signature".

Approved, April 30, 1940.

## [CHAPTER 169]

## AN ACT

Authorizing The Superior Oil Company, a California corporation, to construct, maintain, and operate a free highway bridge or causeway, and approaches thereto, across the old channel of the Wabash River from Cut-Off Island, Posey County, Indiana, to White County, Illinois.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, The Superior Oil Company, a California corporation, is hereby authorized to construct, maintain, and operate a free highway bridge or causeway (including approaches thereto) across the old channel of the Wabash River in order to connect Cut-Off Island, Posey County, Indiana, with the highway system in White County, Illinois, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. The authority herein granted shall extend not only to The Superior Oil Company, a California corporation as aforesaid, but also to the owners of Cut-Off Island, Indiana, at the date of the enactment of this Act and any future owners of such island.

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

Approved, April 30, 1940.

April 30, 1940  
[H. R. 8407]  
[Public, No. 496]

Wabash River.  
Bridge authorized  
across old channel of,  
from Cut-Off Island,  
Posey County, Ind.,  
to White County, Ill.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Extension of author-  
ity.

Amendment.

## [CHAPTER 170]

## AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Susquehanna River, at or near Wyalusing, between Terry and Wyalusing Townships, in the county of Bradford, and in the Commonwealth of Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Susquehanna River, at a point suitable to the interests of navigation, at or near Wyalusing, and between Terry and Wyalusing Townships, Bradford County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations of this Act.

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

Approved, April 30, 1940.

April 30, 1940  
[H. R. 8471]  
[Public, No. 497]

Susquehanna River.  
Bridge authorized  
across, at Wyalusing,  
Pa.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Amendment.

## [CHAPTER 171]

## AN ACT

April 30, 1940

[H. R. 8495]

[Public, No. 498]

To extend the times for commencing and completing the construction of a bridge or bridges across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Illinois, and to amend the Act of July 18, 1939, and for other purposes.

Mississippi River.  
Time extended for  
bridging, Dubuque,  
Iowa, to East Du-  
buque, Ill.

53 Stat. 1051.

Bond issue, matu-  
rity, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge or bridges and approaches thereto across the Mississippi River at or near the cities of Dubuque, Iowa, and East Dubuque, Illinois, authorized to be constructed by the City of Dubuque Bridge Commission by an Act of Congress approved July 18, 1939, are hereby extended one and three years, respectively, from July 18, 1940.

SEC. 2. The second sentence of section 4 of said Act approved July 18, 1939, is hereby amended to read: "All such bonds may be registerable as to principal alone or both principal and interest, shall be in such form not inconsistent with this Act, shall mature at such time or times not exceeding twenty years from July 18, 1940, shall be in such denominations, shall be executed in such manner, and shall be payable in such medium and at such place or places as the commission may determine."

Amendment.

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

Approved, April 30, 1940.

## [CHAPTER 172]

## AN ACT

April 30, 1940

[H. R. 8608]

[Public, No. 499]

To amend the Subsistence Expense Act of 1926, as amended by the Act of June 30, 1932 (ch. 314, sec. 209, 47 Stat. 405).

Transportation of  
automobiles at Gov-  
ernment expense.  
47 Stat. 405.

Proviso.  
Department of  
State, authorization  
for.

Exception.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 209 of the Act of June 30, 1932 (5 U. S. C. 823a), limiting the transportation of automobiles at Government expense, be, and the same is hereby, amended by adding thereto the following: "*Provided further,* That funds available to the Department of State may be expended for the transportation of a personally owned automobile in any case where the Secretary of State shall determine that ocean transportation is necessary for any part of the distance between points of origin and destination, except that this authorization shall not be extended to any Ambassador or Minister when proceeding to a post of duty where a Government-owned automobile shall have been provided for his use."

Approved, April 30, 1940.

## [CHAPTER 173]

## AN ACT

April 30, 1940

[H. R. 8583]

[Public, No. 500]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Little Falls, Minnesota.

Mississippi River.  
Time extended for  
bridging, at Little  
Falls, Minn.

53 Stat. 1081.

Amendment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Little Falls, Minnesota, authorized to be built by the Minnesota Department of Highways or the State of Minnesota, by an Act of Congress approved July 25, 1939, are hereby extended one and three years, respectively, from July 25, 1940.

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

Approved, April 30, 1940.

## [CHAPTER 174]

## AN ACT

Granting the consent of Congress to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge across the Great Pee Dee River, at or near Cashua Ferry, South Carolina.

April 30, 1940  
[H. R. 8650]  
[Public, No. 501]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the State Highway Department of South Carolina to construct, maintain, and operate a free highway bridge and approaches thereto across the Great Pee Dee River at a point suitable to the interest of navigation, at or near Cashua Ferry, between Darlington and Brownsville, South Carolina, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations in this Act.

Great Pee Dee River.  
Bridge authorized across, at Cashua Ferry, S. C.

34 Stat. 84,  
33 U. S. C. §§ 491-498.  
Amendment.

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

Approved, April 30, 1940.

## [CHAPTER 175]

## AN ACT

To amend the Act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679).

April 30, 1940  
[H. R. 8772]  
[Public, No. 502]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 23, 1912 (37 Stat. 414; U. S. C., title 31, sec. 679), be, and the same is hereby, amended by the addition of the following words: "*Provided*, That the cost of installation and use of telephones in residences leased or owned by the Government of the United States in foreign countries for the use of the Foreign Service may be allowed from Government funds, under such regulations as may be prescribed by the Secretary of State, except that the restrictions herein relating to long-distance tolls shall also apply to telephones installed in such official residences."

Foreign Service.

Telephones in official residences abroad.

Long-distance tolls.

Approved, April 30, 1940.

## [CHAPTER 176]

## AN ACT

To provide for the transfer of United States prisoners in certain cases.

April 30, 1940  
[H. R. 9047]  
[Public, No. 503]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person confined in any penal or correctional institution pursuant to a judgment of conviction of an offense against the United States has been indicted or convicted of a felony in a court of record of any State, other than the State in which such person is confined, the Attorney General shall, if he finds it in the public interest to do so, upon the request of the Governor or the executive authority of such State, and upon the presentation of a certified copy of such indictment or judgment of conviction, cause such person to be transferred prior to his release to a penal or correctional institution situated within such State that is authorized to receive United States prisoners. In the event more than one such request is presented in respect to any prisoner, the Attorney General shall determine in his discretion which request should receive preference. The expense of personnel and transportation incurred in carrying out the provisions of this Act shall be chargeable to the appropriation for the "support of United States prisoners".

United States prisoners.  
Transfer of, in certain instances.

Expense.

## Terms construed.

SEC. 2. The term "indictment" as used in this Act shall include "information" and the term "indicted" shall include "informed against." The term "State" shall include the District of Columbia, but not Territories.

## Authority of Attorney General.

SEC. 3. Nothing in this Act shall be deemed to limit the authority of the Attorney General to transfer any prisoners pursuant to any other provision of law.

Approved, April 30, 1940.

## [CHAPTER 180]

## AN ACT

May 1, 1940  
[H. R. 8500]  
[Public, No. 504]

Authorizing the Secretary of War to execute an easement deed to the State of New Mexico for the use and occupation of lands and water areas at Conchas Dam and Reservoir project, New Mexico.

New Mexico.  
Easement over certain areas at Conchas Dam and Reservoir project authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and empowered, under such terms, regulations, and conditions as are deemed advisable by him, to grant to the State of New Mexico for public recreational purposes an easement for the use and occupation of such lands and water areas owned or controlled by the United States in connection with the Conchas Dam and Reservoir project on the South Canadian River, in New Mexico, as he may designate: *Provided,* That said easement shall be subordinate to the use of said lands and water areas by the War Department as may be necessary in the operation and maintenance of said dam and reservoir project.

*Proviso.*  
Subordination of easement.

## Amendment.

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

Approved, May 1, 1940.

## [CHAPTER 182]

## AN ACT

May 2, 1940  
[H. R. 289]  
[Public, No. 505]

For the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899.

War with Spain.  
Relief of certain Army volunteers held to service after April 11, 1899.  
30 Stat. 1754.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain, who were held to service in the Philippine Islands for service in the Philippine Insurrection after April 11, 1899, and after the conclusion of peace with the Kingdom of Spain, shall be entitled to the travel pay and allowance for subsistence provided in sections 1289 and 1290, Revised Statutes, as then amended and in effect, as though discharged April 11, 1899, by reason of expiration of enlistment, and appointed or reenlisted April 12, 1899, without deduction of travel pay and subsistence paid such officers or soldiers on final muster out subsequent to April 11, 1899: *Provided,* That no benefits shall accrue under any provision of this Act to any person whose claim is based upon the service of any such officer or soldier discharged in the Philippine Islands at his own request.

Travel pay and subsistence allowance.

*Proviso.*  
No benefits to persons discharged at own request.

## Settlement of claims.

SEC. 2. Claims hereunder shall be settled in the General Accounting Office, and shall be payable to the officer or soldier, or if the person who rendered the service is dead, then to his widow, children in equal shares (but not to their issue), father, or mother as pro-

vided by existing Acts relating to the settlement of accounts of deceased officers and soldiers of the Army (34 Stat. 750), but if there is no widow, child, father, or mother at the date of settlement, then no payment on account of the claim shall be made.

SEC. 3. The Comptroller General is authorized and directed to certify to the Congress, pursuant to the provisions of section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), all claims allowed hereunder.

SEC. 4. Application for the benefits of this Act shall be filed within three years after the date of its passage.

SEC. 5. Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application under this Act shall not exceed the sum of \$10; any person collecting or attempting to collect a greater amount than is herein allowed shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500 or by imprisonment for not more than two years, or by both such fine and imprisonment.

SAM RAYBURN

*Speaker pro Tempore of the House of Representatives.*

JNO N GARNER

*Vice President of the United States and  
President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U. S.,

*April 25, 1940.*

The House of Representatives having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE

*Clerk.*

I certify that this Act originated in the House of Representatives.

Certificate of origin.

SOUTH TRIMBLE

*Clerk.*

IN THE SENATE OF THE UNITED STATES,

*May 2 (legislative day, April 24), 1940.*

The Senate having proceeded to reconsider the bill (H. R. 289) entitled "An Act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899", returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY

*Secretary.*

10 U. S. C. § 868.

Claims allowed to be certified to Congress.  
23 Stat. 254.

Time for filing claims.

Limitation on attorney's, etc., fees.

Penalty.

Certificate of the House of Representatives.

Certificate of the Senate.

## [CHAPTER 183]

## JOINT RESOLUTION

May 3, 1940  
[H. J. Res. 437]  
[Pub. Res., No. 67]

Authorizing the President of the United States of America to proclaim I Am An American Citizenship Day, for the recognition, observance, and commemoration of American citizenship.

## Preamble.

Whereas some two million young men and women in the United States each year reach the age of twenty-one years; and Whereas it is desirable that the sovereign citizens of our Nation be prepared for the responsibilities and impressed with the significance of their status in our self-governing Republic: Therefore be it

I Am An American Day.  
Third Sunday in May each year to be so designated.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the third Sunday in May each year be, and hereby is, set aside as Citizenship Day and that the President of the United States is hereby authorized and requested to issue annually a proclamation setting aside that day as a public occasion for the recognition of all who, by coming of age or naturalization, have attained the status of citizenship, and the day shall be designated as "I Am An American Day".

## Observance invited.

That the civil and educational authorities of States, counties, cities, and towns be, and they are hereby, urged to make plans for the proper observance of this day and for the full instruction of future citizens in their responsibilities and opportunities as citizens of the United States and of the States and localities in which they reside.

Not to supersede present practices of similar nature.

Nothing herein shall be construed as changing, or attempting to change, the time or mode of any of the many altogether commendable observances of similar nature now being held from time to time, or periodically, but, to the contrary, such practices are hereby praised and encouraged.

Cooperation of judiciary, etc.

SEC. 2. Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship; it being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship.

Approved, May 3, 1940.

## [CHAPTER 184]

## JOINT RESOLUTION

May 3, 1940  
[S. J. Res. 199]  
[Pub. Res., No. 68]

Amending Public Resolution Numbered 112 of the Seventy-fifth Congress and Public Resolution Numbered 48 of the Seventy-sixth Congress.

Joint congressional committee on phosphate resources of United States, continuance authorized.  
52 Stat. 704; 53 Stat. 1346.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the life of the committee provided for by Public Resolution Numbered 112 of the Seventy-fifth Congress creating a Joint Congressional Committee to Investigate the Adequacy and Use of the Phosphate Resources of the United States, and Public Resolution Numbered 48 of the Seventy-sixth Congress, and the time for making its final report is extended to January 15, 1941.

Approved, May 3, 1940.

## [CHAPTER 185]

## JOINT RESOLUTION

To amend section 5 (b) of the Act of October 6, 1917, as amended, and for other purposes.

May 7, 1940  
[S. J. Res. 252]  
[Pub. Res., No. 69]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. 411), as amended, is hereby amended to read as follows:

“During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by or to banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, and any transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property in which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, by any person within the United States or any place subject to the jurisdiction thereof; and the President may require any person to furnish under oath, complete information relative to any transaction referred to in this subdivision or to any property in which any such foreign state, national or political subdivision has any interest, including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person, either before or after such transaction is completed.”

SEC. 2. Executive Order Numbered 8389 of April 10, 1940, and the regulations and general rulings issued thereunder by the Secretary of the Treasury are hereby approved and confirmed.

SEC. 3. Nothing in this Joint Resolution shall be deemed to repeal or to modify in any manner any of the provisions of the Act of April 13, 1934, 48 Stat. 574 (the Johnson Act) or of the Neutrality Act of 1939 (Public Resolution Numbered 54, Seventy-sixth Congress).

Approved, May 7, 1940.

Trading with the enemy Act, amendment.  
40 Stat. 415.  
12 U. S. C. § 95a.  
Regulation, etc., of foreign exchange, coin exports, property transfers, etc.

Testimony, books, etc.

Executive order, etc., confirmed.

Prior laws unaffected.  
31 U. S. C. § 804a.  
*Ante*, p. 4.  
22 U. S. C., Supp. V, §§ 245j—245j-19.

## [CHAPTER 186]

## AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Dudley F. Wolfe.

May 11, 1940  
[S. 3098]  
[Public, No. 506]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States the personal property bequeathed to the United States Naval Academy by the terms of the will of the late Dudley F. Wolfe.

Property bequeathed by Dudley F. Wolfe.  
Acceptance.

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

Appropriation authorized.

Approved, May 11, 1940.

[CHAPTER 187]

JOINT RESOLUTION

May 11, 1940  
[H. J. Res. 431]  
[Pub. Res., No. 70]

To extend to the 1940 New York World's Fair and the 1940 Golden Gate International Exposition the provisions according privileges under certain customs and other laws to the expositions of 1939.

New York World's Fair, 1940.  
Articles imported for exhibition, etc.

50 Stat. 668.

Golden Gate International Exposition.  
Articles imported for exhibition, etc.

50 Stat. 187.

Protection of rights, duration.

Distilled spirits, etc., for consumption on premises, and tourist literature for free distribution.

53 Stat. 625, 1221.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the joint resolution entitled "Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair, 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937, as amended and supplemented, is extended and made applicable to the New York World's Fair, 1940, Incorporated.

(b) The joint resolution entitled "Joint resolution providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition to be held at San Francisco, California, in 1939, and for other purposes", approved May 18, 1937, as amended and supplemented, is extended and made applicable to the Golden Gate International Exposition to be held at San Francisco, California, in 1940.

(c) The six-month periods provided for in the joint resolutions referred to in this section, with respect to articles heretofore or hereafter imported under such joint resolutions or under such joint resolutions as amended and extended, shall begin to run from the close of the respective expositions in 1940.

SEC. 2. The Act entitled "An Act relating to the importation of distilled spirits for consumption at the New York World's Fair, 1939, and the Golden Gate International Exposition of 1939, and to duties on certain articles to be exhibited at the New York World's Fair, 1939", approved April 29, 1939, as amended, is extended and made applicable to the New York World's Fair, 1940, Incorporated, and the Golden Gate International Exposition to be held at San Francisco, California, in 1940.

Approved, May 11, 1940.

[CHAPTER 188]

AN ACT

May 13, 1940  
[H. R. 7806]  
[Public, No. 507]

To authorize the striking of an appropriate medal in commemoration of the three-hundredth anniversary of the establishment of Greenwich, Connecticut, as a town.

Greenwich, Conn., 300th anniversary of establishment.  
Commemorative medals.

Delivery; payment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in commemoration of the three-hundredth anniversary of the establishment of Greenwich, Connecticut, as a town, and the granting of a charter for such establishment, there shall be struck at a mint of the United States to be designated by the Director of the Mint fifty thousand commemorative medals of a special appropriate single design, size, weight, and composition to be fixed by the Director of the Mint with the approval of the Secretary of the Treasury.

SEC. 2. Such commemorative medals shall be delivered to the duly authorized officers of Greenwich Tercentenary Committee upon payment to the Director of the Mint of an amount to be fixed by the Director of the Mint not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

Security for payment.

SEC. 3. Whoever shall falsely make, forge, or counterfeit or cause or procure to be falsely made, forged, or counterfeited or shall aid in falsely making, forging, or counterfeiting any medal issued under the provisions of this Act, or whoever shall sell or bring into the United States or any place subject to the jurisdiction thereof from any foreign place, or have in his possession any such false, forged, or counterfeited medal, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.

Counterfeiting, etc.,  
of medal.

Penalty.

Approved, May 13, 1940.

[CHAPTER 189]

AN ACT

Making appropriations for the Departments of State, Commerce, and Justice, and for The Judiciary, for the fiscal year ending June 30, 1941, and for other purposes.

May 14, 1940  
[H. R. 8319]  
[Public, No. 508]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Commerce, and Justice, and for The Judiciary, for the fiscal year ending June 30, 1941, namely:

TITLE I—DEPARTMENT OF STATE

OFFICE OF THE SECRETARY OF STATE

Department of State  
Appropriation Act,  
1941.

Salaries: For Secretary of State; Under Secretary of State, \$10,000; counselor, \$10,000; and other personal services in the District of Columbia, including temporary employees, and not to exceed \$6,500 for employees engaged on piece work at rates to be fixed by the Secretary of State; \$2,458,500: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the four Assistant Secretaries of State and the Legal Adviser of the Department of State, the Assistant to the Attorney General, the Assistant Solicitor General, and six Assistant Attorneys General, the Assistant Secretaries of Commerce, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Salaries.  
*Post*, pp. 650, 1044.

*Proviso*.  
Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

## CONTINGENT EXPENSES (DEPARTMENTAL)

Department contingent expenses.  
*Post*, p. 1044.

Microfilming equipment.

*Post*, p. 1109.  
Objects for presentation in American republics.

Books, periodicals, etc.

Vehicles.

Attendance at meetings.

Refund of passport fees erroneously charged.

41 Stat. 750.

Contingent expenses: For contingent and miscellaneous expenses, including stationery, furniture, fixtures; typewriters, adding machines, and other labor-saving devices, including rental, exchange, and repair thereof (not to exceed \$27,500); microfilming equipment, including rental and repair thereof; translating services by contract without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); flags, books, pictures, portraits, and other objects of like character appropriate for presentation (through diplomatic and consular offices) to governments, schools, and other similar organizations in the American republics; purchase and exchange of books, maps, and periodicals, domestic and foreign, and, when authorized by the Secretary of State, dues for library membership in societies or associations which issue publications to members only, or at a price to members lower than to subscribers who are not members, newspapers, teletype rentals, and tolls (not to exceed \$12,500); purchase, including exchange, of one passenger-carrying automobile; maintenance, repair, and storage of motor-propelled vehicles, to be used only for official purposes (including one passenger-carrying vehicle for the Secretary of State and two for the general use of the Department); streetcar fare; traveling expenses, including not to exceed \$5,000 for expenses of attendance at meetings concerned with the work of the Department of State when authorized by the Secretary of State; refund of fees erroneously charged and paid for the issue of passports to persons who are exempted from the payment of such fee by section 1 of the Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921, approved June 4, 1920 (22 U. S. C. 214, 214a); the examination of estimates of appropriations in the field; and other miscellaneous items not included in the foregoing, \$143,000, of which \$2,000 shall be available immediately.

## PRINTING AND BINDING

Printing and binding.

Printing and binding: For all printing and binding in the Department of State, including all of its bureaus, offices, institutions, and services, located in Washington, District of Columbia, and elsewhere, \$237,000.

## PASSPORT AGENCIES

Passport agencies.

Passport agencies: For salaries and expenses of maintenance, rent, cost of insurance covering shipments of money by messenger, registered mail, or otherwise, and traveling expenses not to exceed \$500, for not to exceed five passport agencies, \$57,500.

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

Collecting, etc., of official papers of the Territories for publication.

45 Stat. 1412.  
5 U. S. C., Supp.  
V, §§ 168a, 168c.

Collecting and editing official papers of Territories of the United States: For the expenses of collecting, editing, copying, and arranging for publication the official papers of the Territories of the United States, including personal services in the District of Columbia and elsewhere, printing and binding, and contingent and traveling expenses, as provided by the Act approved February 28, 1929 (5 U. S. C. 168-168b), as amended by the Act approved June 28, 1937 (50 Stat. 323), \$25,000.

## FOREIGN INTERCOURSE

*Post*, p. 187.

## AMBASSADORS AND MINISTERS

Salaries, Ambassadors and Ministers: For salaries of ambassadors and ministers, including salaries as authorized by section 1740, Revised Statutes, as amended by the Act of April 24, 1939 (53 Stat. 583), as follows: Ambassadors Extraordinary and Plenipotentiary to Argentina, Brazil, Chile, China, Colombia, Cuba, France, Germany, Great Britain, Italy, Japan, Mexico, Panama, Peru, Poland, Spain, Turkey, Union of Soviet Socialist Republics, and Venezuela, at \$17,500 each;

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

Envoy Extraordinary and Minister Plenipotentiary to the Netherlands, \$12,000;

Envoys Extraordinary and Ministers Plenipotentiary to Albania, Australia, Bolivia, Bulgaria, Czechoslovakia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, El Salvador, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Liberia, Lithuania, Nicaragua, Norway, Paraguay, Portugal, Rumania, Union of South Africa, Sweden, Switzerland, Thailand, Uruguay, and Yugoslavia, at \$10,000 each; to Egypt and Saudi Arabia, \$10,000; to Iran and Afghanistan, \$10,000; and to Estonia and Latvia, \$10,000;

In all, not to exceed \$660,000:

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

Salaries.  
Ambassadors.  
22 U. S. C. § 121.  
22 U. S. C., Supp.  
V, §§ 3, 3a.

Ministers.

*Proviso*.  
Restriction.

## SALARIES OF FOREIGN SERVICE OFFICERS

Salaries, Foreign Service officers: For salaries of Foreign Service officers as provided in the Act approved February 23, 1931 (22 U. S. C. 3, 3a), as amended by the Act of April 24, 1939 (53 Stat. 583), including salaries of such officers for the period actually and necessarily occupied in receiving instructions and in making transits to and from their posts, and while awaiting recognition and authority to act in pursuance with the provisions of section 1740 of the Revised Statutes (22 U. S. C. 121); and salaries of Foreign Service officers or vice consuls while acting as *Chargés d'Affaires ad interim* or while in charge of a consulate general or consulate during the absence of the principal officer; \$4,166,000.

Foreign Service of-  
ficers.  
46 Stat. 1207.  
22 U. S. C., Supp.  
V, §§ 3, 3a.  
Instruction and  
transit pay.

*Chargés d'Affaires*  
*ad interim*.

## TRANSPORTATION, FOREIGN SERVICE

Transportation, Foreign Service: To pay the traveling expenses, including travel by airplane when specifically authorized by the Secretary of State, of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors, and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, including not to exceed \$170,000 for expenses in connection with leaves of absence; attendance at trade and other conferences and congresses under orders of the Secretary of State as authorized by the Act approved February 23, 1931 (22 U. S. C. 16, 17); preparation and transportation of the remains of those officers and employees of the Foreign Service, who have died or may die abroad or in transit while

Transportation.

Leaves of absence.

46 Stat. 1209.  
Bringing home re-  
mains of officers, etc.,  
dying abroad.

Allowances to widows, etc.

Travel under Secretary's orders.

*Proviso.*  
Subsistence on temporary detail under commission.

Office and living quarters allowances.

46 Stat. 818.

*Provisos.*  
Advance payment of rent.  
Leases.

Allowance for quarters, etc.; limitation.

*Post*, p. 185.

Cost of living allowances.

46 Stat. 1209, 1207.  
22 U. S. C., Supp. V, § 23c.

*Proviso.*  
Regulation of expenditure.

Representation allowances.

46 Stat. 1209.

Retirement and disability fund, Federal contribution.

46 Stat. 1207.  
22 U. S. C., Supp. V, § 21.  
*Ante*, p. 143.

Clerks, salaries.  
46 Stat. 1207.

in the discharge of their official duties, to their former homes in this country or to a place not more distant for interment, and for the ordinary expenses of such interment, and also for payment under the provisions of section 1749 of the Revised Statutes (22 U. S. C. 130) of allowances to the widows or heirs at law of Diplomatic, Consular, and Foreign Service officers of the United States dying in foreign countries in the discharge of their duties, \$723,000, of which amount not to exceed \$50,000 shall be available until June 30, 1942, for disbursement for expenses of travel under orders issued by the Secretary of State during the fiscal year 1941: *Provided*, That this appropriation shall be available also for the authorized subsistence expenses of Consular and Foreign Service officers while on temporary detail under commission.

Office and living quarters allowances, Foreign Service: For rent, heat, fuel, and light for the Foreign Service for offices and grounds, and, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), for living quarters and for allowances for living quarters, including heat, fuel, and light, \$2,153,000: *Provided*, That payment for rent may be made in advance: *Provided further*, That the Secretary of State may enter into leases for such offices, grounds, and living quarters for periods not exceeding ten years and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5): *Provided further*, That no part of this appropriation shall be used for allowances for living quarters, including heat, fuel, and light, in an amount exceeding \$3,000 for an ambassador, minister, or chargé d'affaires, and not exceeding \$1,700 for any other Foreign Service officer: *Provided further*, That under this appropriation and the appropriations herein for "Contingent expenses, Foreign Service", and "Miscellaneous salaries and allowances, Foreign Service", not more than \$5,000 shall be expended for heat, fuel, and light for living quarters for each ambassador or minister occupying a Government-owned building for residence or residence and office purposes, and not more than \$1,700 for such purposes in the case of any other Foreign Service officer, and during the incumbency of a chargé d'affaires the limitation on such expenditures shall be the same as for the occupancy by the principal officer.

Cost of living allowances, Foreign Service: To carry out the provisions of the Act approved February 23, 1931 (22 U. S. C. 12, 23c), as amended by the Act of April 24, 1939 (53 Stat. 583), relating to allowances and additional compensation to diplomatic, consular, and Foreign Service officers, clerks, and other employees when such allowances and additional compensation are necessary to enable such officers, clerks, and other employees to carry on their work efficiently, \$338,500: *Provided*, That such allowances and additional compensation shall be granted only in the discretion of the President, and under such regulations as he may prescribe.

Representation allowances, Foreign Service: For representation allowances as authorized by the Act approved February 23, 1931 (22 U. S. C. 12), \$150,000.

Foreign Service retirement and disability fund: For financing the liability of the United States, created by the Act approved February 23, 1931 (22 U. S. C. 21), as amended by the Act of April 24, 1939 (53 Stat. 583) \$609,000, which amount shall be placed to the credit of the "Foreign Service retirement and disability fund".

Salaries of clerks, Foreign Service: For salaries of clerks in the Foreign Service, as provided in the Act approved February 23, 1931 (22 U. S. C. 23a), including salaries while under instruction in the

United States and during transit to and from homes in the United States upon the beginning and after termination of service, \$2,837,000.

Miscellaneous salaries and allowances, Foreign Service: For salaries or compensation of kavasses, guards, dragomans, porters, interpreters, prison keepers, translators, archive collators, Chinese writers, messengers, couriers, telephone operators, supervisors of construction, and custodial and operating force for maintenance and operation of Government-owned and leased diplomatic and consular properties in foreign countries; compensation of agents and employees of dispatch agencies at New York, San Francisco, Seattle, and New Orleans, including salaries during transit to and from their homes in the United States upon the beginning and after termination of service in foreign countries; operation of motor-propelled and other passenger- and non-passenger-carrying vehicles; for allowances to consular officers, who are paid in whole or in part by fees, for services necessarily rendered to American vessels and seamen, as provided in the Act of June 26, 1884 (22 U. S. C. 89; 46 U. S. C. 101); and such other miscellaneous personal services as the President may deem necessary, \$697,000: *Provided*, That no part of this appropriation shall be expended for salaries or wages of persons not American citizens performing clerical services (except interpreters, translators, and messengers), whether officially designated as clerks or not, in any foreign mission: *Provided further*, That the Secretary of the Navy is authorized, upon request by the Secretary of State, to assign enlisted men of the Navy and Marine Corps to serve as custodians, under the immediate supervision of the Secretary of State or the chief of mission, whichever the Secretary of State shall direct, at embassies, legations, or consulates of the United States located in foreign countries.

Contingent expenses, Foreign Service: For stationery; blanks; record and other books; seals; presses; flags; signs; military equipment and supplies; repairs and alterations; repairs, preservation, and maintenance of Government-owned and leased diplomatic and consular properties in foreign countries, including water, materials, supplies, tools, seeds, plants, shrubs, and similar objects; newspapers (foreign and domestic); freight; postage; telegrams; advertising; ice and drinking water for office purposes; purchase, maintenance, and hire of motor-propelled or horse-drawn passenger-carrying vehicles, and exchange, purchase, maintenance, and hire of other passenger-carrying vehicles; exchange of trucks; insurance of official motor vehicles in foreign countries when required by the law of such countries; funds for establishment and maintenance of commissary service; uniforms; furniture; household furniture and furnishings, except as provided by the Act of May 7, 1926, as amended (22 U. S. C. 292-299), for Government-owned or rented buildings; typewriters, adding machines, and other labor-saving devices, and exchange of same; maintenance and rental of launch for embassy in Turkey, not exceeding \$3,500, including personnel for operation; rent and other expenses for dispatch agencies at New York, San Francisco, Seattle, and New Orleans; traveling expenses, including the transportation of members of families and personal effects of diplomatic officers or Foreign Service officers acting as *chargés d'affaires* in traveling to seats of government at which they are accredited other than the city of usual residence and returning to the city of usual residence; loss by exchange; payment in advance for subscriptions to commercial information, telephone and other similar services; burial expenses and expenses in connection

Miscellaneous salaries and allowances.

Dispatch agencies.

Salaries during transit.

Vehicles.

Services to American seamen, etc.

23 Stat. 56.

*Provisos.*  
Citizenship requirement.

Naval assignments as custodians.

Contingent expenses, Foreign Service.  
*Post*, p. 650.

Vehicles.

Commissary service.

Government buildings abroad.  
44 Stat. 403.  
22 U. S. C., Supp. V, §§ 292-297.

Traveling, etc., expenses.

with last illness and death of certain native employees, as authorized by and in accordance with the Act of July 15, 1939 (53 Stat. 1043); expenses of vice consulates and consular agencies for any of the foregoing objects; allowances for special instruction, education, and individual training of Foreign Service officers at home and abroad, not to exceed \$7,500; cost, not exceeding \$500 per annum each, of the tuition of Foreign Service officers assigned for the study of the languages of Asia and eastern Europe; for relief, protection, and burial of American seamen in foreign countries, in the Panama Canal Zone, and in the Philippine Islands, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, in Puerto Rico, and in the Virgin Islands, and for expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck or other catastrophe at sea; for expenses of maintaining in China, Egypt, Ethiopia, Morocco, and Muscat, institutions for incarcerating American convicts and persons declared insane by any consular court, rent of quarters for prisons, ice and drinking water for prison purposes, and for the expenses of keeping, feeding, and transportation of prisoners and persons declared insane by any consular court in China, Egypt, Ethiopia, Morocco, and Muscat; for every expenditure requisite for or incident to the bringing home from foreign countries of persons charged with crime as authorized by section 5275 of the Revised Statutes (18 U. S. C. 659); and such other miscellaneous expenses as the President may deem necessary; \$1,226,000: *Provided*, That this appropriation shall be available for reimbursement of appropriations for the Navy Department, in an amount not to exceed \$35,000, for materials, supplies, equipment, and services furnished by the Navy Department, including pay, subsistence, allowances, and transportation of enlisted men of the Navy and Marine Corps who may be assigned by the Secretary of the Navy, upon request of the Secretary of State, to embassies, legations, or consular offices of the United States located in foreign countries.

#### FOREIGN SERVICE BUILDINGS FUND

Foreign Service Buildings Fund.

22 U. S. C., Supp. V, § 295a.

Contracts authorized.

*Proviso.*  
Payments in foreign currency.

Retroactive authorization.

Foreign Service Buildings Fund: For the purpose of carrying into effect the provisions of the Act of May 25, 1938, entitled "An Act to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States" (52 Stat. 441), including the initial alterations, repair, and furnishing of buildings acquired under said Act, \$300,000, to remain available until expended, and in addition the Secretary of State is authorized to enter into contracts for such purpose during the fiscal year 1941 in an amount of not to exceed \$100,000: *Provided*, That whenever a contract is made for the construction, alteration, or repair of a Foreign Service building which requires payments in a foreign currency, the Secretary of State is authorized to purchase such currency at such times and in such amounts (within the total amount of the payments to be made under such contract) as he may deem necessary, the currency so purchased to be disbursed and accounted for at its cost price: *Provided further*, That this authorization shall also apply to the funds available to the Secretary of State under prior appropriations for the construction of Foreign Service buildings.

#### EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

Emergencies, Diplomatic and Consular Service.  
*Post*, p. 650.

Emergencies arising in the Diplomatic and Consular Service: To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and

other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), \$225,000: *Provided*, That whenever the President shall find that a state of emergency exists endangering the lives of American citizens in any foreign country, he may make available for expenditure for the protection of such citizens, by transfer to this appropriation, not to exceed \$500,000 from the various appropriations contained herein under the heading "Foreign Intercourse"; and reimbursements by American citizens to whom relief has been extended shall be credited to any appropriation from which funds have been transferred for the purposes hereof, except that reimbursements so credited to any appropriation shall not exceed the amount transferred therefrom.

Contracts entered into in foreign countries involving expenditures from any of the foregoing appropriations under the caption "Foreign Intercourse" shall not be subject to the provisions of section 3741 of the Revised Statutes (41 U. S. C. 22).

Not to exceed 10 per centum of any of the foregoing appropriations under the caption "Foreign Intercourse" for the fiscal year ending June 30, 1941, may be transferred, with the approval of the Director of the Bureau of the Budget, to any other foregoing appropriation or appropriations under such caption for such fiscal year, but no appropriation shall be increased more than 10 per centum thereby: *Provided*, That all such transfers and contemplated transfers shall be set forth in the Budget for the fiscal year 1942.

#### CONTRIBUTIONS, QUOTAS, AND SO FORTH

For payment of the annual contributions, quotas, and expenses, including loss by exchange in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: Cape Spartel and Tangier Light, Coast of Morocco, \$1,176; International Bureau of Weights and Measures, \$4,342.50; International Bureau of Publication of Customs Tariffs, \$1,318.77; Pan American Union, \$239,458.70, including not to exceed \$20,000 for printing and binding; International Bureau of Permanent Court of Arbitration, \$1,722.57; Bureau of Interparliamentary Union for Promotion of International Arbitration, \$10,000; International Institute of Agriculture at Rome, Italy, \$48,756, including not to exceed \$11,700 for the salary of the American member of the permanent committee (at not more than \$7,500 per annum), compensation of subordinate employees without regard to the Classification Act of 1923, as amended, expenses for the maintenance of the office at Rome, including purchase of necessary books, maps, documents, and newspapers and periodicals (foreign and domestic), printing and binding, allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), for the use of the American member of the permanent committee, and traveling and other necessary expenses, to be expended under the direction of the Secretary of State; Pan American Sanitary Bureau, \$58,522.75; International Office of Public Health, \$3,015.63; Bureau of International Telecommunication Union, Radio Section, \$5,790; Inter-American Radio Office, \$3,655; Government of Panama, \$430,000; International Hydrographic Bureau, \$5,404; Inter-American Trade-Mark Bureau, \$14,330.20; International Bureau for Protection of Industrial Property, \$1,471.63; Gorgas Memorial Laboratory, \$50,000: *Provided*, That hereafter, notwithstanding the provisions of section 3 of the Act of May 7, 1928 (45 Stat. 491), the report of the operation

Neutrality Act expenses.  
*Ante*, p. 4.  
22 U. S. C., Supp. V, §§ 245j-245j-19.  
*Proviso*.  
Emergency transfer of funds.

*Ante*, p. 183.

Interest of Members of Congress; provision inapplicable.

41 U. S. C., Supp. V, § 22.  
Interchange of appropriations; restriction.  
*Ante*, p. 183.

*Proviso*.  
Report in Budget.

Contributions, quotas, etc.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Allowances.

46 Stat. 818.

Gorgas Memorial Laboratory.  
*Proviso*.  
Report of operations to Congress.

and work of the laboratory, including the statement of the receipts and expenditures, shall be made to Congress during the first week of each regular session thereof, such a report to cover a fiscal year period ending on June 30 of the calendar year immediately preceding the convening of each such session; American International Institute for the Protection of Childhood, \$2,000; International Statistical Bureau at The Hague, \$2,000; International Map of the World on the Millionth Scale, \$50; International Technical Committee of Aerial Legal Experts, \$6,745, including not to exceed \$6,500 for the expenses of participation by the Government of the United States in the meetings of the International Technical Committee of Aerial Legal Experts and of the commissions established by that committee, including traveling expenses, personal services in the District of Columbia and elsewhere without reference to the Classification Act of 1923, as amended, stenographic and other services by contract if deemed necessary without regard to the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5), rent, purchase of necessary books and documents, printing and binding, official cards, entertainment, and such other expenses as may be authorized by the Secretary of State; Convention Relating to Liquor Traffic in Africa, \$55; International Penal and Penitentiary Commission, \$4,332, including not to exceed \$800 for the necessary expenses of the Commissioner to represent the United States on the Commission at its annual meetings, personal services without regard to the Classification Act of 1923, as amended, printing and binding, traveling expenses, and such other expenses as the Secretary of State may deem necessary; Permanent Association of International Road Congresses, \$588; International Labor Organization, \$163,511.64, including not to exceed \$8,000 for the expenses of participation by the United States in the meetings of the General Conference and of the Governing Body of the International Labor Office and in such regional, industrial, or other special meetings as may be duly called by such Governing Body, including personal services, in the District of Columbia and elsewhere, rent, traveling expenses, purchase of books, documents, newspapers, periodicals, and charts, stationery, official cards, printing and binding, hire, maintenance, and operation of motor-propelled passenger-carrying vehicles, and such other expenses as may be authorized by the Secretary of State; Implementing the Narcotics Convention of 1931, \$10,551.85; International Council of Scientific Unions and Associated Unions, as follows: International Council of Scientific Unions, \$19.30; International Astronomical Union, \$617.60; International Union of Chemistry, \$675; International Union of Geodesy and Geophysics, \$2,316; International Scientific Radio Union, \$232.40; International Union of Physics, \$62.72; International Geographical Union, \$125.44; and International Union of Biological Sciences, \$154.40; in all, \$4,202.86; and Pan American Institute of Geography and History, \$10,000; in all, \$1,083,000, together with such additional sums, due to increase in rates of exchange as the Secretary of State may determine and certify to the Secretary of the Treasury to be necessary to pay, in foreign currencies, the quotas and contributions required by the several treaties, conventions, or laws establishing the amount of the obligation.

Convention for the Promotion of Inter-American Cultural Relations: For meeting the obligations of the United States under the Convention for the Promotion of Inter-American Cultural Relations between the United States and the other American Republics, signed at Buenos Aires, December 23, 1936, including salaries, traveling expenses, tuition, and allowances for maintenance and living quar-

International Technical Committee of Aerial Legal Experts.

Post, p. 1109.

International Labor Organization.

Personal services.

48 Stat. 1543.

International Council of Scientific Unions, etc.

Total; additional sums, increase in rates of exchange.

Convention for the Promotion of Inter-American Cultural Relations.

51 Stat. 178.

ters for professors and students in accordance with the provisions of the said convention, notwithstanding the provisions of any other Act, \$94,500, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

Transfer of funds.

#### INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

Salaries and expenses: For expenses of meeting the obligations of the United States under the treaties of 1884, 1889, 1905, 1906, and 1933 between the United States and Mexico, and of compliance with the Act approved August 19, 1935, as amended (49 Stat. 660, 1370), operation and maintenance of the Rio Grande rectification project and of the American dam and canal feature of the Rio Grande canalization project; construction and operation of gaging stations where necessary and their equipment; personal services and rent in the District of Columbia and elsewhere; fees for professional services at rates and in amounts to be determined by the Secretary of State; expenses of attendance at meetings which, in the discretion of the Commissioner, may be necessary for the efficient discharge of the responsibilities of the Commission (not to exceed \$500); traveling expenses, including transportation of effects; printing and binding; law books and books of reference; subscriptions to foreign and domestic newspapers and periodicals; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; hire, with or without personal services, of work animals, and animal-drawn and motor-propelled vehicles and equipment; purchase of rubber boots and waders for official use of employees; purchase of ice; drilling and testing of dam sites, by contract if deemed necessary, and purchase in the field of planographs and lithographs without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); equipment and such other miscellaneous expenses as the Secretary of State may deem proper, \$198,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply, in the discretion of the Commissioner, to any purchase by or service rendered for the United States Section of the International Boundary Commission, United States and Mexico, when the aggregate amount involved does not exceed \$500.

Construction, operation, and maintenance, Public Works projects: For the construction (including surveys and operation and maintenance and protection during construction) of the following projects under the supervision of the International Boundary Commission, United States and Mexico, United States section, including salaries and wages of employees, laborers, and mechanics; fees for professional services at rates and in amounts to be determined by the Secretary of State; travel expenses; rents; construction and operation of gaging stations; purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger- and freight-carrying vehicles; drilling and testing of dam sites, by contract if deemed necessary, and purchase in the field of planographs and lithographs without regard to the provisions of section 3709 of the Revised Statutes (41 U. S. C. 5); hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts and certificates of title; transportation of things (including drayage,

Salaries and expenses.

24 Stat. 1011; 26 Stat. 1512; 35 Stat. 1863; 34 Stat. 2953; 48 Stat. 1621.

Rio Grande, rectification and canalization projects.

Printing and binding.

Vehicles.

Testing of dam sites.

Post, p. 1109.

Proris.  
Minor purchases,  
etc.  
Post, p. 1109.

Public Works projects under Commission.

Vehicles.

Post, p. 1109.

Printing and binding.

Rio Grande rectification project.

48 Stat. 1621.

Funds continued available.  
53 Stat. 894.

Lower Rio Grande flood-control project.

Balances reappropriated.

*Proviso.*  
Approval of title to acquired land, etc.

Rio Grande canalization project.

Balances reappropriated.  
53 Stat. 894.

packing, and crating of personal effects of employees upon change of station for permanent duty not to exceed five thousand pounds in any one case); printing and binding; communication services; equipment, materials and supplies, including purchase of ice, rubber boots, and waders for official use of employees, and such other miscellaneous expenses as the Secretary of State may deem necessary:

Rio Grande rectification project: For completion of the rectification of the Rio Grande in the El Paso-Juarez Valley under the convention concluded February 1, 1933, between the United States and Mexico, the funds made available under this head in the Department of State Appropriation Act, 1940, are continued available in an amount not to exceed \$60,000 until June 30, 1941.

Lower Rio Grande flood-control project: For the United States portion of the project for flood control on the Lower Rio Grande, as authorized by the Act approved August 19, 1935, as amended (49 Stat. 660, 1370), \$950,000, together with the unexpended balances of the appropriations for this purpose for the fiscal year 1940: *Provided*, That no part of this appropriation for the Lower Rio Grande flood-control project shall be expended for construction on any land, site, or easement until title thereto has been conveyed to the United States by donation and the same has been approved by the Attorney General of the United States.

Rio Grande canalization project: For the Rio Grande canalization project as authorized by the Acts approved August 29, 1935 (49 Stat. 961), and June 4, 1936 (49 Stat. 1463), \$500,000, together with the unexpended balances of the appropriations under this head for the fiscal year 1940.

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

Expenses under treaty obligations.

44 Stat. 2102.

Demarcation of boundary lines.

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

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

Salaries and expenses.  
*Post*, p. 650.

Salaries and expenses: For salaries and expenses, including salaries of clerks and other employees appointed by the Commissioners on the part of the United States, with the approval solely of the Secretary of State; for necessary traveling expenses, and for expenses incident to holding hearings and conferences at such places in Canada

and the United States as shall be determined by the Commission or by the American Commissioners to be necessary, including traveling expense and compensation of necessary witnesses, making necessary transcript of testimony and proceedings; for cost of lawbooks, books of reference and periodicals, office equipment and supplies; and for one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and for other purposes, signed January 11, 1909; \$19,500, to be disbursed under the direction of the Secretary of State: *Provided*, That the Commissioners on the part of the United States shall serve in that capacity without additional compensation: *Provided further*, That traveling expenses of the American Commissioners, secretary, and necessary employees shall be allowed in accordance with the provisions of the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-833).

Special and technical investigations: For an additional amount for necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including personal services in the District of Columbia or elsewhere, traveling expenses, procurement of technical and scientific equipment, and the purchase, exchange, hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles, \$48,500, to be disbursed under the direction of the Secretary of State, who is authorized to transfer to any department or independent establishment of the Government, with the consent of the head thereof, any part of this amount for direct expenditure by such department or establishment for the purposes of this appropriation.

#### INTERNATIONAL FISHERIES COMMISSION

Salaries and expenses: For the share of the United States of the expenses of the International Fisheries Commission, under the convention between the United States and Canada, concluded January 29, 1937, including salaries of two members and other employees of the Commission, traveling expenses, charter of vessels, purchase of books, periodicals, furniture, and scientific instruments, contingent expenses, rent in the District of Columbia, and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, to be disbursed under the direction of the Secretary of State, \$28,000, to be available immediately: *Provided*, That not to exceed \$750 shall be expended by the Commissioners in attending meetings of the Commission.

#### INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

Salaries and expenses: For the share of the United States of the expenses of the International Pacific Salmon Fisheries Commission, under the convention between the United States and Canada, concluded May 26, 1930, including personal services; traveling expenses; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; charter of vessels; purchase of books, periodicals, furniture, and scientific instruments; contingent expenses; rent in the District of Columbia and elsewhere; and such other expenses in the United States and elsewhere as the Secretary of State may deem proper, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, \$35,000, to be available immediately.

Joint expenses.

36 Stat. 2448.

*Provisos.*  
Compensation of  
Commissioners.  
Traveling expenses.

44 Stat. 688.

Special and techni-  
cal investigations.

Personal services.

Transfer of funds.

Salaries and ex-  
penses.

50 Stat. 1351.

Rent.

*Proviso.*  
Attendance at meet-  
ings.

Salaries and ex-  
penses.

50 Stat. 1355.

Reimbursement of  
other appropriations.

## COOPERATION WITH THE AMERICAN REPUBLICS

Salaries and expenses.  
Post, pp. 651, 1044.

53 Stat. 1290.  
22 U. S. C., Supp.  
V, §§ 249, 249a.  
Printing and binding.

Post, p. 1109.  
Attendance at meetings.

Vehicles.

Transfer of funds.

Minor purchases, etc.  
Post, p. 1109.

Rent; restriction.

Inspectors, etc., of buildings.

Couriers.

Short title.

Department of Commerce Appropriation Act, 1941.

Salaries.

Salaries and expenses: For all expenses necessary to enable the Secretary of State to carry out the purposes of the Act entitled "An Act to authorize the President to render closer and more effective the relationship between the American Republics", approved August 9, 1939, and to supplement appropriations available for carrying out other provisions of law authorizing related activities, including personal services in the District of Columbia; not to exceed \$45,000 for printing and binding; stenographic reporting, translating, and other services by contract, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); expenses of attendance at meetings or conventions of societies and associations concerned with the furtherance of the purposes hereof; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; and purchase of books of reference and periodicals, \$120,500; and the Secretary of State is hereby authorized, subject to the approval of the President, to transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American Republics not exceeding the following amounts, respectively: Civil Aeronautics Authority, \$2,500; Department of Commerce, for the Coast and Geodetic Survey, \$15,000; Federal Security Agency for the Public Health Service, including not to exceed two additional regular active commissioned officers, \$25,000, and the Office of Education, \$10,000; Department of the Interior, for the Office of the Secretary, \$18,000, and the Bureau of Fisheries, \$10,000.

Section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase by or service rendered for the Department of State when the aggregate amount involved does not exceed \$100, or with respect to articles, materials, or supplies for use outside the United States, \$300; or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

Unless expressly authorized, no portion of the sums appropriated in this title shall be expended for rent or rental allowances in the District of Columbia or elsewhere in the United States.

The President, in his discretion, may assign officers of the Army or Navy or officers or employees of the Treasury Department or Federal Works Agency for duty as inspectors of buildings owned or occupied by the United States in foreign countries, or as inspectors or supervisors of buildings under construction or repair by or for the United States in foreign countries, under the jurisdiction of the Department of State, or for duty as couriers of the Department of State, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State.

This title may be cited as the "Department of State Appropriation Act, 1941".

## TITLE II—DEPARTMENT OF COMMERCE

## OFFICE OF THE SECRETARY

Salaries: Secretary of Commerce, Under Secretary of Commerce, Assistant Secretary, and other personal services in the District of Columbia, including the Chief Clerk and Superintendent, who shall be chief executive officer of the Department and who may be designated by the Secretary of Commerce to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department, \$384,500.

## CONTINGENT EXPENSES, DEPARTMENT OF COMMERCE

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, except the Patent Office and the Bureau of the Census, including those for which appropriations for contingent and miscellaneous expenses are specifically made, including professional and scientific books, lawbooks, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding \$1,500); purchase of atlases or maps; stationery; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges; fuel, lighting and heating; purchase and exchange of motortrucks and bicycles; purchase, including exchange, of one motor-propelled passenger-carrying vehicle for the use of the Secretary of Commerce (\$1,800); maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles (one for the Secretary of Commerce and two for the general use of the Department), and motortrucks and bicycles, to be used only for official purposes; freight and express charges; postage to foreign countries; telegraph and telephone service; teletype service and tolls (not to exceed \$1,000), typewriters, adding machines, and other labor-saving devices, including their repair and exchange; first-aid outfits for use in the buildings occupied by employees of this Department; \$77,500, which sum shall constitute the appropriation for contingent expenses of the Department, except the Patent Office and the Bureau of the Census, and shall also be available for the purchase of necessary supplies and equipment for field services of bureaus and offices of the Department for which contingent and miscellaneous appropriations are specifically made in order to facilitate the purchase through the central purchasing office (Division of Purchases and Sales) as provided by law.

Contingent and miscellaneous expenses.

Vehicles.

Traveling expenses: For all necessary traveling expenses under the Department of Commerce, including all bureaus and divisions thereunder except the Bureau of the Census, and including the examination of estimates of appropriations in the field, \$238,000: *Provided*, That not exceeding \$2,500 of this appropriation shall be available for the hire of automobiles for travel on official business, without regard to the provisions of the Act of July 16, 1914 (38 Stat. 508).

Traveling expenses.

*Proviso.*  
Hire of automobiles.

5 U. S. C. § 78.

Printing and binding.

Printing and binding: For all printing and binding for the Department of Commerce, including all of its bureaus, offices, institutions, and services in the District of Columbia and elsewhere, except the Patent Office and the Bureau of the Census, \$328,000: *Provided*, That an amount not to exceed \$2,000 of this appropriation may be expended for salaries of persons detailed from the Government Printing Office for service as copy editors.

*Proviso.*  
Detail of copy editors.

## BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Departmental salaries and expenses: For the salary of the Director and other personal services in the District of Columbia (not to exceed \$1,325,000), and for all other authorized and necessary expenditures of the Bureau of Foreign and Domestic Commerce at the seat of Government in performing the duties imposed by law or in pursuance of law, including functions incident to the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States and administration of the China Trade Act; newspapers (not exceeding \$1,500), periodicals, and books of reference; purchase, exchange, and repair of typewriters and labor-saving devices; contract stenographic reporting services; fees and mileage of witnesses, and other contingent expenses in the District of Columbia, \$1,360,000: *Provided*, That expenses, except printing and binding and traveling expenses, of field studies or surveys conducted by depart-

Salaries and expenses.  
*Post*, p. 64C.China Trade Act,  
administration.  
42 Stat. 849.  
15 U. S. C. §§ 141-  
162; Supp. V, §§ 142-  
160.*Proviso.*  
Field studies or surveys.

mental personnel of the Bureau shall be payable from the amount herein appropriated.

Field office service.

Field office service: For salaries (not to exceed \$397,000) and all other expenses necessary to operate and maintain regional, district, and cooperative branch offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, including foreign and domestic newspapers (not exceeding \$300), periodicals and books of reference, and packing, crating, and transporting personal household effects of employees (not exceeding 5,000 pounds in any one case) when transferred from one official station to another for permanent duty, \$422,000.

Transportation of household effects.

Customs statistics.

Customs statistics: For all expenses necessary for the operation of the section of customs statistics transferred to the Department of Commerce from the Treasury Department by the Act approved January 5, 1923 (15 U. S. C. 194), and expenses connected with the monthly publication of statistics showing the United States exports and imports by customs districts and destinations, including personal services in the District of Columbia (not to exceed \$75,000) and elsewhere; rent of or purchase of tabulating, punching, sorting, and other mechanical labor-saving machinery or devices, including adding, typewriting, billing, computing, mimeographic, multigraphing, photostat, and other duplicating machines and devices, including their exchange and repair; telegraph and telephone service; freight, express, drayage; tabulating cards, stationery, and miscellaneous office supplies; books of reference and periodicals; furniture and equipment; ice, water, heat, light, and power; streetcar fare; and all other necessary incidental expenses not included in the foregoing, \$381,000.

42 Stat. 1109.

Attendance at meetings.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$7,000 for expenses of attendance at meetings concerned with the promotion of foreign and domestic commerce, or either, and also expenses of illustrating the work of the Bureau of Foreign and Domestic Commerce by showing of maps, charts, and graphs at such meetings, when incurred on the written authority of the Secretary of Commerce.

#### BUREAU OF THE CENSUS

Expenses of the Sixteenth Census.  
*Ante*, p. 87.  
46 Stat. 21.

13 U. S. C., Supp. V, §§ 106, 107.

Monographs.

For continuing the work of taking, compiling, and publishing the Sixteenth Census of the United States, as authorized by the Act of June 18, 1929 (13 U. S. C. 201-218), and the national census of housing as authorized by the Act of August 11, 1939 (53 Stat. 1406), and for carrying on other authorized census work, including personal services and rentals in the District of Columbia and elsewhere; the cost of transcribing State, municipal, and other records; contracts for the preparation of monographs on census subjects and other work of specialized character which cannot be accomplished through ordinary employment; per diem compensation of employees of the Department of Commerce and other departments and independent establishments of the Government who may be detailed for field work; expenses of attendance at meetings concerned with the collection of statistics, when incurred on the written authority of the Secretary of Commerce; purchase of books of reference, periodicals, maps, newspapers, manuscripts, first-aid outfits for use in the buildings occupied by employees of the census; maintenance, operation, and repair of a passenger-carrying automobile to be used on official business; construction, purchase, exchange, or rental of punching, tabulating, sorting, and other labor-saving machines, including technical, mechanical, and other services in connection therewith; printing and

Tabulating, etc., machines.

binding, traveling expenses, streetcar fares, and all other contingent expenses in the District of Columbia and in the field, \$17,850,000, of which \$2,000,000 shall be available immediately, and the unexpended balance of the appropriation under this title in the Department of Commerce Appropriation Act, 1940, is hereby continued available until June 30, 1941.

Salaries and expenses, Social Security Act: For salaries and necessary expenses for searching census records and supplying information incident to carrying out the provisions of the Social Security Act, approved August 14, 1935 (42 U. S. C., ch. 7), including personal services in the District of Columbia; binding records; supplies; services; \$110,000: *Provided*, That the procedure hereunder for the furnishing from census records of evidence for the establishment of age of individuals shall be pursuant to regulations approved jointly by the Secretary of Commerce and the Social Security Board.

53 Stat. 910.

Social Security Act, salaries and expenses.

49 Stat. 620.  
42 U. S. C., Supp. V, ch. 7.  
*Proviso.*  
Joint approval of regulations.

## BUREAU OF MARINE INSPECTION AND NAVIGATION

Departmental salaries: For the director and other personal services in the District of Columbia, \$366,000.

Departmental salaries.  
*Post*, p. 640.

Salaries and general expenses: For salaries of shipping commissioners, inspectors, and other personal services; to enable the Secretary of Commerce to provide and operate such motorboats and employ such persons as may be necessary for the enforcement, under his direction, of laws relating to navigation and inspection of vessels, boarding of vessels, counting of passengers on excursion boats to prevent overcrowding, and to secure uniformity in the admeasurement of vessels; fees to witnesses; materials, supplies, equipment, and services, including rent and janitor service; purchase, exchange, and repair of instruments; plans and specifications; insignia, braid, and chin straps; coats, caps, and aprons for stewards' departments on vessels; and other incidental expenses of field offices, including contract stenographic reporting services in the District of Columbia and elsewhere; \$2,250,000: *Provided*, That \$50,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants, and customs officers and employees for which the United States receives reimbursement in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 345).

Salaries and general expenses.  
*Post*, p. 641.*Proviso.*  
Local inspectors, etc., overtime pay.

46 U. S. C., Supp. V, § 382b.

## NATIONAL BUREAU OF STANDARDS

Salaries and expenses: For carrying out the provisions of the Act establishing the National Bureau of Standards, approved March 3, 1901 (5 U. S. C. 591, 597; 15 U. S. C. 271-278), and of Acts supplementary thereto affecting the functions of the Bureau, and specifically including the functions as set forth under the Bureau of Standards in the "Department of Commerce Appropriation Act, 1935", approved April 7, 1934, and for all necessary expenses, purchases, and personnel connected with administration and operation, testing, inspection, and technical information service, research and development, and standards for commerce, including rental of laboratories in the field, communication service, transportation service; street-car fares not exceeding \$100, expenses of the visiting committee, attendance of American member at the meeting of the International Committee of Weights and Measures; compensation and expenses of medical officers of the Public Health Service detailed to the National Bureau of Standards for the purpose of maintaining a first-aid

Salaries and expenses.

31 Stat. 1449.

48 Stat. 552.

Attendance at meeting.

Detailed Public Health Service officers.

- station and making clinical observations; compiling and disseminating scientific and technical data; demonstrating the results of the Bureau's work by exhibits or otherwise as may be deemed most effective; purchases of supplies, materials, stationery, electric power, fuel for heat, light, and power, and accessories of all kinds needed in the work of the Bureau, including supplies for office, laboratory, shop, and plant, and cleaning and toilet supplies, gloves, goggles, rubber boots and aprons; contingencies of all kinds; supplies for operation, maintenance, and repair of motortrucks and a passenger automobile for official use, including their exchange; purchases of equipment of all kinds, including its repair and exchange, including apparatus, machines and tools, furniture, typewriters, adding machines, and other labor-saving devices, books, periodicals, and reference books, including their exchange when not needed for permanent use; translation of technical articles when required; salary of the Director and other personal services in the District of Columbia and in the field, in accordance with the Classification Act of 1923, as amended:
- Supplies, etc.**
- Equipment.**
- Personal services.**
- 42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.
- Operation and administration.**  
*Post*, p. 1039.
- Testing, inspection, and information service.**
- Research and development.**
- Standards for commerce.**
- Cooperative work with departments, etc., on scientific investigations.
- Operation and administration:** For the general operation and administration of the Bureau; improvement and care of the grounds; plant equipment; necessary repairs and alterations to buildings, \$305,000.
- Testing, inspection, and information service:** For calibrating and certifying measuring instruments, apparatus, and standards in terms of the national standards; the preparation and distribution of standard materials; the broadcasting of radio signals of standard frequency; the testing of equipment, materials, and supplies in connection with Government purchases; the improvement of methods of testing; advisory services to governmental agencies on scientific and technical matters; and supplying available information to the public, upon request, in the field of physics, chemistry, and engineering; \$886,000.
- Research and development:** For the maintenance and development of national standards of measurement; the development of improved methods of measurement; the determination of physical constants and the properties of materials; the investigation of mechanisms and structures, including their economy, efficiency, and safety; the study of fluid resistance and the flow of fluids and heat; the investigation of radiation, radioactive substances, and X-rays; the study of conditions affecting radio transmission; the development of methods of chemical analysis and synthesis, and the investigation of the properties of rare substances; investigations relating to the utilization of materials, including lubricants and liquid fuels; the study of new processes and methods of fabrication; and the solutions of problems arising in connection with standards, \$725,000.
- Standards for commerce:** For cooperation with Government purchasing agencies, industries, and national organizations in developing specifications and facilitating their use; for encouraging the application of the latest developments in the utilization and standardization of building materials; for the development of engineering and safety codes, simplified-practice recommendations, and commercial standards of quality and performance, \$121,500.
- During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the National Bureau of Standards on scientific investigations within the scope of the functions of that Bureau, and which the National Bureau of Standards is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Commerce,

transfer to the National Bureau of Standards such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the National Bureau of Standards for performance of work for the department or establishment from which the transfer is made, including, where necessary, travel expenses and compensation for personal services in the District of Columbia and in the field.

Transfer of funds.

The appropriation in this title for traveling expenses shall be available for the National Bureau of Standards in an amount not to exceed \$4,500 for expenses of attendance at meetings concerned with standardization and research or either, when incurred on the written authority of the Secretary of Commerce.

Attendance at meetings.

Total, National Bureau of Standards, \$2,037,500, of which amount not to exceed \$1,830,000 may be expended for personal services in the District of Columbia.

Total; personal services.

#### COAST AND GEODETIC SURVEY

For every expenditure requisite for and incident to the work of the Coast and Geodetic Survey, including purchase of not more than four motor-propelled station wagons and maintenance, repair, exchange, and operation of motor-propelled or horse-drawn vehicles for official use in field work, purchase of motorcycles with side cars, including their exchange, not to exceed \$500, surveying instruments, including their exchange, rubber boots, canvas and rubber gloves, goggles, and caps, coats, and aprons for stewards' departments on vessels, packing, crating, and transporting personal household effects of commissioned officers, when transferred from one official station to another for permanent duty, extra compensation at not to exceed \$1 per day for each station to employees of the Coast Guard and the Weather Bureau while observing tides or currents or tending seismographs, services of one tide observer in the District of Columbia at not to exceed \$1 per day, and compensation, not otherwise appropriated for, of persons employed in the field work, for operation, maintenance, and repair of an airplane for photographic survey, and expenses incident to the execution of field work upon approval by the head of the Bureau, to be expended in accordance with the regulations relating to the Coast and Geodetic Survey subscribed by the Secretary of Commerce, and under the following heads:

Expenses.

Field expenses, coastal surveys: For surveys and necessary resurveys of coasts on the Atlantic and Pacific Oceans and the Gulf of Mexico under the jurisdiction of the United States; continuing researches in physical hydrography relating to harbors and bars, and for tidal and current observations on the coasts of the United States or other coasts under the jurisdiction of the United States; compilation of the Coast Pilot, including the employment of pilots and nautical experts; the preparation or purchase of plans and specifications of vessels and the employment of hull draftsmen; the reimbursement, under rules prescribed by the Secretary of Commerce, of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed a total of \$500 and actual necessary expenses of officers of the field force temporarily ordered to the office in the District of Columbia for consultation with the director, \$477,500, of which amount not more than \$21,200 may be expended for personal services in the District of Columbia.

Field expenses, coastal surveys.

Coast Pilot, compilation.

Personal services.

Magnetic and seismological work.

Magnetic and seismological work: For continuing magnetic and seismological observations and to establish meridian lines in connection therewith in all parts of the United States; making magnetic and seismological observations in other regions under the jurisdiction of the United States; purchase of additional magnetic and seismological instruments; lease of sites where necessary and the erection of temporary magnetic and seismological buildings; and including the employment in the field and office of such magnetic and seismological observers, and instrument makers and stenographic services as may be necessary, \$68,500.

Federal, boundary, and State surveys.

Federal, boundary, and State surveys: For continuing lines of exact levels between the Atlantic, Pacific, and Gulf coasts; determining geographic positions by triangulation and traverse to establish the control for a national mapping program, and for the control of Federal, State, boundary, county, city, and other surveys and engineering works in all parts of the United States; including printing and binding, traveling and all other expenses necessary therefor; special geodetic surveys of first-order triangulation and leveling in regions subject to earthquakes, not exceeding \$10,000; determining field astronomic positions and the variation of latitude, including the maintenance and operation of the latitude observatories at Ukiah, California, and Gaithersburg, Maryland, not exceeding \$2,600 each; establishing lines of exact levels, determining geographic positions by triangulation and traverse, and making astronomic observations in Alaska; and continuing gravity observations in the United States and for making such observations in regions under the jurisdiction of the United States and also on islands and coasts adjacent thereto, \$450,000, of which amount not to exceed \$74,000, may be expended for personal services in the District of Columbia.

Ukiah and Gaithersburg observatories.

Observations, etc., in Alaska.

Personal services.

Vessels, repair, etc.

Vessels: For repair of vessels, and replacement of equipment thereon, exclusive of engineers' supplies and other ship chandlery, \$100,000.

Officers and men on vessels, pay.

Pay of officers and men on vessels: For all necessary employees to man and equip the vessels, including professional seamen serving as mates on vessels of the Survey, to execute the work of the Survey herein provided for and authorized by law, \$691,000.

Commissioned officers, pay and allowances.

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including one director, six hydrographic and geodetic engineers with relative rank of captain, ten hydrographic and geodetic engineers with relative rank of commander, seventeen hydrographic and geodetic engineers with relative rank of lieutenant commander, forty-seven hydrographic and geodetic engineers with relative rank of lieutenant, sixty-one junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), twenty-nine aides with relative rank of ensign, and including officers retired in accordance with existing law, \$845,000: *Provided*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.

*Provido.*  
Assistant director.

Office force.  
Post, p. 641.  
Office expenses.  
Post, p. 641.

Office force: For personal services, \$637,000.

Office expenses: For purchase of new instruments (except surveying instruments), including their exchange, materials, equipment, and supplies required in the instrument shop, carpenter shop, and chart division; one offset rotary chart printing press, books, scientific and technical books, journals, books of reference, maps, charts, and subscriptions; copper plates, chart paper, printer's ink, copper, zinc, and chemicals for electrotyping and photographing; engraving, printing, photographing, rubber gloves, and electrotyping supplies; photolithographing and printing charts for immediate use; stationery for office

and field parties; transportation of instruments and supplies when not charged to field expenses; telegrams; washing; office furniture, repairs; miscellaneous expenses, contingencies of all kinds, not exceeding \$90 for streetcar fares, \$92,000.

**Aeronautical charts:** For compilation and printing of aeronautical charts, including personal services in the District of Columbia (not to exceed \$92,280), operation of airplane for check flights, and aerial photographs, execution of ground surveys at air terminals, and the purchase of drafting, photographic, photolithographic, and printing supplies and equipment, \$120,000.

Aeronautical charts.  
*Post*, p. 641.

Appropriations herein made for traveling expenses or for the Coast and Geodetic Survey shall not be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the director), except as now provided by law.

Restriction on use of funds.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$650, for expenses of attendance at meetings concerned with the work of the Coast and Geodetic Survey when incurred on the written authority of the Secretary of Commerce.

Attendance at meetings.

Not to exceed \$2,500 of the appropriations herein made for the Coast and Geodetic Survey shall be available for the payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such architects, engineers, scientists, and technicians as may be contracted for by the Secretary of Commerce, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed.

Temporary employment of architects, etc.

Rate of pay.

#### PATENT OFFICE

**Salaries:** For the Commissioner of Patents and other personal services in the District of Columbia, \$3,540,000.

Salaries.  
*Post*, p. 1039.

**Photolithographing:** For producing copies of weekly issue of drawings of patents and designs; reproduction of copies of drawings and specifications of exhausted patents, designs, trade-marks, and other papers, such other papers when reproduced for sale to be sold at not less than cost plus 10 per centum; reproduction of foreign patent drawings; photo prints of pending application drawings; and photostat and photographic supplies and dry mounts, \$175,000: *Provided*, That the headings of the drawings for patented cases may be multigraphed in the Patent Office for the purpose of photolithography.

Photolithographing.  
*Post*, p. 1040.

*Proviso*.  
Multigraphed headings.

**Miscellaneous expenses:** For purchase and exchange of law, professional, and other reference books and publications and scientific books; expenses of transporting publications of patents issued by the Patent Office to foreign governments; directories, furniture, filing cases; exchange of labor-saving office devices; for investigating the question of public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents and the prior art as may be deemed necessary by the Commissioner of Patents; for expense attending defense of suits instituted against the Commissioner of Patents, and for other contingent and miscellaneous expenses of the Patent Office, \$68,000.

Miscellaneous expenses.  
*Post*, p. 1040.

**Printing and binding:** For printing the weekly issue of patents, designs, trade-marks, prints, and labels, exclusive of illustrations; and for printing, engraving illustrations, and binding the Official Gazette, including weekly and annual indexes, \$791,000; for miscellaneous printing and binding, \$49,000; in all, \$840,000.

Printing and binding.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$500, for expenses of attendance at

Attendance at meetings.

meetings concerned with the work of the Patent Office when incurred on the written authority of the Secretary of Commerce.

Short title.

This title may be cited as the "Department of Commerce Appropriation Act, 1941".

Department of Justice Appropriation Act, 1941.

### TITLE III—DEPARTMENT OF JUSTICE

#### OFFICE OF THE ATTORNEY GENERAL

Personal services, designated offices.  
*Post*, pp. 644, 1043.

For personal services in the District of Columbia as follows:

For the Office of the Attorney General, \$70,000.

For the Office of the Solicitor General, \$69,000.

For the Office of the Assistant Solicitor General, \$48,900.

For the Office of Assistant to the Attorney General, \$77,500.

For the Administrative Division, \$639,500.

For the Tax Division, \$567,500.

For the Criminal Division, \$230,000.

For the Claims Division, \$325,500.

For the Office of Pardon Attorney, \$26,100.

Total, personal services, Office of the Attorney General, \$2,054,000.

Interchangeability of amounts.

Not to exceed 5 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various offices and divisions named, but not more than 5 per centum shall be added to the amount appropriated for any one of said offices or divisions and any interchange of appropriations hereunder shall be reported to Congress in the annual Budget.

Contingent expenses.  
*Post*, p. 644.

Contingent expenses: For stationery, furniture and repairs, floor coverings, file holders and cases; miscellaneous expenditures, including telegraphing and telephones, and teletype rentals and tolls, postage, labor, typewriters and adding machines and the exchange thereof and repairs thereto, streetcar fares, newspapers not exceeding \$350, press clippings, and other necessities ordered by the Attorney General; official transportation, including the repair, maintenance, and operation of four motor-driven passenger cars (one for the Attorney General and three for general use of the Department), delivery trucks, and motorcycle, to be used only for official purposes; purchase of lawbooks, books of reference, and periodicals, including the exchange thereof; examination of estimates of appropriation in the field; and miscellaneous and emergency expenses authorized and approved by the Attorney General, to be expended at his discretion, \$175,000: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code Annotated.

*Proviso*.  
U. S. Code Annotated, price limitation.  
Traveling expenses.  
*Post*, p. 644.  
Exceptions.

Traveling expenses: For all necessary traveling expenses, Department of Justice, not including traveling expenses otherwise payable under any appropriations for "Federal Bureau of Investigation", "Salaries and expenses of marshals", "Fees of witnesses", and "Penal and correctional institutions" (except as otherwise hereinbefore provided), \$589,000: *Provided*, That this sum shall be available, in an amount not to exceed \$3,500, for expenses of attendance at meetings concerned with the work of the Bureau of Prisons when incurred on the written authorization of the Attorney General.

*Proviso*.  
Attendance at meetings, Bureau of Prisons.

Printing and binding.  
*Post*, p. 644.

Printing and binding: For printing and binding for the Department of Justice, \$325,000.

#### FEDERAL BUREAU OF INVESTIGATION

Detection and prosecution of crimes.

Salaries and expenses, detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United

States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed \$60,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; purchase (including exchange) at not to exceed \$7,000 of one, and maintenance, upkeep, and operation, of not more than four armored automobiles; firearms and ammunition; such stationery, supplies, floor coverings, equipment, and telegraph, teletype, and telephone service at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses, including expenses in an amount not to exceed \$4,500, of attendance at meetings concerned with the work of such Bureau when authorized in writing by the Attorney General; not to exceed \$1,500 for membership in the International Criminal Police Commission; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$20,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$2,016,480 for personal services in the District of Columbia; \$7,222,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed \$50: *Provided further*, That none of the funds appropriated herein under the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee, except finger-print classifiers.

Salaries and expenses for certain emergencies: For an additional amount for salaries and expenses, including the same purposes and under the same conditions specified in the preceding paragraph, \$200,000, to be held as a reserve for emergencies arising in connection with kidnaping, extortion and bank robbery, and to be released for expenditure in such amounts and at such times as the Attorney General may determine.

Salaries and expenses, detection and prosecution of crimes (emergency): For salaries and expenses, during the limited national emergency, in the detection and prosecution of crimes against the United States; for the protection of the person of the President of the United States; the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions; for such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General; purchase and exchange not to exceed \$75,000, and hire, maintenance, upkeep, and operation of motor-propelled passenger-carrying vehicles, to be used only on official business; firearms and ammunition; such stationery, supplies, floor coverings, equipment, and telegraph, tele-

Identification, etc., records.

Investigations, matters under control of Departments of Justice and State.

Vehicles.

Traveling expenses.

Rewards for information.

Emergencies.

Personal services.

*Provisos.*  
Minor purchases.  
*Post*, p. 1109.

Use of funds.

Emergencies.

Detection and prosecution of crimes (emergency).  
*Post*, p. 600.

type, and telephone service at the seat of government or elsewhere as the Attorney General may direct; not to exceed \$3,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph and to be expended under the direction of the Attorney General; traveling expenses; payment of rewards when specifically authorized by the Attorney General for information leading to the apprehension of fugitives from justice, including not to exceed \$100,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended; and including not to exceed \$245,000 for personal services in the District of Columbia; \$2,488,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Federal Bureau of Investigation in the field when the aggregate amount involved does not exceed \$50: *Provided further*, That none of the funds appropriated herein under the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee, except fingerprint classifiers.

*Provisos.*  
Minor purchases.  
*Post*, p. 1109.

Use of funds.

#### BUREAU OF PRISONS

Salaries.

Salaries: For salaries in the District of Columbia and elsewhere in connection with the supervision of the maintenance and care of United States prisoners, \$308,000.

#### MISCELLANEOUS APPROPRIATIONS

Conduct of customs cases.

Conduct of customs cases: Assistant Attorney General, special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General, including experts at such rates of compensation as may be authorized or approved by the Attorney General; expenses of procuring evidence, supplies, Supreme Court Reports and Digests, and Federal Reporter and Digests, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General; in all, \$128,500.

Enforcement of antitrust, etc., laws.

Enforcement of antitrust and kindred laws: For the enforcement of antitrust and kindred laws, including experts at such rates of compensation as may be authorized or approved by the Attorney General, except that the compensation paid to any person employed hereunder shall not exceed the rate of \$10,000 per annum, including personal services in the District of Columbia, \$1,325,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division: *Provided further*, That no part of this appropriation shall be used for the payment of any person hereafter appointed at a salary of \$7,500 or more for the enforcement of antitrust and kindred laws unless such person is appointed by the President, by and with the advice and consent of the Senate.

Salary restriction.

*Provisos.*  
Permanent regional offices, restriction.

Senate approval of appointments at \$7,500 or more.

Bond and Spirits Division.

Bond and Spirits Division: For salaries and expenses in connection with the preliminary determination of civil liabilities arising under acts pursuant to the eighteenth amendment before repeal; the preliminary determination of compromises and petitions for remission of forfeitures arising out of current internal-revenue liquor laws; the supervision of the collection on forfeited bail bonds and judgments and fines imposed in criminal cases; personal services in

the District of Columbia and elsewhere, and such other expenditures as may be necessary, \$185,000: *Provided*, That no part of this appropriation shall be used to compensate any person not appointed pursuant to civil-service laws and regulations, but this limitation shall not apply to attorneys or the head of the division.

**Examination of judicial offices:** For the investigation of the official acts, records, and accounts of marshals, attorneys, clerks of the United States courts and Territorial courts, probation officers, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; and also the official acts, records, and accounts of referees and trustees of such courts; in all, \$51,000, to be expended under the direction of the Attorney General.

**Salaries and expenses, veterans' insurance litigation:** For salaries and expenses incident to the defense of suits against the United States under section 19, of the World War Veterans' Act, 1924, approved June 7, 1924, as amended and supplemented, or the compromise of the same under the Independent Offices Appropriation Act, 1934, approved June 16, 1933, including office expenses, law-books, supplies, equipment, stenographic reporting services by contract or otherwise, including notarial fees or like services and stenographic work in taking depositions at such rates of compensation as may be authorized or approved by the Attorney General, printing and binding, the employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, and personal services in the District of Columbia and elsewhere, \$375,000.

**Salaries and expenses, Lands Division:** For personal services in the District of Columbia and elsewhere, and for other necessary expenses, including employment of experts at such rates of compensation as may be authorized or approved by the Attorney General, purchase and exchange of typewriters, adding machines and other labor-saving devices, stenographic reporting services by contract or otherwise, and notarial fees or like services, \$1,400,000.

**Miscellaneous salaries and expenses, field:** For salaries not otherwise specifically provided for (not to exceed \$110,000) and for such other expenses for the field service, Department of Justice, as may be authorized or approved by the Attorney General, including experts, and notarial fees or like services and stenographic work in taking depositions, at such rates of compensation as may be authorized or approved by the Attorney General, so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska, and in courts other than Federal courts; patent applications and contested proceedings involving inventions; rent of rooms; supplies and equipment, including the exchange of typewriting and adding machines, firearms and ammunition therefor; purchase of law books, including exchange thereof, and the Federal Reporter and continuations thereto as issued, \$317,500: *Provided*, That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code Annotated.

**Salaries and expenses of district attorneys, and so forth:** For salaries and expenses of United States district attorneys and their regular assistants, clerks, and other employees, including the office expenses of United States district attorneys in Alaska, and for salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the office of the United States district attorney, \$3,185,000.

*Proviso.*  
Appointments pursuant to civil-service laws; exceptions.

Examination of judicial offices.

Veterans' insurance litigation.

43 Stat. 612; 48 Stat. 302.  
33 U. S. C. §§ 445, 445b; Supp. V, §§ 445, 445b.

Lands Division.  
*Post*, p. 645.

Miscellaneous salaries and expenses, field.  
*Post*, p. 645.

Rent.

*Proviso.*  
U. S. Code Annotated, price limitation.

District attorneys, etc.  
*Post*, p. 645.

Special attorneys,  
etc.

Foreign counsel.

*Proviso.*  
Salary restriction.

Reports of personnel  
to Congress.

Senate approval of  
appointments at \$7,500  
or more.

Marshals, etc.  
*Post*, p. 645.

Services in Alaska.

Vehicles.

*Proviso.*  
Transportation al-  
lowance.

Witnesses; fees, ex-  
penses, etc.  
*Ante*, pp. 61, 68.

*Proviso.*  
Authorization by  
Attorney General.

Limitation on at-  
tendance fee.

Exception.

Bailiffs, etc.

*Proviso.*  
Per diem restriction.

Use of funds limited.

Salaries and expenses of special attorneys, and so forth: For compensation of special attorneys and assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, and for payment of foreign counsel employed by the Attorney General in special cases, \$575,000, no part of which, except for payment of foreign counsel, shall be used to pay the compensation of any persons except attorneys duly licensed and authorized to practice under the laws of any State, Territory, or the District of Columbia: *Provided*, That the amount paid as compensation out of the funds herein appropriated to any person employed hereunder shall not exceed the rate of \$10,000 per annum: *Provided further*, That reports be submitted to the Congress on the 1st day of July and January showing the names of the persons employed hereunder, the annual rate of compensation or amount of any fee paid to each together with a description of their duties: *Provided further*, That no part of this appropriation shall be used for the payment of any person hereafter appointed at a salary of \$7,500 or more and paid from this appropriation unless such person is appointed by the President, by and with the advice and consent of the Senate.

Salaries and expenses of marshals, and so forth: For salaries, fees, and expenses of United States marshals and their deputies, including services rendered in behalf of the United States or otherwise; services in Alaska in collecting evidence for the United States when so specifically directed by the Attorney General; traveling expenses; purchase, when authorized by the Attorney General, of ten motor-propelled passenger-carrying vans at not to exceed \$2,000 each; and maintenance, alteration, repair, and operation of motor-propelled passenger-carrying vehicles used in connection with the transaction of the official business of the United States marshals; \$3,895,000: *Provided*, That United States marshals and their deputies may be allowed, in lieu of actual expenses of transportation, not to exceed 3 cents per mile for the use of their own automobiles for transportation when traveling on official business within the limits of their official station.

Fees of witnesses: For mileage and per diems of witnesses and for per diems in lieu of subsistence; and for payment of the expenses of witnesses, as provided by section 850, Revised Statutes (28 U. S. C. 604), including the expenses, mileage, and per diems of witnesses on behalf of the Government before the United States Customs Court, such payments to be made on the certification of the attorney for the United States and to be conclusive as provided by section 846, Revised Statutes (28 U. S. C. 577), \$1,375,000: *Provided*, That not to exceed \$25,000 of this amount shall be available for such compensation and expenses of witnesses or informants as may be authorized or approved by the Attorney General, which approval shall be conclusive: *Provided further*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day, which fee shall not exceed \$1.50 except in the District of Alaska.

Pay and expenses of bailiffs: For pay of bailiffs, not exceeding three bailiffs in each court, except in the southern district of New York and the northern district of Illinois; and meals and lodging for bailiffs or deputy marshals in attendance upon juries in United States cases, when ordered by the court, \$280,000: *Provided*, That, except in the case of bailiffs in charge of juries over Sundays and holidays, no per diem shall be paid to any bailiff unless the judge is present and presiding in court or present in chambers: *Provided further*, That none of this appropriation shall be used for the pay of bailiffs when deputy marshals or marshals are available for the duties ordinarily executed by bailiffs, the fact of unavailability to be determined by the certificate of the marshal.

## PENAL AND CORRECTIONAL INSTITUTIONS

Salaries and expenses: For every expenditure authorized by law or by orders and regulations made in pursuance of law, not otherwise provided for, requisite for and incident to the support of prisoners, and the maintenance and operation of Federal penal and correctional institutions; expenses of interment or transporting remains of deceased inmates to their homes in the United States; purchase of not to exceed nine passenger-carrying automobiles; purchase of five busses in an aggregate amount not exceeding \$17,500; maintenance and repair of passenger-carrying automobiles; expenses of attendance at meetings concerned with the work of the Prison Service when authorized in writing by the Attorney General; traveling expenses of members of advisory boards authorized by law incurred in the discharge of their official duties; packing, crating, drayage, and transportation, not to exceed five thousand pounds in any one case of household effects of employees, whether shipped by railroad or by motortruck, when transferred from one official station to another for permanent duty; furnishing of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; newspapers, books, and periodicals; firearms and ammunition; purchase and exchange of farm products and livestock; under the following heads: *Provided*, That any part of the appropriations under this heading used for payment of salaries of personnel employed in the operation of prison commissaries shall be reimbursed from commissary earnings, and such reimbursement shall be in addition to the amounts appropriated herein.

Salaries and expenses.

Vehicles.

Attendance at meetings.

*Proviso.*  
Prison commissaries.

Penitentiaries and reformatories: For maintenance and operation of United States penitentiaries and reformatories, including not to exceed \$4,553,000 for salaries and wages of all officers and employees, \$8,090,000.

Penitentiaries and reformatories.

Medical Center for Federal Prisoners: For maintenance and operation of the Medical Center for Federal Prisoners at Springfield, Missouri, including not to exceed \$240,000 for salaries and wages of all officers and employees, \$554,000.

Medical Center for Federal Prisoners.

Jails and correctional institutions: For maintenance and operation of Federal jails and correctional institutions, including not to exceed \$1,806,000 for salaries and wages of all officers and employees, \$2,690,000: *Provided*, That not to exceed \$25,000 shall be available for the acquisition of approximately one hundred and eighty acres of land adjoining the Federal Correctional Institution at Denver, Colorado.

Jails and correctional institutions.

*Proviso.*  
Acquisition of land, Denver, Colo.

Prison camps: For the construction and repair of buildings at prison camps and for maintenance and operation of prison camps, \$626,000.

Prison camps.

Medical and hospital service: For medical relief for inmates of penal and correctional institutions and appliances necessary for patients including personal services in the District of Columbia and elsewhere; and furnishing and laundering of uniforms and other distinctive wearing apparel necessary for the employees in the performance of their official duties, \$1,015,000: *Provided*, That there may be transferred to the appropriation "Pay, and so forth, commissioned officers, Public Health Service", such amount as may be necessary for the pay of not to exceed thirty officers assigned to the Federal Prison Service, and to other appropriations of the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for the other objects mentioned above.

Medical and hospital service.

*Proviso.*  
Public Health Service assignments.  
*Post*, p. 584.

Construction and repair, McNeil Island: For construction and repair of buildings and development of island area at the United

McNeil Island, Wash., construction, etc.

States Penitentiary, McNeil Island, Washington, including the purchase and installation of machinery and equipment and all expenses incident thereto, \$45,000, to be available immediately and to remain available until expended and to be expended so as to give the maximum amount of employment to inmates of the institution: *Provided*, That the ultimate cost of the project for the development of the island area shall not exceed \$800,000.

Employment of inmates.  
*Provido.*  
Cost limitation.

Buildings and facilities, construction, etc.

Construction of buildings and facilities: For construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions and all necessary expenses incident thereto, to be expended under the direction of the Attorney General by contract or purchase of material and hire of labor and services and utilization of labor of United States prisoners as the Attorney General may direct, \$200,000.

Support of U. S. prisoners in non-Federal institutions and in Alaska.

Support of United States prisoners: For support of United States prisoners in non-Federal institutions and in the Territory of Alaska, including necessary clothing and medical aid, discharge gratuities provided by law, and transportation to place of conviction or place of bona fide residence in the United States, or such other place within the United States as may be authorized by the Attorney General; and including rent, repair, alteration, and maintenance of buildings and the maintenance of prisoners therein, occupied under authority of sections 4 and 5 of the Act of May 14, 1930 (18 U. S. C. 753c, 753d); support of prisoners becoming insane during imprisonment and who continue insane after expiration of sentence, who have no relatives or friends to whom they can be sent; shipping remains of deceased prisoners to their relatives or friends in the United States and interment of deceased prisoners whose remains are unclaimed; expenses incurred in identifying, pursuing, and returning escaped prisoners and for rewards for their recapture; and for repairs, betterments, and improvements of United States jails, including sidewalks, \$1,650,000.

46 Stat. 326.

Attendance fees, restriction.

None of the money appropriated by this title shall be used to pay any witness or bailiff more than one per diem for any one day's service even though he serves in more than one of such capacities on the same day.

Attorneys, license requirement.

None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, Territory, or the District of Columbia.

U. S. Court for China, district attorney, marshal, etc.  
Traveling expenses.

The foregoing appropriations for "Traveling expenses, Department of Justice", and "Salaries and expenses of marshals, and so forth, Department of Justice", shall be available, respectively, for traveling expenses of the district attorney and of the marshal of the United States Court for China and of employees of their offices and, under such regulations as the Attorney General may prescribe, of their families and effects in going to and returning from their posts; for the expenses of preparation and transportation of remains of such officers and employees who may die abroad or in transit while in the discharge of their official duties to their former homes in the United States or to a place not more distant for interment; and for the traveling expenses of said officers and employees and their dependents while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency, and for per diem in lieu of subsistence of such officers, employees, and their dependents while in a refugee status; and the appropriations "Salaries and expenses of district attorneys, and so forth, Department of Justice", and "Salaries and expenses of marshals, and so forth, Department of Justice", shall be available, respectively, to the district attor-

Bringing home remains from abroad, etc.

ney and Marshal of the United States Court for China and to employees in their offices for allowances for living quarters, including heat, fuel, and light as authorized by the Act of June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any one person and in no event to exceed the amount actually and reasonably expended by the recipient of such allowances for living quarters, including heat, fuel, and light; lawbooks and other books of reference; ice and drinking water for office purposes; and expenses of maintaining in China American convicts and persons declared insane by the Court; rent of quarters for prisoners; ice and drinking water for prison purposes; wages of prison keepers; and the expense of keeping, feeding, and transporting prisoners and persons declared insane by the Court.

Sixty per centum of the expenditures for the offices of the United States District Attorney and the United States Marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

This title may be cited as the "Department of Justice Appropriation Act, 1941".

## TITLE IV—THE JUDICIARY

### UNITED STATES SUPREME COURT

**Salaries:** For the Chief Justice and eight Associate Justices; Reporter of the Court; and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$449,500.

**Printing and binding:** For printing and binding for the Supreme Court of the United States, \$23,500, to be expended as required without allotment by quarters, and to be executed by such printer as the Court may designate.

**Miscellaneous expenses:** For miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may approve, \$25,000.

**Structural and mechanical care of the building and grounds:** For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U. S. C. 13a-13d), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances, special clothing for workmen; purchase of waterproof wearing apparel; and personal and other services, including temporary labor without reference to the Classification and Retirement Acts, as amended, and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 and 3744 of the Revised Statutes (41 U. S. C. 5, 16), \$65,000.

### UNITED STATES COURTS FOR THE DISTRICT OF COLUMBIA

Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

**Repairs and improvements, District Court of the United States for the District of Columbia:** For repairs and improvements to the courthouse, including repair and maintenance of the mechanical

46 Stat. 818.

Maintenance of prisoners and insane.

Reimbursement by District of Columbia.

Short title.

The Judiciary Appropriation Act, 1941.

Salaries.

Printing and binding.

Miscellaneous expenses.

Care of building and grounds.  
Post, p. 647.

48 Stat. 668.

Post, p. 1109.

Division of expenditures.

Courthouse, repairs and improvements.

equipment, and for labor and material and every item incident thereto, \$20,000, to be expended under the direction of the Architect of the Capitol.

U. S. Court of Appeals Building, D. C., repairs, etc.

Repairs and improvements, United States Court of Appeals for the District of Columbia: For repairs and improvements to the United States Court of Appeals Building, including repair and maintenance of the mechanical equipment, and for labor and material and every item incident thereto, \$6,000, to be expended under the direction of the Architect of the Capitol.

#### COURT OF CUSTOMS AND PATENT APPEALS

Salaries. Salaries: Presiding judge and four associate judges and all other officers and employees of the court, \$105,780.

Contingent expenses. Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; drugs, chemicals, cleansers, furniture; and for such other miscellaneous expenses as may be approved by the presiding judge, \$3,000.

Printing and binding. Printing and binding: For printing and binding, \$6,720.

#### UNITED STATES CUSTOMS COURT

Salaries. Salaries: Presiding judge and eight judges; and all other officers and employees of the court, \$234,500.

Contingent expenses. Contingent expenses: For books and periodicals, including their exchange; stationery, supplies, traveling expenses; and for such other miscellaneous expenses as may be approved by the presiding judge, \$15,000.

Printing and binding. Printing and binding: For printing and binding, \$1,000.

#### COURT OF CLAIMS

Salaries. Salaries: Chief justice and four judges; chief clerk at not exceeding \$6,500; auditor at not exceeding \$5,000; and all other officers and employees of the court, \$131,000.

Contingent expenses. Contingent expenses: For stationery, court library, repairs, fuel, electric light, and other miscellaneous expenses, \$10,800.

Printing and binding. Printing and binding: For printing and binding, \$25,200.

Commissioners, salaries and expenses. Salaries and expenses of commissioners: For salaries of seven regular commissioners, and for traveling expenses, compensation of stenographers authorized by the court, and for stenographic and other fees and charges necessary in the taking of testimony and in the performance of the duties as authorized by the Act entitled "An Act amending section 2 and repealing section 3 of the Act approved February 24, 1925 (28 U. S. C. 269, 270), entitled 'An Act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation', and for other purposes", approved June 23, 1930 (28 U. S. C. 270), \$75,500.

46 Stat. 799. Repairs, furnishings, etc. Repairs, furnishings, and so forth: For necessary repairs, furnishings, and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, \$4,500.

#### TERRITORIAL COURTS

Hawaii, salaries. Hawaii: For salaries of the chief justice and two associate justices of the Supreme Court of the Territory of Hawaii, of judges of the circuit courts in Hawaii, and of judges retired under the Act of May 31, 1938, \$103,500.

52 Stat. 591,  
48 U. S. C., Supp.  
V, §§ 634b, 634c.

#### DISTRICT COURT, PANAMA CANAL ZONE

Salaries. Salaries: For salaries of the officials and employees of the District Court of the United States for the Panama Canal Zone, \$28,000.

## UNITED STATES COURT FOR CHINA

Salaries and expenses: For salaries of the judge and other officers and employees of the United States Court for China; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any one person and in no event to exceed the amount actually and reasonably expended by the recipient of such allowances for living quarters, including heat, fuel, and light; court expenses, including reference and law books, printing and binding, ice and drinking water for office purposes, traveling expenses of officers and employees of the court, and, under such regulations as the Director of the Administrative Office of the United States Courts may prescribe, of their families and effects, in going to and returning from their posts; preparation and transportation of remains of officers and employees who may die abroad or in transit while in the discharge of their official duties to their former homes in the United States, or to a place not more distant for interment and for the ordinary expenses of such interment; including travel expenses of officers and employees of the court and of their dependents, while en route to or from places of temporary refuge in time of war, political disturbance, earthquake, epidemic, or similar emergency and for per diem in lieu of subsistence of such officers, employees, and their dependents, while in a refugee status, \$28,000.

Salaries and expenses.

46 Stat. 818.

Bringing home remains from abroad, etc.

## MISCELLANEOUS ITEMS OF EXPENSE

Salaries of judges: For salaries of circuit judges; district judges (including two in the Territory of Hawaii, one in the Territory of Puerto Rico, four in the Territory of Alaska, and one in the Virgin Islands); and judges retired under section 260 of the Judicial Code, as amended, and section 518 of the Tariff Act of 1930; in all, \$3,030,000: *Provided*, That this appropriation shall be available for the salaries of all United States justices and circuit and district judges lawfully entitled thereto, whether active or retired.

Salaries of judges.

Retired judges.  
23 U. S. C. § 375.  
46 Stat. 737.  
19 U. S. C. § 1518.  
*Proviso*.  
Availability.

Salaries and expenses, clerks of courts: For salaries of clerks of United States circuit courts of appeals and United States district courts, their deputies, and other assistants, and expenses of conducting their respective offices, \$2,330,000.

Clerks of courts, etc.

Fees of commissioners: For fees of the United States commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), \$290,000.

Commissioners, fees.  
*Post*, p. 646.

Fees of jurors: For mileage and per diems of jurors; meals and lodging for jurors in United States cases when ordered by the court, and meals and lodging for jurors in Alaska, as provided by section 193, title II, of the Act of June 6, 1900 (28 U. S. C. 9, 557-570, 595, 596), and compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$1,970,000: *Provided*, That the compensation of jury commissioners for the District of Columbia shall conform to the provisions of title 18, chapter 10, section 341, of the Code of the District of Columbia, but such compensation shall not exceed \$250 each per annum.

Jurors; fees, mileage, per diems.  
*Ante*, pp. 61, 68.31 Stat. 362.  
23 U. S. C., Supp.  
V, §§ 557-569.  
Jury commissioners.  
*Proviso*.  
Compensation of, for D. C., to conform to D. C. Code.

Miscellaneous salaries: For salaries of all officials and employees of the Federal judiciary, not otherwise specifically provided for, \$885,000: *Provided*, That the maximum salary paid to any secretary or law clerk to any circuit or district judge shall not exceed \$2,500 per annum: *Provided further*, That this limitation shall not operate to reduce the compensation of any secretary now employed: *Provided further*, That none of this fund shall be used for the pay of a law clerk appointed by a district judge unless the senior circuit judge of the circuit (the District of Columbia being considered a

Miscellaneous salaries.  
*Post*, p. 644.*Provisos*.  
Secretaries or law clerks, salary limitation.  
Secretaries now employed.

Appointments, certificates of necessity.

Law clerks, limitation.	circuit) in which the district where the clerk is needed, is situated, shall certify to the necessity of the appointment: <i>Provided further</i> , That not to exceed two law clerks to district judges shall be appointed in any one circuit.
Probation system, U. S. courts.	Probation system, United States courts: For salaries and expenses of probation officers, as authorized by the Act entitled "An Act to amend the Act of March 4, 1925, chapter 521, and for other purposes", approved June 6, 1930 (18 U. S. C. 726), \$810,000: <i>Provided</i> , That the salary of no probation officer shall be less than \$1,800 per annum nor more than \$3,200 per annum: <i>Provided further</i> , That nothing herein contained shall be construed to abridge the right of the district judges to appoint probation officers, or to make such orders as may be necessary to govern probation officers in their own courts: <i>Provided further</i> , That no part of this appropriation shall be used to pay the salary or expenses of any probation officer who, in the judgment of the senior or presiding judge certified to the Attorney General, fails to carry out the official orders of the Attorney General with respect to supervising or furnishing information concerning any prisoner released conditionally or on parole from any Federal penal or correctional institution.
46 Stat. 503, 18 U. S. C., Supp. V, § 726. <i>Provisos.</i> Salaries. Right of district judges to appoint, etc., probation officers.	
Compliance with certain orders of Attorney General.	
Miscellaneous expenses.	Miscellaneous expenses (other than salaries): For such miscellaneous expenses as may be authorized or approved by the Director of the Administrative Office of the United States Courts, for the United States courts and their officers, including rent of rooms for United States courts and judicial officers; supplies and equipment, including the exchange of typewriting and adding machines, for the United States courts and judicial officers, including firearms and ammunition therefor; purchase of law books, including the exchange thereof, for United States judges, and other judicial officers, including the libraries of the United States circuit courts of appeals, and the Federal Reporter and continuations thereto as issued, \$317,000: <i>Provided</i> , That such books shall in all cases be transmitted to their successors in office; all books purchased hereunder to be marked plainly, "The Property of the United States": <i>Provided further</i> , That not to exceed \$2 per volume shall be paid for the current and future volumes of the United States Code, Annotated, and that the reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.
Law books for judicial officers.	
Federal Reporter. <i>Provisos.</i> Transmittal to successors. U. S. Code Annotated, price limitation.	
Traveling expenses.	Traveling expenses: For all necessary traveling expenses, not otherwise provided for, incurred by the Judiciary, including traveling expenses of probation officers and their clerks, \$473,000: <i>Provided</i> , That this sum shall be available, in an amount not to exceed \$4,000, for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts: <i>Provided further</i> , That United States probation officers may be allowed, in lieu of actual expenses of transportation, not to exceed 3 cents per mile for the use of their own automobiles for transportation when traveling on official business within the city limits of their official station.
<i>Provisos.</i> Attendance at meetings.	
Mileage for use of personally owned automobiles.	
Printing and binding.	Printing and binding: For printing and binding for the Administrative Office and Courts of the United States, \$83,000.
Definitions.	As used in this Act, the term "circuit court of appeals" includes the United States Court of Appeals for the District of Columbia; the term "senior circuit judge" includes the Chief Justice of the United States Court of Appeals for the District of Columbia; the term "circuit judge" includes associate justice of the United States Court of Appeals for the District of Columbia; and the term "judge" includes justice.

## ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Salaries: For the Director of the Administrative Office of the United States Courts, the Assistant Director, and for other personal services in the District of Columbia and elsewhere, as may be necessary to enable the Director to carry into effect the provisions of the Act entitled "An Act to provide for the administration of the United States Courts, and for other purposes", approved August 7, 1939 (53 Stat. 1223), \$187,500: *Provided*, That in expending appropriations or portions of appropriations contained in the Act for the payment of personal services in the District of Columbia, the Director shall fix compensation according to the Classification Act of 1923, as amended: *Provided further*, That all unexpended appropriations for the support, maintenance, and operation of the Courts specified in section 306 of the Judicial Code for the current fiscal year, and all unexpended appropriations covering judicial personnel as specified in section 304 (1) of the Judicial Code, including appropriations for the salaries of the justices and judges who have retired or who have resigned under the provisions of section 260 of the Judicial Code (28 U. S. C. 375) shall be transferred to the control of the Administrative Office of the United States Courts.

Miscellaneous expenses: For stationery, supplies, materials and equipment, freight, express and drayage charges, washing towels, advertising, purchase of lawbooks and books of reference, periodicals and newspapers, communication service and postage; for the purchase of one motor-propelled delivery truck at not to exceed \$750 for general utility purposes, and for the maintenance, repair and operation of same; for rent in the District of Columbia, and elsewhere; for official traveling expenses and other miscellaneous expenses not otherwise provided for, necessary to effectively carry out the provisions of the Act providing for the administration of the United States Courts, and for other purposes, \$55,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service for the Administrative Office of the United States Courts when the aggregate amount involved does not exceed the sum of \$50.

This title may be cited as "The Judiciary Appropriation Act, 1941".

## TITLE V—GENERAL PROVISIONS

SEC. 501. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

SEC. 502. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States.

SEC. 503. No part of the funds appropriated by titles III and IV for salaries of judges, the Attorney General, Assistant Attorneys General, Solicitor General, district attorneys, marshals, and clerks

Salaries.

28 U. S. C., Supp. V, §§ 444-450.  
*Provisos.*  
Personal services.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Transfer of appropriations.  
28 U. S. C., Supp. V, § 448.

28 U. S. C., Supp. V, § 446.

28 U. S. C., Supp. V, § 375.

Miscellaneous expenses.  
*Post*, p. 647.

*Proviso.*  
Minor purchases.  
*Post*, p. 1109.

Short title.

Administrative promotions, restriction.

Citizenship requirement.

Use of designated funds.

of court shall be used for any other purpose whatsoever, but such salaries shall be allotted out of appropriations herein made for such salaries and retained by the Department or the administrative office of the United States courts and paid to such officials severally, as and when such salaries fall due and without delay.

Senate disapproval  
of nominations, effect.

SEC. 504. No part of any appropriation contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Approved, May 14, 1940.

[CHAPTER 190]

AN ACT

May 14, 1940

[S. 1542]

[Public, No. 509]

To authorize the Director of the Geological Survey, under the general supervision of the Secretary of the Interior, to acquire certain collections for the United States.

Geological Survey.  
Acquisition of cer-  
tain books, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Director of the Geological Survey, under the general supervision of the Secretary of the Interior, is authorized to acquire for the United States, by gift or devise, scientific or technical books, manuscripts, maps, and related materials, and to deposit the same in the library of the Geological Survey for reference and use as authorized by law.

Approved, May 14, 1940.

[CHAPTER 191]

AN ACT

May 14, 1940

[S. 1780]

[Public, No. 510]

To authorize the Secretary of the Interior to acquire property for the Antietam Battlefield site in the State of Maryland, and for other purposes.

Antietam Battle-  
field site, Md.  
Acquisition of lands,  
property, etc., for.

Condemnation pro-  
ceedings authorized.  
40 U. S. C. §§ 257,  
258.

*Proviso.*  
Payment from do-  
nated funds.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable or by condemnation in accordance with the Act of August 1, 1888 (25 Stat. 357), lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Antietam Battlefield site, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided,* That payment for such property or interests shall be made solely from donated funds. All such property and interests shall be a part of the Antietam Battlefield site and shall be subject to all laws and regulations applicable thereto.

Approved, May 14, 1940.

[CHAPTER 192]

AN ACT

May 14, 1940

[S. 3198]

[Public, No. 511]

To provide allowances for uniforms and equipment for certain officers of the Officers' Reserve Corps of the Army.

Officers' Reserve  
Corps, Army.  
Allowance for uni-  
forms, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That officers of the Officers' Reserve Corps of the Army shall be entitled to an allowance for uniforms and equipment of \$50 per annum upon completion, in

separate fiscal years, of each of their first three periods of active-duty training of three months or less, following their original appointment, during which periods the uniform is required to be worn.

Approved, May 14, 1940.

[CHAPTER 193]

AN ACT

To authorize the Secretary of the Interior to grant a right-of-way to the Highway Commission of the State of Montana.

May 14, 1940  
[S. 3262]  
[Public, No. 512]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to grant to the Highway Commission of the State of Montana a permanent right to use for highway purposes that part of the property owned by the United States, known as the Bozeman, Montana, fisheries station, in the south half of the northwest quarter of section 34, township 1 south, range 6 east, Montana principal meridian, in Gallatin County, Montana, for which a revocable license, dated December 23, 1938, was granted by the Secretary of Commerce. Such right shall be granted upon condition that a public highway shall be maintained across such property and upon such other conditions as the Secretary of the Interior deems necessary to protect the interests of the United States.

Bozeman, Mont.,  
fisheries station.  
Use of portion of  
property by State of  
Montana for highway  
purposes.

Conditions.

Approved, May 14, 1940.

[CHAPTER 194]

AN ACT

To amend the National Defense Act of June 3, 1916, as amended, to provide for enlistments in the Army of the United States in time of war, or other emergency declared by Congress, and for other purposes.

May 14, 1940  
[S. 3470]  
[Public, No. 513]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 127a, added to the National Defense Act of June 3, 1916 (39 Stat. 166), by section 51 of the Act of June 4, 1920 (41 Stat. 785), as amended, be, and the same is hereby, further amended by inserting after the concluding paragraph thereof a new paragraph to read as follows:

National Defense  
Act, amendment.

"In time of war or other emergency declared by Congress, all enlistments in the active military service of the United States shall be in the Army of the United States without specification of any particular component or unit thereof and shall be for the duration of the war or other emergency plus six months, subject in each case to earlier discharge at the discretion of the President or otherwise according to law. Eligibility for such enlistment shall be limited to persons not less than eighteen years of age and otherwise qualified under such regulations as the Secretary of War shall prescribe. The oath or affirmation of enlistment set forth in Article of War 109 shall be used and may be taken before any officer of the Army of the United States. All persons enlisted at any time in the Army of the United States or any component thereof, as long as they continue in the military service, shall, in time of war or other emergency declared by Congress, be available for assignment to duty with any unit of the Army of the United States and may be freely transferred from one unit to another, regardless of the component status of the units involved."

Enlistments in time  
of war or other emer-  
gency.

Duration.

Eligibility.

41 Stat. 809.  
10 U. S. C. § 1531.

Assignments and  
transfers.

Approved, May 14, 1940.

## [CHAPTER 195]

## AN ACT

May 14, 1940  
[S. 3654]  
[Public, No. 514]

To amend section 10, National Defense Act, as amended, with relation to the maximum authorized enlisted strength of the Medical Department of the Regular Army.

National Defense Act, amendment.  
39 Stat. 171.  
10 U. S. C. § 81.

Medical Department, Army.  
Enlisted men, maximum number.

*Proviso.*  
Additional enlistments; conditions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 766), be, and the same is hereby, amended so as to provide that hereafter the authorized maximum number of enlisted men of the Medical Department of the Regular Army shall be in each fiscal year such number as shall equal 7 per centum of the average annual pay strength of the active list of the Regular Army and the average strength of all other military personnel on extended active duty with the Regular Army during such fiscal year: *Provided*, That in event of actual or threatened hostilities involving the United States the President may, within the limit of the total authorized strength of the Regular Army, authorize additional enlistments in the Medical Department to such number as he may deem necessary.

Approved, May 14, 1940.

## [CHAPTER 196]

## AN ACT

May 14, 1940  
[S. 3661]  
[Public, No. 515]

To amend the Perishable Agricultural Commodities Act, 1930, as amended, and for other purposes.

Perishable Agricultural Commodities Act, 1930, amendment.  
Reparation orders, proceedings.  
7 U. S. C. § 499g (c);  
Supp. V, § 499g (c).

*Proviso.*  
Appeal to district court in certain cases.  
7 U. S. C. § 499f (c), (d).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (c) of section 7 of the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531), as amended by section 10 of the Act of August 20, 1937 (50 Stat. 725), is hereby amended by striking out the period at the end of the first sentence and by inserting in lieu thereof a colon and the following: "*Provided*, That in cases handled without a hearing in accordance with paragraphs (c) and (d) of section 6 or in which a hearing has been waived by agreement of the parties, appeal shall be to the district court of the United States for the district in which the party complained against is located."

Approved, May 14, 1940.

## [CHAPTER 197]

## AN ACT

May 14, 1940  
[S. 3675]  
[Public, No. 516]

To authorize the establishment of boundary lines for the Wilmington National Cemetery, North Carolina.

Wilmington National Cemetery, N. C.  
Fixing of boundary lines.

Exchange, etc., of lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized to enter into and execute an agreement or agreements with the owners or claimants of adjoining land to fix and establish the location of the boundary lines of the Wilmington National Cemetery, North Carolina, and he may, if he deems it advisable, give to or receive from such owners or claimants appropriate releases, by way of quitclaim deeds or otherwise.

Approved, May 14, 1940.

## [CHAPTER 198]

## JOINT RESOLUTION

To provide for participation of the United States in the Golden Gate International Exposition at San Francisco in 1940, to continue the powers and duties of the United States Golden Gate International Exposition Commission, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order that the United States may continue its participation in the Golden Gate International Exposition at San Francisco, California, in 1940, the joint resolution entitled "Joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Incorporated, in the city of San Francisco during the year 1939, and for other purposes", approved July 9, 1937, as amended by this joint resolution, is extended and made applicable to the continuance of the participation of the United States in such exposition in 1940 in the same manner and to the same extent and for the same purposes as originally provided in such joint resolution of July 9, 1937.

SEC. 2. Section 6 of such joint resolution of July 9, 1937, is amended by adding at the end thereof the following sentence: "Section 3709 of the Revised Statutes shall not apply to any purchase or service rendered for the Commission when the aggregate amount involved does not exceed \$500."

SEC. 3. The second proviso of the first paragraph of section 7 of such joint resolution of July 9, 1937, is amended to read as follows: "*Provided further,* That the Commission may, if it deems it desirable and in the public interest, transfer, with or without consideration, the title to the Federal Exhibits Building or Buildings or other Commission-owned property to the city and county of San Francisco or to any Federal, State, or local governmental agency."

SEC. 4. In addition to the sum of \$1,500,000 authorized by such joint resolution of July 9, 1937, to be appropriated for the participation of the United States in the Golden Gate International Exposition and appropriated by the Third Deficiency Appropriation Act, fiscal year 1937, there is hereby authorized to be appropriated the sum of \$200,000 for participation in 1940.

SEC. 5. The Act entitled "An Act to authorize the United States Golden Gate International Exposition Commission to produce and sell certain articles, and for other purposes", approved June 15, 1938, is hereby extended and made applicable during the participation of the United States in the Golden Gate International Exposition in 1940.

Approved, May 14, 1940.

## [CHAPTER 199]

## JOINT RESOLUTION

To amend the joint resolution entitled "Joint resolution authorizing Federal participation in the New York World's Fair, 1939, authorizing an appropriation therefor and for other purposes", approved July 9, 1937, to provide for participation in the New York World's Fair, 1940, to authorize an appropriation therefor, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States continue its participation in the New York World's Fair during 1940.

SEC. 2. For this purpose Public Resolution Numbered 53, Seventy-fifth Congress, approved July 9, 1937, as amended, authorizing said participation in the New York World's Fair, 1939, and authorizing

May 14, 1940  
[S. J. Res. 200]  
[Pub. Res., No. 71]

Golden Gate International Exposition.  
Participation by U. S. in 1940.

50 Stat. 488.

Expenditure of funds.  
Minor purchases.  
50 Stat. 490.  
41 U. S. C. §5; Supp. V. § 5.

Disposal of property, etc.  
50 Stat. 492.  
*Proviso.*  
Transfer of title to buildings, etc.

Additional appropriation authorized.

50 Stat. 759.  
*Post*, p. 634.

Production and sale of certain articles, authorization extended.  
52 Stat. 684.

May 14, 1940  
[S. J. Res. 217]  
[Pub. Res., No. 72]

New York World's Fair.  
Participation by U. S. in 1940.  
Prior public resolution extended.  
50 Stat. 493.

an appropriation therefor, and for other purposes, as hereby amended, is extended and made applicable to the continuance of the participation of the United States in the said New York World's Fair, 1940, in the same manner and to the same extent and for the same purposes as originally provided in said Public Resolution Numbered 53.

SEC. 3. In addition to the sum of \$3,000,000 authorized to be appropriated by the aforesaid Public Resolution Numbered 53 for the participation of the United States in the New York World's Fair, 1939, and appropriated under title I of Public Act Numbered 354, Seventy-fifth Congress, approved August 25, 1937, there is hereby authorized to be appropriated the sum of \$275,000.

Approved, May 14, 1940.

Additional appro-  
priation authorized.  
50 Stat. 495.

50 Stat. 759.  
Post, p. 634.

[CHAPTER 200]

JOINT RESOLUTION

To amend section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(f) Any change in the relationship between the landlord and the tenants or sharecroppers, with respect to any farm, that would increase over the previous year the amount of payments or grants of other aid under subsection (b) that would otherwise be made to any landlord shall not operate to increase such payment or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding three years that would increase the payments or grants of other aid under such subsection that would otherwise be made to the landlord shall not hereafter operate to increase any such payment or grant to such landlord. Such limitations shall not apply if on investigation the local committee finds that the change is justified and approves such change in relationship or reduction. Such action of local committees shall be subject to approval or disapproval by State committees."

Approved, May 14, 1940.

May 14, 1940  
[H. J. Res. 258]  
[Pub. Res., No. 73]

Soil Conservation  
and Domestic Allot-  
ment Act, amend-  
ment.

52 Stat. 35.  
16 U. S. C., Supp.  
V, § 590h (f).

Change in relation-  
ship of landlord and  
tenants, etc.

Restriction on in-  
crease of payment,  
etc., to landlord.

Exception; approval  
by local committee.

Review by State  
committee.

[CHAPTER 201]

JOINT RESOLUTION

To suspend section 510 (g) of the Merchant Marine Act, 1936, during the present European war, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 510 (g) of the Merchant Marine Act, 1936, as amended (restricting the use of vessels in the laid-up fleet of the Maritime Commission), is hereby suspended until the proclamation issued by the President on November 4, 1939, under section 1 (a) of the Neutrality Act of 1939 is revoked.

SEC. 2. At any time prior to revocation of the proclamation issued by the President on November 4, 1939, under section 1 (a) of the Neutrality Act of 1939, all vessels transferred to the Maritime Commission by the Merchant Marine Act, 1936, or otherwise acquired by the Commission (other than vessels constructed under the Merchant Marine Act, 1936) may, notwithstanding any provision of law con-

May 14, 1940  
[H. J. Res. 519]  
[Pub. Res., No. 74]

Merchant Marine  
Act, 1936.

53 Stat. 1185.  
46 U. S. C., Supp.  
V, § 1160 (g).

Suspension of sub-  
section; duration.  
Ante, p. 4.

Sale or charter of  
certain vessels; time  
limitation.

Ante, p. 4.  
22 U. S. C., Supp.  
V, § 2451.

49 Stat. 1985.  
46 U. S. C., Supp.  
V, §§ 1101-1279.

trary hereto or inconsistent herewith, be sold or chartered by the Commission, upon competitive bids and after due advertisement, upon such terms and conditions (including with respect to charters the charter period) and subject to such restrictions (including restrictions affecting the use or disposition of the vessel by the purchaser or charterer), as the Commission may deem necessary or desirable for the protection of the public interest.

Approved, May 14, 1940.

[CHAPTER 203]

AN ACT

To amend section 24e, National Defense Act, as amended, so as to add an alternative requirement for appointment in the Dental Corps.

May 15, 1940  
[S. 3633]  
[Public, No. 517]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the next to the last sentence of section 24e, of the National Defense Act, as amended by section 7 of the Act of April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), be, and the same is hereby amended to read as follows: "To be eligible for appointment in the Dental Corps, a candidate must be a graduate of a recognized dental college, and have been engaged in the practice of his profession for at least two years subsequent to graduation, or must have, after such graduation, satisfactorily completed a dental internship of not less than one year in a hospital or dispensary."

Approved, May 15, 1940.

National Defense Act, amendment.  
41 Stat. 774; 53 Stat. 557.  
10 U. S. C. § 123; Supp. V, § 123.  
Dental Corps, Army.  
Eligibility for appointment.

[CHAPTER 204]

AN ACT

To amend sections 16 and 17 of chapter II of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia."

May 20, 1940  
[S. 3251]  
[Public, No. 518]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 16 and 17 of chapter II of the Act of June 19, 1934, entitled "An Act to regulate the business of life insurance in the District of Columbia", be amended to read as follows:

"SEC. 16. GENERAL DEPOSIT.—Every company desiring to transact business in the District shall, as a prerequisite to the issuance of a certificate of authority, deposit, as herein provided, approved securities of not less than \$100,000 market value. In the case of domestic companies, such deposit shall be made in the District as prescribed under section 17 of this Act: *Provided*, That the deposit of every domestic company heretofore organized under the provisions of the laws of the District or other Act of Congress may, in the discretion of the superintendent, be limited (1) for stock companies, to an amount equal to the capital stock outstanding at the date of approval of this Act; (2) for nonstock companies, to such amount as in the opinion of the superintendent would be required from stock companies of comparable size. In no case shall the deposit of a domestic company be less than \$25,000 in value. In the case of foreign or alien companies, the deposit may be made as provided under section 17 of this Act, or may be made with the supervising official of any State, Territory, or insular possession of the United States authorized to accept such deposit, which shall be held for the benefit of all policyholders.

Life Insurance Act, D. C., amendments.  
48 Stat. 1133.  
5 D. C. Code, Supp. V, §§ 217n, 217o.

General deposit by company.

*Proviso.*  
Domestic companies heretofore organized.

Minimum deposit.  
Foreign or alien companies.

Certificate of deposit, filing.

"In the case of a deposit made with an official outside the District, a certificate of deposit from said official shall be filed with the superintendent, showing the character of the deposit, before a certificate of authority to transact business in the District may be issued, and, if the securities so deposited are not of the class authorized by this Act for investments of companies, the superintendent may require an additional deposit in approved securities.

Additional deposit.

Holding of general deposits.

"SEC. 17. HOLDING OF GENERAL DEPOSITS BY DISTRICT AUDITOR AND SECRETARY TO BOARD OF COMMISSIONERS.—When any company is required by this Act to make a deposit in the District, such deposit shall be in securities of the class authorized by this Act for investments of companies, and shall be delivered by the company to the secretary of the Board of Commissioners of the District and the auditor of the District, who shall receive and hold the same subject to the lawful orders of the superintendent, and who shall be responsible for the safekeeping of all securities deposited or delivered under the authority of this section. The company shall have the right to collect the income on deposited securities so long as it continues solvent and complies with the laws of the United States and of the District, and it shall have the right to substitute for such securities other securities, provided such substituted securities are of the character, amount, and value required by this section, and are approved by the superintendent: *Provided*, That not less than \$25,000 of such deposit shall at all times consist of bonds or other evidences of indebtedness of the United States or of any State of the United States, or of any county or incorporated city of any State of the United States, and that securities of a class different from such bonds or other evidences of indebtedness shall not in any case be accepted for deposit except with the specific approval of and at values determined by the superintendent.

Substitution of securities.

*Proviso.*  
Character of portion of deposit.

Maintenance of value of deposit.

"If the value of securities deposited by any company shall decline, the superintendent may require the company to make a further deposit, in order that the amount and value of the deposit required by this Act shall at all times be maintained."

Approved, May 20, 1940.

[CHAPTER 205]

AN ACT

To amend the Mount Rushmore Memorial Act of 1938.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4 of the Mount Rushmore Memorial Act of 1938, approved June 15, 1938, is amended as follows:

Strike out the words "fifteen hundred acres" and insert in lieu thereof the words "eighteen hundred acres: *Provided*, That while appropriations necessary to complete the Memorial as authorized by law may be made, no part of any funds appropriated to the Rushmore Memorial Commission may be used for the development of the three hundred acres herein proposed to be added to the Memorial Reserve and no part of any funds appropriated under any Act may be used to pay a royalty or percentage to the sculptor for any work other than that necessarily incident to the sculpturing project."

Approved, May 22, 1940.

May 22, 1940

[H. R. 8357]

[Public, No. 519]

Mount Rushmore  
National Memorial,  
S. Dak.  
52 Stat. 604.

Area enlarged.

*Proviso.*  
Restrictions on use of funds.

## [CHAPTER 206]

## AN ACT

To authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota.

May 24, 1940  
[S. 1036]  
[Public, No. 520]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to purchase privately owned lands and improvements within and adjacent to the Turtle Mountain Reservation, North Dakota, title to be taken in the United States of America in trust for the Indians of the Turtle Mountain Reservation. For the purpose of making the purchases herein authorized, the Secretary of the Interior is hereby authorized to use any available funds heretofore or hereafter appropriated pursuant to the authority contained in section 5 of the Act of June 18, 1934 (48 Stat. 984): *Provided*, That title to the land so purchased may, in the discretion of the Secretary of the Interior, be taken for the surface only: *Provided further*, That lands purchased under this authority shall not be allotted in severalty.

Turtle Mountain  
Reservation, N. Dak.  
Purchase of lands,  
etc., for benefit of In-  
dians.

25 U. S. C. § 465.

*Proviso.*  
Title to the land.

No allotments in  
severalty.

SEC. 2. For the purpose of this Act, the Indians of the Turtle Mountain Reservation shall include the following: (1) All Indians carried on the official census of the Turtle Mountain Reservation as of the date of this Act; (2) all unenrolled Indians who were members of the band or bands which constituted the Turtle Mountain Tribe prior to October 8, 1904, but who failed to apply for enrollment on the roll closed on that date, and their descendants of one-half or more Indian blood. The roll of Turtle Mountain Indians as defined in this Act shall be prepared under the direction of the Secretary of the Interior and shall be kept current by striking the names of deceased persons and adding the names of Indians of one-fourth or more Indian blood who are descendants of persons enrolled on said roll: *Provided*, That Turtle Mountain Indians domiciled in Canada shall not be included.

Indians of Turtle  
Mountain Reserva-  
tion.  
Persons included,  
for purpose of Act.

*Proviso.*  
Persons excluded.

Approved, May 24, 1940.

## [CHAPTER 209]

## AN ACT

To provide for the appointment of additional district and circuit judges.

May 24, 1940  
[H. R. 7079]  
[Public, No. 521]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to appoint, by and with the advice and consent of the Senate, three additional circuit judges as follows:

- (a) One for the sixth circuit;
- (b) Two for the eighth circuit.

U. S. courts.  
Additional circuit  
judges.

SEC. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, eight additional district judges, as follows:

Additional district  
judges.

(a) One for each of the following districts: District of New Jersey, western district of Oklahoma, eastern district of Pennsylvania, southern district of New York, northern district of Illinois, and the northern district of Georgia: *Provided*, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

*Proviso.*  
Certain vacancies  
not to be filled.

*Proviso.*  
Vacancy in north-  
ern or southern dis-  
trict of Florida.

(b) One, who shall be a district judge for the northern and southern districts of Florida: *Provided, however,* That, whenever a vacancy shall occur in the office of the district judge for the northern or the southern district of Florida, the judge appointed pursuant to the authority granted by this section shall become a district judge for the northern or the southern district of Florida, as the case may be, and thereafter no successor shall be appointed to the vacancy thus occurring in the position created by this section.

(c) One for the southern district of California.

District judge, Vir-  
gin Islands, salary.

SEC. 3. After the date of enactment of this Act, the salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of \$10,000 a year.

Approved, May 24, 1940.

[CHAPTER 210]

AN ACT

May 24, 1940

[H. R. 8826]

[Public, No. 522]

To authorize an appropriation to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, during 1940.

American Negro  
Exposition.  
Appropriation au-  
thorized.  
*Post*, p. 631.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is authorized to be appropriated the sum of \$75,000 out of any funds in the United States Treasury not already otherwise appropriated, to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, from July 4, 1940, to September 2, 1940, for the purpose of celebrating the seventy-fifth anniversary of the emancipation of the Negro and of showing the progress, advancement, and achievements of the Negro race in the United States during the past seventy-five years. Such sum shall be expended by an auxiliary commission composed of three persons to be appointed by the President of the United States, one of whom shall be a Member of the House of Representatives, one a Member of the United States Senate, and a third to be selected by the President, which auxiliary commission shall work in conjunction with the Afro-Merican Emancipation Exposition Commission appointed by the Governor of the State of Illinois under the direction and supervision of the Governor of the State of Illinois.

Approved, May 24, 1940.

Expenditure by  
auxiliary commission.

[CHAPTER 211]

AN ACT

May 27, 1940

[S. 2578]

[Public, No. 523]

To designate the lock and dam at Alton, Illinois, as the Henry T. Rainey Dam.

Henry T. Rainey  
Dam.  
Lock and dam at  
Alton, Ill., designated  
as.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in honor of the late Henry T. Rainey, former Speaker of the House of Representatives, the navigation lock and dam at Alton, Illinois, otherwise identified as Mississippi River Lock and Dam Numbered 26, shall hereafter be known as the Henry T. Rainey Dam.

Approved, May 27, 1940.

## [CHAPTER 212]

## AN ACT

To amend the Act approved February 15, 1929, entitled "An Act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the Regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank", so as to permit service in the National Naval Volunteers to be counted for purposes of promotion.

May 27, 1940  
[S. 3016]  
[Public, No. 524]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of February 15, 1929 (45 Stat. 1180; 34 U. S. C. 331a), is hereby amended to read as follows:

Warrant officers,  
Navy.

"That for the purpose of computing the six years' service required for promotion from warrant to chief warrant rank, all active service, for purposes other than training heretofore rendered during the period from April 6, 1917, to December 31, 1921, under a temporary appointment as a warrant or commissioned officer in the United States Navy, or as a warrant or commissioned officer in the United States Naval Reserve Force, or as a warrant or commissioned officer of the National Naval Volunteers shall be counted: *Provided*, That officers who have heretofore been commissioned chief warrant officers shall for all purposes be regarded as having been so commissioned from the date of completion of such six years' service including the service authorized to be counted by this Act: *Provided further*, That no back pay or allowances shall be held to have accrued prior to the passage of this Act."

Service to be  
counted for promo-  
tion.

*Provisos.*  
Dates of commissions  
of certain officers.

No back pay, etc.

Approved, May 27, 1940.

## [CHAPTER 213]

## AN ACT

To amend the Act entitled "An Act to authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States at Quantico, Virginia", approved June 24, 1935 (49 Stat. 395), so as to permit the removal of certain encumbrances on the lands concerned.

May 27, 1940  
[S. 3017]  
[Public, No. 525]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act to authorize an exchange of lands between the Richmond, Fredericksburg and Potomac Railroad Company and the United States at Quantico, Virginia", approved June 24, 1935 (49 Stat. 395), is hereby amended so that the first ten lines of the first section thereof will read as follows:

Quantico, Va.  
Exchange of lands  
at, amendments.

"That the Secretary of the Navy is authorized on behalf of the United States to accept from the Richmond, Fredericksburg and Potomac Railroad Company, a corporation of the State of Virginia, without cost to the United States, except as hereinafter provided, by an appropriate deed of conveyance, all of the said railroad company's right, title, and interest in and to the following lands, together with all the right, title, and interest of the said railroad company in and to the platted streets and riparian rights in Quantico Creek as may attach to the lots described in subsection (a):"

Conveyances by  
Richmond, Freder-  
icksburg and Potomac  
Railroad Co.

SEC. 2. The said Act approved June 24, 1935, is hereby further amended so that the first eight lines of the second section thereof will read as follows:

Lands transferred to  
railroad company.

"In exchange for all of the right, title, and interest of the Richmond, Fredericksburg and Potomac Railroad Company in and to the above-described lands, the Secretary of the Navy is authorized to transfer by appropriate conveyance to the said railroad company, free from all encumbrances, without cost to the said railroad com-

pany, all right, title, and interest of the United States in and to the lands contained within the Marine Corps Reservation at Quantico, Virginia, described generally as follows:"

SEC. 3. That the said Act approved June 24, 1935, is hereby further amended by adding the following section thereto:

Acquisition of designated lands; vested rights.

"SEC. 3. The Secretary of the Navy is hereby authorized to acquire on behalf of the United States by purchase, condemnation, or otherwise, at a cost not to exceed \$1,750, such parts of the lands described in section 1 of this Act and such vested rights therein, if any, as may belong to persons other than the Richmond, Fredericksburg and Potomac Railroad Company."

Approved, May 27, 1940.

[CHAPTER 214]

AN ACT

To extend the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wisconsin.

May 27, 1940

[S. 3183]

[Public, No. 526]

Mississippi River.  
Time extended for  
bridging, at La Crosse,  
Wis.

49 Stat. 1531; 50 Stat.  
94.

Right reserved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time for completing the construction of a bridge across the Mississippi River at or near La Crosse, Wisconsin, authorized to be built by the State of Wisconsin by an Act of Congress approved June 19, 1936, as heretofore extended by an Act of Congress approved April 26, 1937, is further extended for one year, from April 26, 1940.

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

Approved, May 27, 1940.

[CHAPTER 215]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas.

May 27, 1940

[S. 3254]

[Public, No. 527]

Mississippi River.  
Times extended for  
bridging, at Friar  
Point, Miss., and  
Helena, Ark.

53 Stat. 747.

Right reserved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Mississippi River at or near Friar Point, Mississippi, and Helena, Arkansas, authorized to be built by the Arkansas-Mississippi Bridge Commission and its successors and assigns by an Act of Congress, approved May 17, 1939, are hereby further extended one and three years, respectively, from the date of approval of this Act.

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

Approved, May 27, 1940.

[CHAPTER 216]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Indiana.

May 27, 1940

[S. 3561]

[Public, No. 528]

Ohio River.  
Times extended for  
bridging, at Mauck-  
port, Ind.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Ohio River, at or near Mauckport, Harrison County, Indiana, authorized to be built by the Indiana State Toll Bridge Commission,

by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from August 7, 1940.

53 Stat. 1241.

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

Right reserved.

Approved, May 27, 1940.

[CHAPTER 217]

AN ACT

To grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Port Allegany, Liberty Township, in the County of McKean, and in the Commonwealth of Pennsylvania.

May 27, 1940  
[S. 3570]  
[Public, No. 529]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Allegheny River, at a point suitable to the interests of navigation, at or near Port Allegany, Liberty Township, McKean County, in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Allegheny River.  
Consent granted to  
bridge, at Port Alle-  
gany, Pa.

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

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Right reserved.

Approved, May 27, 1940.

[CHAPTER 218]

AN ACT

To grant the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Monongahela River, at a point between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson Township, in the county of Allegheny, and in the Commonwealth of Pennsylvania.

May 27, 1940  
[S. 3571]  
[Public, No. 530]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge, and approaches thereto, across the Monongahela River, at a point suitable to the interests of navigation, between the boroughs of Elizabeth, in Elizabeth Township, and West Elizabeth, in Jefferson township, in the county of Allegheny, and in the Commonwealth of Pennsylvania, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Monongahela River.  
Consent granted to  
bridge, at Elizabeth,  
Pa.

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

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Right reserved.

Approved, May 27, 1940.

[CHAPTER 219]

AN ACT

To make better provision for the teacher of music, the leader of the Military Academy Band.

May 27, 1940  
[S. 3575]  
[Public, No. 531]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the date of approval of this Act the teacher of music, the leader of the Military Academy Band, shall have the rank of captain of

Military Academy  
Band.  
Leader, rank, pay,  
etc.

*Provisos.*  
Computation of  
pay and allowances;  
service.

Retirement.

Dependents, pen-  
sions, etc.

the United States Army and shall be entitled to receive the pay and allowances of an officer in the third pay period: *Provided*, That in the computation of the pay and allowances of such teacher of music all active service in the Army, including service as teacher of music, shall be counted as if it were commissioned service: *Provided further*, That the said leader of the Military Academy Band shall, at such time as the President in his discretion may direct, be retired as a teacher of music with the rank of captain, and when so retired, shall be entitled to receive the same retirement pay as is now or may hereafter be provided by law or regulation for an officer of the Army in the third pay period with length of service computed as stated above: *And provided further*, That the dependents of said teacher of music shall be entitled to the same pensions, death gratuity, and other benefits as are now or may hereafter be provided for an officer of the Regular Army in the third pay period with the corresponding length of service.

Approved, May 27, 1940.

[CHAPTER 220]

AN ACT

May 28, 1940

[S. 229]

[Public, No. 532]

To authorize the withdrawal of national-forest lands for the protection of watersheds from which water is obtained for municipalities, and for other purposes.

National-forest  
lands.  
Setting aside, for  
municipal water-sup-  
ply protection.

*Provisos.*  
Utilization under  
Federal reclamation  
laws.  
Restoration of lands  
withdrawn.

Administration.

Rules, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is hereby, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws: *And provided further*, That the President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any of the lands so withdrawn to appropriation under an applicable public-land law.

SEC. 2. Lands withdrawn under the provisions of this Act shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is hereby authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

SEC. 3. Whenever national-forest lands are withdrawn under this Act, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

Reimbursement to  
Forest Service for loss  
of revenues.

SEC. 4. Any violation of the regulations issued under this Act shall be punished as is provided in section 50 of the Act entitled "An Act to codify, revise, and amend the penal laws of the United States", approved March 4, 1909 (35 Stat. L. 1098).

Penalty.

18 U. S. C. § 104.

Approved, May 28, 1940.

[CHAPTER 221]

AN ACT

Authorizing the Secretary of War to convey to the Port of Cascade Locks, Oregon, certain lands for municipal purposes.

May 28, 1940  
[S. 255]

[Public, No. 533]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is authorized and directed to convey, by quitclaim deed, upon the payment to the United States of not less than 50 per centum of the current appraised value thereof to the Port of Cascade Locks, Oregon, all right, title, and interest of the United States in and to the following-described lands: Commencing at a point, not monumented, on left bank of Columbia River, one thousand two hundred and six and three-tenths feet north from center of section 12, township 2 north, range 7 east, of the Willamette meridian in Hood River County in the State of Oregon, this point being on the southerly boundary line of the R. G. Atwell, D. L. C.; thence from said initial point by metes and bounds east one hundred and twenty-five feet to a point; south two hundred and three and five-tenths feet to an eight-inch by eight-inch stone with iron plug marked "U. S."; south forty-one degrees fifteen minutes west five hundred and seventy-eight and six-tenths feet; south twenty-nine degrees thirty minutes east sixty feet; south twenty-nine degrees forty-five minutes west seventy-five feet; south twenty-nine degrees thirteen minutes west fifty-eight and fifty-one one-hundredths feet; south forty degrees no minutes west one hundred and thirty-five and five-tenths feet; south thirty-seven degrees thirty minutes west one hundred feet; south thirty-six degrees twenty minutes west one hundred feet; south thirty-four degrees fifteen minutes west one hundred and one feet; south thirty-one degrees fifty minutes west one hundred feet; south thirty degrees twenty minutes west one hundred feet; south thirty degrees ten minutes west one thousand five hundred and ninety and one-tenth feet; north fifty-nine degrees fifty minutes west two hundred feet; north forty-seven degrees fifteen minutes west nine hundred and fifty feet; north twenty-eight degrees no minutes east two hundred and eighty-six and forty-four one-hundredths feet; north eleven degrees no minutes west three hundred and forty-three and two-tenths feet; north forty-six degrees no minutes east one thousand one hundred and seventy-one and five-tenths feet; north eighty-eight degrees no minutes east seven hundred and twenty-six feet; north forty-nine degrees no minutes east nine hundred and seven and sixteen one-hundredths feet; south fifty-five and four-tenths feet to the point of beginning, which is on the southerly boundary of the R. G. Atwell, D. L. C.

Port of Cascade  
Locks, Oreg.  
Conveyance of lands  
to.

Description.

Conveyance of buildings, fixtures, etc.

SEC. 2. The Secretary of War is further authorized and directed to convey to the Port of Cascade Locks, Oregon, in addition to the lands described in the first section of this Act, all right, title, and interest of the United States in and to the following: All buildings and permanent fixtures, and any material, supplies, and sundry equipment abandoned by the War Department on such lands, together with the water systems, water mains, distribution lines, and water rights located on or connected with such lands.

Purposes of grant.

SEC. 3. The lands and other property authorized to be conveyed by this Act shall be used by the grantee for a municipal park and dock. The deed executed by the Secretary shall contain the express condition that if the grantee shall cease to use such land for such purposes, or shall alienate or attempt to alienate such lands, title thereto shall revert to the United States.

Reversionary provision.

Approved, May 28, 1940.

[CHAPTER 222]

AN ACT

Providing for the sale of certain lands to the Arizona State Elks Association Hospital.

May 28, 1940

[S. 2980]

[Public, No. 534]

Arizona State Elks Association Hospital. Executive orders modified to permit sale of lands to.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Executive Order Numbered 2295 and dated January 1, 1916, as modified by the Executive Order Numbered 6971 and dated February 19, 1935, is hereby further modified by the elimination from the provisions of said Executive order as modified of a certain tract of land particularly described as follows, to wit: The north two hundred feet northwest quarter northwest quarter section 10, township 14 south, range 13 east, Gila and Salt River base and meridian; in all, an area approximately two hundred feet wide by approximately one thousand three hundred and fifteen and twenty-eight one-hundredths feet long.

Payment; issue of patent.

SEC. 2. Upon payment to the Treasurer of the United States by the Arizona State Elks Association Hospital of the sum of \$150, being the appraised value of the lands described in section 1 hereof, the Secretary of the Interior is authorized and directed to issue patent covering said lands to the Arizona State Elks Association Hospital.

Approved, May 28, 1940.

[CHAPTER 223]

AN ACT

To legalize a bridge across Bayou Lafourche at Galiano, Louisiana.

May 28, 1940

[S. 2999]

[Public, No. 535]

Bayou Lafourche, La. Approval of plans, etc., of bridge at Galiano, La., authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by John L. Guidry across Bayou Lafourche at Galiano, Louisiana: Provided, That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

Proviso. State authorization; location, etc.

SEC. 2. That when the location and plans of said bridge have been approved as provided in section 1 of this Act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

Deeming bridge lawful structure, condition.

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

Right reserved.

Approved, May 28, 1940.

## [CHAPTER 224]

## AN ACT

To authorize the granting of a right-of-way for roadway purposes on the Fort Thomas Military Reservation, Kentucky, in exchange for the release of property rights in and to a certain road on said reservation.

May 28, 1940  
[S. 3402]  
[Public, No. 536]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized, under such terms and conditions as may be deemed advisable by him, to grant to Minnie Halle Kramer, widow of Simon Pendleton Kramer, her heirs and assigns, an easement for a right-of-way for roadway purposes in a certain road as now located on the Fort Thomas Military Reservation, Kentucky, extending from south Fort Thomas Avenue on the westerly boundary of said reservation to lands of the said Minnie Halle Kramer adjacent to the easterly boundary of said reservation, in exchange for the release to the United States of the property rights of the said Minnie Halle Kramer, her heirs and assigns, in a certain road, or such portion thereof as may be designated by the Secretary of War, located on said reservation as described in and reserved in a certain deed of A. H. Bloom, dated August 27, 1887, conveying to the United States part of the lands comprising the Fort Thomas Military Reservation, Kentucky.

Fort Thomas Military Reservation, Ky.  
Grant of easement for right-of-way.

Release of property rights in exchange.

Approved, May 28, 1940.

## [CHAPTER 225]

## AN ACT

To increase the number of brigadier generals of the line of the Regular Army by four.

May 28, 1940  
[S. 3423]  
[Public, No. 537]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the number of brigadier generals of the line of the Regular Army is hereby increased from forty-six to fifty, and hereafter upon the appointment of an officer below the rank of brigadier general to be chief of Infantry, Cavalry, Field Artillery, or Coast Artillery, he shall at the same time be appointed to be a permanent brigadier general of the line and an increase in the number of brigadier generals for this purpose is hereby authorized: *Provided,* That no further appointments to the grade of brigadier general of the line shall thereafter be made until the total number thereof shall be less than fifty: *Provided further,* That the selection of chief of branch shall not be limited to the list of brigadier generals.

Brigadier generals,  
Regular Army.  
Increase in number.  
Chiefs of branches.

*Provisos.*  
Further appointments.

Selection of chief of branch.

Approved, May 28, 1940.

## [CHAPTER 226]

## AN ACT

To provide for a more permanent tenure for persons carrying the mail on star routes.

May 31, 1940  
[S. 1214]  
[Public, No. 538]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3951 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 39, sec. 434), is hereby amended by the addition of the following:

"The Postmaster General may, in his discretion and under such regulations as he may prescribe, allow additional compensation to a star-route contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause occurring during the contract term, but such additional compensation allowed shall not be proportionately greater

Postal Service.  
Contracts for carrying mails.

Star-route contractor,  
additional pay for increased travel.

*Proviso.*  
Nonapplication of  
designated law.

than the rate established by the contract involved: *Provided*, That the provisions of section 3960 of the Revised Statutes (U. S. C., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

New awards, to re-  
lease contractors, etc.

Conditions specified.

"The Postmaster General may, in his discretion and in the interest of the Postal Service, readvertise and award new contracts for the purpose of releasing contractors and their sureties under the following conditions: (a) Where a change is ordered in the Service involving a material increase or decrease in the amount of service required to such extent as to impose undue hardship on the contractor; (b) where an abnormal or sustained increase in the quantity of mail develops during a contract period or after a bid has been submitted, necessitating larger capacity equipment to maintain the service; (c) where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer or an excessively shorter period than was required in the advertised schedule; (d) where it is found after full investigation that the compensation of such contractors is wholly inadequate and that the continuation of the contract would impose undue hardship upon the contractor: *Provided*, That provision (d) shall be effective only upon the giving by the contractor of ninety days' advance notice of his desire to be released: *Provided further*, That such contractor shall waive the one month's extra pay authorized by law where contracts are canceled under section (d)."

*Provisos.*  
Advance notice by  
contractor.  
Waiver of extra pay.

Sec. 2. Section 1 of the Act of July 26, 1892 (27 Stat. 268; title 39, sec. 422, U. S. C.), is amended to read as follows:

Contracts for addi-  
tional mail service.

"After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest responsible bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service."

Letting to lowest  
responsible bidder.

Sec. 3. Section 3949 of the Revised Statutes, as amended (title 39, sec. 429, U. S. C.), is amended to read as follows:

Award of contracts  
to lowest responsible  
bidder, etc.

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Star Route Service.  
Residence of bidders.

No proposal for a contract for Star Route Service shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or coun-

ties; except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence: *And provided further*, That the term "county", as used herein, shall include parish or other similar primary subdivision of a State.

Approved, May 31, 1940.

*Provisos.*  
Companies, etc.

"County"; parish,  
etc., included.

[CHAPTER 227]

AN ACT

Authorizing the continuance of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, to June 30, 1941.

May 31, 1940  
[S. 2303]

[Public, No. 539]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the duties and functions of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, are hereby continued until June 30, 1941.

Prison Industries  
Reorganization Ad-  
ministration.  
Continuance until  
June 30, 1941.

SEC. 2. There is hereby authorized to be appropriated for the administrative expenses of the Administration an amount of \$50,000 for the fiscal year 1941.

Appropriation au-  
thorized.

Approved, May 31, 1940.

[CHAPTER 228]

AN ACT

To amend section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), so as to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts.

May 31, 1940  
[S. 3013]

[Public, No. 540]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first paragraph of section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), is hereby amended to read as follows:

Aerial surveys by  
Army, Navy, and  
Marine Corps per-  
sonnel.  
10 U. S. C. § 306.

"SEC. 5. To cover actual additional expenses to which flyers are subjected when making aerial surveys, hereafter a per diem of \$7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts, and aerial surveys of rivers and harbors or other governmental projects, and a per diem of \$6 for the actual time consumed in making such aerial surveys, or flight checking of Hydrographic Office aviation charts. The per diem authorized in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts shall be paid from the appropriation 'Pay, subsistence, and transportation of naval personnel'. The per diem authorized in connection with aerial surveys of rivers and harbors or other governmental projects shall be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day: *And provided further*, That Naval and

Per diem for actual  
additional expenses.

Per diem for actual  
time consumed.

Payment.

*Provisos.*  
Allowance limited.

Restriction.

Marine Corps personnel shall not be entitled to the allowances authorized by this section when naval tender facilities or the equivalent thereof are available while traveling by air or in the area where the naval survey or flight checking duties are performed."

Approved, May 31, 1940.

## [CHAPTER 229]

## AN ACT

To authorize the Secretary of the Navy to accept real estate granted to the United States by the city of Miami, Florida, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized and directed to accept on behalf of the United States the real estate granted to the United States by the city of Miami, Florida, in manner provided by and in accordance with provisions of resolution numbered 15635 adopted by the Commission of the City of Miami, Florida, on September 20, 1939, as amended by resolution numbered 16087 adopted by the Commission of the City of Miami, Florida, on April 5, 1940.

Approved, June 3, 1940.

## [CHAPTER 230]

## AN ACT

To authorize the Secretary of the Navy to acquire land at Key West, Florida.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized and directed to acquire, by purchase or condemnation, sixty-two acres of land, more or less, in the city of Key West, Florida, fronting on Palm Avenue on the south and the Gulf of Mexico on the north, having a frontage on Palm Avenue of approximately one thousand seven hundred and ninety and eighty-three hundredths feet and being approximately one thousand five hundred and twenty-five and fifty-five hundredths feet deep, for the development and expansion of the Naval Air Station, Key West, Florida.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$125,000 to effectuate the purposes of this Act.

Approved, June 3, 1940.

## [CHAPTER 231]

## JOINT RESOLUTION

Providing for the taking effect of Reorganization Plan Numbered V.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of Reorganization Plan Numbered V, submitted to the Congress on May 22, 1940, shall take effect on the tenth day after the date of enactment of this joint resolution, notwithstanding the provisions of the Reorganization Act of 1939.

SEC. 2. Nothing in such plan or this joint resolution shall be construed as having the effect of continuing any agency or function beyond the time when it would have terminated without regard to such plan or this joint resolution or of continuing any function beyond the time when the agency in which it was vested would have terminated without regard to such plan or this joint resolution.

June 3, 1940  
[H. R. 7543]  
[Public, No. 541]

Miami, Fla.  
Acceptance of certain real estate in, authorized.

June 3, 1940  
[H. R. 9140]  
[Public, No. 542]

Naval Air Station, Key West, Fla.  
Acquisition of certain land for.

Appropriation authorized.  
Post, p. 880.

June 4, 1940  
[H. J. Res. 551]  
[Pub. Res., No. 75]

Reorganization Plan Numbered V, effective date.  
Post, p. 1238.

53 Stat. 562.  
5 U. S. C., Supp. V, § 133d.

Continuation of agency or function.

SEC. 3. Any appropriation for the fiscal year ending June 30, 1941, made after the taking effect of such reorganization plan, for the use of the Immigration and Naturalization Service or the Department of Labor in the exercise of functions transferred by such plan, shall, for the purposes of section 3 of such plan, be considered as having been made prior to the taking effect of such plan. Any provision, in any Act of Congress enacted at the third session of the Seventy-sixth Congress, after the taking effect of such plan, which confers upon the Secretary of Labor any function with respect to the Immigration and Naturalization Service or with respect to the immigration and naturalization laws, shall be construed as having conferred such function upon the Attorney General and not upon the Secretary of Labor.

SEC. 4. The provisions of Reorganization Plan Numbered III, submitted to the Congress on April 2, 1940, and the provisions of Reorganization Plan Numbered IV, submitted to the Congress on April 11, 1940, shall take effect on June 30, 1940, notwithstanding the provisions of the Reorganization Act of 1939.

Approved, June 4, 1940.

Immigration and Naturalization Service, etc.  
Certain appropriations deemed made prior to effective date.

Certain functions deemed conferred on Attorney General.

Reorganization Plans Numbered III and IV, effective dates.  
Post, pp. 1231, 1234.

[CHAPTER 232]

AN ACT

To prohibit the exportation of tobacco seed and plants, except for experimental purposes.

June 5, 1940  
[S. 3530]

[Public, No. 543]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be unlawful to export any tobacco seed and/or live tobacco plants from the United States or any Territory subject to the jurisdiction thereof, to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seed or plants are to be used for experimental purposes only.

Tobacco seed and plants.  
Exportation prohibited; exception.

SEC. 2. Any persons violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

[Received by the President, May 23, 1940.]

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

[CHAPTER 236]

JOINT RESOLUTION

Authorizing the President of the United States of America to proclaim October 11, 1940, General Pulaski's Memorial Day for the observance and commemoration of the death of Brigadier General Casimir Pulaski.

June 6, 1940  
[H. J. Res. 400]

[Pub. Res., No. 76]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1940, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

General Pulaski's Memorial Day.  
President authorized to invite observance.

Approved, June 6, 1940.

## [CHAPTER 237]

## AN ACT

To amend section 335 (d) of the Agricultural Adjustment Act of 1938.

June 6, 1940  
[H. R. 3955]  
[Public, No. 544]

Agricultural Ad-  
justment Act of 1938,  
amendment.  
Wheat, farm mar-  
keting quota.  
52 Stat. 55.  
7 U. S. C., Supp. V,  
§ 1335(d).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 335 (d) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "one hundred" and inserting in lieu thereof the words "two hundred".

Approved, June 6, 1940.

## [CHAPTER 238]

## AN ACT

Authorizing the conveyance to the Commonwealth of Virginia a portion of the naval reservation known as Quantico in Prince William County, Virginia.

June 6, 1940  
[H. R. 4229]  
[Public, No. 545]

Virginia.  
Conveyance of por-  
tion of Quantico  
Naval Reservation to,  
authorized.

Proviso.  
Deviations in de-  
scription authorized.

Effective date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized and empowered in the name and on behalf of the United States of America to convey to the Commonwealth of Virginia, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Quantico Naval Reservation, Prince William County, Virginia, upon which the State of Virginia has been granted permission to construct and maintain a State highway designated as Route Numbered 1 by an instrument dated February 10, 1933: *Provided,* That the Secretary of the Navy is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purposes and intent of this Act.

SEC. 2. This Act shall be in force from the date of its passage.

Approved, June 6, 1940.

## [CHAPTER 239]

## AN ACT

To incorporate the Navy Club of the United States of America.

June 6, 1940  
[H. R. 5880]  
[Public, No. 546]

Navy Club of the  
United States of  
America, incorpora-  
tion.

Purposes of corpora-  
tion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Sigfred A. Sandeen, national commandant; Ernest C. Fiedler, national senior executive officer; Thomas D. Hickey, national junior executive officer; Forest F. Bodiker, national paymaster; V. Homer Peabody, national chaplain; Mason C. Martin, national historian; and John F. McCullough, medical doctor, national medical officer, are hereby created a body corporate of the name, "Navy Club of the United States of America".

SEC. 2. That the purposes of this corporation shall be (a) to further, encourage, promote, and maintain comradeship among those persons who are or have been in the active service of the United States Navy, the United States Marine Corps, or the United States Coast Guard; (b) to revere, honor, and perpetuate the memory of those persons who have been such members and have departed this life; (c) to promote and encourage further public interest in the United States Navy, the United States Marine Corps, and the United States Coast Guard and the history of said organizations; (d) to uphold the spirit and ideals of the United States Navy, the United States Marine Corps, and the United States Coast Guard; (e) to promote the ideals of American freedom and democracy and to fit its

members for the duties of citizenship and to encourage them to serve as ably as citizen as they have served the Nation under arms; and (f) to maintain true allegiance to American institutions.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may charge and collect membership dues and receive contributions of money or property to be devoted to carrying out the purposes of the organization; (c) may sue or be sued; (d) may adopt a corporate seal and alter it at pleasure; (e) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (f) may establish and maintain offices for the conduct of its business; (g) may appoint or elect officers and agents; (h) may choose a board of trustees, consisting of not more than fifteen persons nor less than five persons, to conduct the business and exercise the powers of the corporation; (i) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (j) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

Corporate powers,  
etc.

SEC. 4. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

Report to Congress.

SEC. 5. That the right to alter, amend, or repeal this Act at any time is hereby expressly reserved.

Amendment, etc.

Approved, June 6, 1940.

[CHAPTER 240]

AN ACT

To authorize the conveyance of the United States Fish Hatchery property at Put in Bay, Ohio, to the State of Ohio.

June 6, 1940  
[H. R. 6481]  
[Public, No. 647]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to convey at any time within three years of the effective date of this Act to the State of Ohio, for the use of the Ohio State University in its research program, what is known as the United States Fish Hatchery property at Put in Bay, in Ottawa County, Ohio, consisting of one and sixty-nine one hundredths acres, more or less, of land, together with the improvements thereon, said hatchery being no longer maintained and operated by the United States Bureau of Fisheries.

Ohio.  
Conveyance of certain land to, for use of Ohio State University.

SEC. 2. Such conveyance shall contain the express condition that if the State of Ohio shall at any time cease to use the property as above-prescribed, or shall alienate or attempt to alienate such property, or shall fail to perform any contract entered into with the United States for the transfer of the property, title thereto shall revert to the United States for the use of the Department of the Interior, or other agencies of the United States, or for disposal under the Act of August 27, 1935 (49 Stat. 885; U. S. C., 1934 edition, title 40, sec. 304a), or under the Act of August 26, 1935 (49 Stat. 800; U. S. C., 1934 edition, title 40, sec. 345b).

Reversionary provision.

40 U. S. C., Supp.  
V, §§ 304a, 345b.

Approved, June 6, 1940.

## [CHAPTER 241]

## AN ACT

To amend section 289 of the Criminal Code.

June 6, 1940  
[H. R. 7018]  
[Public, No. 548]

Criminal Code,  
amendment,  
18 U. S. C., Supp.  
V, § 468.

Certain offenses  
committed on Federal  
reservations.  
Applicability of  
State, etc., laws.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 289 of the Criminal Code (U. S. C., title 18, sec. 468) be, and it is hereby, amended to read as follows:

“SEC. 289. Whoever, within the territorial limits of any State, organized Territory, or district, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 272 of the Criminal Code (U. S. C., title 18, sec. 451), shall do or omit the doing of any act or thing which is not made penal by any laws of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or district in which such place is situated, by the laws thereof in force on February 1, 1940, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal, shall be deemed guilty of a like offense and be subject to a like punishment.”

Approved, June 6, 1940.

## [CHAPTER 242]

## AN ACT

To amend section 2 of the Act of March 4, 1931 (46 Stat. 1528), in regard to service of process on the United States in foreclosure actions.

June 6, 1940  
[H. R. 7020]  
[Public, No. 549]

Foreclosure actions,  
service of process upon  
U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act of March 4, 1931 (46 Stat. 1528; U. S. C., title 28, sec. 902), be amended to read as follows:

“Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought, or upon an assistant United States attorney or a clerical employee designated by the United States attorney in a writing filed with the clerk of the court in which suit is brought, and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, District of Columbia. The United States shall have sixty days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur.”

Approved, June 6, 1940.

## [CHAPTER 243]

## AN ACT

To authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the Naval Air station, Lakehurst, New Jersey.

June 6, 1940  
[H. R. 7078]  
[Public, No. 550]

Naval Air Station,  
Lakehurst, N. J., ac-  
quisition of certain  
land for, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to acquire, by purchase, gift, or otherwise, for use in connection with the Naval Air Station, Lakehurst, New Jersey, title in fee simple and clear of all encumbrances at a total cost not to exceed \$1,500, to two parcels of land of approximately nine hundred and twenty-eight acres situated in Manchester and Jackson Townships, Ocean County, New Jersey.

Approved, June 6, 1940.

[CHAPTER 244]

AN ACT

To amend the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia", approved August 25, 1937.

June 6, 1940  
[H. R. 7084]  
[Public, No. 551]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4 of the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia" be amended by adding thereto the following new sentence: "If the birth occurred outside of the District of Columbia, the clerk of the court shall, upon petition by the adopter, furnish him with a certified copy of the final decree of adoption."

District of Columbia.  
Final decree of adoption.  
50 Stat. 807.  
15 D. C. Code,  
Supp. V, § 1d.

Approved, June 6, 1940.

[CHAPTER 245]

AN ACT

Authorizing the Bradenton Company, its successors and assigns, to construct, maintain, and operate a toll bridge across Sarasota Pass, and across Longboat Pass, county of Manatee, State of Florida.

June 6, 1940  
[H. R. 7615]  
[Public, No. 552]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Bradenton Company, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Sarasota Pass, and across Longboat Pass, connecting up the south end of Anna Maria Key with the north end of Longboat Key, at a point suitable to the interests of navigation, in the county of Manatee, State of Florida, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Sarasota Pass and Longboat Pass, Fla.  
Bridge authorized across.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Right to acquire real estate, etc.

SEC. 2. There is hereby conferred upon the Bradenton Company, its successors and assigns, all rights and powers to enter upon lands and to acquire, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches.

Toll charges.

SEC. 3. The said Bradenton Company, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

SEC. 4. After the completion of said bridge, as determined by the Secretary of War, either the State of Florida, any public agency, or political subdivision thereof, within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of twenty years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring

Acquisition of bridge by State, etc., after completion.

After expiration of twenty years after completion.

such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per centum of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

Tolls.

Application of, to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

Transfer of title to State after 25 years, if costs, etc., are amortized.

Maintenance as free bridge.

Statement of actual costs, etc., filing.

Investigation of costs within three-year period.

A availability of records.

Secretary's findings conclusive, exception.

Right to transfer, etc., rights, powers, and privileges.

SEC. 5. If such bridge shall be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this Act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, or to amortize the bonds or other securities issued for that purpose with reasonable financing costs, as soon as possible under reasonable charges, but within a period of not to exceed twenty years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. At any time after twenty-five years from the date such bridge shall have been completed, if the tolls from such bridge have produced sufficient revenue to amortize the bonds and other securities issued in connection with the construction and maintenance of such bridge and its approaches with reasonable interest and financing costs, and if such bridge shall not have been taken over or acquired by the State of Florida or by any political subdivision or public agency thereof under section 4 of this Act, then all the right, title, and interest of the said Bradenton Company, its successors and assigns, in such bridge and its approaches, and any interest in real estate necessary therefor, shall be turned over to the State of Florida, upon proper demand. Such bridge shall thereafter be maintained and operated by the State of Florida or by any political subdivision or public agency thereof free of tolls.

SEC. 7. The Bradenton Company, its successors and assigns, shall within ninety days after the completion of such bridge file with the Secretary of War and with the highway department of such State a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of such State shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the cost alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Bradenton Company, its successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this Act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this Act prior to acquisition of such rights, powers, and privileges by the State of Florida or

by any political subdivision or public agency thereof pursuant to section 4 or section 6 of this Act is hereby granted to the Bradenton Company, its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 9. The Bradenton Company shall furnish the Secretary of War with a certified copy of its charter and any amendments thereto evidencing proof that it is a corporation organized, among other things, for the promotion and organization of toll bridges, toll-bridge districts, bridge authorities and for harbor authorities, each and any of which shall be municipal in kind and nature, and from any or either of which this company shall receive no promotional profit, and further, shall receive no other profit, other than in direct proportion to such investment or investments as this company may make in any or either of such enterprises.

Certified copy of charter and amendments to Secretary of War.

SEC. 10. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Reservation.

SEC. 11. The word "bridge" where it appears in this Act, may be construed either in the singular or plural so as to apply to either or both of such bridges.

"Bridge" defined.

Approved, June 6, 1940.

[CHAPTER 246]

AN ACT

To provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898.

June 6, 1940  
[H. R. 7733]  
[Public, No. 553]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That effective on the first day of the month following the month in which this Act is enacted, the rates of pension prescribed by paragraph II of part II of Veterans Regulation Numbered 1 (a), as amended, shall be payable to veterans of the Regular Establishment entitled to pensions under the general pension law on account of service-connected disabilities incurred in or aggravated by service prior to April 21, 1898: *Provided,* That this Act shall not be construed to reduce any pension under any Act, public or private.

Pensions.  
Rates for designated veterans.

38 U. S. C. (1934 ed.), Supp. V, p. 997.

38 U. S. C., ch. 2; Supp. V, ch. 2.

*Proviso.*  
No reduction in pension.

Approved, June 6, 1940.

[CHAPTER 247]

AN ACT

To amend section 79 of the Judicial Code, as amended.

June 6, 1940  
[H. R. 8373]  
[Public, No. 554]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 79 of the Judicial Code, as amended (U. S. C., 1934 edition, Supp. IV, title 28, sec. 152), is amended to read as follows:

Judicial Code, amendment.  
28 U. S. C. § 152; Supp. V, § 152.

"The State of Illinois is divided into three districts, to be known as the northern, southern, and eastern districts of Illinois. The northern district shall include the territory embraced on the 1st day of July 1910 in the counties of Cook, De Kalb, Du Page, Grundy, Kane, Kendall, Lake, La Salle, McHenry, and Will, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Boone, Carroll, Jo Daviess, Lee,

Illinois judicial districts.  
Northern district.

**Terms.** Ogle, Stephenson, Whiteside, and Winnebago, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Chicago on the first Mondays in February, March, April, May, June, July, September, October, and November, and the third Monday in December; and for the western division,

**Offices.** at Freeport on the third Mondays in April and October. The clerk of the court for the northern district shall maintain an office in charge of himself or a deputy at Chicago and at Freeport, which shall be kept open at all times for the transaction of the business of the court. The marshal for the northern district shall maintain an office in the division in which he himself does not reside and shall appoint at least one deputy who shall reside therein. The southern district shall include the territory embraced on the 1st day of July 1910 in the counties of Bureau, Fulton, Henderson, Henry, Knox, Livingston, McDonough, Marshall, Mercer, Putnam, Peoria, Rock Island, Stark, Tazewell, Warren, and Woodford, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Adams, Bond, Brown, Calhoun, Cass, Christian, De Witt, Greene, Hancock, Jersey, Logan, McLean, Macon, Macoupin, Madison, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott, which shall constitute the southern division. Terms of the district court for the northern division shall be held at Peoria on the third Mondays in April and October; for the southern division, at Springfield on the first Mondays in January and June, and at Quincy the first Mondays in March and September. The clerk of the court for the southern district shall maintain an office in charge of himself or a deputy at Peoria, at Springfield, and at Quincy, which shall be kept open at all times for the transaction of the business of the court. The marshal for said southern district shall appoint at least one deputy residing in the said northern division, who shall maintain an office at Peoria. The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Alexander, Champaign, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jackson, Jasper, Jefferson, Johnson, Kankakee, Lawrence, Marion, Massac, Monroe, Moultrie, Perry, Piatt, Pope, Pulaski, Randolph, Richland, Saint Clair, Saline, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White, and Williamson. Terms of the district court for the eastern district shall be held at Danville on the first Mondays in March and September; at Cairo, on the first Mondays in April and October; at East Saint Louis, on the first Mondays in May and November; and at Benton on the first Mondays in June and December. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Danville, at Cairo, at East Saint Louis, and at Benton, which shall be kept open at all times for the transaction of the business of the court, and shall there keep the records, files, and documents pertaining to the court at that place."

**Southern district.**

**Eastern district.**

**Terms.**

**Offices.**

Approved, June 6, 1940.

[CHAPTER 248]

AN ACT

To convey certain lands to the State of Wyoming.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment by the State of \$36.95, to convey to the State of Wyoming, all right, title, and interest of the United States to a portion of the

June 6, 1940  
[H. R. 8403]

[Public, No. 555]

Wyoming.  
Conveyance of cer-  
tain lands to.

Jackson's Hole, Wyoming, elk refuge, consisting of one and four hundred and seventy-eight one-thousandths acres, more or less, described by metes and bounds as follows: Beginning at a point which is north eighty-nine degrees fifty-eight minutes east forty feet from a point on the west line of section 27, township 41 north, range 116 west, of the sixth principal meridian Wyoming, which is north no degrees two minutes west one thousand eight hundred and two feet from the southwest corner of said section 27; thence north no degrees two minutes west three hundred and eight feet along a line parallel with and forty feet distant, when measured at right angles, from the west line of said section 27; thence north eighty-nine degrees fifty-eight minutes east two hundred and nine feet; thence south no degrees two minutes east three hundred and eight feet; thence south eighty-nine degrees fifty-eight minutes west two hundred and nine feet to the point of beginning.

Description.

Approved, June 6, 1940.

[CHAPTER 249]

## AN ACT

To amend an Act entitled "An Act to increase the efficiency of the Coast Guard", approved January 12, 1938.

June 6, 1940  
[H. R. 8423]

[Public, No. 556]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act to increase the efficiency of the Coast Guard", approved January 12, 1938 (52 Stat. 4), is hereby amended to read as follows:

Coast Guard.

14 U. S. C., Supp.  
V, § 175b.Personnel Board,  
annual meeting.

Composition.

Recommendations  
for retirement, etc.

"SEC. 2. The Secretary of the Treasury, at the direction of the President, shall assemble annually a Coast Guard Personnel Board (hereinafter referred to as the Board), to be composed of not less than five commissioned officers of the rank of captain or above on the active list of the Coast Guard. It shall be the duty of the Board (a) to recommend for retirement such commissioned officers of the Coast Guard who have thirty or more years of service, as the Board determines, in its discretion, should be retired from active service, (b) to recommend for retirement such commissioned officers of the Coast Guard who have been placed out of line of promotion and who have ten years or more of commissioned service, as the Board determines, in its discretion, should be retired from active service, and (c) to recommend for placing out of line of promotion such lieutenant commanders on the active list, as the Board determines, in its discretion, should be placed out of line of promotion. The proceedings, findings, and recommendations of the Board shall be transmitted to the Commandant of the Coast Guard for review. If the Commandant shall approve the recommendations of the Board, notification thereof shall be given by him in writing to each officer concerned, who, for the first time under this Act, is recommended for retirement or for placing out of line of promotion; and any such officer who, within thirty days after receipt of such notification, files with the Commandant a written protest of the action taken by the Board in his case, shall not be retired involuntarily or placed out of line of promotion under this Act unless a subsequent annual Board, none of the members of which were members of the previous Board which recommended such officer's retirement or placing out of line of promotion, determines, in its discretion, that such officer should be retired or placed out of line of promotion, and so recommends, in which case such officer may, upon approval by the President, be retired from active service with retired pay as prescribed by section 3 hereof, or be placed out of line of promotion, as the case may be, as

Review of Board's  
proceedings, etc.Notification to officers  
concerned.Protest; reconsideration  
by subsequent  
annual Board.Retirement, etc.,  
upon approval by the  
President.

When no protest filed, procedure.

Disapproval by Commandant of recommendation; effect.

Transmittal of approved recommendations to Secretary of the Treasury.

Recommendations to be laid before the President.

Powers of the President.

Lieutenant commanders, placement of limited number out of line of promotion; exception.

Officers with 30 years' service, retirement of limited number.

Officers out of line of promotion with 10 years' service, retirement.

hereinafter provided. At the expiration of thirty days after receipt by an officer of notice aforesaid, in the event that no such protest is filed by him, such officer may upon approval by the President, be retired from active service with retired pay as prescribed by section 3 hereof, or be placed out of line of promotion, as the case may be, as hereinafter provided. If the Commandant shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Except as hereinbefore provided, each recommendation of the Board which is finally approved by the Commandant, together with the proceedings and findings of the Board, shall be transmitted to the Secretary of the Treasury for further review, and if the Secretary shall disapprove any recommendation of the Board, the officer concerned shall retain his status in the Coast Guard to the same extent as if his case had not been considered by such Board. Each recommendation of the Board which is not disapproved by the Secretary shall be laid before the President by the Secretary with his recommendation in the case. The President may, in any calendar year, pursuant to recommendations so laid before him:

"(a) Place out of line of promotion such number of lieutenant commanders on the active list as will not exceed the whole number nearest to 2 per centum of the officers in that grade as of January 1 of such year; except that such limitation shall not be construed to limit the number of lieutenant commanders who may be placed out of line of promotion, in accordance with regulations prescribed by the Secretary of the Treasury, for failing to establish their mental, moral, and professional fitness for promotion.

"(b) Place upon the retired list such number of commissioned officers who have thirty or more years of service as will not exceed the whole number nearest to 5 per centum of the number of officers falling within that classification on January 1 of such year.

"(c) Place upon the retired list any officer who has been placed out of line of promotion and who has ten years or more of commissioned service."

Approved, June 6, 1940.

#### [CHAPTER 250]

#### AN ACT

To provide for the enlargement of the Coast Guard depot at Seattle, Washington, and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tennessee.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized to acquire, at a cost not to exceed \$8,500, by purchase, condemnation, or otherwise such additional land adjacent to the present Coast Guard depot at the foot of Twenty-seventh Avenue West, Seattle, Washington, and to make such improvements thereon as may be necessary for the development of the depot to best meet the needs of the Coast Guard.

SEC. 2. The Secretary of the Treasury is authorized to acquire, at a cost not to exceed \$5,000, by purchase, condemnation, or otherwise such land and to make such improvements thereon as may be necessary for the establishment of a Coast Guard servicing base in such locality as the Commandant of the Coast Guard may recommend at or in the vicinity of Chattanooga, Tennessee.

Approved, June 6, 1940.

June 6, 1940  
[H. R. 8537]  
[Public, No. 557]

Coast Guard.  
Depot, Seattle,  
Wash., acquisition of  
land for.

Servicing base,  
Chattanooga, Tenn.,  
acquisition of land for.

## [CHAPTER 251]

## AN ACT

Authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht Freedom from Sterling Morton.

June 6, 1940  
[H. R. 8983]  
[Public, No. 558]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized to accept on behalf of the United States, without expense to the Government, the yacht Freedom and her equipment as a gift from her owner, Sterling Morton, to the United States Naval Academy.

Yacht Freedom,  
Acceptance of, from  
Sterling Morton, au-  
thorized.

Approved, June 6, 1940.

## [CHAPTER 252]

## AN ACT

To transfer Hardeman County, Texas, from the Fort Worth division to the Wichita Falls division of the northern judicial district of Texas.

June 6, 1940  
[H. R. 9013]  
[Public, No. 559]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, effective thirty days after the date of the enactment of this Act, the territory embraced in Hardeman County, Texas, shall be withdrawn from the Fort Worth division of the northern judicial district of Texas and shall constitute a portion of the Wichita Falls division of such district.

Judicial Code,  
amendment.  
36 Stat. 1125.  
28 U. S. C. § 189;  
Supp. V, § 189.  
Texas northern ju-  
dicial district, trans-  
fer of territory.

Approved, June 6, 1940.

## [CHAPTER 253]

## AN ACT

To authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center.

June 6, 1940  
[H. R. 9115]  
[Public, No. 560]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia are authorized, in their discretion, to permit such officers and employees of the District of Columbia Government as the Commissioners may select to park motor vehicles in any building or buildings now or hereafter erected upon squares numbered 490, 491, and 533, and reservation numbered 10, in the District of Columbia, known as the Municipal Center, and to make and enforce regulations for the control of the parking of such vehicles, including the authority to prescribe and collect fees and charges for the privilege of parking of such vehicles.

District of Colum-  
bia.  
Municipal Center,  
parking of automom-  
biles by D. C. em-  
ployees, etc.

Regulations, fees,  
etc.

SEC. 2. The Commissioners of the District of Columbia are further authorized, in their discretion, to permit the public to park motor vehicles in such portion or portions of squares numbered 490, 491, and 533, and reservation 10, in the District of Columbia, known as the Municipal Center, as may be set apart by the said Commissioners for such purpose, and to make and enforce such regulations as the Commissioners may deem advisable for the control of parking in such portion or portions of the Municipal Center as they may set apart for such purpose, including authority to restrict the privilege of parking therein to persons having business in the Municipal Center, and to make and enforce regulations to prohibit parking in all portions of the Municipal Center not set apart by the Commissioners for such purpose. The Commissioners are further authorized in their discretion, to prescribe and collect fees and charges for the privilege of parking motor vehicles in such portion or portions of

Parking facilities  
open to public in  
certain restricted  
areas.

Regulations.

Fees and charges.

Parking meters.

the Municipal Center as may be set apart for such purpose, and, to aid in the collection of such fees and charges and the enforcement of such regulations, the Commissioners may install mechanical parking meters or devices.

Penalties.

SEC. 3. The Commissioners of the District of Columbia are further authorized to prescribe reasonable penalties of fine not to exceed \$25 or imprisonment not to exceed ten days for the violation of any regulation promulgated under the authority of this Act.

Approved, June 6, 1940.

[CHAPTER 254]

AN ACT

June 6, 1940  
[H. R. 9210]  
[Public, No. 561]

To amend an Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, and for other purposes.

District of Columbia.  
Board of Indeterminate Sentence and Parole.  
47 Stat. 697.  
6 D. C. Code, Supp. V, § 452.  
Officers and employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932, be, and the same is hereby, amended to read as follows:

Duties of officers.

"SEC. 2. The Board of Indeterminate Sentence and Parole shall, subject to the approval of the Commissioners of the District of Columbia, appoint an executive secretary, and parole officers, one of whom may be designated as the chief parole officer, and other employees, in such number as shall be appropriated therefor by Congress from time to time. It shall be the duty of such officers, subject to the discretion and control of said Board, to perform such duties and exercise such authority as the Board may direct. The salaries of said executive secretary, parole officers, and other employees shall be fixed in accordance with the Personnel Classification Act of 1923, as amended. Appropriations are hereby authorized for the payment of the salaries of said executive secretary, said parole officers, and other employees, the actual and necessary traveling expenses of the members of the Board, said executive secretary, and said parole officers, and all other necessary expenses incurred in the administration of this Act. Until appropriations as herein authorized are made therefor, all said salaries and expenses shall continue to be paid out of the appropriations for the penal institutions as now authorized by law."

Salaries.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.  
Appropriations authorized.

SEC. 2. (a) Section 3 of said Act, approved July 15, 1932, is hereby amended to read as follows:

Payment.

47 Stat. 697.  
6 D. C. Code, Supp. V, § 453.

Imposing of sentences.

Maximum and minimum periods.

"SEC. 3. That hereafter, in imposing sentence on a person convicted in the District of Columbia of a felony, the justice or judge of the court imposing such sentence shall sentence the person for a maximum period not exceeding the maximum fixed by law and for a minimum period not exceeding one-third of the maximum sentence imposed, and any person so convicted and sentenced may be released on parole as herein provided at any time after having served the minimum sentence. Where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed fifteen years' imprisonment. Nothing in this Act shall abrogate the power of the justice or judge to sentence a convicted prisoner to the death penalty as now or hereafter may be provided by law."

Release on parole.

Maximum sentence life imprisonment; minimum.

Death penalty not abrogated.

Prior felonies not affected.

(b) For any felony committed before this amendatory Act takes effect, the penalty, sentence, or forfeiture provided by law for such felony at the time such felony was committed shall remain in full force and effect and shall be imposed, notwithstanding this Act.

SEC. 3. Section 4 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 4. That whenever, within the limitations of section 3 of this Act, it shall appear to the Board of Indeterminate Sentence and Parole, from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and examination made by the Board itself, that any prisoner serving an indeterminate sentence is fitted by his training for release, that there is a reasonable probability that such a prisoner will live and remain at liberty without violating the law, and that in the opinion of the Board such release is not incompatible with the welfare of society, said Board of Indeterminate Sentence and Parole may, in its discretion, authorize the release of such prisoner on parole, and he shall be allowed to go on parole, outside of said prison, and in the discretion of the Board to return to his home, or to such other place as the Board may indicate, upon such terms and conditions, including personal reports from said paroled prisoner, as said Board of Indeterminate Sentence and Parole shall prescribe, and to remain, while on parole, in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence, without regard to good-time allowance, and the said Board shall in every parole fix the limits of the residence of such person paroled: *Provided, however,* That the conditions prescribed and the residential limits may be thereafter changed or modified as the Board in its judgment may determine."

SEC. 4. Section 5 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 5. If said Board of Indeterminate Sentence and Parole, or any member thereof, shall have reliable information that a prisoner has violated his parole, said Board or any member thereof, at any time within the term or terms of the prisoner's sentence, may issue a warrant to any officer hereinafter authorized to execute the same for the retaking of such prisoner. Any officer of the District of Columbia penal institutions, any officer of the Metropolitan Police Department of the District of Columbia, or any Federal officer authorized to serve criminal process within the United States to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning or removing him to the penal institution of the District of Columbia from which he was paroled or to such penal or correctional institution as may be designated by the Attorney General of the United States."

SEC. 5. Section 6 of said Act, approved July 15, 1932, is hereby amended by adding at the end thereof the following:

"In the event said prisoner is removed to a penal or correctional institution designated by the Attorney General, the Board of Parole, created by the Act of Congress entitled 'An Act to amend an Act providing for the parole of United States prisoners, approved June 25, 1910, as amended', approved May 13, 1930, shall have and exercise the same power and authority over such prisoner as the Board of Indeterminate Sentence and Parole would have had such prisoner been returned to a penal institution of the District of Columbia, including the power to revoke his parole."

SEC. 6. (a) Section 8 of said Act, approved July 15, 1932, is hereby amended to read as follows:

"SEC. 8. Any person committed to a penal institution of the District of Columbia who escapes or attempts to escape therefrom or from the custody of any officer thereof or any other officer or employee of the District of Columbia, or any person who procures, advises, connives at, aids, or assists in such escape or conceals any such

47 Stat. 697.  
6 D. C. Code,  
Supp. V, § 454.  
Prisoner serving an  
indeterminate sen-  
tence.  
Provisions for re-  
lease on parole.

Custody.

*Proviso.*  
Modification of con-  
ditions, etc.

47 Stat. 698.  
6 D. C. Code, Supp.  
V, § 455.

Violation of parole.  
Retaking of prisoner.

47 Stat. 698.  
6 D. C. Code, Supp.  
V, § 456.

Board of Parole.  
Authority when  
prisoner removed to  
institution designated  
by Attorney General.  
36 Stat. 819; 46 Stat.  
272.  
18 U. S. C. §§ 723a-  
723c.

47 Stat. 698.  
6 D. C. Code, Supp.  
V, § 137.

Penal institutions of  
D. C.  
Prison breaches.

prisoner after such escape, shall be guilty of an offense and upon conviction thereof in any court of the United States shall be punished by imprisonment for not more than five years, said sentence to begin, if the convicted person be an escaped prisoner, upon the expiration of the original sentence."

(b) This amendment of section 8 of said Act approved July 15, 1932, shall not have the effect to release or extinguish any punishment, penalty, or liability incurred under such section, and such section as originally enacted shall be treated as still remaining in force for the purpose of sustaining any proper prosecution for the violation of such section committed prior to the passage of this amendatory Act.

SEC. 7. (a) The proviso to section 9 of said Act approved July 15, 1932, is hereby amended to read as follows: "*Provided, however,* That in the case of any prisoner convicted of two or more crimes other than a felony, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, when the aggregate of the sentences imposed is in excess of one year, said Board of Indeterminate Sentence and Parole may parole said prisoner, under the provisions of this Act, after said prisoner has served one-third of the aggregate sentence imposed."

(b) In the case of a prisoner convicted of misdemeanors committed prior to the effective date of this amendatory Act, when the aggregate sentence imposed is in excess of one year, and in the case of a prisoner convicted of felony committed prior to the effective date of said Act approved July 15, 1932, said Board of Indeterminate Sentence and Parole may parole said prisoner under the provisions of said Act approved July 15, 1932, as amended, after said prisoner has served one-fifth of the sentence imposed.

SEC. 8. Said Act approved July 15, 1932, is further amended by adding at the end thereof a new section to be numbered 11 and to read as follows:

"SEC. 11. All prisoners convicted in the District of Columbia for any offense, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, shall be committed, for their terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the District of Columbia Government, the Federal Government, or otherwise, or whether within or without the District of Columbia. The Attorney General is also authorized to order the transfer of any such person from one institution to another if, in his judgment, it shall be for the well-being of the prisoner or relieve overcrowding or unhealthful conditions in the institution where such prisoner is confined, or for other reasons."

SEC. 9. (a) Where a justice or a judge of the District Court of the United States for the District of Columbia has imposed or shall impose a life sentence on a prisoner convicted of a felony committed before this amendatory Act takes effect such prisoner shall be eligible to parole under the provisions of said Act approved July 15, 1932, as amended, after having served fifteen years of his life sentence.

(b) Where a justice or judge of the district court of the United States has imposed or shall impose a sentence for a definite term of imprisonment on a prisoner convicted of a felony committed before this amendatory Act takes effect, such prisoner shall be eligible to

Punishment.

Prior breaches not affected by new provisions.

47 Stat. 698.  
6 D. C. Code, Supp.  
V, § 458.

Parole of prisoners other than felons; authority of Board of Indeterminate Sentence and Parole.

Prisoners convicted of prior misdemeanors or felonies; parole provisions.

Commitment to custody of Attorney General of all prisoners convicted in D. C.

Places of confinement.

Transfer from one institution to another.

Felonies committed before effective date.

Parole of prisoners after serving 15 years of life sentence.

After serving one-third of sentence imposed.

parole under the provisions of said Act approved July 15, 1932, as amended, after having served one-third of the sentence imposed.

SEC. 10. Section 937 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is hereby amended to read as follows:

"SEC. 937. DEDUCTION FOR GOOD CONDUCT.—All persons sentenced to and imprisoned in the jail or in the workhouse of the District of Columbia and confined there for a term of one month or longer who conduct themselves so that no charge of misconduct shall be sustained against them shall have a deduction upon a sentence of not more than one year of five days for each month; upon a sentence of more than one year and less than three years, six days for each month; upon a sentence of not less than three years and less than five years, seven days for each month; upon a sentence of not less than five years and less than ten years, eight days for each month; and upon a sentence of ten years or more, ten days for each month, and shall be entitled to their discharge so much the earlier upon the certificate of the superintendent of the Washington Asylum and Jail for those confined in the jail, and upon the certificate of the superintendent of the workhouse for those confined in the workhouse, of their good conduct during their imprisonment. When a prisoner has two or more sentences the aggregate of his several sentences shall be the basis upon which his deduction shall be estimated."

Approved, June 6, 1940.

31 Stat. 1341.  
6 D. C. Code § 405.

Persons imprisoned in jail, etc., deduction from sentence for good conduct.

[CHAPTER 255]

AN ACT

To amend the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931.

June 6, 1940  
[H. R. 9236]  
[Public, No. 562]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931, as amended (U. S. C., 1924 edition, Supp. IV, title 2, sec. 135a), is amended by striking out the figures "\$275,000", wherever occurring therein, and inserting in lieu thereof the figures "\$350,000", and by striking out the figures "\$175,000" and inserting in lieu thereof the figures "\$250,000".

Books for the adult blind.  
46 Stat. 1487.  
2 U. S. C. § 135a;  
Supp. V, § 135a.

Approved, June 6, 1940.

[CHAPTER 256]

AN ACT

To extend the times for commencing and completing the construction of a railroad bridge across the Missouri River at or near Randolph, Missouri.

June 6, 1940  
[H. R. 9261]  
[Public, No. 563]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of the railroad bridge and approaches thereto across the Missouri River at or near Randolph, Missouri, authorized to be constructed, maintained and operated by Frank O. Lowden, James E. Gorman, and Joseph B. Fleming, trustees of the estate of The Chicago, Rock Island and Pacific Railway Company, their successors and assigns, by an Act of Congress approved August 7, 1939, are hereby extended two and four years, respectively, from August 7, 1940.

Missouri River.  
Time extended for bridging, at Randolph, Mo.

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

53 Stat. 1265.

Amendment, etc.

Approved, June 6, 1940.

[CHAPTER 257]

AN ACT

To amend and clarify certain Acts pertaining to the Coast Guard, and for other purposes.

June 6, 1940

[H. R. 9553]

[Public, No. 564]

Coast Guard.

Proviso.  
Commandant; re-  
tirement; rank and  
pay.

On expiration of  
term of service; pro-  
cedure.

Provisos.  
Engineer in chief;  
rank, pay, etc.; selec-  
tion.

Rank, etc., when  
retired.

On expiration of  
term of service; pro-  
cedure.

Rank, etc., of cap-  
tains retiring after 40  
years' service.  
14 U. S. C., Supp.  
V, § 174.

Commodores.

Assistant Comman-  
dant.  
Appointment; term.

Duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 161), is hereby further amended to read as follows: "Provided, That any officer who has served or shall hereafter serve as Commandant, if heretofore or hereafter retired, whether before or at any time after the termination of his service as Commandant, shall, if receiving the pay of a rear admiral (upper half) at the termination of his service as Commandant, be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (upper half), or, if receiving the pay of a rear admiral (lower half) at the termination of his service as Commandant, shall be placed on the retired list with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as Commandant has expired may be appointed a captain and shall be an additional number in that grade, but, if not so appointed, he shall take the place on the lineal list in the grade that he would have attained had he not served as Commandant, and be an additional number in such grade and in the grades to which he may be promoted:"

(b) The second and third provisos of section 2 of the Act of January 12, 1923 (42 Stat. 1130), as amended (U. S. C., 1934 edition, Supp. V, title 14, sec. 12), are hereby further amended to read as follows: "Provided further, That the engineer in chief, while so serving, shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half), and hereafter the engineer in chief shall be selected from the active list of engineering officers not below the grade of commander: Provided further, That any officer who was serving on February 15, 1940, or shall thereafter serve, as engineer in chief shall, when retired, whether before or at any time after the termination of his service as engineer in chief, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half), and that any officer whose term of service as engineer in chief has expired shall take the place on the lineal list in the grade that he would have attained had he not served as engineer in chief, and be an additional number in such grade and in the grades to which he may be promoted:"

SEC. 2. Section 3 of the Act of January 12, 1923 (42 Stat. 1131), as amended (U. S. C., 1934 edition, title 14, sec. 174), is hereby further amended by striking out so much of the second proviso thereof as follows the semicolon and inserting in lieu thereof the following: "and, in the case of a captain, the rank and retired pay of one grade above shall be the rank of rear admiral and the retired pay of a rear admiral (lower half). Any officer of the Coast Guard now having the rank of commodore on the retired list shall hereafter have in lieu thereof the rank of rear admiral, without any increase in pay by reason of such change in rank."

SEC. 3. Section 1 of the Act of April 16, 1908 (35 Stat. 61), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 14, secs. 11 and 11 (a)), is hereby further amended by changing the last paragraph thereof to read as follows:

"The President is authorized to appoint in the Coast Guard, by and with the advice and consent of the Senate, one Assistant Commandant who shall serve for a term of four years unless sooner relieved by the President. The Assistant Commandant shall perform such duties as the Commandant of the Coast Guard may prescribe and shall act as

Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Assistant Commandant shall be selected from the active list of line officers not below the grade of commander, and such appointment shall not create a vacancy; and the Commandant of the Coast Guard shall make recommendations for the appointment of the Assistant Commandant. The Assistant Commandant shall have the rank of rear admiral and the pay and allowances of a rear admiral (lower half): *Provided*, That an officer whose term of service as Assistant Commandant has expired shall take his place on the lineal list in the grade that he would have attained had he not served as Assistant Commandant: *Provided further*, That any officer who was serving on February 15, 1940, or shall thereafter serve, as Assistant Commandant shall, when retired, whether before or at any time after the termination of his service as Assistant Commandant, be retired with the rank of rear admiral and the retired pay of a rear admiral (lower half)."

SEC. 4. Section 2 of the Act of May 4, 1882 (22 Stat. 56), as amended and supplemented (U. S. C., 1934 edition, title 14, sec. 93), is hereby further amended to read as follows:

"The Secretary of the Treasury, on the recommendation of the Commandant of the Coast Guard, may discontinue from time to time any Coast Guard station, house of refuge, or light station, as may from any cause become useless or unnecessary. Any Coast Guard station, house of refuge, or light station, thus discontinued, may be reestablished by the Secretary of the Treasury, upon like recommendation, whenever he believes such reestablishment to be required by the public interest."

SEC. 5. Section 4674 of the Revised Statutes, as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 742), is hereby repealed.

SEC. 6. Section 7 of the Act of May 14, 1908 (35 Stat. 162), as amended and supplemented (U. S. C., 1934 edition, title 33, sec. 741), is hereby repealed.

SEC. 7. The provisions of section 6 of the Act approved June 20, 1918 (40 Stat. 608), as amended and supplemented (U. S. C., 1934 edition, Supp. V, title 33, secs. 763 and 763a-1), shall not apply to persons of the Coast Guard other than officers and employees of the former Lighthouse Service who, on June 30, 1939, met the requirements for retirement (except those relating to age and period of service) of said section.

SEC. 8. Section 4 of the Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 855; U. S. C., 1934 edition, Supp. V, title 14, sec. 254), is hereby amended to read as follows:

"SEC. 4. The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property, or in the patrol of marine parades and regattas, any motorboat or yacht temporarily placed at its disposition for any of such purposes by any member of the Reserve: *Provided*, That no such motorboat or yacht shall be assigned to any such Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard during such assignment: *Provided further*, That appropriations for the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than the personnel of the regular Coast Guard. The term 'actual necessary expenses of operation', as used herein, shall include fuel, oil, water, supplies, provisions, and any replacement or repair of equipment or any repair of the motorboat or yacht where, upon investigation by a board of not

Selection.

Rank, etc.

*Provisos.*  
On expiration of term of service; procedure.

Rank, etc., when retired.

Discontinuance of Coast Guard stations, etc.

Reestablishment.

Discontinuance and reestablishment of lights.

Annual report on unnecessary aids to navigation.

Nonapplication of certain retirement provisions to persons of Coast Guard; exception.

Coast Guard Reserve.

Utilization by Coast Guard of motorboats, etc., of members of.

*Provisos.*  
Commissioned, etc., officer of Coast Guard to be in charge during assignment.

Expenses of operation; restriction on use of funds.

"Actual necessary expenses of operation" defined.

less than three commissioned officers of the Coast Guard, it is determined that responsibility for the loss or damage necessitating such replacement or repair of equipment or such repair of the motorboat or yacht rests with the Coast Guard."

Coast Guard Reserve.

SEC. 9. The Coast Guard Reserve Act of 1939, approved June 23, 1939 (53 Stat. 854; U. S. C., 1934 edition, Supp. V, title 14, sec. 251), and the following is hereby further amended by adding at the end thereof a new section as follows:

Correspondence courses of Coast Guard Institute, availability.

"SEC. 9. Pursuant to such rules and regulations as the Commandant may prescribe, correspondence courses of the Coast Guard Institute may be made available to members of the Reserve: *Provided*, That the actual cost of the study materials for each such course shall be paid by the member of the Reserve taking such course and the proper Coast Guard appropriation shall be credited accordingly."

*Proviso.*  
Cost of study materials.

Rations, etc., for enlisted men, civilian officers, etc., of lightships and tenders.

SEC. 10. (a) Enlisted men of the Coast Guard, and civilian officers and civilian crews of lightships and tenders shall be allowed a ration, or commutation thereof in money, in such an amount and under such limitations and regulations as the Secretary of the Treasury may prescribe. Money for commuted rations authorized herein shall, in the discretion of the Secretary of the Treasury, and subject to such rules and regulations as he may prescribe, be paid on proper vouchers or pay rolls to persons entitled to receive it, or to the officers designated by the Commandant of the Coast Guard to administer the financial affairs of the masses in which such persons may be subsisted.

Payment for commuted rations.

Depositories.

(b) Money paid for commuted rations, as authorized by subsection (a) of this section, to the officers so designated by the Commandant, may be deposited in general or limited depositories of public money or in any bank in which deposits are insured and expended and accounted for in such manner and under such regulations as the Secretary of the Treasury may prescribe.

Subsistence allowances for enlisted men; construction.

(c) Nothing contained in this section shall be construed as modifying or changing in any manner the provisions of section 11 of the Act of June 10, 1922 (42 Stat. 630; U. S. C., 1934 edition, title 37, sec. 19), pertaining to subsistence allowances for enlisted men: *Provided*, That no ration or commutation thereof shall be allowed to a person receiving a subsistence allowance: *Provided further*, That the value of a commuted ration as fixed by the Secretary of the Treasury, shall not exceed the value of a subsistence allowance as determined by regulations prescribed by the President in accordance with the provisions of section 11 of such Act of June 10, 1922.

*Provisos.*  
Restriction on ration, etc., allowance.  
Value of commuted ration, limitation.

Funeral expenses for officers, etc., of Coast Guard.

SEC. 11. The provisions of the Act entitled "An Act authorizing appropriations to be made for the disposition of the remains of personnel of the Navy and Marine Corps and certain civilian employees of the Navy, and for other purposes", approved April 20, 1940, Public Law Numbered 465, Seventy-sixth Congress, third session, shall apply to the officers and enlisted men and civilian personnel of the Coast Guard in like manner as to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment, whether the Coast Guard is operating under the Treasury Department or operating as a part of the Navy, and all of the duties which devolve upon the Secretary of the Navy under said Act with reference to the personnel of the Navy and civilian personnel of the Navy Department or the Naval Establishment shall devolve upon the Secretary of the Treasury with respect to the officers and enlisted men and civilian personnel of the Coast Guard.

*Ante*, p. 144.

Duties devolving upon Secretary of the Treasury.

Approved, June 6, 1940.

## [CHAPTER 267]

## JOINT RESOLUTION

Authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry

June 7, 1940  
[H. J. Res. 265]  
[Pub. Res., No. 77]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to make continuing studies of productivity and labor costs in the manufacturing, mining, transportation, distribution, and other industries.*

Bureau of Labor  
Statistics, Department  
of Labor.  
Studies of productiv-  
ity, etc., in indus-  
tries.

For the purpose of making the study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, a sum not to exceed \$100,000 for the first fiscal year. The Secretary of Labor is directed to submit annually to the Congress a report of the findings of the Bureau of Labor Statistics in complying with this joint resolution.

Appropriation au-  
thorized.  
Post, p. 1043.

Report to Congress.

Approved, June 7, 1940.

## [CHAPTER 276]

## AN ACT

To confer jurisdiction on the State of Kansas over offenses committed by or against Indians on Indian reservations.

June 8, 1940  
[H. R. 3048]  
[Public, No. 565]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the State of Kansas over offenses committed by or against Indians on Indian reservations, including trust or restricted allotments, within the State of Kansas, to the same extent as its courts have jurisdiction over offenses committed elsewhere within the State in accordance with the laws of the State: *Provided, however,* That nothing herein contained shall deprive the courts of the United States of jurisdiction over offenses defined by the laws of the United States committed by or against Indians on Indian reservations.*

Kansas.  
Jurisdiction over of-  
fenses involving cer-  
tain Indians.

*Proviso.*  
Noninterference  
with jurisdiction of  
U. S. courts.

Approved, June 8, 1940.

## [CHAPTER 277]

## AN ACT

To amend the Act of June 30, 1936 (49 Stat. 2041), providing for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes.

June 8, 1940  
[H. R. 4282]  
[Public, No. 566]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes", approved June 30, 1936 (49 Stat. 2041), be amended to read as follows:*

Blue Ridge Park-  
way, Va. and N. C.  
16 U. S. C., Supp.  
V, § 403i.

"That all lands and easements heretofore or hereafter conveyed to the United States by the States of Virginia and North Carolina for the right-of-way for the projected parkway between the Shenandoah and Great Smoky Mountains National Parks, together with sites acquired or to be acquired for recreational areas in connection therewith, and a right-of-way for said parkway of a width sufficient to include the highway and all bridges, ditches, cuts, and fills appurtenant thereto, but not exceeding a maximum of two hundred feet

Projected parkway  
between Shenandoah  
and Great Smoky  
Mountains National  
Parks to be known as.

through Government-owned lands (except that where small parcels of Government-owned lands would otherwise be isolated, or where topographic conditions or scenic requirements are such that bridges, ditches, cuts, fills, parking overlooks, landscape development, recreational and other facilities requisite to public use of said parkway could not reasonably be confined to a width of two hundred feet, the said maximum may be increased to such width as may be necessary, with the written approval of the department or agency having jurisdiction over such lands) as designated on maps heretofore or hereafter approved by the Secretary of the Interior, shall be known as the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior through the National Park Service, subject to the provisions of the Act of Congress approved August 25, 1916 (39 Stat. 535), entitled 'An Act to establish a National Park Service, and for other purposes', the provisions of which Act, as amended and supplemented, are hereby extended over and made applicable to said parkway: *Provided*, That the Secretary of Agriculture is hereby authorized, with the concurrence of the Secretary of the Interior, to connect with the parkway such roads and trails as may be necessary for the protection, administration, or utilization of adjacent and nearby national forests and the resources thereof: *And Provided further*, That the Forest Service and the National Park Service shall, insofar as practicable, coordinate and correlate such recreational development as each may plan, construct, or permit to be constructed, on lands within their respective jurisdictions which, by mutual agreement, should be given special treatment for recreational purposes.

"SEC. 2. In the administration of the Blue Ridge Parkway, the Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations, and conditions as he may determine to be not inconsistent with the use of such lands for parkway purposes.

"SEC. 3. The Secretary of the Interior is hereby authorized, in his discretion, to approve and accept, on behalf of the United States, title to any lands and interests in land heretofore or hereafter conveyed to the United States for the purposes of the Blue Ridge or the Natchez Trace Parkways, or for recreational areas in connection therewith."

Approved, June 8, 1940.

[CHAPTER 278]

AN ACT

For the protection of the bald eagle.

Whereas the Continental Congress in 1782 adopted the bald eagle as the national symbol; and

Whereas the bald eagle thus became the symbolic representation of a new nation under a new government in a new world; and

Whereas by that Act of Congress and by tradition and custom during the life of this Nation, the bald eagle is no longer a mere bird of biological interest but a symbol of the American ideals of freedom; and

Whereas the bald eagle is now threatened with extinction: Therefore

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whoever, within the United States or any place subject to the jurisdiction thereof, except the Territory of Alaska, without being permitted so to do as hereinafter provided, shall take, possess, sell, purchase,

Administration, etc.

16 U. S. C. §§ 1-4;  
Supp. V, §§ 1, 2.

Provisos.  
Roads and trails.

Coordination of  
recreational develop-  
ment.

Issuance of revoca-  
ble licenses for rights-  
of-way.

Acceptance by U. S.  
of lands, etc., for Blue  
Ridge or Natchez  
Trace Parkways.

June 8, 1940  
[H. R. 4832]  
[Public, No. 567]

Preamble.

Bald eagle.  
Taking, sale, etc.,  
within U. S. forbid-  
den; exception.

barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, alive or dead, or any part, nest, or egg thereof, shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided*, That nothing herein shall be construed to prohibit possession or transportation of any such eagle, alive or dead, or any part, nest, or egg thereof, lawfully taken prior to the effective date of this Act, but the proof of such taking shall lie upon the accused in any prosecution under this Act.

SEC. 2. That whenever after investigation the Secretary of the Interior shall determine that it is compatible with the preservation of the bald eagle as a species to permit the taking, possession, and transportation of specimens thereof for the scientific or exhibition purposes of public museums, scientific societies, or zoological parks, or that it is necessary to permit the taking of such eagles for the protection of wildlife or of agricultural or other interests in any particular locality he may issue permits therefor under regulations which he is hereby authorized and directed to prescribe.

SEC. 3. That for the efficient execution of this Act section 5 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the Act of June 20, 1936 (49 Stat. 1555), shall be deemed to be incorporated herein in haec verba.

SEC. 4. That as used in this Act "whoever" includes also associations, partnerships, and corporations; "take" includes also pursue, shoot, shoot at, wound, kill, capture, trap, collect, or otherwise willfully molest or disturb; "transport" includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

SEC. 5. That moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the aforesaid Migratory Bird Treaty Act of July 3, 1918, shall be equally available for the administration and enforcement of this Act.

Approved, June 8, 1940.

[CHAPTER 279]

AN ACT

To extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Ochoco National Forest, Oregon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any lands in private, State, or county ownership within the following-described area, which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become part of the Ochoco National Forest, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests:

Section 36, township 15 south, range 24 east; section 36, township 15 south, range 25 east; section 36, township 20 south, range 24 east; section 5, township 20 south, range 25 east; section 36, township 20 south, range 26 east; sections 9, and 13 to 16, inclusive, sections 21 to 27, inclusive, and sections 33 to 36, inclusive, township 21 south, range 25 east; sections 7, 18, and 19, township 21 south, range 26 east; sections 1, 3, 11, and 12, township 22 south, range 24 east; sections 3 to 7, inclusive, township 22 south, range 25 east; and section 16, township 22 south, range 27 east; all Willamette base and meridian.

Approved, June 8, 1940.

Penalty.

*Proviso.*  
Eagles lawfully taken prior to effective date.

Issuance of permits for taking, etc., for certain purposes.

Regulations.

Arrest, etc., of offenders.  
40 Stat. 756.  
16 U. S. C. § 706; Supp. V, § 706.

Terms defined.

Availability of funds.

June 8, 1940  
[H. R. 5404]  
[Public, No. 588]

Ochoco National Forest, Oreg.  
Exchange of certain lands for incorporation in.

42 Stat. 465.  
16 U. S. C., Supp. V, § 486.

Description.

## [CHAPTER 280]

## AN ACT

For the benefit of the Indians of the Crow Reservation, Montana, and for other purposes.

June 8, 1940

[H. R. 5477]

[Public, No. 569]

Crow Indian Reser-  
vation, Mont.  
41 Stat. 752.

*Proviso.*  
Sale or exchange of  
allotted, etc., lands.

Transaction to be  
upon petition; signers.

Issuance of new  
patent.

24 Stat. 389.  
25 U. S. C. § 348.

41 Stat. 753.

Retention of min-  
eral rights.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act of June 4, 1920 (41 Stat. 751), entitled "An Act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes", is hereby amended by inserting the following at the end of paragraph 1: "*Provided*, That for the purpose of consolidating the restricted land holdings of any individual Crow allottee or the holdings of members of a Crow family, the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to approve sales of allotted and inherited Indian lands to members of the Crow Tribe or the exchange of restricted Crow lands without regard to the acreage limitation hereinbefore set out. Any sales or exchange made hereunder shall be upon a petition signed by the adult allottee and by the adult heirs of any deceased allottee and the parent or natural guardian of a minor heir or, if there be no natural guardian, by the officer in charge of the Crow Agency, and if the purchaser or recipient of such lands be an Indian of the Crow Tribe, then any outstanding trust patent or patents covering the land so sold or exchanged shall be canceled and a new patent of the force and legal effect of the trust patents as prescribed by the General Allotment Act of February 8, 1887 (24 Stat. 388), as amended, shall be issued to such Indian or Indians, which patent where applicable shall contain the mineral reservation provided in section 6 of this Act. Should any Crow allottee wish to retain mineral rights now owned by him in land, sold hereunder to other members of the tribe, he may do so by making conveyance on a form of deed to be prescribed by the Secretary of the Interior, which form shall provide that its approval shall not operate to remove any trust or other conditions imposed upon said lands as expressed in the original trust or any other patent issued therefor."

Approved, June 8, 1940.

## [CHAPTER 281]

## AN ACT

To provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes.

June 8, 1940

[H. R. 5784]

[Public, No. 570]

Postal Service.  
Retention of ac-  
crued sick and annual  
leave by civil-service  
employees appointed  
postmasters.

*Proviso.*  
Transfer of accrued  
leave.

Act retroactive as to  
certain postmasters.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every classified civil-service employee who shall be appointed to the position of postmaster shall retain to his credit whatever amount of sick leave and vacation time is properly due him on the date of his appointment to the position of postmaster: *Provided*, That such accumulated sick leave and vacation time shall be transferred to the credit of the employee as of the date of his appointment as postmaster in the same manner as the time might have been utilized by him before appointment: *Provided further*, That this Act shall be retroactive to the extent that every postmaster at a first- or second-class post office who shall have received appointment as postmaster while an employee of the classified civil-service and who shall hold the position of postmaster on the date this Act becomes effective, shall be entitled to the

benefits of the Act and shall be credited with the amount of accumulated sick leave and vacation time which was due him on the date of his appointment as postmaster: *Provided further*, That all laws and parts of laws inconsistent with this Act are hereby repealed.

Repeal of inconsistent laws.

Approved, June 8, 1940.

[CHAPTER 282]

AN ACT

To repeal the prohibition against the filling of a vacancy in the office of district judge for the southern district of New York.

June 8, 1940  
[H. R. 5906]

[Public, No. 571]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision of subsection (d) of section 4 of the Act entitled "An Act to provide for the appointment of additional judges for certain United States district courts, circuit courts of appeals, and certain courts of the United States for the District of Columbia", approved May 31, 1938 (52 Stat. 585; U. S. C., title 28, sec. 4j-1), which reads: "*Provided*, That the first vacancy occurring in the office of district judge for the southern district of New York by the retirement, disqualification, resignation, or death of judges in office on the date of enactment of this Act shall not be filled", be, and it is hereby, repealed.

United States courts.  
28 U. S. C., Supp. V, § 4j-1.

New York southern district.  
Filling of vacancy.

Approved, June 8, 1940.

[CHAPTER 283]

AN ACT

Granting to the regents of the University of New Mexico the right to alienate certain lands conveyed to them under authority of the Act of Congress, approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expeditiously situated.

June 8, 1940  
[H. R. 5961]

[Public, No. 572]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the regents of the University of New Mexico be, and they are hereby, authorized to convey to the Santa Ana Pueblo that certain portion of the lands patented to them under authority of the Act of Congress, approved August 19, 1935 (Public, Numbered 284, Seventy-fourth Congress), described as follows:

University of New Mexico.  
Conveyance of certain lands by, to Santa Ana Pueblo, authorized.  
49 Stat. 659.

A strip of land one hundred feet wide extending along the north and west boundaries of the northwest quarter section 30, and a strip of land one hundred feet wide extending along the north boundary of lot 7, section 30, all in township 13 north, range 4 east, New Mexico principal meridian, New Mexico, these tracts comprising thirteen and three-tenths acres, more or less;

Description.

That the pueblo of Santa Ana, a community of Pueblo Indians residing in New Mexico, with the approval of the Secretary of the Interior, is hereby authorized to convey to the regents of the University of New Mexico and the said regents of the University of New Mexico are hereby authorized to accept from the said Santa Ana Pueblo in exchange for the aforesaid lands, lots 3 and 6 and that portion of lot 2, section 30, township 13 north, range 4 east, New Mexico principal meridian, New Mexico, lying south of a line beginning at a point on the west boundary of lot 2, north eight degrees fifty minutes east six hundred and ninety-two and eight-tenths feet from angle point one on the west boundary of the El Ranchito grant and bearing south sixty-three degrees forty minutes east to the west bank of the Rio Grande, containing a total area of

Conveyance of Santa Ana Pueblo lands.

Description.

*Proviso.*  
Legal status of lands  
conveyed to pueblo  
of Santa Ana.

eleven and eight-tenths acres, more or less: *Provided*, That any lands conveyed to the pueblo of Santa Ana pursuant to the provisions of this Act shall acquire the same legal status as those lands now owned by the pueblo, which may be conveyed to the regents of the University of New Mexico pursuant hereto.

Approved, June 8, 1940.

[CHAPTER 284]

AN ACT

To repeal certain laws with respect to manifests and vessel permits.

June 8, 1940  
[H. R. 6751]  
[Public, No. 573]

Shipping.  
Manifests and per-  
mits, repeal of certain  
laws relating to.  
19 Stat. 90.  
46 U. S. C. §§ 294-  
305.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4359, and 4360 of the Revised Statutes of the United States, and the Act of July 12, 1876 (U. S. C., 1934 edition, title 46, sec. 302), are hereby repealed.

Approved, June 8, 1940.

[CHAPTER 285]

AN ACT

To set aside certain lands for the Minnesota Chippewa Tribe in the State of Minnesota, and for other purposes.

June 8, 1940  
[H. R. 7833]  
[Public, No. 574]

Minnesota Chip-  
pewa Tribe.  
Lands permanently  
reserved for use of.

Description.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subject to the payments prescribed by section 2 hereof the following-described lands are hereby eliminated from the Chippewa National Forest and permanently reserved for the use of the Minnesota Chippewa Tribe without in any manner affecting existing reserves for church, cemetery, and other purposes, or individual rights or interest in said lands: South half northwest quarter southwest quarter, southeast quarter southwest quarter, section 12; northwest quarter northwest quarter, west half northeast quarter northwest quarter, south half northwest quarter, west half southwest quarter, lots 2, 4, 5, and 6, section 13; northeast quarter southeast quarter, section 14; lots 11, 12, 13, 3, 4, 6, 7, 8, and 9, section 24, township 142 north, range 31 west, fifth principal meridian, Minnesota, excepting a tract containing approximately one and ninety one-hundredths acres, being that portion of lot 4, section 13, township 142 north, range 31 west, beginning at angle point 1, lot 5, section 13, township 142 north, range 31 west; thence north thirty-three degrees forty-two minutes east one hundred and twenty-nine and five-tenths feet; thence south eighty-nine degrees forty-eight minutes east two hundred and thirty-one and four-tenths feet; thence south one degree fifty-four minutes west eighty-five and two-tenths feet; thence south nine degrees thirty-one minutes east two hundred and five and two-tenths feet; thence south nine degrees no minutes west eighty and four-tenths feet; thence south forty-one degrees nineteen minutes west one hundred and nineteen and four-tenths feet to angle point 4, lot 5; thence along the boundary of lot 5, north fifty-one degrees no minutes west one hundred and twenty and one-tenth feet to angle point 5, lot 5, north thirty-seven degrees forty-five minutes east one hundred and twenty and one-tenth feet to angle point 6, lot 5, north fifty-one degrees no minutes west two hundred and eighty-seven and one-tenth feet to angle point 1, lot 5, and point of beginning.

SEC. 2. That the Secretary of the Interior is hereby authorized to withdraw from the Minnesota Chippewa tribal fund now held in trust in the Treasury of the United States a sufficient sum to reim-

Payment for land,  
etc., from tribal funds.

burse the United States for the land and timber thereon, the value of the land to be calculated at \$1.25 per acre, and the value of the timber to be ascertained by the Secretary of Agriculture after the same has been examined and appraised under his supervision: *Provided, however,* That the transaction contemplated in this and the preceding section shall be effected only with the consent of the Minnesota Chippewa Tribe expressed through the body authorized to represent it: *And provided further,* That all money received by the United States under the authority of this Act shall be deposited in the Treasury of the United States, and the same is hereby appropriated for the acquisition of forest land within the Chippewa National Forest under the provisions of the Act approved March 1, 1911, as amended (U. S. C., title 16, secs. 513, 519, 521).

SEC. 3. That exchanges of Indian allotted, restricted, and tribal lands for lands in the Chippewa National Forest are hereby authorized. In order to consummate exchanges involving allotted and restricted Indian lands, the Secretary of the Interior is hereby authorized to accept relinquishments or conveyances of Indian lands, which lands shall thereupon become a part of the Chippewa National Forest, and to issue trust patents to the Indians for the lands received by them in exchange: *Provided,* That with the consent of the Indians involved title to the lands received in any such exchange may be taken in the name of the tribe, in which case the transfer of title shall be evidenced by an order of the Secretary of Agriculture transferring the lands to the Secretary of the Interior in trust for the Minnesota Chippewa Tribe: *Provided further,* That exchanges involving tribal lands shall be made only with the consent of the Indians and shall be evidenced by appropriate orders of transfer executed by the Secretary of Agriculture and the Secretary of the Interior: *And provided further,* That the land exchanges authorized herein shall be made on the basis of lands of equal value, and no exchange shall be made unless it is first approved by the Secretary of Agriculture.

Approved, June 8, 1940.

*Proviso.*  
Consent of tribe necessary.

Deposit of funds.

Appropriation.

36 Stat. 961.

Exchanges of land authorized.  
Acceptance of Indian lands; issuance of trust patents.

*Proviso.*  
Transfer of title.

Consent of Indians.

Basis for exchange; approval by Secretary of Agriculture.

## [CHAPTER 286]

### AN ACT

To make it a crime to wreck or attempt to wreck a train engaged in interstate commerce.

June 8, 1940  
[H. R. 8086]  
[Public, No. 576]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever shall willfully derail, disable, or wreck any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad, or whoever shall willfully set fire to, or place any explosive substance on or near, or undermine any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise make any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce or whoever shall willfully attempt to do any of the aforesaid acts or things, shall be deemed guilty of a crime, and on conviction thereof shall be subject to a fine of not more than \$10,000 or imprisonment for not more than twenty

Wrecking of train, etc., employed in interstate or foreign commerce.

Penalty.

*Proviso.*  
Death penalty, etc.;  
when applicable.

Jurisdiction of State  
courts.

State conviction or  
acquittal, effect.

years, or both fine and imprisonment in the discretion of the court: *Provided*, That whoever shall be convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order.

Nothing in this Act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

Approved, June 8, 1940.

[CHAPTER 287]

AN ACT

Authorizing the county of Knox, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Niobrara, Nebraska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Knox, State of Nebraska, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Niobrara, Nebraska, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. There is hereby conferred upon the said county of Knox, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said county of Knox, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for amortization shall have been so provided, said bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

June 8, 1940  
[H. R. 8491]  
[Public, No. 576]

Missouri River.  
Bridge authorized  
across, at Niobrara,  
Nebr.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Right to acquire  
real estate, etc.

Toll charges.

Application of tolls  
to operation, sinking  
fund, etc.

Maintenance as free  
bridge after amortiz-  
ing costs, etc.

Record of expendi-  
tures and receipts.

SEC. 5. The right to assign the powers and privileges conferred by this Act by mortgage for the purpose of financing the construction of such bridge is hereby granted to the county of Knox, State of Nebraska, and any person or corporation who shall acquire the same by mortgage foreclosure is hereby authorized and empowered to exercise the rights, powers, and privileges herein granted, to the same extent and as fully as though conferred directly upon such person or corporation, until such time as there shall have been recovered through the toll system an amount equal to the purchase price of such bridge and its approaches together with annual interest on the unpaid amount of such purchase price and the annual costs of maintenance, repair, and operation of such bridge during such period. Such bridge shall thereafter revert to and be maintained and operated by the county of Knox, State of Nebraska, free of tolls.

Assignment of powers and privileges.

Rights of persons, etc., acquiring such powers and privileges.

Reversion of bridge to Knox County.

Amendment, etc.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 8, 1940.

[CHAPTER 288]

AN ACT

To authorize the county of Burt, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Decatur, Nebraska.

June 8, 1940  
[H. R. 8589]

[Public, No. 577]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the county of Burt, State of Nebraska, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near Decatur, Nebraska, and to a place at or near Onawa, Iowa, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Missouri River.  
Bridge authorized  
across, at Decatur,  
Nebr., and Onawa,  
Iowa.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Right to acquire  
real estate, etc.

SEC. 2. There is hereby conferred upon the said county of Burt, State of Nebraska, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or appropriation of property for public purposes in such State.

Toll charges.

SEC. 3. The said county of Burt, State of Nebraska, is hereby authorized to fix and charge tolls for transit over such bridge and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof.

Application of tolls  
to operation, sinking  
fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

Assignment of powers and privileges.

Rights of persons, etc., acquiring such powers and privileges.

Reversion of bridge to Burt County.

Amendment, etc.

After a sinking fund sufficient for amortization shall have been so provided, said bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to assign the powers and privileges conferred by this Act by mortgage for the purpose of financing the construction of such bridge is hereby granted to the county of Burt, State of Nebraska, and any person or corporation who shall acquire the same by mortgage foreclosure is hereby authorized and empowered to exercise the rights, powers, and privileges herein granted, to the same extent and as fully as though conferred directly upon such person or corporation, until such time as there shall have been recovered through the toll system an amount equal to the purchase price of such bridge and its approaches together with annual interest on the unpaid amount of such purchase price and the annual costs of maintenance, repair, and operation of such bridge during such period. Such bridge shall thereafter revert to and be maintained and operated by the county of Burt, State of Nebraska, free of tolls.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 8, 1940.

[CHAPTER 289]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Petersburg, Missouri.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Petersburg, Missouri, authorized to be built by the county of Howard, Missouri, by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from August 7, 1940.

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

Approved, June 8, 1940.

[CHAPTER 290]

AN ACT

To authorize the Secretary of the Interior to grant to the county of Wayne, State of Michigan, an easement over certain land of the United States in Wayne County, Michigan, for a sewage-disposal line.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to grant to the county of Wayne, State of Michigan, an easement over a twenty-foot strip of land situated along the Middle Branch of the Rouge River on the southeasterly side thereof across fisheries station property in the east half of the northeast quarter of section 9, township 1 south, range 8 east, Northville Township, Wayne County, Michigan, for the purpose of maintaining a sewer and sewage facilities thereon.

Approved, June 8, 1940.

June 8, 1940

[H. R. 8749]

[Public, No. 578]

Missouri River.  
Time extended for  
bridging, at Peters-  
burg, Mo.

53 Stat. 1238.

Amendment, etc.

June 8, 1940

[H. R. 8958]

[Public, No. 579]

Wayne County,  
Mich.  
Easement over cer-  
tain lands for sewage-  
disposal line.

## [CHAPTER 291]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minnesota.

June 8, 1940  
[H. R. 9094]  
[Public, No. 580]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Winona, Minnesota, authorized to be built by the States of Minnesota and Wisconsin, jointly or separately, by an Act of Congress approved June 28, 1938, as extended by an Act of Congress approved July 25, 1939, are hereby extended one and three years, respectively, from the date of approval of this Act.

Mississippi River.  
Time extended for bridging, at Winona, Minn.

52 Stat. 1214; 53 Stat. 1082.

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

Amendment, etc.

Approved, June 8, 1940.

## [CHAPTER 292]

## AN ACT

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

June 8, 1940  
[H. R. 9411]  
[Public, No. 581]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Saint Lawrence River at or near Ogdensburg, New York, authorized to be built by the Saint Lawrence Bridge Commission and its successors and assigns, by an Act of Congress approved June 14, 1933, and heretofore extended by Acts of Congress approved June 8, 1934, May 28, 1935, April 11, 1936, August 12, 1937, and April 26, 1939, are hereby extended one and three years, respectively, from the date of approval of this Act.

Saint Lawrence River.  
Time extended for bridging, at Ogdensburg, N. Y.

48 Stat. 141, 927; 49 Stat. 301, 1202; 50 Stat. 631; 53 Stat. 621.

SEC. 2. That so much of section 4 of the Act of June 14, 1933 (48 Stat. 141), which reads as follows: "The bridge constructed under the authority of this Act shall be deemed an instrumentality of international commerce authorized by the Government of the United States, and said bridge and ferry or ferries and the bonds issued in connection therewith and the income derived therefrom shall be exempt from all Federal, State, municipal, and local taxation.", is repealed, and in lieu thereof the following language is substituted in said section 4, to wit: "The bridge hereby authorized or the income therefrom shall be subject to Federal, State, municipal, or local taxation only to the extent that a like structure or the income therefrom owned and operated by a public authority or public agency of the State of New York shall be subject to taxation. The bonds or obligations of the Commission, from time to time outstanding, and the income derived therefrom shall be subject to taxation in the hands of the holders thereof."

Tax exemption, repeal.  
48 Stat. 143.

Taxation of bridge or income therefrom; extent.

Bonds, etc., taxation.

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

Amendment, etc.

Approved, June 8, 1940.

[CHAPTER 293]

AN ACT

June 8, 1940  
[H. R. 9441]  
[Public, No. 582]

To accept the grant to the United States of certain land by the State of South Carolina and to authorize its use by the United States Coast Guard.

Sullivans Island,  
S. C.  
Acceptance of cer-  
tain land in.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the right, title, and interest to and in, and jurisdiction over, the following-described lands, situated in the township of Sullivans Island, in the county of Charleston, State of South Carolina, granted and ceded to the United States for the purposes of the United States Government by an act of the General Assembly of the State of South Carolina approved July 1, 1939, be, and the same are hereby, accepted by the United States:

Description.

All that tract, piece, or parcel of land, situate, lying, and being on the western end of Sullivans Island, in the county of Charleston, State aforesaid, being all the land lying to the northward and westward of the western boundary of the road leading to Cove Inlet Bridge, and to the northward and westward of the west line of Church Street. The above tract of land shall specifically include lots numbered 1 through 17, inclusive, including the half lots, and also including all that portion of Middle Street which lies to the northward and westward of the west boundary of Church Street extended, together with the water lots and marshes; all of which is shown on map of Sullivans Island Waterworks, made by the John McCrady Company, dated November 1937, and on file in the office of the Board of Township Commissioners for Sullivans Island, South Carolina.

Use by U. S. Coast  
Guard.

SEC. 2. That the premises embraced in the foregoing description so granted and ceded by the State of South Carolina and accepted by the United States may be used by the United States Coast Guard for its lawfully authorized purposes.

Acquisition of title,  
etc.; availability of  
funds.

SEC. 3. That the right, title, or interest of any person in or to any portion of the premises embraced in the foregoing description or any buildings, structures, or improvements thereon may be acquired by the use of funds in any available appropriation of the Coast Guard by the Secretary of the Treasury in behalf of the United States by donation, purchase, condemnation, or otherwise to satisfy the condition of section 2 of the aforesaid Act of the State of South Carolina approved July 1, 1939.

Approved, June 8, 1940.

[CHAPTER 294]

JOINT RESOLUTION

June 8, 1940  
[H. J. Res. 260]  
[Pub. Res., No. 78]

Authorizing the removal of the statue of John Marshall from its present site on the Capitol Grounds to a new site in proximity to the Supreme Court Building.

Statue of John Mar-  
shall.  
Removal of, to new  
site, authorized.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Architect of the Capitol is authorized and directed to move the statue of John Marshall from its present site on the Capitol Grounds to a new site either on the grounds of the Supreme Court Building or on the Capitol Grounds between the Capitol and the Supreme Court Building. Such new site shall be selected by the United States Supreme Court.

Selection of new  
site.  
Appropriation au-  
thorized.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this joint resolution.

Approved, June 8, 1940.

## [CHAPTER 295]

## JOINT RESOLUTION

To authorize compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border, and for other purposes.

June 8, 1940  
[H. J. Res. 302]  
[Pub. Res., No. 79]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby given to any two or more of the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida, to enter into compacts or agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance for the uniform, common, or mutual regulation of fishing or of any species of fish, mollusks, or crustacea in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border or to which their jurisdiction otherwise extends and of anadromous fish spawning in the inland waters of those States.

Atlantic Ocean.  
Compacts between  
States bordering on,  
with respect to regu-  
lation of fishing.

SEC. 2. The consent of Congress is hereby granted to States other than those specified but which have jurisdiction over inland waters frequented by anadromous fish of the sea to enter into compacts or agreements authorized by this Act.

Inland waters.  
Compacts between  
other States.

SEC. 3. The consent of Congress is hereby given to any of the aforementioned States to establish such agencies or authorities, joint or otherwise, as they may deem desirable for making effective compacts or agreements herein authorized.

Establishment of  
State agencies, etc.

SEC. 4. Any such compact or agreement shall not be binding or obligatory upon the signatory States unless it has been approved by the legislatures of such States and by the Congress of the United States.

Approval by State  
legislatures and Con-  
gress.

SEC. 5. The right to alter, amend, or repeal this resolution is hereby expressly reserved.

Amendment, etc.

Approved, June 8, 1940.

## [CHAPTER 301]

## AN ACT

To amend section 5136 of the Revised Statutes, as amended, to authorize charitable contributions by national banking associations.

June 11, 1940  
[S. 1064]  
[Public, No. 883]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5136 of the Revised Statutes, as amended, is amended by adding at the end thereof the following new paragraph:

R. S. § 5136, amend-  
ment.  
12 U. S. C. § 24;  
Supp. V, § 24.

“Eighth. To contribute to community funds, or to charitable, philanthropic, or benevolent instrumentalities conducive to public welfare, such sums as its board of directors may deem expedient and in the interests of the association, if it is located in a State the laws of which do not expressly prohibit State banking institutions from contributing to such funds or instrumentalities.”

National banking  
associations.  
Contributions by,  
to community funds,  
etc.

Approved, June 11, 1940.

[CHAPTER 302]

AN ACT

To declare Frankford Creek, Pennsylvania, to be a nonnavigable stream.

June 11, 1940  
[H. R. 8452]  
[Public, No. 584]

Frankford Creek,  
Philadelphia, Pa.  
Declared nonnavigable stream.

Amendment, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Frankford Creek, in the city of Philadelphia, in the State of Pennsylvania, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

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

Approved, June 11, 1940.

[CHAPTER 303]

AN ACT

To extend the existence of the Alaskan International Highway Commission for an additional four years, and for other purposes.

June 11, 1940  
[H. R. 9271]  
[Public, No. 585]

Alaskan International Highway Commission.  
Post, p. 1044.  
Extension of members' terms.  
52 Stat. 590.

Report to President.

Transmission of, to Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the terms of the members of the Alaskan International Highway Commission appointed pursuant to the provisions of the Act entitled "An Act to create a Commission to be known as the Alaskan International Highway Commission", approved May 31, 1938, shall be six years in lieu of two years as provided by such Act.

SEC. 2. The last sentence of such Act of May 31, 1938, is amended to read as follows: "Said Commission shall, within two years after their appointment and at such other times as the Commission may deem advisable, report to the President the extent and results of their activities and of any conferences, relative to such highway, and the President shall transmit said reports to the Congress."

Approved, June 11, 1940.

[CHAPTER 304]

AN ACT

To provide for the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia.

June 11, 1940  
[H. R. 9394]  
[Public, No. 586]

Cumberland Gap National Historical Park, Tenn., Ky., and Va.  
Establishment of, upon acquisition of title to lands, etc., by U. S.

Proviso.  
Restriction on use of funds.

Lands, etc., to be included.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when title to all the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall have been vested in the United States such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the "Cumberland Gap National Historical Park": *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas: *Provided further*, That such area or areas shall include, at least, the following features and intervening lands: Cumberland Gap, The Pinnacle, the remaining fortifications of the War between the States, Soldiers Cave, King Solomon's Cave, Devils Garden, Sand Cave, The Doublings, White Rocks, Rocky Face, Moore Knob, and that portion of the Warriors Path and Daniel Boone's Wilderness Road extending from the city of Cumberland Gap, Tennessee, to Cumberland Ford, near Pineville, Kentucky.

SEC. 2. The total area of the Cumberland Gap National Historical Park, as determined pursuant to this Act, shall not exceed fifty thousand acres, and shall not include any land within the city limits of Middlesboro and Pineville, Kentucky; Cumberland Gap, Tennessee; or any lands adjacent thereto which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

SEC. 3. That the Secretary of the Interior be, and he is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said historical park as determined and fixed hereunder, and donations of funds for the purchase and maintenance thereof: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the Act of August 1, 1888, such tracts of land within said historical park as may be necessary for the completion thereof. The title to any lands or interests in lands to be acquired pursuant to this Act shall be satisfactory to the Secretary of the Interior.

SEC. 4. The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended.

Approved, June 11, 1940.

Limitation on area.

Lands excluded.

Acceptance of donations of land, etc., authorized.

*Proviso.*  
Acquisition of certain lands from donated funds.

25 Stat. 357.  
40 U. S. C. §§ 257, 258.

Administration, etc.

16 U. S. C. §§ 1-4;  
Supp. V, §§ 1, 2.

[CHAPTER 305]

AN ACT

To postpone for one year the date of the transmission to Congress by the United States Coronado Exposition Commission of a statement of its expenditures.

June 11, 1940  
[H. R. 9596]  
[Public, No. 587]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 6 of the Act entitled "An Act authorizing Federal participation in the commemoration and observance of the four-hundredth anniversary of the explorations of Francisco Vasquez de Coronado", approved July 17, 1939, is amended to read as follows:

"SEC. 6. The Commission shall transmit to Congress on or before January 3, 1942, a detailed statement of the manner of expenditure of any funds appropriated pursuant to the authorization contained in this Act."

Approved, June 11, 1940.

Four-hundredth anniversary of the explorations of Francisco Vasquez de Coronado.  
63 Stat. 1048.

Report to Congress.

[CHAPTER 306]

JOINT RESOLUTION

Providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee.

June 11, 1940  
[H. J. Res. 490]  
[Pub. Res., No. 80]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 2 of Public Resolution Numbered 254, approved August 7, 1935 (49 Stat. 540), which terminates the provisions of the resolution as of June 30, 1941, is hereby repealed.

Approved, June 11, 1940.

International Technical Committee of Aerial Legal Experts.  
Authorizations for appropriations.  
22 U. S. C., Supp. V, § 266b.

## [CHAPTER 307]

## JOINT RESOLUTION

June 11, 1940  
[H. J. Res. 496]  
[Pub. Res., No. 81]

Providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code.

Railroad Retirement Act of 1937, amendments.  
50 Stat. 308.  
45 U. S. C., Supp. V, § 228a (c).  
*Proviso.*  
Individuals not deemed in service of employer.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (c) of section 1 of the Railroad Retirement Act of 1937, approved June 24, 1937 (50 Stat. 307), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided further*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

50 Stat. 308.  
45 U. S. C., Supp. V, § 228a (d).  
*Proviso.*  
Employment relation.

Subsection (d) of section 1 of said Act is hereby amended by substituting for the proviso therein the following: "*Provided, however*, That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section."

Amendments, operation and effect.

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1937 when that Act was enacted on June 24, 1937.

Railroad Retirement Act of 1935, amendments.  
49 Stat. 968.  
45 U. S. C., Supp. V, § 228a (c).  
*Proviso.*  
Individuals not deemed in service of carrier.

SEC. 2. Subsection (c) of section 1 of the Railroad Retirement Act of 1935, approved August 29, 1935 (49 Stat. 967), is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of a carrier when rendering service outside the United States to a carrier conducting the principal part of its business in the United States if such carrier is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

49 Stat. 968.  
45 U. S. C., Supp. V, § 228a (d).  
*Proviso.*  
Employment relation.

Subsection (d) of section 1 of said Act is hereby amended by changing the period at the end thereof to a colon and adding the following: "*Provided, however*, That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section."

Amendments, operation and effect.

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Railroad Retirement Act of 1935 when that Act was enacted on August 29, 1935.

Internal Revenue Code, amendments.  
53 Stat. 182.  
26 U. S. C., Supp. V, § 1532 (b).  
*Proviso.*  
Employment relation to carrier.

SEC. 3. Subsection (b) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended by substituting for the second proviso therein the following: "*Provided, however*, That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (d) of this section."

Subsection (d) of section 1532 of said code is hereby amended by changing the period at the end thereof to a colon and adding the following: "Provided further, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date."

The amendments in this section shall operate in the same manner and have the same effect as if they had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if they had been part correspondingly of subsections (b) and (d) of the Carriers Taxing Act of 1937 (50 Stat. 435) when that Act was enacted on June 29, 1937.

Approved, June 11, 1940.

53 Stat. 182,  
26 U. S. C., Supp.  
V, § 1532 (d).  
*Proviso.*  
Individuals not  
deemed in service of  
employer.

Laws applicable.

Amendments, oper-  
ation and effect.

50 Stat. 436,  
45 U. S. C., Supp.  
V, § 261 (b), (d).

[CHAPTER 313]

AN ACT

Making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes.

June 11, 1940  
[H. R. 8438]  
[Public, No. 588]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Navy Department and the naval service for the fiscal year ending June 30, 1941, namely:

Navy Department  
and naval service, ap-  
propriations, fiscal  
year 1941.

TITLE I—GENERAL APPROPRIATIONS

Post, pp. 292, 604,  
609, 875, 971.

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

Post, pp. 292, 604,  
875, 972, 1043.

MISCELLANEOUS EXPENSES

Post, pp. 292, 604,  
875, 972.

For traveling expenses of civilian employees, including not to exceed \$7,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; not to exceed \$2,000 for the part-time or intermittent employment in the District of Columbia or elsewhere of such experts and at such rates of compensation as may be contracted for by and in the discretion of the Secretary of the Navy; expenses of courts martial, purchase of law and reference books, expenses of prisoners and prisons, courts of inquiry, boards of investigations, examining boards, clerical assistance; witnesses' fees and traveling expenses; not to exceed \$20,000 for promoting accident prevention and safety in shore establishments of the Navy, to be expended in the discretion of the Secretary of the Navy; newspapers and periodicals for the naval service; all advertising of the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; maintenance of attachés abroad, including office rental and pay of employees, and not to exceed \$23,800 (composed of "A" item, \$17,500, and "B" item, \$6,300) in the aggregate or \$900 for any one person for allowances for living quarters,

Miscellaneous ex-  
penses.

Experts.

Courts martial, etc.

Accident preven-  
tion, shore establish-  
ments.

Living quarters, etc.

46 Stat. 818. including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C., 118a); for contingencies for the Director of Naval Intelligence, to be expended in his discretion, not to exceed \$2,000; the collection and classification of information; not to exceed \$462,000 (composed of "A" item, \$224,000, and "B" item, \$238,000)

Telegrams, etc. for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams; postage, foreign and domestic, and post-office box rentals; necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction; payment of claims for damages as provided in the Act making appropriations for the naval service for the fiscal year 1920, approved July 11, 1919 (34 U. S. C. 600); and other necessary and incidental expenses; in all, \$1,940,990 (composed of "A" item, \$1,379,190, and "B" item, \$561,800): *Provided*, That no part of any appropriation contained in this Act shall be available for the expense of any naval district in which there may be an active navy yard, naval training station, or naval operating base, unless the commandant of the naval district shall be also the commandant of one of such establishments: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$705,000 (composed of "A" item, \$520,000, and "B" item, \$185,000).

41 Stat. 132.

*Proviso.*  
Restrictions on use of appropriations.  
*Post*, p. 875.

Group IV (b) employees.

## CONTINGENT, NAVY

Contingent, Navy. For all emergencies and extraordinary expenses, exclusive of personal services, in the Navy Department or any of its subordinate bureaus or offices at Washington, District of Columbia, arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Government, and for examination of estimates for appropriations and of naval activities in the field for any branch of the naval service, \$30,000 ("A" item), of which \$2,500 shall be available immediately.

## CARE OF LEPERS, AND SO FORTH, ISLAND OF GUAM

Care of lepers, etc., Guam, and Culion, P. I. Naval station, Island of Guam: For maintenance and care of lepers, special patients, and for other purposes, including cost of transfer of lepers from Guam to the island of Culion, in the Philippines, and their maintenance, \$24,580; for educational purposes, \$15,000; in all, \$39,580 ("A" item).

## NAVAL RESEARCH LABORATORY

Laboratory and research work. For laboratory and research work and other necessary work of the Naval Research Laboratory for the benefit of the naval service, including operation and maintenance of a laboratory, additions to equipment necessary properly to carry on work in hand, maintenance of buildings and grounds, temporary employment of such scientific and technical civilian assistants as may become necessary, and subscriptions to technical periodicals, to be expended under the direction of the Secretary of the Navy \$653,350 ("A" item): *Provided*, That \$160,000 of this appropriation shall be available for the temporary employment of civilian scientists and technicians required on

*Proviso.*  
Temporary employment of scientists, etc.

special problems: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$250,000, in addition to the amount authorized by the preceding proviso.

Group IV (b) employees.

#### OPERATION AND CONSERVATION OF NAVAL PETROLEUM RESERVES

To enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920, as amended (34 U. S. C., Supp. IV, 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, \$71,500 ("A" item), of which amount not to exceed \$25,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That out of any sums appropriated for naval purposes by this Act, any portion thereof, not to exceed \$10,000,000, shall be available to enable the Secretary of the Navy to protect Naval Petroleum Reserve Numbered 1, established by Executive order of September 2, 1912, pursuant to the Act of June 25, 1910 (43 U. S. C. 141-143), by drilling wells and performing any work incident thereto, of which amount not to exceed \$100,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided further*, That no part of the sum made available for the protection of this property shall be expended if a satisfactory agreement can be made with adjoining landowners not to drill offset wells for the purpose of producing oil.

Conservation, operation, etc.  
41 Stat. 813.  
Post, p. 648.  
34 U. S. C. § 524;  
Supp. V, § 524.  
Group IV (b) employees.

Provisos.  
Protective work on Reserve No. 1.

36 Stat. 847.

Group IV (b) employees.

Agreement not to drill offset wells on adjoining lands.

#### NAVAL PRISON FARMS AND PRISON PERSONNEL

For the operation, maintenance, and improvement of naval prison farms and for the welfare, recreation, and education of prison personnel, to be expended under such regulations as the Secretary of the Navy may prescribe, \$12,000 ("A" item): *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Operation, etc.

Proviso.  
Limitation on expenditures.

48 Stat. 1227.  
31 U. S. C. § 725c.

#### BUREAU OF NAVIGATION

Post, pp. 292, 295, 604, 875.

Post, pp. 295, 875.

#### TRAINING, EDUCATION, AND WELFARE, NAVY

Naval War College, maintenance, etc.

Naval War College: For maintenance and operation, including repairs, improvements, and care of grounds; services of a professor of international law, \$2,000; services of lecturers, \$2,000; and other civilian services; library expenses, including the purchase, binding, and repair of books and periodicals and subscriptions to newspapers and periodicals; and including contingencies of the president of the Naval War College, to be expended in his discretion, not exceeding \$1,000; and for other necessary expenses, \$131,300 ("A" item);

Naval training stations: For maintenance, operation, and other necessary expenses, including repairs, improvements, and care of grounds of the naval training stations which follow:

San Diego, California, \$186,644 (composed of "A" item, \$167,000, and "B" item, \$19,644);

Newport, Rhode Island, \$205,930 (composed of "A" item, \$158,000, and "B" item, \$47,930);

Naval training stations.  
Post, p. 295.

Great Lakes, Illinois, \$283,930 (composed of "A" item, \$247,000, and "B" item, \$36,930);

Norfolk, Virginia, \$358,936 (composed of "A" item, \$255,000, and "B" item, \$103,936);

Fleet training; gunnery, etc., prizes.

Fleet training: For trophies and badges for excellence in gunnery, target practice, communication, engineering exercises, and for economy in fuel consumption, to be awarded under such rules as the Secretary of the Navy may formulate; for the purpose of recording, classifying, compiling, and publishing the rules and results; for the establishment and maintenance of shooting galleries, target houses, targets, and ranges; for hiring established ranges, and for transporting equipment to and from ranges; entrance fees in matches for the rifle team, and special equipment therefor, \$70,000 ("A" item).

Instruction.  
Post, p. 295.  
Retirement annuities.

49 Stat. 1092.  
34 U. S. C., Supp.  
V. §§ 1073-1073e.

Proviso.  
Restriction on use of funds for special educational courses, etc.

Exceptions.

Libraries.  
Post, p. 295.

Welfare and recreation.  
Post, p. 295.

Naval Reserve Officers' Training Corps.  
Post, p. 876.

43 Stat. 1276; 50 Stat. 563.  
34 U. S. C., Supp. V. § 821.

Proviso.  
Uniforms, equipment, etc.

Total.  
Proviso.  
Group IV (b) employees.

Instruction: For postgraduate instruction of officers in other than civil government and literature, including such amounts as may be necessary to carry out the provisions of the Act approved January 16, 1936 (34 U. S. C. 1073), and for special instruction, education, and individual training of officers and enlisted men at home and abroad, including maintenance of students abroad, except aviation training and submarine training otherwise appropriated for, \$231,000 ("A" item): *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of any expense incident to giving special educational courses or post graduate instruction to officers with view to qualifying them or better qualifying them for the performance of duties required to be performed by or in pursuance of law by officers of the Supply Corps, Construction Corps, or Corps of Civil Engineers, except present students and except such officers who are commissioned in such corps or who have not been commissioned in the line of the Navy more than three years and four months prior to the commencement of such educational courses or postgraduate instruction;

Libraries: For libraries, professional books, textbooks and religious books for ships and shore stations not otherwise appropriated for, \$79,000 (composed of "A" item, \$65,000, and "B" item, \$14,000);

Welfare and recreation: For welfare and recreation of the Navy, including periodicals and newspaper subscriptions, and not exceeding \$4,180 for care and operation of schools at naval stations at Guantanamo Bay, Guam, and Tutuila, for the children of Naval and Marine Corps commissioned, enlisted, and civilian personnel, to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, \$305,000 ("A" item);

Naval Reserve Officers' Training Corps: For all expenses incident to the conduct of the Naval Reserve Officers' Training Corps under such regulations as the President has prescribed or hereafter may prescribe under the provisions of section 22 of the Act approved March 4, 1925, as amended by the Act of August 6, 1937 (34 U. S. C. 821), \$164,000 ("A" item): *Provided*, That uniforms and other equipment or material issued to the Naval Reserve Officers' Training Corps in accordance with law may be furnished from surplus or reserve stocks of the Navy without payment under this appropriation, except for actual expenses incurred in the manufacture or issue;

In all, training, education, and welfare, Navy, \$2,015,740 (composed of "A" item, \$1,793,300, and "B" item, \$222,440): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, exclusive of temporary services, shall not exceed the following amounts, respectively: Naval War College, \$77,000; Naval Training Station, San

Diego, \$3,050; Naval Training Station, Newport, \$9,240 (composed of "A" item, \$7,800, and "B" item, \$1,440); Naval Training Station, Great Lakes, \$16,720 (composed of "A" item, \$12,400, and "B" item, \$4,320); Naval Training Station, Norfolk, \$2,100; Instruction, \$23,786; Libraries, \$19,320; Welfare and Recreation, \$4,600.

#### STATE MARINE SCHOOLS, ACT OF MARCH 4, 1911

To reimburse the State of California, \$25,000; the State of Massachusetts, \$25,000; the State of New York, \$25,000; and the State of Pennsylvania, \$25,000, for expenses incurred in the maintenance and support of marine schools in such States as provided in the Act authorizing the establishment of marine schools, and so forth, approved March 4, 1911 (34 U. S. C. 1121), and for the maintenance and repair of the particular vessels loaned by the United States to the said States on the date of the approval of this Act for use in connection with such State marine schools, \$90,000, and no other vessels shall be furnished by or through the Navy Department; in all, \$190,000 ("A" item).

Reimbursement of designated States for expenses.

36 Stat. 1353.  
34 U. S. C., Supp. V, § 1121.  
Maintenance, etc., of vessels loaned.

#### INSTRUMENTS AND SUPPLIES, NAVY

For supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; hire of launches or other small boats in Asiatic waters; quarantine expenses; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; compasses; compass fittings including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; music and musical instruments; commissions, warrants, diplomas, discharges, good-conduct badges, and medals for men and boys; transportation of effects of deceased officers, nurses, and enlisted men of the Navy, and of officers and men of the Naval Reserve who die while on duty; not to exceed \$5,000 for contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen and impossible to classify; and for the necessary civilian electricians for gyrocompass testing and inspection, \$855,000 (composed of "A" item, \$755,000, and "B" item, \$100,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$38,000.

Instruments and supplies.

*Provided*.  
Group IV (b) employees.

#### OCEAN AND LAKE SURVEYS, NAVY

For hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions, \$90,000 (composed of "A" item, \$85,000, and "B" item, \$5,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed

Hydrographic surveys.

*Provided*.  
Group IV (b) employees.

Details to Washington.

\$34,500: *Provided further*, That not exceeding three hydrographic surveyors may be detailed at any one time to the Hydrographic Office, Washington, District of Columbia.

*Post*, pp. 292, 604, 875.

Organizing, recruiting, etc.  
52 Stat. 1175.  
34 U. S. C., Supp. V, §§ 852-853i, 842-848.  
*Post*, p. 292.

Naval and Marine Corps Reserve, aviation activities.

#### NAVAL RESERVE

For all expenses not otherwise provided for, authorized by the "Naval Reserve Act of 1938", and the Act approved April 15, 1935 (49 Stat. 156), as amended, in connection with organizing, administering, recruiting, instructing, training, and drilling the Naval Reserve, including the designing, purchasing, and engraving of medals and trophies; medical supplies and equipment; purchase, maintenance, and operation of ambulances; aviation matériel, equipment, and fuel in connection with the aviation activities of the Naval and Marine Corps Reserve; maintenance and operation of floating equipment; and rental, maintenance, and operation of such shore stations as may be required in connection with Naval Reserve activities, \$12,068,000 (composed of "A" item, \$8,340,000, and "B" item, \$3,728,000), of which amount not more than \$8,985,342 (composed of "A" item, \$5,257,342, and "B" item, \$3,728,000) shall be available, in addition to other appropriations, for and on account of Naval and Marine Corps Reserve aviation; not more than \$3,082,658 shall be available, in addition to other appropriations, for all other Naval Reserve activities; and not more than \$98,000 shall be available for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department: *Provided*, That no part of any of the foregoing amounts shall be available for the performance of more than forty-eight drills per annum or other equivalent instruction or duty or appropriate duties: *Provided further*, That, except in time of war or during the existence of a national emergency declared by the President, and excepting officers on aviation duties, no appropriation contained in this Act shall be available to pay more than twenty-three officers of the Naval Reserve and four officers of the Marine Corps Reserve above the grade of lieutenant or captain, respectively, the pay and allowances of their grade for the performance of active duty other than the performance of drills or other equivalent instruction or duty, or appropriate duties and the performance of fifteen days' active training duty, and other officers above such grades employed on such class of active duty (not to exceed four months in any calendar year) shall not be entitled to be paid a greater rate of pay and allowances than authorized by law for a lieutenant of the Navy or a captain of the Marine Corps entitled to not exceeding ten years' longevity pay: *Provided further*, That no appropriation made in this Act shall be available for pay, allowances, travel, or other expenses of any officer or enlisted men of the Naval or Marine Corps Reserve who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States, and "retired pay" as here used shall not include the pay of members of the Fleet Reserve, Fleet Marine Corps Reserve, or members on the honorary retired list of such Reserve forces.

Group IV (b) employees.

*Provisos*.  
Drills, limitation.  
*Post*, p. 604.

Reserve officers performing active duty.  
*Post*, p. 604.

Pay, allowances, etc., restriction.  
*Post*, p. 875.

#### NAVAL ACADEMY

Pay of professors, etc.

49 Stat. 1092.  
34 U. S. C., Supp. V, §§ 1073-1073e.  
*Proviso*.  
Swordsmanship, etc., instruction.

Pay, Naval Academy: For pay of professors and instructors, including one professor as librarian, and such amounts as may be necessary to carry out the provisions of the Act approved January 16, 1936 (34 U. S. C. 1073), \$296,523 ("A" item): *Provided*, That this appropriation shall not be available for the employment of more than nine masters and instructors in swordsmanship and physical training.

For pay of other employees, \$625,410 ("A" item): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules, in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, shall not exceed \$261,714.

Other employees.  
*Proviso.*  
Group IV (b) employees.

Current and miscellaneous expenses, Naval Academy: For text and reference books for use of instructors; stationery, blank books and forms, models, maps, newspapers, and periodicals; apparatus and materials for instruction in physical training and athletics; expenses of lecturers and entertainments, not exceeding \$3,000, including pay and expenses of lecturers and visiting clergymen; chemicals, philosophical apparatus and instruments, stores, machinery, tools, fittings, apparatus, materials for instruction purposes, and purchase of and engraving of trophies and badges, \$50,600; for purchase, binding, and repair of books for the library (to be purchased in the open market on the written order of the Superintendent), \$5,500; for expenses of the Board of Visitors to the Naval Academy, \$1,200; for contingencies for the Superintendent of the Academy, to be expended in his discretion, not exceeding \$4,000; for contingencies for the commandant of midshipmen, to be expended in his discretion, not exceeding \$1,200; in all, \$62,500 ("A" item), to be accounted for as one fund.

Current, etc., expenses.

Lecturers, etc.

Books, purchase, repair, etc.

Board of Visitors.

Maintenance and repairs, Naval Academy: For necessary repairs of public buildings, wharves, and walls enclosing the grounds of the Naval Academy, accident prevention, improvements, repairs, and fixtures; for books, periodicals, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants, machinery; purchase and maintenance of all horses and horse-drawn vehicles for use at the academy, including the maintenance, operation, and repair of three horse-drawn passenger-carrying vehicles to be used only for official purposes; seeds and plants; tools and repairs of the same; stationery; furniture for Government buildings and offices at the academy, including furniture for midshipmen's rooms; coal and other fuels; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up station and care of buildings; attendance on fires, lights, fire engines, fire apparatus, and plants, and telephone, telegraph, and clock systems; incidental labor, advertising, water tax, postage, telephones, telegrams, tolls, and ferriage; flags and awnings; packing boxes; pay of inspectors and draftsmen; and music and astronomical instruments, \$1,177,000 ("A" item), of which amount \$85,000 shall be immediately available, and \$2,000 shall be available exclusively on account of the collection of ship models bequeathed by the late Henry H. Rogers: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$30,239.

Maintenance and repairs.

Horses, vehicles, etc.

Furniture.

Ship models bequeathed by Henry H. Rogers.

*Proviso.*  
Group IV (b) employees.

#### NAVAL HOME, PHILADELPHIA, PENNSYLVANIA

For pay of employees, \$123,000 ("A" item): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$20,000;

Pay of employees.  
*Proviso.*  
Group IV (b) employees.

Maintenance: For water rent, heating, and lighting; cemetery, burial expenses, and headstones; general care and improvements of grounds, buildings, walls, and fences; repairs to power-plant equip-

Maintenance.

ment, implements, tools, and furniture, and purchase of the same; music in chapel and entertainment for beneficiaries; stationery, books, and periodicals; transportation of indigent and destitute beneficiaries to the Naval Home, and of sick and insane beneficiaries, their attendants and necessary subsistence for both, to and from other Government hospitals; employment of such beneficiaries in and about the Naval Home as may be authorized by the Secretary of the Navy, on the recommendation of the governor; support of beneficiaries and all other contingent expenses, including the maintenance, repair, and operation of two motor-propelled vehicles, and one motor-propelled passenger-carrying vehicle to be used only for official purposes, \$179,880 ("A" item);

In all, Naval Home, \$302,880 ("A" item).

Employment of beneficiaries.

Post, pp. 293, 296, 493, 605, 876, 972.

Post, pp. 293, 296, 605.

Repairs, preservation of machinery, etc.

Exceptions.

Equipage, supplies, etc.

Field force.

Annapolis, Md., engineering experiment station. Scientists, etc.

Proviso. Group IV (b) employees.

Post, pp. 293, 296, 493, 605, 876, 972.

Post, pp. 293, 296, 605.

Designing of naval vessels, etc.

## BUREAU OF ENGINEERING

### ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for anti-aircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the Bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, accident prevention, pay of classified field force under the Bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments, machines and auxiliaries, apparatus and supplies, and technical books and periodicals necessary to carry on experimental and research work; maintenance and equipment of buildings and grounds at the engineering experiment station, Annapolis, Maryland; payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any persons so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; in all, \$40,374,080 (composed of "A" item, \$37,494,080, and "B" item, \$2,880,000), of which amount \$2,000,000 ("B" item) shall be immediately available: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$2,340,000 (composed of "A" item, \$2,250,000, and "B" item, \$90,000).

## BUREAU OF CONSTRUCTION AND REPAIR

### CONSTRUCTION AND REPAIR

For designing naval vessels, including services, instruments apparatus, and materials necessary for experimental and research work; payment of part-time or intermittent employment in the District

of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; maintenance, repairs, and alterations of vessels; care and preservation of vessels out of commission; docking of vessels; salvage and salvage services for naval floating property; acquisition and conversion or construction and repair of district and yard craft; purchase and manufacture of equipage, appliances, supplies, and materials at home and abroad as required for the maintenance, repair, alteration, and operation of naval vessels and district and yard craft; carrying on work of the experimental model basin and wind tunnel; tools and appliances for all purposes in navy yards and naval stations; labor in navy yards and naval stations and elsewhere at home and abroad; accident prevention; pay of classified field force, including employees in material inspection and superintending constructors' offices; incidental expenses at navy yards and naval stations and in material inspection and superintending constructors' offices such as photographing, technical and professional books and magazines, plans, stationery, drafting instruments, and other materials \$33,008,100 (composed of "A" item, \$30,280,300 and "B" item, \$2,727,800), of which amount \$2,000,000 ("B" item) shall be immediately available: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,875,500 (composed of "A" item, \$1,655,000, and "B" item, \$220,500).

Maintenance, etc.,  
of vessels.

Equipage, supplies,  
etc.

Field force.

*Proviso.*  
Group IV (b) em-  
ployees.

## BUREAU OF ORDNANCE

*Post.* pp. 293, 296,  
605, 876, 972.

### ORDNANCE AND ORDNANCE STORES, NAVY

*Post.* pp. 293, 296,  
605, 876, 972.

For procuring, producing, preserving, and handling ordnance material for the armament of ships; for the purchase and manufacture of torpedoes and appliances; for the purchase and manufacture of smokeless powder; for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books, and periodicals; plant appliances as now defined by the "Navy Classification of Accounts"; for machinery and machine tools; for accident prevention; for experimental work in connection with the development of ordnance material for the Navy; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed \$20,000 for minor improvements to buildings, grounds, and appurtenances of a character which can be performed by regular station labor; for payment of part-time or intermittent employment in the District of Columbia, or elsewhere, of such scientists and technicians as may be contracted for by the Secretary of the Navy in his discretion at a rate of pay not exceeding \$20 per diem for any person so employed, and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance

Procuring, preserv-  
ing, etc.

Fuel, material, and  
labor.

Experimental work.

Scientists, etc.

Vehicles.

Schools.  
  
*Provido.*  
Group IV (b) em-  
ployees.

plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Maryland; Dahlgren, Virginia; and South Charleston, West Virginia, \$31,978,908 (composed of "A" item, \$27,550,048, and "B" item, \$4,428,860: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,460,000.

## BUREAU OF SUPPLIES AND ACCOUNTS

### PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

*Post.* pp. 293, 295,  
605, 876, 972.

*Post.* pp. 293, 295.

Pay of naval per-  
sonnel.

Aerial flights, in-  
creased pay; restric-  
tions.

Rent; subsistence.

Retired officers.

Hire of quarters.

Enlisted men on re-  
tired list.

Reserve officers on  
active duty.

Prizes.

Outfits; clothing.

Reimbursement for  
certain losses.

Nurse Corps.

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, pay \$37,089,586, including not to exceed \$1,976,991 for increased pay for officers of the Regular Navy for making aerial flights, no part of which shall be available for increased pay for making aerial flights by more than five officers above the rank of captain, nor by nonflying officers or observers at rates in excess of those prescribed by law for the Army, which shall be the legal maximum rates as to such nonflying officers or observers; rental allowance, \$7,588,406; subsistence allowance, \$4,667,576; in all, \$49,345,568; officers on the retired list, \$13,366,508 (composed of "A" item, \$10,969,308 and "B" item, \$2,397,200); for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, \$7,525; pay of enlisted men on the retired list, \$10,363,766; interest on deposits by men, \$11,568; pay of petty officers, in addition to chief petty officers of the Naval Reserve called to active duty (not to exceed an average of eleven thousand four hundred and forty chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of nine thousand nine hundred and ninety-three, seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Bureau of Fisheries, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men as authorized by law, and cash prizes (not to exceed \$148,750 (composed of "A" item, \$120,500, and "B" item, \$28,250)) for men for excellence in gunnery, target practice, communication, and engineering competition, \$120,819,388 (composed of "A" item, \$103,414,821, and "B" item, \$17,404,567); outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed \$15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water- or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, \$2,068,284; pay of enlisted men undergoing sentence of court martial, \$47,200 (composed of "A" item, \$38,940, and "B" item, \$8,260), and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, \$618,980 (composed of "A" item, \$536,980, and "B" item, \$82,000); rental allowance, \$38,400;

subsistence allowance, \$26,280 (composed of "A" item, \$25,185, and "B" item, \$1,095); pay retired list, \$341,067; in all, \$1,024,727 (composed of "A" item, \$941,632, and "B" item, \$83,095); rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, \$18,515,785 (composed of "A" item, \$16,500,000, and "B" item, \$2,015,785); reimbursement for losses of property as provided in the Act approved October 6, 1917 (34 U. S. C. 981, 982), as amended by the Act of March 3, 1927 (34 U. S. C. 983), \$10,000; payment of six months' death gratuity, \$240,240 (composed of "A" item, \$192,640 and "B" item, \$47,600); in all, \$215,820,559 (composed of "A" item, \$193,864,052, and "B" item, \$21,956,507); and, except during war or national emergency declared by the President to exist, no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list, except seven for assignments filled on September 30, 1937, exclusive of the assignments at the Naval Mine Depot, Yorktown, Virginia, and in the Treasury Department, three for duty exclusively with the Maritime Commission, two for duty exclusively in connection with the naval petroleum reserves, one for duty as curator of the Naval Academy Museum, and one for duty at the Naval Gun Factory, Washington, District of Columbia, and except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: *Provided*, That, except for the public quarters occupied by the Chief of Office of Naval Operations, the Superintendent of the Naval Academy, and the Commandant of the Marine Corps, and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels including officers' messes at the naval air stations, and to landing forces and expeditions, and in addition not to exceed fifty-nine in number at such places as shall be designated by the Secretary of the Navy, no appropriation contained in this Act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;

Subsistence of naval personnel: For provisions and commuted rations for enlisted men of the Navy, which commuted rations shall be paid at the rate of 50 cents per diem, and midshipmen at 75 cents per diem, and commuted rations stopped on account of sick in hospital and credited at the rate of 70 cents per ration to the naval hospital fund; subsistence of men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); quarters and subsistence of men on detached duty; subsistence of members of the Naval Reserve during period of active service; subsistence in kind at hospitals and on board ship in lieu of subsistence allowance of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement; in all, \$27,260,651 (composed of "A" item, \$22,330,976, and "B" item, \$4,929,675): *Provided*, That no part of this or any other appropriation contained in this Act shall be available for the procurement of any article of food not grown or produced in the United States or its possessions, except articles

Fleet Naval Reserve.

Property losses.

40 Stat. 389; 44 Stat. 1368.

Active-duty pay, etc., to retired officers; restriction.

Exceptions.

*Proviso*, Enlisted men as household servants.

Voluntary services.

Sale of meals to officers.

Subsistence of naval personnel.

Unavoidable absences.

Detached duty.

Naval Reserve, active duty.

*Proviso*, Procurement of food articles not produced in U. S., restriction.

of food not so grown or produced or which cannot be procured in sufficient quantities as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto;

Transportation and recruiting.

Attendance at meetings.

Midshipmen.

Enlisted men, etc.

Apprehension of deserters, etc.

Transportation of dependents.  
Funeral escorts.

Naval Reserve, active duty.

Total.

Accounting.

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders, including the cost of a compartment or such other accommodations, as may be authorized by the Secretary of the Navy, for security when secret documents are transported by officer messenger, and including not to exceed \$5,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than \$7,450 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders, after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their home, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway, steamship, and airway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men, \$1,506,966 (composed of "A" item, \$1,370,686, and "B" item, \$136,280); expenses of funeral escorts of naval personnel; actual expenses of officers and midshipmen while on shore-patrol duty, including the hire of automobiles when necessary for the use of shore-patrol detachment; in all, \$6,267,800 (composed of "A" item, \$5,977,464, and "B" item, \$290,336); Naval Reserve personnel on active duty: For pay and allowances for Naval Reserve personnel (exclusive of Fleet Naval Reserve personnel) on active duty with the Navy as provided by law (53 Stat. 819-821), \$10,977,997 (composed of "A" item, \$2,869,625, and "B" item, \$8,108,372);

In all, for pay, subsistence, and transportation of naval personnel, Naval Reserve aviation officers on active duty, and members of the Naval Reserve when called to active duty in time of war or during the existence of a national emergency declared by the President, \$260,327,007 (composed of "A" item, \$225,042,117, and "B" item, \$35,284,890), and \$1,000,000 of such amount shall be available immediately, and the money herein specifically appropriated for "Pay, subsistence, and transportation of naval personnel" shall be disbursed and accounted for in accordance with existing law and shall constitute

one fund: *Provided*, That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers appropriated for in this Act: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1940, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Puerto Rico, a native of the island, appointed on nomination of the Governor, and of four midshipmen from Puerto Rico appointed on nomination of the Resident Commissioner; and of four midshipmen from the District of Columbia: *Provided further*, That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, from the Naval Reserve, from honor graduates of military schools or Naval Reserve Officers' Training Corps: *Provided further*, That no part of this appropriation shall be available for the pay of any midshipman appointed from enlisted men of the Navy who has not served aboard a vessel of the Navy in full commission for at least nine months prior to admission to the Naval Academy.

*Provisos.*  
Additional medical detail for Veterans' Administration patients.

Admissions to Naval Academy after Jan. 30, 1940.

Appointments at large, from enlisted men, etc.

Sea service requirement.

#### MAINTENANCE, BUREAU OF SUPPLIES AND ACCOUNTS

For equipage, supplies, and services under the cognizance of the Bureau of Supplies and Accounts, including stationery for commanding, executive, communication, and navigating officers of ships, boards and courts on ships, and chaplains; commissions, interest, and exchange; ferriage and bridge tolls, including streetcar fares; rent of buildings and offices not in navy yards except for use of naval attachés and recruiting officers; accident prevention; services of civilian employees under the cognizance of the Bureau of Supplies and Accounts; freight, express, and parcel-post charges, including transportation of funds and cost of insurance on shipments of money when necessary; for transportation on Government-owned vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Navy and Marine Corps personnel upon change of station, and ice for cooling drinking water on shore (except at naval hospitals and shops at industrial navy yards), pertaining to the Navy Department and Naval Establishment, \$13,870,000 (composed of "A" item, \$11,170,000, and "B" item, \$2,700,000), of which amount \$500,000 shall be available immediately: *Provided*, That no part of this or any other appropriation contained in this Act shall be available for or on account of the supply or replacement of table linen, dishes, glassware, silver, and kitchen utensils for use in the residences or quarters of officers on shore, except for messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels, to the fleet air bases, or to landing forces and expeditions: *Provided further*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$7,200,000 (composed of "A" item, \$5,500,000, and "B" item, \$1,700,000): *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Navy and

Post, pp. 295, 605, 876, 972.

Maintenance.

Freight, etc., charges.

*Provisos.*  
Supply of tableware, etc., for officers; restriction.

Group IV (b) employees.

Use of receipts for expenditures; accounting.

Marine Corps on disbursing duty and charged in their official accounts may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

*Post*, pp. 295, 605.

#### CLOTHING AND SMALL-STORES FUND

Purchase of clothing, etc.

Clothing and small-stores fund: For purchase of clothing and small stores for issue to the Naval Service, to be added to the "Clothing and Small-Stores Fund", \$2,000,000 ("B" item).

*Post*, p. 605.

#### NAVAL SUPPLY ACCOUNT FUND

Naval Supply Account Fund.  
41 Stat. 1169.

To increase the Naval Supply Account Fund established by the Act approved March 1, 1921 (31 U. S. C. 644), \$5,000,000 ("B" item), and, in addition an amount not to exceed such sum or sums as may be deposited from time to time in the Treasury during the fiscal year ending June 30, 1941, to the credit of "Miscellaneous receipts", realized from the sale of old material, condemned stores, supplies, or other surplus public property of any kind belonging to the Navy Department and not otherwise reappropriated.

*Post*, p. 605.

#### FUEL AND TRANSPORTATION, NAVY

Fuel and transportation.

For coal and other fuel for submarine bases and steamers' and ships' use, including expenses of transportation, storage, and handling the same and the removal of fuel refuse from ships; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, \$10,591,500 (composed of "A" item, \$8,280,000, and "B" item, \$2,311,500), of which \$1,000,000 shall be immediately available: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive.

*Provisos.*  
Fuel acquired other than by purchase; issue.

Use of fuel on hand.

*Post*, pp. 296, 606, 876.

#### BUREAU OF MEDICINE AND SURGERY

*Post*, pp. 296, 606, 876.

#### MEDICAL DEPARTMENT

Surgeons' necessities.  
Civil establishment.

For surgeons' necessities for vessels in commission, navy yards, naval stations, and Marine Corps; and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, and Naval Academy; for tolls and ferriages; purchase of books and stationery; hygienic and sanitary investigation and illustration; sanitary, hygienic, administrative, and special instruction, including the issuing of naval medical bulletins and supplements; maintenance, repair, and operation of motor-propelled busses; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical Center, Naval Medical School, and Naval Dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval

Busses.

Naval Medical Center, etc.

stations, and ships; and for minor repairs on buildings and grounds of the Naval Medical School and naval medical supply depots; for dental outfits and dental material; and all other necessary contingent expenses; in all, \$3,327,000 (composed of "A" item, \$3,027,000, and "B" item, \$300,000): *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$150,000.

*Proviso.*  
Group IV (b) em-  
ployees.

#### CARE OF THE DEAD

*Post*, p. 296.

For the care of the dead; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, reservists on active or training duty, and accepted applicants for enlistment, civilian employees of the Navy Department and Naval Establishment who die outside of the continental limits of the United States, and former enlisted men who are discharged while in hospitals and are inmates of said hospitals on the date of their death; for funeral expenses and interment of the remains of pensioners and destitute patients who die in naval hospitals; for purchase and care of cemetery lots; for care of graves outside of the continental limits of the United States, including those in sites not owned by the United States; for removal of remains from abandoned cemeteries to naval or national cemeteries, or to their homes, including remains interred in isolated graves at home and abroad, and remains temporarily interred, \$81,261 (composed of "A" item, \$70,000, and "B" item, \$11,261): *Provided*, That the above provision shall apply in the case of officers and enlisted men of the Navy and Marine Corps on the retired list who die while on active duty.

*Interment and*  
*transportation.*  
*Ante*, p. 145.

*Proviso.*  
Retired officers, etc.,  
on active duty.

#### BUREAU OF YARDS AND DOCKS

*Post*, pp. 293, 296,  
606, 876, 972.

#### MAINTENANCE, BUREAU OF YARDS AND DOCKS

*Post*, pp. 606, 876.

For the labor, materials, and supplies necessary, as determined by the Secretary of the Navy, for the general maintenance of the activities and properties now or hereafter under the cognizance of the Bureau of Yards and Docks, including accident prevention, and including such sum as may be necessary incident to the utilization of the Naval Station, New Orleans, Louisiana, for vessels to be placed and maintained in a decommissioned status; the purchase, maintenance, repair, and operation of passenger-carrying vehicles for the Navy Department (not to exceed ten in number) and the Naval Establishment not otherwise provided for; not to exceed \$1,630,000 (composed of "A" item, \$1,600,000, and "B" item, \$30,000), for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department, and part-time or intermittent employment in the District of Columbia, or elsewhere, of such engineers and architects as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty, \$10,052,800 (composed of "A" item, \$9,784,600, and "B" item, \$268,200): *Provided*, That during the fiscal year 1941 the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the

*General main-*  
*tenance, etc.*

New Orleans, La.,  
Naval Station, utiliza-  
tion.  
Vehicles.

Group IV (b) em-  
ployees.

Engineers, etc.

*Provisos.*  
Limitation on vehi-  
cle purchases.

Maintenance, operation, etc.

following respective numbers and costs: Nineteen ("A" item) and two ("B" item) at \$600 each, one at \$1,600, ten motorbusses at \$4,500 each, two passenger-carrying semi-trailers at \$3,000 each, and motor-truck chassis with station-wagon-type bodies as required: *Provided further*, That expenditures from appropriations contained in this Act for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including the compensation of civilian chauffeurs and the compensation of any greater number than ninety enlisted men detailed to such duty, shall not exceed in the aggregate \$100,000, exclusive of such vehicles owned and operated by the Marine Corps in connection with expeditionary duty without the continental limits of the United States, motorbusses, station-wagon motortrucks, and motorcycles, and on any one vehicle, except busses and ambulances, shall not exceed for maintenance, upkeep, and repair, exclusive of garage rent, pay of operators, tires, fuel, and lubricants, one-third of the market price of a new vehicle of the same make or class, and in any case not more than \$400.

#### CONTINGENT, BUREAU OF YARDS AND DOCKS

Contingent expenses.

For contingent expenses and minor extensions and improvements of public works at navy yards and stations, \$140,000 ("A" item).

Post, pp. 293, 296, 606, 876, 972.

#### PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

For public works and public utilities, Bureau of Yards and Docks, \$49,888,475 (composed of "A" item, \$49,038,475, and "B" item, \$850,000), which, together with the unexpended balances of appropriations heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund, which fund shall be available for the payment of obligations incurred under the provisions of sections 3 and 4 of the Act approved April 25, 1939 (Public, Numbered 43, Seventy-sixth Congress), insofar as they relate to naval public works and utilities projects and for part-time and intermittent employment by contract of scientists, technicians, and other personnel and payment of travel expenses of members of the Naval Reserve ordered to active duty: *Provided*, That not to exceed 2½ per centum of the aggregate amount available on July 1, 1940, shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field service to be engaged upon such work and to be in addition to employees otherwise provided for: *Provided further*, That the Secretary of the Navy is only authorized to commence, continue, or complete the construction of, or make provision for, by contract or otherwise, projects heretofore authorized and appropriated for under this head, and, in addition, only the following-named public works and public utilities projects at a limit of cost not to exceed the amount stated for each project enumerated, respectively:

53 Stat. 591,  
34 U. S. C., Supp. V,  
§ 556.

Scientists, etc.

Provisos.  
Personal services.

Construction, etc.,  
of authorized projects.  
Post, pp. 293, 296,  
401, 606, 876, 972.

Midway Island.

Naval Air Station, Midway Island: Fuel-oil storage, nonaviation, \$250,000; Diesel-oil storage, nonaviation, \$50,000; defense facilities including buildings and accessories, \$1,250,000;

Tutuila, Samoa.

Naval Station, Tutuila, Samoa: Fuel-oil storage and pipe lines, \$200,000; Diesel-oil storage, \$50,000; gasoline storage, \$50,000;

Portsmouth, N. H.

Navy Yard, Portsmouth, New Hampshire: Submarine barracks and mess hall, \$270,000; roads, walks, and services, \$25,000; extension of inside machine shop, \$185,000; extension of industrial office building, \$100,000; conversion of building numbered 96 to foundry, \$77,000; extension of alternating current electric service, \$75,000;

Navy Yard, Philadelphia, Pennsylvania: Improvement of piers and quay walls, Reserve Basin, \$500,000; improvement of power plant and distributing systems, \$445,000; improvement of crane track and extension of turret construction slab, \$120,000; extension of yard dispensary, \$25,000; additional pier, \$650,000; extension of low crane ways at head of building ways numbered 3, modify ways for forty-five-thousand-ton battleship and replace existing forty-ton shipway cranes with fifty-ton cranes, \$1,250,000; additional crane for pier numbered 2, \$125,000; additional weight-handling and transportation equipment, \$100,000; modify shipways numbered 2 for forty-five-thousand-ton battleship and replace existing forty-ton shipway cranes with fifty-ton cranes, \$575,000;	Philadelphia, Pa.
Naval Operating Base, Norfolk, Virginia: Improvement of electric distribution, \$100,000;	Norfolk, Va.
Fourteenth Naval District—Pearl Harbor: Mooring facilities, \$200,000; improvement of harbor and channel, \$1,000,000;	Pearl Harbor, T. H.
Navy Yard, Pearl Harbor, Hawaii: Industrial shop buildings and accessories, \$1,400,000; cranes, auxiliary construction, roads, walks, and services, \$400,000; pipe and copper shop building and accessories, \$150,000; galvanizing shop building and accessories, \$85,000; electric shop building and accessories, \$465,000; roads, walks, services, and auxiliary construction, \$40,000;	
Naval station, Guam: Improvement of water supply, \$325,000;	Guam.
Naval radio station, Annapolis, Maryland: Additional radio facilities, \$210,000;	Annapolis, Md.
Naval direction-finder station, Point Saint George, California: Purchase of land, \$2,500;	Point St. George, Calif.
General: Improvement of radio facilities, including buildings and accessories, \$35,000; roads, walks, and services for radio facilities, \$35,000;	General.
Naval ammunition Depot, Puget Sound, Washington: Improvement of fire-protection system, \$107,000;	Puget Sound, Wash.
Naval Torpedo Station, Keyport, Washington: Extension of fire-protection system, \$117,500;	Keyport, Wash.
Fleet Air Base and Submarine Base, Coco Solo, Canal Zone: Toward the construction of personnel buildings and accessories, \$682,000; roads, walks, and services, \$300,000; sea walls, filling and grading, \$400,000;	Coco Solo, C. Z.
Naval Air Station, Alameda, California: To continue the development authorized by the Act approved June 24, 1936 (49 Stat., pp. 1901, 1902), as amended, \$3,382,000;	Alameda, Calif.
Naval Fuel Depot, Pearl Harbor, Hawaii: Rehabilitation of fuel-oil facilities, \$350,000; bomb-proof berms enclosing fuel-oil-tank farms, \$600,000;	Pearl Harbor, T. H.
Marine Barracks, Parris Island, South Carolina: Toward the construction of buildings and accessories, \$300,000;	Parris Island, S. C.
Marine Barracks, Quantico, Virginia: Barracks building and accessories, \$60,000; nurses' quarters and accessories, \$56,000; roads, walks, and services for dispensary area, \$80,000;	Quantico, Va.
Drydock facilities, San Francisco Bay: Acquisition of drydocks and land and construction of buildings and facilities at Hunters Point or acquisition of other land and construction of drydock, buildings, and facilities, \$6,000,000;	San Francisco Bay, Calif.
Submarine base, New London, Connecticut: Facilities for commissioning reserve submarines, including improvement of buildings and accessories and water-front development, \$2,073,000;	New London, Conn.
Navy Yard, Boston, Massachusetts: Improvement of power plant and distributing systems, \$445,000; toilet and washrooms for building ways, \$20,000; additional weight-handling equipment, \$25,000;	Boston, Mass.

- Charleston, S. C. Navy Yard, Charleston, South Carolina: Motor-generator set at building ways, \$100,000; additional cranes for structural and machine shops, \$75,000; storehouse and accessories for fitting-out pier, \$50,000; cafeteria building and accessories, \$125,000; improvement of power plant, \$400,000; services to fitting-out pier, \$35,000; improvement of foundry building, \$25,000; locker and toilet facilities for fitting-out pier, \$40,000; additional weight-handling and transportation equipment, \$102,000;
- Mare Island, Calif. Navy Yard, Mare Island, California: Steam test plant and accessories, \$170,000; additional crane in structural shop, \$17,000; sub-assembly facilities extension to building numbered 382, \$50,000; rearrangement and relocation of shops, \$500,000; improvement and extension of administration building, \$250,000;
- New York, N. Y. Navy Yard, New York, New York: Storehouse and accessories, \$2,000,000; improvement of cranes, \$35,000; two drydock cranes, \$225,000; improvement of shop buildings, \$200,000; facilities for fabrication of armored decks, \$150,000; improvement of power plant, \$500,000; outside power connection to public utility company, \$100,000; fitting-out crane on pier G, \$125,000; modify building ways numbered 1 to take forty-five-thousand-ton battleship, \$1,500,000;
- Norfolk, Va. Navy Yard, Norfolk, Virginia: Extension of machine-shop building, \$600,000; additions and repairs to shop cranes, \$25,000; additional weight-handling and transportation equipment, \$75,000; power distribution and lighting in shops, \$35,000; additional outdoor plate storage yard and facilities, \$40,000; increase capacity of ship-way cranes, \$90,000;
- Puget Sound, Wash. Navy Yard, Puget Sound, Washington: Improvement of air generation and distribution, \$120,000;
- Washington, D. C. Navy Yard, Washington, District of Columbia: Improvement of pneumatic system, \$50,000; improvement of steam-distribution system, \$25,000; extension of buffing shop, \$50,000; extension of machine shop, \$375,000; general utility shop (paint, pipe, sheet metal, and maintenance), \$75,000; storage buildings and accessories at Bellevue, \$50,000;
- Dahlgren, Va. Naval Proving Ground, Dahlgren, Virginia: Magazine and accessories, \$35,000;
- Newport, R. I. Naval torpedo station, Newport, Rhode Island: Explosive manufacturing building and accessories, \$200,000;
- Washington, D. C. Naval Medical Center, Washington, District of Columbia: Accessory construction, \$992,000;
- Pensacola, Fla. Naval Air Station, Pensacola, Florida: Subaqueous water and gas lines at highway bridge, \$50,000.

*Post*, pp. 294, 609,  
882, 973.

*Post*, pp. 294, 609,  
882, 973.

Designated aviation  
expenses.

Helium.  
*Post*, p. 443.

## BUREAU OF AERONAUTICS

### AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1940, \$1,206,500 (composed of "A" item, \$1,015,200, and "B" item, \$191,300); for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, overhauling of planes, technical periodicals, and the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$44,412,800 (composed of "A" item, \$34,804,100, and "B" item, \$9,608,700), including not to exceed \$30,000 for the procurement of helium, which sum of \$30,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1940,

in addition to which sum the Bureau of Mines may use for helium-plant operation in the fiscal year 1941 the unexpended balance of funds transferred to it for such operation in the fiscal year 1940, and the Bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$25 per diem for any person so employed and payment of the travel expenses of such persons if they be members of the Naval Reserve ordered to active duty, \$7,500,200 ("A" item); for new construction and procurement of aircraft and equipment, spare parts and accessories, \$41,083,400 ("A" item), of which amount not to exceed \$20,000,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1940; in all, \$94,202,900 (composed of "A" item, \$84,402,900, and "B" item, \$9,800,000), and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$2,281,000 (composed of "A" item, \$2,143,200, and "B" item, \$137,800): *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1942, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of \$25,000,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate \$50,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps" to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy" and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of \$500.

## MARINE CORPS

### PAY, MARINE CORPS

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowances, \$4,564,850, including not to exceed \$311,760, for increased pay for making aerial flights, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of \$1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; subsistence allowance, \$643,422; rental allowance, \$796,769;

Experiments and development work.

New construction, etc.

Incurred obligations.

53 Stat. 775.

Total; accounting.

Provisos.  
Group IV (b) employees.

Contracts for new airplanes, etc.

Transfer of sums for traveling expenses.

Airplane factory construction, restriction.

Adjustment of damage claims.

Post, pp. 295, 296, 609, 882, 973.

Post, pp. 296, 973.

Pay, etc., of officers on active list.

Aerial flights, limitation on increased pay for.

Active-duty pay, restriction.	in all, \$6,005,041 ("A" item); and, except during war or national emergency declared by the President to exist, no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list;
Retired officers.	For pay of officers prescribed by law on the retired list, \$2,091,586 (composed of "A" item, \$1,942,000, and "B" item, \$149,586);
Enlisted men, active list.	Pay of enlisted men, active list: For pay and allowances of non-commissioned officers, musicians, and privates, as prescribed by law, and for the expenses of clerks of the United States Marine Corps traveling under orders, including not to exceed \$250 for the expenses of attendance upon meetings of technical, professional, scientific, and other organizations, when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Marine Corps, and including additional compensation for enlisted men of the Marine Corps qualified as expert riflemen, sharpshooters, marksmen, or regularly detailed as gun captains, gun pointers, cooks, messmen, including interest on deposits by enlisted men, post-exchange debts of deserters, and of men discharged or sentenced to terms of imprisonment while in debt to the United States, under such rules as the Secretary of the Navy may prescribe, and the authorized travel allowance of discharged enlisted men, and for prizes for excellence in gunnery exercises and target practices, and communication competitions, and for pay of enlisted men designated as Navy mail clerks and assistant Navy mail clerks both afloat and ashore, and for gratuities to enlisted men discharged not under honorable conditions—pay and allowances, \$12,495,260 (composed of "A" item, \$9,936,357, and "B" item, \$2,558,903); allowance for lodging and subsistence, \$1,015,789 (composed of "A" item, \$792,312, and "B" item, \$223,477); in all, \$13,511,049 (composed of "A" item, \$10,728,669, and "B" item, \$2,782,380);
Attendance at meetings.	For pay and allowances prescribed by law of enlisted men on the retired list, \$937,748 ("A" item);
Pay and allowances.	Undrawn clothing: For payment to discharged enlisted men for clothing undrawn, \$260,406 ("A" item);
Retired enlisted men.	For pay and allowances of the Marine Corps Reserve as follows: (a) For officers commissioned pursuant to the Act of June 13, 1939 (53 Stat. 819-821), \$194,215; (b) for transferred and assigned men, \$695,599 (composed of "A" item, \$621,374, and "B" item, \$74,225); and (c) for all others, \$1,654,448 (composed of "A" item, \$966,205, and "B" item, \$688,243); in all, \$2,544,262 (composed of "A" item, \$1,781,794, and "B" item, \$762,468);
Undrawn clothing.	For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers traveling under orders without troops, \$203,566 (composed of "A" item, \$190,000, and "B" item, \$13,566);
Marine Corps Reserve.	In all, \$25,553,658 (composed of "A" items, \$21,845,658, and "B" items, \$3,708,000), and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.
Mileage, etc.	
Total; accounting.	

Post, p. 296.

#### PAY OF CIVIL EMPLOYEES, MARINE CORPS

Civil force.

Pay of civil force: For personal services in the District of Columbia, as follows:

Offices of the Major General Commandant and adjutant inspector, \$183,960 (composed of "A" item, \$154,760, and "B" item, \$29,200);

Office of the paymaster, \$55,300 (composed of "A" item, \$48,820, and "B" item, \$6,480);

Office of the quartermaster, \$193,980 (composed of "A" item, \$167,520, and "B" item, \$26,460); in all, \$433,240 (composed of "A"

item, \$371,100, and "B" item, \$62,140): *Provided*, That the total number of enlisted men on duty at Marine Corps Headquarters on May 7, 1930, shall not be increased, and in lieu of enlisted men whose services at such headquarters shall be terminated for any cause prior to July 1, 1941, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, either or both the appropriations "Pay, Marine Corps" and "General expenses, Marine Corps" shall be available.

*Proviso.*  
Number of enlisted men at headquarters.

Filling of vacancies by civilians; pay rates.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

#### GENERAL EXPENSES, MARINE CORPS

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

For provisions, subsistence, board, and lodging of enlisted men, recruits and recruiting parties, and applicants for enlistment; cash allowance for lodging and subsistence to enlisted men traveling on duty; ice, ice machines and their maintenance, \$3,848,046 (composed of "A" item, \$3,036,046, and "B" item, \$812,000);

For clothing for enlisted men, \$1,453,710 (composed of "A" item, \$1,123,710, and "B" item, \$330,000);

For fuel, heat, light, and power, including sales to officers, \$809,000 (composed of "A" item, \$650,000, and "B" item, \$159,000);

For military supplies and equipment, including their purchase, repair, preservation, and handling; recreational, school, educational, library, musical, amusement, field sport and gymnasium supplies, equipment, services, and incidental expenses; purchase and marking of prizes for excellence in gunnery and rifle practice, good-conduct badges, medals, and buttons awarded to officers and enlisted men by the Government for conspicuous, gallant, and special service; rental and maintenance of target ranges and entrance fees for competitions, \$1,613,750 (composed of "A" item, \$721,750, and "B" item, \$892,000);

For transportation of troops and applicants for enlistment, including cash in lieu of ferriage and transfers en route; toilet kits for issue to recruits upon their first enlistment and other incidental expenses of the recruiting service; and for transportation for dependents of officers and enlisted men, \$438,200 (composed of "A" item, \$358,200, and "B" item, \$80,000);

For repairs and improvements to barracks, quarters, and other public buildings at posts and stations; for the renting, leasing, and improvement of buildings in the District of Columbia, and at such other places as the public exigencies require, and the erection of temporary buildings upon the approval of the Secretary of the Navy at a total cost of not to exceed \$70,000 (composed of "A" item, \$10,000, and "B" item, \$60,000) during the year, \$600,000 (composed of "A" item, \$500,000, and "B" item, \$100,000);

For forage and stabling of public animals and the authorized number of officers' horses, \$16,000 ("A" item);

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; and purchase, exchange, and repair of passenger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted

*Post*, pp. 295, 296,  
609, 648, 882.

General expenses.

Provisions, etc.

Clothing.

Fuel, etc.

Military supplies,  
etc.

Transportation, etc.

Dependents.

Barracks, quarters,  
etc.

Forage, etc.

Miscellaneous sup-  
plies, etc.

Vehicles.

Horses, etc.

Printing and bind-  
ing.

Care, etc., of schools. applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; care and operation of schools at Marine Barracks, Quantico, Virginia, and Parris Island, South Carolina; and for all emergencies and extraordinary expenses, \$2,972,000 (composed of "A" item, \$2,428,000, and "B" item, \$544,000):

*Provided*, That the motor-propelled passenger-carrying vehicles to be purchased hereunder shall not exceed the following respective numbers and costs: Twenty at \$750 each, fifteen motorcycles at \$425 each, and motortruck chassis with station wagon type bodies as required;

Marine Corps Reserve. Marine Corps Reserve: For clothing, including clothing for aviation cadets, subsistence, heat, light, transportation, and miscellaneous expenses, \$359,822 ("A" item);

Total; accounting. In all, \$12,110,528 (composed of "A" item, \$9,193,528, and "B" item, \$2,917,000), to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$200,000.

*Proviso.*  
Purchase of vehicles.

Group IV (b) employees.

*Post*, pp. 295, 609, 882.

Certain vessels, alterations and repairs.

53 Stat. 582, 1045.

53 Stat. 1079.

*Proviso.*  
Group IV (b) employees.

### ALTERATION TO NAVAL VESSELS

On account of the alterations and repairs of vessels heretofore authorized (and appropriated for in part) and toward the alterations and repairs for the purpose of modernizing the United States ships Argonaut, Narwhal, and Nautilus, authorized by the Act approved April 20, 1939 (Public, Numbered 37, Seventy-sixth Congress), as amended by the Act approved July 15, 1939 (Public Resolution Numbered 28, Seventy-sixth Congress), and for the purpose of effecting major overhauls of the United States ships Tennessee, California, Colorado, Maryland, and West Virginia, as authorized by the Act approved July 25, 1939 (Public, Numbered 212, Seventy-sixth Congress), \$10,552,000 ("A" item), to remain available until expended and of which \$400,000 shall be available immediately: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1941 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940.

*Post*, pp. 295, 609, 882.

Construction and machinery.

34 U. S. C., Supp. V, §§ 498-498k.

48 Stat. 503.  
34 U. S. C. §§ 494-497; Supp. V, § 496.

*Provisos.*  
Group IV (b) employees.

### REPLACEMENT OF NAVAL VESSELS

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), and for the commencement of the following vessels authorized by the Act approved May 17, 1938 (52 Stat. 401-403), one battleship, one aircraft carrier, two cruisers, eight destroyers, two submarines, one submarine tender, one seaplane tender, two small seaplane tenders and one minesweeper, and for the following vessels authorized by the Act of March 27, 1934 (48 Stat. 501), one battleship and four submarines, \$259,071,979, to remain available until expended, of which sum \$50,000,000 shall be immediately available: *Provided*, That the sum to be paid out of the amount available for expenditure under the head of "Construction and machinery" for the fiscal year 1941 for employees in the field service assigned to group

IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940: *Provided further*, That, of the appropriations made available by this Act under the head of "Replacement of naval vessels", there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, and the employment of personnel in the Navy Department and in the field, the purchase of plans, drafting and other supplies, telephone and telegraph expenses, and the expenses of printing and travel, in addition to those otherwise provided for, owing to the construction of vessels which have been or may hereafter be authorized.

Technical services,  
etc.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery", \$81,300,000 ("A" item), to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1941 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 5 per centum of the aggregate amount available under this heading on July 1, 1940.

Armor, armament,  
and ammunition.

*Proviso.*  
Group IV (b) em-  
ployees.

Neither the appropriation "Replacement of naval vessels, construction and machinery", nor the appropriation "Replacement of naval vessels, armor, armament, and ammunition", shall be available for obligation for any purpose as to ships commissioned prior to July 1, 1939, nor as to any ship commissioned subsequent to such date after twelve months shall have elapsed from commissioning date.

Ships commissioned  
before July 1, 1939,  
certain funds not avail-  
able for.

## GENERAL PROVISIONS

*Post*, p. 884.

The appropriations made in this Act for the purchase or manufacture of equipment or material or of a particular class of equipment or material shall be available for the purchase of letters patent, applications for letters patent, licenses under letters patent, and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Purchase of letters  
patent, etc.

No part of any appropriation made for the Navy shall be expended for any of the purposes herein provided for on account of the Navy Department in the District of Columbia, including personal services of civilians and of enlisted men of the Navy, except as herein expressly authorized: *Provided*, That there may be detailed to the Bureau of Navigation not to exceed at any one time seven enlisted men of the Navy: *Provided further*, That enlisted men detailed to the Naval Dispensary and the Radio Communication Service shall not be regarded as detailed to the Navy Department in the District of Columbia.

Department use  
limited.

*Provisos.*  
Details to Bureau of  
Navigation.  
*Post*, p. 883.  
Details to Naval  
Dispensary and Radio  
Communication Ser-  
vice.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for sugges-

Use of time-measur-  
ing devices on work of  
employees, restriction.

Cash rewards, re-  
striction; exception.

Repairs, etc., by private contractors, restriction.

Exception.

*Provido.*  
Construction of certain vessels in Government yards, etc.  
45 Stat. 1165; 48 Stat. 503.  
34 U. S. C. § 495.

Estimates to accompany bids.

tions resulting in improvements or economy in the operation of any Government plant; and no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government, except when the repair, purchase, or acquirement, by or from any private contractor, would, in the opinion of the Secretary of the Navy, be advantageous to the national defense: *Provided*, That nothing herein shall be construed as altering or repealing the provisos contained in the Acts to authorize the construction of certain naval vessels, approved February 13, 1929, and March 27, 1934, which provide that the first and succeeding alternate vessels in each category, except the fifteen-thousand-ton aircraft carrier, upon which work is undertaken, together with the main engines, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, except such material or parts as are not customarily manufactured in such Government plants.

No part of the funds herein appropriated shall be available to pay a contractor upon any contract for a naval vessel entered into under authority of this Act unless, at the time of filing his bid, he shall also file the estimates upon which such bid was based.

## NAVY DEPARTMENT

### SALARIES

*Post*, pp. 295, 296, 610, 883, 973.

Salaries.

Office of Secretary, and other designated offices, etc.

For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy: Secretary of the Navy, Assistant Secretary of the Navy, and other personal services, \$211,230 (composed of "A" item, \$207,810, and "B" item, \$3,420).

General Board, \$12,220 ("A" item).

Naval examining and retiring boards, \$13,980 ("A" item).

Compensation board, \$7,700 ("A" item).

Office of Naval Records and Library, \$34,360 ("A" item).

Office of Judge Advocate General, \$132,520 (composed of "A" item, \$126,620, and "B" item, \$5,900).

Office of Chief of Naval Operations, \$87,600 (composed of "A" item, \$77,200, and "B" item, \$10,400).

Board of Inspection and Survey, \$21,360 ("A" item).

Office of Director of Naval Communications, \$169,540 (composed of "A" item, \$142,000, and "B" item, \$27,540).

Office of Naval Intelligence, \$111,300 (composed of "A" item, \$79,500, and "B" item, \$31,800).

Bureau of Navigation, \$567,920 (composed of "A" item, \$494,000, and "B" item, \$73,920).

Hydrographic Office, \$463,420 (composed of "A" item, \$422,920, and "B" item, \$40,500).

Naval Observatory, including \$2,500 for pay of computers on piece work in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, \$186,920 (composed of "A" item, \$178,120, and "B" item,

American Ephemeris, etc.

\$8,800), of which amount of \$8,800 not to exceed \$3,600 may be expended for rental of tabulating and other mechanical equipment.

Bureau of Engineering, \$310,480 ("A" item).

Bureau of Construction and Repair, \$347,479 ("A" item).

Bureau of Ordnance, \$150,000 ("A" item).

Bureau of Supplies and Accounts, \$928,140 (composed of "A" item, \$811,460, and "B" item, \$116,680).

Bureau of Medicine and Surgery, \$152,510 (composed of "A" item, \$102,270, and "B" item, \$50,240).

Bureau of Yards and Docks, \$276,000 ("A" item).

Bureau of Aeronautics \$360,400 ("A" item): *Provided*, That the services of technical and clerical personnel may be employed only in the Bureau of Aeronautics in connection with the design and construction of aircraft, to be paid from the appropriation "Aviation, Navy, 1941": *Provided further*, That the expenditures on this account for the fiscal year 1941 shall not exceed \$172,800.

In all, salaries, Navy Department, \$4,545,079 (composed of "A" items, \$4,175,879, and "B" items, \$369,200).

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretaries of the Navy, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

#### CONTINGENT EXPENSES

For professional and technical books and periodicals, lawbooks, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for Department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers, plans, drawings, and drawing materials; purchase and exchange of motortrucks or motor-delivery wagons, maintenance, repair, and operation of motortrucks or motor-delivery wagons; garage rent; streetcar fares; freight, expressage, postage, typewriters, and computing machines

Bureau of Aeronautics.  
*Provisos.*  
Aircraft design and construction.

Limitation on expenditures.

Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

*Proviso.*  
Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

*Post*, pp. 297, 610, 883, 973.

Contingent expenses.

and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$213,000 (composed of "A" item, \$178,000, and "B" item, \$35,000): *Provided*, That it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase by or service rendered to the Navy Department or its bureaus and offices when the aggregate amount involved does not exceed \$50.

#### PRINTING AND BINDING

For printing and binding for the Navy Department and the Naval Establishment (including the Hydrographic Office and the Naval Reserve Officers' Training Corps) executed at the Government Printing Office, \$700,000 (composed of "A" item, \$610,000, and "B" item, \$90,000).

#### PRINTING HISTORICAL AND NAVAL DOCUMENTS

For continuing the printing of historical and naval documents, including composition, clerical copying in the Navy Department, and other preparatory work, in accordance with the provisions of the appropriation made for the commencement of this work as contained in the Naval Appropriation Act for the fiscal year 1935, \$12,000 ("A" item), together with the unexpended balance for this purpose for the fiscal year 1940: *Provided*, That nothing in such Act shall preclude the Public Printer from furnishing one hundred and fifty copies of each volume published to the Library of Congress.

#### CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

For purchase and printing of nautical books, charts, and sailing directions, copper plates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copper plates, cleaning copper plates; tools, instruments, power, and material for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; purchase of equipment for the storage of plates used in making charts and for the storage of Hydrographic Office charts and publications; modernization, care, and repair to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; preparation of pilot charts and their supplements, and printing and mailing same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, \$102,000 (composed of "A" item, \$67,000, and "B" item, \$35,000).

For contingent expenses of branch hydrographic offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Detroit, Buffalo, Duluth, Sault Sainte Marie, Seattle, Panama, San Juan (Puerto Rico), Los Angeles, Honolulu, and Galveston, including furniture, fuel, lights, works and periodicals, relating to hydrography, marine meteorology, navigation, surveying, oceanography and terrestrial magnetism, stationery, miscellaneous articles, rent, and care of offices, care of time balls, carfare and ferriage in

*Provisos.*  
Use of naval service appropriations, restriction.

Minor purchases.  
*Post*, p. 1109.

*Post*, pp. 296, 297, 883, 973.

Printing and binding.

Historical and naval documents.

48 Stat. 414.

*Proviso.*  
Copies to Library of Congress.

*Post*, pp. 297, 973.

Contingent and miscellaneous expenses.

Branch offices.

visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for pilot charts, and for other purposes for which the offices were established, \$11,380 ("A" item).

For services of necessary employees at branch offices, \$48,210 ("A" item).

#### CONTINGENT AND MISCELLANEOUS EXPENSES, NAVAL OBSERVATORY

For professional and scientific books, books of reference, periodicals, engravings, photographs, and fixtures for the library; for apparatus and instruments, and for repairs of the same; for repairs to buildings (including quarters), fixtures, and fences; for cleaning, repair, and upkeep of grounds and roads; furniture and furnishings for offices and quarters, gas, chemicals, paints, and stationery, including transmission of public documents through the Smithsonian exchange, foreign postage; plants, seeds, and fertilizers; for fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power, and water supply; purchase and maintenance of teams; maintenance, repair, and operation of motortrucks and passenger automobiles, and of horse-drawn vehicles; telegraph and telephone service; and other absolutely necessary expenses, \$29,000 ("A" item).

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the Department. This section shall not apply to any motor vehicle for official use of the Secretary of the Navy, and no other persons connected with the Navy Department or the naval service, except the commander in chief of the United States Asiatic Fleet, Marine Corps officers serving with expeditionary forces in foreign countries, and medical officers on out-patient medical service, shall have a Government-owned motor vehicle assigned for their exclusive use.

SEC. 3. When used in this Act, the words in parentheses ("A" item) and ("B" item) shall mean, respectively, "amounts for or relating to regular activities" and "amounts for or relating to activities pursuant to Executive Order Numbered 8245, dated September 8, 1939", and when there is no such designation of an amount it shall be construed to be an "A" item; but such designations when combined for an appropriation or an amount limitation shall not be deemed to require separate administrative or fund accounting for each designation.

SEC. 4. The portions of the appropriations contained herein and denominated as "B" items shall not be available for the employment other than temporarily of classified personal services.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Contingent and miscellaneous expenses.

Government-owned motor vehicles.  
Use restricted to official business.

Transportation between domicile and place of employment.

Exceptions.

Definition of "A" item and "B" item.  
Post, p. 295.

Use of "B" item funds.

Administrative promotions, restriction.

Canal Zone.  
Personal services on,  
citizenship require-  
ment after May 1,  
1941; exception.

Provisions.  
Employment of  
Panamanian citizens.  
48 U. S. C., Supp.  
V, § 1307.

Restriction on num-  
ber.

Persons with 15 or  
more years of service.

Selection of per-  
sonnel.

Hours of employ-  
ment; rates of pay.

Provisions applica-  
ble only to certain  
persons.

Suspension of com-  
pliance in time of war,  
etc.

SEC. 6. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however,* (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week; (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further,* That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

*Ante*, p. 265.

## TITLE II—EMERGENCY NATIONAL DEFENSE APPROPRIATIONS

*Ante*, p. 265.

### OFFICE OF THE SECRETARY

Miscellaneous ex-  
penses.

Miscellaneous expenses: For an additional amount for miscellaneous expenses comprising the same objects specified under this head in title I of this Act, \$256,700, of which there shall be available not to exceed \$200,000 for collection of information, \$10,000 for promoting accident prevention and safety in shore establishments of the Navy, and \$25,000 in the aggregate or \$900 for any one person for allowances for civil employees in attachés' offices.

*Ante*, p. 265.

*Ante*, p. 267.

### BUREAU OF NAVIGATION

#### NAVAL RESERVE

Naval Reserve.  
*Ante*, pp. 265, 270.

Group IV (b) em-  
ployees.

For an additional amount for the Naval Reserve, comprising the same objects specified under this head in title I of this Act, \$3,425,000, of which not to exceed \$34,560 shall be available for the pay of employees assigned to group IV (b), and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

## BUREAU OF ENGINEERING

*Ante*, p. 272.

## ENGINEERING

For an additional amount for Engineering, comprising the same objects specified under this head in title I of this Act, including the acquisition and conversion or construction and repair of machinery for boom or net tenders, \$5,314,500, to be immediately available, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department and the Secretary of the Navy is authorized to exceed the statutory limit on repair and alterations to vessels commissioned or converted to meet the existing emergency.

Engineering.  
*Ante*, pp. 265, 272.

Group IV (b) employees.

Repair, etc., of vessels.

## BUREAU OF CONSTRUCTION AND REPAIR

*Ante*, p. 272.

## CONSTRUCTION AND REPAIR

For an additional amount for Construction and Repair, comprising the same objects specified under this head in title I of this Act, including the acquisition and conversion or construction and repair of boom or net tenders, \$8,022,500, to be immediately available, of which not to exceed \$100,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department and the Secretary of the Navy is authorized to exceed the statutory limit on repair and alterations to vessels commissioned or converted to meet the existing emergency.

Construction and repair.  
*Ante*, pp. 265, 272.

Group IV (b) employees.

Repair, etc., of vessels.

## BUREAU OF ORDNANCE

*Ante*, p. 273.

## ORDNANCE AND ORDNANCE STORES, NAVY

For an additional amount for Ordnance and Ordnance Stores, Navy, comprising the same objects specified under this head in title I of this Act, and for essential equipment and facilities at either private or naval establishments for the production of ordnance material, \$31,527,200, to be immediately available: *Provided*, That the sum to be paid out of this increment for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$1,040,000.

Procuring, preserving, etc.  
*Ante*, pp. 265, 273.*Proviso.*  
Group IV (b) employees.

## BUREAU OF SUPPLIES AND ACCOUNTS

*Ante*, p. 274.

## PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

For an additional amount for pay, subsistence, and transportation of naval personnel, comprising the same objects specified under this head in title I of this Act, including three additional officers above the rank of captain in a flight-pay status: *Provided*, That no officer of the Navy or Marine Corps who has been adjudged fitted shall be involuntarily retired during the existing limited emergency, \$3,350,000.

Pay, etc.

*Ante*, pp. 265, 274.*Proviso.*  
Involuntary retirement of certain officers, restriction.

## BUREAU OF YARDS AND DOCKS

*Ante*, p. 279.

## PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Toward the following public works and public utilities projects at a cost not to exceed the amount stated for each project, respectively,

Public works, etc.  
*Ante*, p. 280.

\$53,325,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

- Pearl Harbor, T. H. Navy Yard, Pearl Harbor, Hawaii: Temporary storehouses and accessories, \$1,000,000;
- Guantanamo, Cuba. Naval Station, Guantanamo, Cuba: Defense facilities, including buildings and accessories, \$1,500,000;
- Coco Solo, C. Z. Naval Air Station, Coco Solo, Canal Zone: Breakwater, \$3,000,000;
- Pearl Harbor, T. H. Naval Supply Depot, Pearl Harbor, Hawaii: Quay wall and unloading wharf, \$500,000;
- Net and ammunition storage facilities. Net and ammunition storage facilities: Naval net depots and ammunition storage, including buildings and accessories and the acquisition of land, \$6,262,362;
- Naval aviation shore facilities. *Provided*. Naval aviation shore facilities, including acquisition of land, \$45,000,000: *Provided*, That no part of this amount or any other amount in this title for temporary housing shall be available for erecting, including utilities, upon any site however acquired subsequent to the calendar year 1938, married officers quarters at a unit cost of more than \$8,500, nor bachelor officers quarters at a unit cost of more than \$1,750, nor student flyers quarters at a unit cost of more than \$550; nor barracks for enlisted men at a unit cost of more than \$350: *Provided further*, That no part of this amount, nor of any other amount in this title for temporary housing, shall be available for erecting buildings upon any site acquired subsequent to the calendar year 1938 except of a distinctly temporary character unless structures (such as hospitals, hangars, and storage facilities for inflammable or explosive materials) of a more substantial type are essential to the purpose.
- Construction of buildings. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects mentioned in this Act regardless of location.
- Contracts. The Secretary of the Navy is authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public works and public utilities projects authorized by this Act, or heretofore otherwise authorized.
- Certain personnel, continuance in employment.

*Ante*, p. 282.

## BUREAU OF AERONAUTICS

### AVIATION, NAVY

Aviation expenses.  
*Ante*, pp. 265, 282.

*Provided*.  
Modification of contracts.

Disposal of facilities.

Contracts for new airplanes, etc.

For an additional amount for aviation, Navy, comprising the same objects specified under this head in title I of this Act, to be immediately available, \$43,850,000, which sum is hereby made available for expenditure, in the discretion of the Secretary of the Navy, for the procurement and installation of special facilities for use by contractors in manufacturing aircraft and aeronautical material: *Provided*, That existing contracts for aircraft and aeronautical material may be appropriately modified: *Provided further*, That facilities procured hereunder may be leased, sold, or otherwise disposed of, in the discretion of the Secretary of the Navy, when no longer required for use under naval contracts and the Secretary of the Navy shall report annually to the Congress on the rental, sale, or disposal of the facilities provided for in this Act: *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1941, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of \$100,000,000.

## MARINE CORPS

*Ante*, p. 283.

## GENERAL EXPENSES, MARINE CORPS

For every expenditure requisite for, and incident to, the authorized work of the Marine Corps, other than as appropriated for under the headings of pay and salaries, as follows:

General expenses.

For an additional amount for military supplies and equipment, comprising the same objects specified under this head in title I of this Act, \$408,280.

Military supplies, etc.  
*Ante*, pp. 265, 285.

## ALTERATIONS TO NAVAL VESSELS

*Ante*, p. 286.

On account of the major alterations to the United States battleships New York, Texas, and Arkansas, \$6,000,000, to be immediately available and to remain available until expended.

Battleships *New York, Texas, and Arkansas.*  
*Post*, p. 395.

## REPLACEMENT OF NAVAL VESSELS

*Ante*, p. 286.

Construction and machinery: For an additional amount on account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), including the necessary machine tools and other equipment in naval establishments and Government equipment in private plants required for expediting shipbuilding, to be immediately available and to remain available until expended, including the same objects and under the same conditions and limitations prescribed under this head in title I of this Act, \$65,000,000.

Construction and machinery.

Machine tools, etc.

*Ante*, pp. 265, 286.

Armor, armament, and ammunition: For an additional amount toward the armor, armament, and ammunition for vessels and aircraft heretofore authorized (and appropriated for in part), including the necessary machine tools and other equipment and facilities at naval or private establishments required for expediting shipbuilding, to be immediately available and to remain available until expended, including the same objects and under the same conditions and limitations prescribed under this head in title I of this Act, \$35,000,000: *Provided*, That all parenthetical clauses in title I of this Act in which certain amounts are denominated as "A" and/or "B" items shall be disregarded for all purposes, together with section 3 of such title.

Armor, armament, and ammunition.

Machine tools, etc.

*Ante*, pp. 265, 287.

*Proviso.*  
Disregarding of certain parenthetical clauses ("A" and "B" items) and of section 3 of title I.

*Ante*, p. 291.

## NAVAL PERSONNEL

For additional amounts for twenty thousand Naval enlisted men reservists (for training), five hundred Naval Reserve officers and five hundred retired naval officers, on active duty, during the fiscal year 1941, under headings and for the same objects as specified under their headings in title I of this Act, as follows:

Naval personnel.

## Bureau of Supplies and Accounts:

Pay, subsistence, and transportation, \$20,821,000;

*Ante*, p. 274.

Maintenance, Bureau of Supplies and Accounts, \$1,333,000;

*Ante*, p. 277.

Salaries, Bureau of Supplies and Accounts, \$51,000;

*Ante*, p. 289.

Clothing and small-stores fund, \$3,000,000;

*Ante*, p. 278.

## Bureau of Navigation:

Training, education, and welfare, Navy:

*Ante*, p. 267.

Naval Training Station, San Diego, California, \$11,000;

Naval Training Station, Newport, Rhode Island, \$10,000;

Naval Training Station, Great Lakes, Illinois, \$7,000;

Naval Training Station, Norfolk, Virginia, \$8,000;

Instruction, \$11,000;

Libraries, \$40,000;

Welfare and recreation, \$164,000;

In all, training, education, and welfare, \$251,000;

Salaries, Bureau of Navigation, \$15,000;

*Ante*, p. 288.

**Bureau of Medicine and Surgery:**

Medical Department, \$231,000, of which not to exceed \$10,000 shall be available for the pay of employees assigned to group IV (b), and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department;

Care of the Dead, \$6,000;

Salaries, Bureau of Medicine and Surgery, \$12,000;

Bureau of Yards and Docks: Public Works: Temporary hospital facilities, \$400,000;

Bureau of Construction and Repair:

Construction and repair: Recruit outfits, \$154,000;

Navy Department: Printing and binding, \$13,000;

In all, \$26,287,000: *Provided*, That the Secretary of the Navy in filling out the allowances of naval vessels above 85 per centum of complement shall first assign to active duty for limited periods of training such naval reservists as will voluntarily accept active duty not to exceed five thousand, and the pay and other expenses of such reservists shall be payable out of this appropriation: *Provided further*, That to the extent that naval reservists are not available the Secretary of the Navy shall recruit regular enlisted men in the Navy to the extent necessary to provide an enlisted personnel of not to exceed one hundred and seventy thousand by July 1, 1941.

**MARINE CORPS**

For additional amounts for Marine Corps purposes, including \$9,000 additional enlisted men on active duty, arms, artillery, ammunition, equipment, housing and general expenses, including motor-propelled passenger-carrying vehicles, under headings, and for the same objects as specified under their headings in title I of this Act, as follows:

**Marine Corps:**

Pay, Marine Corps, \$3,200,000;

General expenses, Marine Corps, \$9,327,000;

Pay of civil employees: Offices of the Major General Commandant and the Adjutant and Inspector, \$54,360; Office of the Paymaster, \$17,820; Office of the Quartermaster, \$127,820; in all, \$200,000;

Bureau of Medicine and Surgery: Medical Department, \$12,000;

Bureau of Yards and Docks:

Public Works, Bureau of Yards and Docks: For temporary housing, including extensions of existing structures, \$4,500,000;

Bureau of Ordnance: Ordnance and Ordnance stores, Navy, \$4,899,000;

Bureau of Engineering:

Engineering: For radio material, \$100,000.

**NAVY DEPARTMENT****SALARIES**

For an additional amount for compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, \$28,860;

Office of Naval Intelligence, \$25,520;

Bureau of Aeronautics, \$70,000;

In all, salaries, Navy Department, \$124,380.

*Ante*, p. 278.  
Group IV (b) employees.

*Ante*, p. 279.

*Ante*, p. 289.

*Ante*, pp. 279, 280.

*Ante*, p. 272.

*Ante*, p. 290.

Total.  
*Provisos*.  
Assignment of reservists.

Recruiting of enlisted men, limitation.  
Post, p. 610, § 302.

*Ante*, p. 283.

Personnel, etc.

*Ante*, pp. 265, 283.

*Ante*, p. 283.

*Ante*, p. 278.

*Ante*, pp. 279, 280.

*Ante*, p. 273.

*Ante*, p. 272.

*Ante*, p. 288.

Salaries.

## CONTINGENT EXPENSES

*Ante*, p. 289.

For an additional amount for contingent expenses, Navy Department, \$28,000: *Provided*, That the unobligated balance on June 30, 1940, of the appropriation "Contingent expenses, Navy Department, 1940", is hereby reappropriated and made available for obligation during the fiscal year 1941.

*Proviso*.  
Reappropriation.

## PRINTING AND BINDING

*Ante*, p. 290.

For an additional amount for printing and binding, Navy Department, \$50,000.

## CONTINGENT AND MISCELLANEOUS EXPENSES, HYDROGRAPHIC OFFICE

*Ante*, p. 290.

For an additional amount for contingent and miscellaneous expenses, Hydrographic Office, \$10,000.

## EMERGENCY FUND FOR THE PRESIDENT

*Post*, pp. 377, 1126.

To enable the President, through the appropriate agencies of the Government, without reference to section 3709 of the Revised Statutes, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the Navy Department for the fiscal years 1940 and 1941; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel necessary in connection with the production of critical and essential items of equipment and material and the use or operation thereof; and the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, \$34,000,000; to be immediately available; and, in addition, the President is authorized, through such agencies, on and after the enactment hereof, to enter into contracts for the same purposes to an amount not exceeding \$34,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder, and a report thereon shall be submitted to the Congress on or before June 30, 1942.

Emergency fund.  
41 U. S. C. § 5.Government-owned  
facilities at private  
plants.  
Civilian personnel.Strategic and critical  
materials.  
53 Stat. 811.  
50 U. S. C., Supp.  
V, §§ 98-98f.  
Contracts in addition,  
authorized.*Proviso*.  
Accounting; report  
to Congress.

Approved, June 11, 1940.

## [CHAPTER 314]

## AN ACT

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Cleveland National Forest in San Diego County, California.

June 11, 1940  
[H. R. 169]  
[Public, No. 589]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission, established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Cleveland National Forest in the county of San Diego, State of California, which in his judgment should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from those proportions of the entire receipts from the occupancy of public land or the sale of natural resources other than mineral, within the Cleveland

Cleveland National  
Forest, Calif.  
Acquisition of lands  
in, for soil erosion,  
etc., control.  
36 Stat. 962.Payment from For-  
est receipts, etc.

Appropriation au-  
thorized.  
*Post*, p. 549.  
*Provisos*.  
Use of receipts.  
35 Stat. 260.  
Transfer of unex-  
pended appropria-  
tions.

National Forest, which are equal to the proportion of the net areas of said forest which are within the county of San Diego, State of California, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That as to the receipts used in the manner herein authorized the provisions of the Act approved May 23, 1908 (U. S. C., title 16, sec. 500), shall not be applicable to said county of San Diego: *Provided further*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, June 11, 1940.

[CHAPTER 315]

AN ACT

June 11, 1940  
[H. R. 952]  
[Public, No. 590]

For the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid.

Reimbursement of  
Indians for taxes paid  
on allotted lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to reimburse Indian allottees and Indian heirs of allottees for all taxes paid on so much of their allotted lands as, having been patented in fee prior to the expiration of the period of trust, without application by or consent of the patentee, has been or may be restored to trust status through cancelation of the fee patent by the Secretary of the Interior: *Provided*, That in any case in which a claim against a State, county, or political subdivision thereof for taxes collected upon such lands while the patent in fee was outstanding has been reduced to judgment, and such judgment remains unsatisfied, the Secretary of the Interior is authorized, upon reimbursement by him to the Indian of the amount of taxes, including penalties and interest, paid thereon, and upon payment by the State, county, or political subdivision thereof of the costs of the suit, to cause such judgment to be released: *Provided further*, That in any case in which a claim has been reduced to judgment and such judgment has been satisfied, the Secretary of the Interior is authorized, upon proof of satisfaction thereof, to reimburse the State, county, or political subdivision thereof, for the actual amount of the judgment, exclusive of the costs of litigation.

*Provisos*.  
Release of judg-  
ments.

Reimbursement of  
States, etc.

Appropriation au-  
thorized.

Availability of  
funds.

SEC. 2. There is hereby authorized to be appropriated the sum of \$75,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act.

Any appropriations made pursuant to this section shall remain available until expended.

Approved, June 11, 1940.

## [CHAPTER 316]

## AN ACT

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Angeles National Forest, California.

June 11, 1940  
[H. R. 2009]  
[Public, No. 591]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Angeles National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interests therein, from the entire receipts from occupancy of public land or from the sale of natural resources other than mineral, within the Angeles National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided*, That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Angeles National Forest, Calif.  
Acquisition of lands in, for soil erosion, etc., control.  
36 Stat. 962.

Payment from Forest receipts, etc.

Appropriation authorized.

*Proviso.*  
Transfer of unexpended appropriations.

Approved, June 11, 1940.

## [CHAPTER 317]

## AN ACT

Authorizing the selection of a site in the District of Columbia and the erection thereon of a statue of George Washington.

June 11, 1940  
[H. R. 6158]  
[Public, No. 592]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Architect of the Capitol is authorized and directed to select a suitable site within the Capitol grounds of the United States in the District of Columbia for the erection of a statue of George Washington, and to erect thereon the replica in bronze, cast by the Gorham Company and now in its possession, of the statue by J. Q. A. Ward, which stands on the steps of the Subtreasury Building in the city of New York. Such statue shall be erected upon a suitable granite pedestal, the design of which shall be approved by the National Commission of Fine Arts.

District of Columbia.  
Statue of George Washington.  
Site.

Pedestal.

Appropriation authorized.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to carry out the provisions of this Act.

Approved, June 11, 1940.

## [CHAPTER 318]

## AN ACT

To authorize the Secretary of the Interior to convey to the State of North Carolina for use in connection with the Blue Ridge Parkway certain land within the Cherokee Indian Reservation in the State of North Carolina.

June 11, 1940  
[H. R. 6668]  
[Public, No. 593]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to convey to the State of North Carolina for use as a right-of-way in connection with the Blue Ridge Parkway in the State of North Carolina all right, title, and

Blue Ridge Parkway, N. C.  
Conveyance of land to State of N. C., authorized.

Description.	<p>interest of the United States and the Eastern Band of Cherokee Indians in such land and the timber thereon, to be determined as hereinafter provided, within the Cherokee Indian Reservation in the State of North Carolina as may be necessary for the construction and maintenance of such parkway over the following course: Beginning at a point in State Highway Numbered 293 near Soco Gap and extending to a junction with State Highway Numbered 107, near the mouth of the Ravens Fork of the Oconoluftee River by way of the following approximate controls: Leaving Soco Gap and following the east and northerly slopes of Soco and Bunches Bald ridge and crossing through Docks Gap to the south and west side of Soco and Bunches Bald; thence crossing Lickstone Ridge and entering Bunches Gap from the south; thence from Bunches Gap, following the south slopes of the main ridge, crossing Jenkins Divide ridge and entering Big Witch Gap from the southeast; thence leaving Big Witch Gap in a northwesterly direction and keeping on the northerly and westerly slopes of the main ridge, but crossing the various spur ridges circling around the heads of Mingo Creek and Sherrills Cove, and around the north end of the ridge lying immediately northeast of the Ravensford Mill site, crossing the Oconoluftee River to the junction with State Highway Numbered 107, previously referred to, and in addition, starting in a northeasterly direction from Bunches Gap passing about one-half mile north of Soco Bald; thence turning north and intersecting the boundary between the Qualla Indian Reservation and the Great Smoky Mountains National Park at a point approximately one mile northeast of Bunches Gap.</p>
Survey before conveyance.	<p>SEC. 2. Before making such conveyance, the Secretary of the Interior shall have the lands along such course surveyed and shall determine the exact location and boundaries of the land to be conveyed for use as such right-of-way, which shall not exceed one hundred and twenty-five acres per mile. The deed of conveyance for such land shall contain an accurate description of the location and boundaries of such land in order that the interests of the United States and the Eastern Band of Cherokee Indians may be properly protected.</p>
Deed of conveyance.	<p>SEC. 3. In consideration of conveyance, the State of North Carolina shall pay to the United States the sum of \$40,000 or \$30 per acre for the lands embraced in the right-of-way described in section 1, whichever sum is the largest, which shall be deposited in the Treasury to the credit of the Eastern Band of Cherokee Indians and held in trust by the United States for the Eastern Band of Cherokee Indians. It is understood and agreed that the State of North Carolina shall build without further payment for right-of-way, and without expense to the United States or the Cherokee Indians, a suitable State highway between Soco Gap and Cherokee Village, subject to the same laws, rules and regulations applicable to all State highways of North Carolina.</p>
Payment by State to U. S.	<p>SEC. 4. The Secretary of the Interior is hereby authorized, in his discretion, to grant to the Eastern Band of Cherokee Indians the beneficial interest in any lands selected by the council of said band within the Boundary Tree tract, containing approximately eight hundred and eighty-four acres; and the said Secretary is hereby directed to exclude from the Great Smoky Mountains National Park any lands so selected and granted. Prior to the consummation of any such grant, payment shall be made for all lands included therein by the transfer of a sum equal to the fair market value of such lands, as determined by the Secretary of the Interior, from any funds in the United States Treasury to the credit of said band, including funds made available under section 3 hereof, to the credit of the fund</p>
Deposit.	
Construction of State highway; location.	
Eastern Band of Cherokee Indians. Granting to, of interest in designated lands, authorized.	
Payment by transfer of funds.	

“National Park Service, donations”, which transfer the Secretary of the Treasury is hereby authorized to make upon request by the council of said band approved by the Secretary of the Interior. Funds so transferred shall be available for national park and monument uses, including the acquisition of lands for inclusion in the Great Smoky Mountains National Park. All lands purchased or otherwise acquired for the Eastern Band of Cherokee Indians under authority contained in this Act shall constitute a part of the Cherokee Indian Reservation in North Carolina, shall be held by the United States in trust for said band, and shall be nontaxable, nonalienable to the same extent as other lands within said reservation.

Availability of transferred funds.

Inclusion of acquired lands in Reservation.

Approved, June 11, 1940.

[CHAPTER 319]

AN ACT

To amend the service pension Acts pertaining to the War with Spain, Philippine Insurrection, and the China Relief Expedition to include certain continuous service.

June 11, 1940  
[H. R. 7147]

[Public, No. 594]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in determining the period of active service for the purpose of the Act of May 1, 1926 (Public Law Numbered 166, Sixty-ninth Congress), the Act of June 2, 1930 (Public Law Numbered 299, Seventy-first Congress), and the Act of May 24, 1938 (Public Law Numbered 541, Seventy-fifth Congress), granting service pensions to veterans and dependents of deceased veterans of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, continuous active service entered into during the War with Spain, the Philippine Insurrection, or the China Relief Expedition shall be included although part of such continuous service extended into either the Philippine Insurrection or the China Relief Expedition. Payments of benefits under the provisions of this Act shall be effective the date of enactment thereof as to those persons on the rolls and as to claims pending on the date of enactment of this Act. In all other cases awards of pension authorized hereunder shall be effective from date of application therefor after the date of enactment of this Act.

Pensions.  
Determination of period of active service of certain veterans.  
44 Stat. 382; 46 Stat. 492; 52 Stat. 440.  
38 U. S. C. §§ 364-365h; Supp. V, §§ 364c, 365, 365a, 365d, 370-370d.

Payments, effective date.

Approved, June 11, 1940.

[CHAPTER 320]

AN ACT

To transfer the site and buildings of the Tomah Indian School to the State of Wisconsin.

June 11, 1940  
[H. R. 7130]

[Public, No. 595]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to transfer to the State of Wisconsin, upon such terms and in such manner as may be mutually agreed upon, for institutional or other public use, title to all or any part of the property known and designated as the Tomah Indian School located at Tomah, Wisconsin.

Tomah Indian School, Wis.  
Transfer to State of Wisconsin of title to property.

Approved, June 11, 1940.

## [CHAPTER 321]

## AN ACT

To establish the Hot Springs division of the Western Judicial District of Arkansas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsections (a), (b), (c), (d), (e), (f), and (g) of section 71 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 144), are amended to read as follows:

"SEC. 71. (a) The State of Arkansas is divided into two districts, to be known as the western and eastern districts of Arkansas.

"(b) The western district shall include six divisions constituted as follows: The Texarkana division, which shall include the territory embraced on July 1, 1920, in the counties of Sevier, Howard, Little River, Hempstead, Miller, Lafayette, and Nevada; the El Dorado division, which shall include the territory embraced on such date in the counties of Columbia, Ouachita, Union, Ashley, Bradley, and Calhoun; the Fort Smith division, which shall include the territory embraced on such date in the counties of Polk, Scott, Logan, Sebastian, Franklin, Crawford, and Johnson; the Harrison division, which shall include the territory embraced on such date in the counties of Baxter, Boone, Carroll, Marion, Newton, and Searcy; the Fayetteville division, which shall include the territory embraced on such date in the counties of Benton, Madison, and Washington; and the Hot Springs division, which shall include the territory embraced on such date in the counties of Pike, Clark, Garland, Hot Spring, and Montgomery.

"(c) Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the El Dorado division, at El Dorado on the third Mondays in April and October; for the Fort Smith division, at Fort Smith on the second Mondays in January and June; for the Harrison division, at Harrison on the first Mondays in April and October; for the Fayetteville division at Fayetteville on the second Mondays in March and October and for the Hot Springs division at Hot Springs on the third Mondays in March and September: *Provided*, That suitable rooms and accommodations for holding court at Fayetteville and Hot Springs are furnished without expense to the United States: *Provided further*, That nothing in this section shall be construed to prevent the provision of quarters for the officers of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building or addition or annex thereto which may be constructed in Fayetteville or Hot Springs: *Provided further*, That the referee in bankruptcy of the western division of the eastern district may be appointed by the judge of the western district as referee in bankruptcy for the division herein created at Hot Springs.

"(d) The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Texarkana, Fort Smith, El Dorado, Harrison, and Hot Springs. Such offices shall be kept open at all times for the transaction of the business of the court.

"(e) The eastern district shall include four divisions constituted as follows: The eastern division, which shall include the territory embraced on July 1, 1920, in the counties of Desha, Lee, Phillips, Saint Francis, Cross, Monroe, and Woodruff; the northern division, which shall include the territory embraced on such date in the counties of Fulton, Independence, Cleburne, Stone, Izard, Sharp, and Jackson; the Jonesboro division, which shall include the territory embraced on such date in the counties of Crittenden, Clay, Craighead, Greene,

June 11, 1940  
[H. R. 7811]  
[Public, No. 596]

Judicial Code,  
amendments.  
*Ante*, p. 109.

Arkansas judicial  
districts.

Western district.  
Divisions.  
Texarkana.

El Dorado.

Fort Smith.

Harrison.

Fayetteville.

Hot Springs.

Terms of courts.

*Provided*.  
Accommodations at  
Fayetteville and Hot  
Springs.

Use of Federal build-  
ings, etc.

Referee in bank-  
ruptcy, Hot Springs  
division, appointment.

Offices of clerk.

Eastern district.  
Divisions.  
Eastern.

Northern.

Jonesboro.

Mississippi, Poinsett, Randolph, and Lawrence; the western division, which shall include the territory embraced on such date in the counties of Arkansas, Chicot, Cleveland, Conway, Dallas, Drew, Faulkner, Grant, Jefferson, Lincoln, Lonoke, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, White, and Yell.

“(f) Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro on the first Monday in May and the fourth Monday in November; and for the western division, at Little Rock on the first Monday in April and the third Monday in October.

“(g) The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Helena, Batesville, Jonesboro, and Little Rock. Such offices shall be kept open at all times for the transaction of the business of the court.”

SEC. 2. The Act of April 21, 1926 (ch. 168, 44 Stat. 304), is hereby repealed.

Approved, June 11, 1940.

[CHAPTER 322]

AN ACT

To transfer certain Indian lands to the Grand River Dam Authority, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby granted to the Grand River Dam Authority, a public corporation of the State of Oklahoma, all the right, title, and interest held by the United States and by individual Indians and tribes of Indians in Indian lands located in Ottawa, Delaware, Craig, and Mayes Counties, Oklahoma, lying below an elevation of seven hundred and fifty feet above mean sea level, which may be required for the Grand River Dam Reservoir, subject, however, to the consent of the respective individual Indian owners or tribes as the case may be, the approval of a map of definite location by the Secretary of the Interior, and the payment of such compensation as he may determine: *Provided*, That should any individual owners or tribes refuse their consent, condemnation is hereby authorized, in the appropriate Federal district court, the United States to be made a party defendant with the Indians: *Provided further*, That the consent of the Cherokee Nation shall be given by and through a principal Chief to be appointed under section 6 of the Act of April 26, 1906 (34 Stat. 137, 139): *Provided further*, That as to the lands of the Seneca Indian School, the interest conveyed hereby shall be a flowage easement only.

SEC. 2. The Secretary of the Interior is hereby authorized to prescribe necessary rules and regulations for carrying out this Act, and in his discretion to utilize the compensation received hereunder in the purchase of lieu lands, to be held in like manner as may be appropriate in each case, subject where applicable to the provisions of the Act of June 30, 1932 (47 Stat. 474).

Approved, June 11, 1940.

Western.

Terms of courts.

Offices of clerk.

Repeal of designated act.  
28 U. S. C. § 144 (e).

June 11, 1940  
[H. R. 7901]  
[Public, No. 597]

Grand River Dam Authority.  
Granting to, of certain Indian lands.

Conditions.

*Provided*.  
Condemnation authorized.

Consent of Cherokee Nation.

Seneca Indian School lands.

Regulations, etc.

Purchase of lieu lands.

25 U. S. C. § 409a.

## [CHAPTER 323]

## AN ACT

To amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations.

June 11, 1940  
[H. R. 8119]  
[Public, No. 598]

Criminal Code,  
amendment.

Offenses on lands  
under exclusive or  
concurrent jurisdic-  
tion of U. S.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 272, paragraph Third of the Criminal Code (Act of March 4, 1909, sec. 272; 35 Stat. 1143; U. S. C., title 18, sec. 451) be amended to read as follows:

“Third. When committed within or on any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.”

Approved, June 11, 1940.

## [CHAPTER 324]

## AN ACT

To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 46, sec. 316).

June 11, 1940  
[H. R. 8283]  
[Public, No. 599]

Shipping.

Towing of vessels  
between U. S. ports.

40 Stat. 602.  
46 U. S. C. § 288;  
Supp. V, § 288.

Penalties.

Fines to constitute  
liens on vessels.

Additional penalty.

Term “person” de-  
fined.

Foreign railroad en-  
tering U. S. by means  
of ferry, etc.; opera-  
tion of such vessels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4370 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 46, sec. 316) is amended to read as follows:

“SEC. 4370. (a) It shall be unlawful for any vessel not wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels and not having in force a certificate of registry, a certificate of enrollment, or a license, issued pursuant to title XLVIII or title L of the Revised Statutes, or a certificate of award of number issued pursuant to the Act of June 7, 1918, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), to tow any vessel other than a vessel of foreign registry, or a vessel in distress, from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same, either directly or by way of a foreign port or place, or to do any part of such towing, or to tow any such vessel, from point to point within the harbors of such places. The owner and master of any vessel towing another vessel in violation of the provisions of this section shall each be liable to a fine of not less than \$250 nor more than \$1,000, which fines shall constitute liens upon the offending vessel enforceable through the district court of the United States for any district in which such vessel may be found, and clearance shall not be granted to such vessel until the fines have been paid. The towing vessel shall also be further liable to a penalty of \$50 per ton on the measurement of every vessel towed in violation of this section, which sum may be recovered by way of libel or suit.

“(b) The term ‘person’ as used in subsection (a) of this section, shall be held to include persons, firms, partnerships, associations, organizations, and corporations, doing business or existing under or by the authority of the laws of the United States, or of any State, Territory, district, or other subdivision thereof.

“(c) Any foreign railroad company or corporation, whose road enters the United States by means of a ferry, tugboat, or towboat, may own such vessel and operate the same in connection with the water transportation of the passenger, freight, express, baggage, and mail

cars used by such road, together with the passengers, freight, express matter, baggage, and mails transported in such cars, without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country: *Provided*, That except as authorized by section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 883), such ferry, tugboat, or towboat shall not, under penalty of forfeiture, be used in connection with the transportation of any merchandise shipped from any port or place in the United States, its Territories or possessions, embraced within the coastwise laws of the United States, to any other port or place within the same.

“(d) No foreign vessel shall, under penalty of forfeiture, engage in salvaging operations on the Atlantic or Pacific coast of the United States, in any portion of the Great Lakes or their connecting or tributary waters, including any portion of the Saint Lawrence River through which the international boundary line extends, or in territorial waters of the United States on the Gulf of Mexico, except when authorized by a treaty or in accordance with the provisions of the Act of June 19, 1878, as amended (U. S. C., 1934 edition, title 46, sec. 725): *Provided, however*, That if, on investigation, the Secretary of Commerce is satisfied that no suitable vessel wholly owned by a person who is a citizen of the United States and documented under the laws of the United States or numbered pursuant to the Act of June 7, 1918, as amended (U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), is available in any particular locality he may authorize the use of a foreign vessel or vessels in salvaging operations in that locality and no penalty shall be incurred for such authorized use.

“(e) Nothing in this section shall be held or construed to prohibit or restrict any assistance to vessels or salvage operations authorized by article II of the treaty between the United States and Great Britain ‘concerning reciprocal rights for United States and Canada in the conveyance of prisoners and wrecking and salvage’ signed at Washington, May 18, 1908 (35 Stat. 2036), or by the treaty between the United States and Mexico ‘to facilitate assistance to and salvage of vessels in territorial waters’, signed at Mexico City, June 13, 1935 (49 Stat. 3359).”

Approved, June 11, 1940.

*Proviso.*  
Transportation of merchandise not authorized; exception.  
41 Stat. 999.  
46 U. S. C. § 883; Supp. V, § 883.

Salvaging operations by foreign vessel, restriction.

20 Stat. 175.

*Proviso.*  
Use of foreign vessels.

40 Stat. 602.  
46 U. S. C. § 288; Supp. V, § 288.

Assistance to vessels or salvage operations. Treaties with Great Britain and Mexico.

[CHAPTER 325]

AN ACT

To limit the interpretation of the term “products of American fisheries”.

June 11, 1940  
[H. R. 8475]  
[Public, No. 600]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That wherever, in the statutes of the United States or in the rulings, regulations, or interpretations of various administrative bureaus and agencies of the United States there appears or may appear the term “products of American fisheries” said term shall not include fresh or frozen fish fillets, fresh or frozen fish steaks, or fresh or frozen slices of fish substantially free of bone (including any of the foregoing divided into sections), produced in a foreign country or its territorial waters, in whole or in part with the use of the labor of persons who are not residents of the United States.

“Products of American fisheries,” interpretation.

SEC. 2. This Act shall take effect on the day following the date of enactment hereof.

Effective date.

Approved, June 11, 1940.

## [CHAPTER 326]

## AN ACT

June 11, 1940  
[H. R. 9492]  
[Public, No. 601]

Making it a misdemeanor to stow away on vessels and providing punishment therefor.

Stowaways on ves-  
sels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person, without the consent of the owner, charterer, or master of any vessel and with intent to obtain, without paying therefor, transportation on such vessel to any place, within or without the United States, who shall board, enter, or secrete himself aboard such vessel, and shall be thereon at the time of departure of said vessel from a port, harbor, wharf, or other place within the jurisdiction of the United States, including the Canal Zone, or who, having boarded, entered, or secreted himself aboard such vessel in any place within or without the jurisdiction of the United States, shall remain aboard any such vessel after such vessel has left such place and who shall be found thereon at or before the time of arrival of such vessel at any place within the jurisdiction of the United States, including the Canal Zone, shall be guilty of a misdemeanor and shall be liable to a fine not exceeding \$500 or imprisonment for a period not exceeding one year, or both, in the discretion of the court.

Penalty.

Aiding, etc., in vio-  
lations; penalty.

SEC. 2. Whoever shall knowingly aid, abet, or assist any person to violate this Act shall be guilty of a misdemeanor and shall be liable to a fine not exceeding \$1,000 or imprisonment for a period not exceeding one year, or both, in the discretion of the court.

Certain laws not  
affected.

SEC. 3. Nothing contained in this Act shall modify, restrict, alter, or change in any particular any laws of the United States in existence at the date of enactment of this Act, or which shall be thereafter enacted either for the purpose of preventing any person from entering the United States in violation of the laws of the United States or for the purpose of securing the deportation from the United States of any person who, under the laws of the United States, shall be subject to deportation.

Approved, June 11, 1940.

## [CHAPTER 327]

## JOINT RESOLUTION

June 11, 1940  
[H. J. Res. 537]  
[Pub. Res., No. 82]

To make temporary emergency provision for the determination of foreign construction costs under section 502 (b) of the Merchant Marine Act, 1936, as amended.

Determination of  
foreign ship-construc-  
tion costs.

*Ante*, p. 4.  
22 U. S. C., Supp. V,  
§ 245j.

49 Stat. 1906.  
46 U. S. C., Supp.  
V, § 1152 (b).

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the period of one year from the date of the enactment of this joint resolution or until the revocation within such one-year period of the proclamations heretofore issued by the President under section 1 (a) of the Neutrality Act of 1939, the United States Maritime Commission is authorized to make, upon the basis of conditions existing during the period prior to September 3, 1939, the determinations under section 502 (b) of the Merchant Marine Act, 1936, as amended, of estimated foreign cost of vessels covered by construction contracts executed after that date.

Approved, June 11, 1940.

## [CHAPTER 333]

## AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1941, and for other purposes.

June 12, 1940  
[H. R. 9109]  
[Public, No. 602]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1941, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, \$6,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1940, and all of the remainder out of the combined revenues of the District of Columbia, namely:

District of Columbia Appropriation Act, 1941.

## GENERAL EXPENSES

## EXECUTIVE OFFICE

For personal services, \$48,560, plus so much as may be necessary to compensate the Engineer Commissioner at such rate in grade 8 of the professional and scientific service of the Classification Act of 1923, as amended, as may be determined by the Board of Commissioners: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in accordance with the Classification Act of 1923, as amended, with the exception of the two civilian Commissioners, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Personal services.

*Provisos.*  
Salary restriction.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Exception.

Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

Purchasing division: For personal services, \$56,560.

Department of inspections: For personal services, \$253,760, including two members of plumbing board at \$150 each, and two members, board of examiners, steam engineers, at \$150 each, the inspector of boilers to serve without additional compensation.

Purchasing division  
Department of inspections.  
Post, p. 635.

Office of Poundmaster.

Office of Poundmaster: For personal services, including the salary of the poundmaster at \$2,200 per annum, purchase (including exchange) of one motortruck, maintenance and operation of motor vehicles, and other necessary expenses, \$11,980.

#### PUBLIC CONVENIENCE STATIONS

Maintenance.

For maintenance of public convenience stations, including compensation of necessary employees, \$14,000.

#### CARE OF THE DISTRICT BUILDINGS

Personal services.

For personal services, including temporary labor, and service of cleaners as necessary at not to exceed 48 cents per hour, \$196,210: *Provided*, That no other appropriation made in this Act shall be available for the employment of additional assistant engineers or watchmen for the care of the District buildings.

*Provided.*  
Additional assistant engineers or watchmen.

Fuel, light, etc.

For fuel, light and power, repairs, laundry, and miscellaneous supplies, \$95,730.

#### ASSESSOR'S OFFICE

Personal services.

For personal services, \$293,940.

#### BOARD OF TAX APPEALS

Personal services.  
52 Stat. 370; 53 Stat. 1108.

20 D. C. Code,  
Supp. V, §§ 972-979e.

For personal services in accordance with title IX of the Act entitled "An Act to amend the District of Columbia Revenue Act of 1937, and for other purposes", approved May 16, 1938, as amended by the Act of July 26, 1939, \$14,040.

#### COLLECTOR'S OFFICE

Personal services.

For personal services, \$53,320.

#### AUDITOR'S OFFICE

Personal services.  
Disbursing officer,  
compensation.

For personal services, \$159,640; and the compensation of the present incumbent of the position of disbursing officer of the District of Columbia shall be exclusive of his compensation as United States property and disbursing officer for the National Guard of the District of Columbia.

#### OFFICE OF CORPORATION COUNSEL

Corporation counsel,  
extra pay.  
Personal services.

Corporation counsel, including extra compensation as general counsel of the Public Utilities Commission, and other personal services, \$122,880.

#### ALCOHOLIC BEVERAGE CONTROL BOARD

Personal services  
and expenses.

For personal services, streetcar and bus transportation, telephone service, not exceeding \$1,000 for the purchase of samples, not exceeding \$100 for witness fees, and not less than \$8,000 for beverage tax stamps, and other necessary contingent and miscellaneous expenses, \$44,160.

#### CORONER'S OFFICE

Personal services.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Morgue, etc., ex-  
penses.

For personal services, including deputy coroners, in accordance with the Classification Act of 1923, as amended, \$13,180.

For the maintenance of a non-passenger-carrying motor wagon for the morgue, jurors' fees, witnesses' fees, ice, disinfectants, telephone service, and other necessary supplies, repairs to the morgue,

and the necessary expenses of holding inquests, including stenographic services in taking testimony and photographing unidentified bodies, \$4,700.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS

For personal services, \$58,460.

Weights, measures, and markets, expenses: For contingent expenses, and maintenance and repairs to markets, including not to exceed \$1,000 for purchase of commodities and for personal services in connection with investigation and detection of sales of short weight and measure, maintenance and repair of motor vehicles, and not exceeding \$750 for the purchase, including exchange, of one motor vehicle equipped for making investigations of sales of gasoline and oil by short measure, \$9,175.

Personal services.  
Contingent ex-  
penses.

Vehicles.

OFFICE OF CHIEF CLERK, ENGINEER DEPARTMENT

For personal services, \$32,340.

Personal services.

MUNICIPAL ARCHITECT'S OFFICE

For personal services, \$64,880.

All apportionments of appropriations for the use of the municipal architect in payment of personal services employed on construction work provided for by said appropriations shall be based on an amount not exceeding 3 per centum of a total of not more than \$2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per centum of a total of the appropriations in excess of \$2,000,000, and appropriations specifically made in this Act for the preparation of plans and specifications shall be deducted from any allowances authorized under this paragraph: *Provided*, That reimbursements may be made to this fund from appropriations contained in this Act for services rendered other activities of the District Government, without reference to fiscal-year limitations on such appropriations.

Personal services.  
Apportionments of  
appropriations.

Post, pp. 319, 320.

Proviso.  
Reimbursements.

PUBLIC UTILITIES COMMISSION

For two commissioners, and for other personal services, \$69,920.

For incidental and all other general necessary expenses authorized by law, including the purchase of newspapers, \$1,500.

No part of the appropriations contained in this Act shall be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission.

Commissioners, etc.

Incidental, etc., ex-  
penses.

Meters in taxicabs;  
zones and rates.

DEPARTMENT OF INSURANCE

For personal services, \$28,000.

Personal services.

SURVEYOR'S OFFICE

For personal services, \$80,820.

Personal services.

MINIMUM WAGE BOARD

For personal services, \$15,280.

Personal services.

## ZONING COMMISSION

Salaries and expenses.

For salaries and expenses necessary for the administration of the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, \$10,860.

52 Stat. 797.  
25 D. C. Code,  
Supp. V, §§ 531-547.

## COMMISSION ON MENTAL HEALTH

Compensation of members, etc.

For compensation of members of the Commission on Mental Health of the District of Columbia, and other personal services, including payment of witness fees and mileage, \$18,720: *Provided*, That the salary of the executive secretary shall be at the rate of \$3,000 per annum and the salary of each physician-member shall be at the rate of \$3,800 per annum.

*Proviso.*  
Executive secretary;  
physician-members.

## DISTRICT OF COLUMBIA EMPLOYEES' COMPENSATION FUND

Payments for injuries.

For carrying out the provisions of section 11 of the District of Columbia Appropriation Act approved July 11, 1919, extending to the employees of the government of the District of Columbia the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, \$41,500.

41 Stat. 104.  
5 U. S. C. § 794.

39 Stat. 742.  
5 U. S. C. §§ 751-793.

Administrative expenses.

Administrative expenses, compensation to injured employees in the District of Columbia: For the enforcement of the Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (45 Stat. 600), \$65,900, for transfer to and expenditure by the Employees' Compensation Commission under its appropriations "Salaries and expenses", \$65,600, and "Printing and binding", \$300.

19 D. C. Code §§ 11,  
12.

Transfer of funds.  
*Post*, p. 594.

Retirement Act, contribution.

For financing of the liability of the government of the District of Columbia, created by the Act entitled "An Act for the retirement of employees in the classified civil service, and for other purposes", approved May 22, 1920, and Acts amendatory thereof (5 U. S. C. 707a), \$805,110, which amount shall be placed to the credit of the "civil service retirement and disability fund".

41 Stat. 614.  
5 U. S. C. §§ 601-738;  
Supp. V, §§ 603-736b.

## REGISTER OF WILLS

Personal services.

For personal services, \$77,980.

Contingent expenses.

For miscellaneous and contingent expenses, telephone bills, printing, contract statistical services, typewriters, photostat paper and supplies, including laboratory coats and photographic developing-room equipment, towels, towel service, window washing, streetcar tokens, furniture and equipment and repairs thereto, and purchase of books of reference, law books, and periodicals, \$13,120.

## RECORDER OF DEEDS

Personal services.

For personal services, \$112,920.

Contingent expenses.

For miscellaneous and contingent expenses, including telephone service, printing, binding, rebinding, repairing, and preservation of records; typewriters, towels, towel service, furniture and equipment and repairs thereto; books of reference, law books and periodicals, streetcar tokens, postage; not exceeding \$100 for rest room for sick and injured employees and the equipment of and medical supplies for said rest room, and all other necessary incidental expenses, \$12,500.

Rent.  
*Post*, p. 342.

For rent of offices of the recorder of deeds, \$15,000, to be expended without reference to the provisions of section 6 of this Act.

## CONTINGENT AND MISCELLANEOUS EXPENSES

For checks, books, lawbooks, books of reference, periodicals, newspapers, stationery; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; ice; including \$575 for affiliation with the National Safety Council, Incorporated; traveling expenses not to exceed \$3,000; including payment of dues and traveling expenses in attending conventions when authorized by the Commissioners of the District of Columbia; expenses authorized by law in connection with the removal of dangerous or unsafe and insanitary buildings, including payment of a fee of \$6 per diem to each member of board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings; not exceeding \$3,000 for the settlement of claims not in excess of \$250 each, approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat. 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500); not to exceed \$250 to aid in support of the National Conference of Commissioners on Uniform State Laws; maintenance and repair of wharves; and other general necessary expenses of District offices, \$33,000: *Provided*, That no part of this or any other appropriation contained in this Act shall be expended for printing or binding a schedule or list of supplies and materials for the furnishing of which contracts have been or may be awarded.

For postage for strictly official mail matter, including the rental of postage-meter equipment, \$29,700.

For judicial expenses, including witness fees, and expert services in District of Columbia cases before the District Court of the United States for the District of Columbia, \$1,500: *Provided*, That the Commissioners of the District of Columbia are authorized, when in their judgment such action be deemed in the public interest, to contract for stenographic reporting services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) under available appropriations contained in this Act: *Provided further*, That neither the District of Columbia nor any officer thereof acting in his official capacity for the District of Columbia shall be required to pay court costs to the clerk of the District Court of the United States for the District of Columbia.

For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, \$6,500: *Provided*, That this appropriation shall not be available for the payment of advertising in newspapers published outside of the District of Columbia, notwithstanding the requirement for such advertising provided by existing law.

For advertising notice of taxes in arrears July 1, 1940, as required to be given by the Act of February 28, 1898, as amended, to be reimbursed by a charge of 50 cents for each lot or piece of property advertised, \$3,000: *Provided*, That this appropriation shall not be available for the payment of advertising the delinquent tax list for more than once a week for two weeks in the regular issue of one morning or one evening newspaper published in the District of Columbia, notwithstanding the provisions of existing law.

For printing and binding \$48,125: *Provided*, That no part of the appropriation contained in this Act shall be available for expenditure for printing and binding unless the need for such expenditure shall have been specifically approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor

Checks, books, newspapers, etc.

National Safety Council, Inc.

Removal of unsafe, etc., buildings.

Settlement of claims.

20 D. C. Code §§ 103-106.  
20 D. C. Code, Supp. V, § 103.  
Uniform State laws, conference.

*Proviso.*  
Printing, etc., list of supplies.

Postage.

Judicial expenses.

*Provisos.*  
Stenographic reporting services.

No court costs in designated court.

General advertising.

*Proviso.*  
Advertising outside D. C.

Taxes in arrears.  
30 Stat. 250.  
20 D. C. Code §§ 791-798; Supp. V, §§ 791-798.  
*Proviso.*  
Advertising of delinquent tax list.

Printing and binding.  
*Provisos.*  
Approval of requisition.

Reappropriation.  
53 Stat. 1009.

for the District of Columbia acting for such Commissioners: *Provided further*, That the unexpended balance of the appropriation under this head in the District of Columbia Appropriation Act, 1940, is hereby continued available until June 30, 1941.

#### CENTRAL GARAGE

Automobiles, maintenance, etc.

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, including personal services, \$62,460; for purchase (including exchange) of passenger-carrying automobiles, \$10,000; and for purchase (including exchange) of one ambulance for the Health Department, \$2,000; in all, \$74,460.

Private vehicle allowances.

For allowances for furnishing privately owned motor vehicles in the performance of official duties at a rate of not to exceed \$264 per year for each automobile, \$10,560: *Provided*, That allowances under this appropriation shall be made only to persons whose duties require full-time field service.

*Proviso.*  
Restriction.

Use of District-owned vehicles.

All motor-propelled passenger-carrying vehicles owned by the District of Columbia shall be used exclusively for "official purposes" directly pertaining to the public services of said District, and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof or direct the joint or interchangeable use of any of the same by officials and employees of the District, except as otherwise provided in this Act; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except as to the Commissioners of the District of Columbia and in cases of officers and employees the character of whose duties makes such transportation necessary, and then only as to such latter cases when the same is approved by the Commissioners: *Provided*, That no passenger-carrying automobile, except busses, station wagons, patrol wagons, and ambulances, and except as otherwise specifically authorized in this Act, shall be acquired under any provision of this Act, by purchase or exchange, at a cost, including the value of a vehicle exchanged, exceeding \$650. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

*Proviso.*  
Cost limitation.

Appropriations in this Act shall not be used for the payment of premiums or other cost of fire insurance.

Restriction on transfers.

Fire-insurance premiums.

Streetcar and bus fares.

The Commissioners are authorized, in their discretion, to furnish necessary transportation in connection with strictly official business of the District of Columbia by the purchase of streetcar and bus fares from appropriations contained in this Act: *Provided*, That the expenditures herein authorized shall be so apportioned as not to exceed a total of \$11,100: *Provided further*, That the provisions of this paragraph shall not include the appropriations herein made for the fire and police departments.

*Provisos.*  
Limitation on expenditures.

Fire and police departments excepted.

#### EMPLOYMENT SERVICE

Personal services, etc.

For personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, \$4,640.

#### EMERGENCY FUND

Emergency fund.

To be expended in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood, or fire, or storm, and of like character, and for other purposes, in the discretion of the Commissioners, \$3,500, of which sum \$1,000 shall be immediately avail-

able: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of this appropriation for such purposes as they may deem necessary.

*Proviso.*  
Voucher for expenditure.

#### REFUND OF ERRONEOUS COLLECTIONS

To enable the Commissioners, in any case where taxes, special assessments, school-tuition charges, payments for lost library books, rents, fines, fees, or collections of any character have been erroneously covered into the Treasury to the credit of the general revenues of the District of Columbia, to refund such erroneous payments, wholly or in part, including the refunding of fees paid for building permits authorized by the District of Columbia Appropriation Act approved March 2, 1911 (36 Stat. 967), \$68,000: *Provided*, That this appropriation shall be available for such refunds of payments made within the past three years.

Payments authorized.  
*Post*, p. 636.

Building permits.  
20 D. C. Code §923.

*Proviso.*  
Availability.

#### REPAYMENT OF LOAN FROM PUBLIC WORKS ADMINISTRATION

For reimbursement to the United States, in compliance with section 3 of the Act approved June 25, 1938 (52 Stat. 1203), of funds loaned under the authority of said Act, including interest, \$800,000.

Reimbursement.  
52 Stat. 1204.

#### FREE PUBLIC LIBRARY

For personal services, and for substitutes and other special and temporary services, including extra services on Sundays, holidays, and Saturday half holidays, at the discretion of the librarian, \$435,380.

Personal services.

Miscellaneous: For books, periodicals, newspapers, and other printed material, including payment in advance for subscription books, and society publications, including not exceeding \$300 for music records and sound recordings, \$72,500, of which \$25,000 shall be immediately available for the stocking of the new Southwest Branch Library: *Provided*, That the disbursing officer of the District of Columbia is authorized to advance to the librarian of the Free Public Library, upon requisition previously approved by the auditor of the District of Columbia, sums of money not exceeding \$25 at the first of each month, to be expended for the purchase of certain books, pamphlets, numbers of periodicals or newspapers, or other printed material, and to be accounted for on itemized vouchers.

Miscellaneous.

Southwest Branch Library.

*Proviso.*  
Advances for purchase of books, etc.

Accounting.

Binding.

Contingent expenses.

For binding, including necessary personal services, \$17,500.

For maintenance, alterations, repairs, fuel, lighting, fitting up buildings, care of grounds, maintenance of motor delivery vehicles, and other contingent expenses, \$48,000, of which \$11,000 shall be immediately available for furniture and equipment for the new Southwest Branch.

For rent of suitable quarters for branch libraries in Chevy Chase and Woodridge, \$5,760.

Chevy Chase and Woodridge branches, rent.

Library building, construction.

For continuing the construction in square 491 of the first unit of an extensible library building, including quarters for the administrative offices of the Board of Education, \$200,000: *Provided*, That the unexpended balances of the amounts made available by the District of Columbia Appropriation Act, 1940, for the preparation of plans and specifications for this building shall remain available for the same purposes and under the same conditions and limitations until June 30, 1941.

*Proviso.*  
Reappropriation.  
53 Stat. 1011.

SEWERS

Personal services. For personal services, \$183,860.

Cleaning, repairing, etc. For cleaning and repairing sewers and basins, including the replacement of the following motortrucks: Two at not to exceed \$975 each and one at not to exceed \$4,000; and for operation and maintenance of the sewage pumping service, including repairs to equipment, machinery, and pumping stations, and employment of mechanics and laborers, purchase of electricity, fuel, oil, waste, and other supplies, and the maintenance of non-passenger-carrying motor vehicles used in this work, \$228,700.

Motortrucks.

Construction. For construction of sewers and receiving basins, including the maintenance of non-passenger-carrying motor vehicles used in this work, and the replacement of the following motortrucks: One at not to exceed \$975 and two at not to exceed \$3,500 each, \$300,000.

Motortrucks.

Assessment and permit work. For assessment and permit work, sewers, including not to exceed \$1,000 for purchase or condemnation of rights-of-way for construction, maintenance, and repair of public sewers, \$275,000, of which \$75,000 shall be immediately available.

Mosquito control. For the control and prevention of the spread of mosquitoes in the District of Columbia, including personal services, operation, maintenance, and repair of motor-propelled vehicles, purchase of two motortrucks at \$550 each to replace two motorcycles and package cars; purchase of oil, and other necessary expenses, \$12,000: *Provided*, That of the amount herein appropriated there may be transferred, in the interest of coordinating the work of mosquito control in the District of Columbia, not to exceed \$1,500 to the Public Health Service of the Federal Security Agency, the amount so transferred to be available for the objects herein specified.

Vehicles.

*Proviso.* Transfer of funds to Public Health Service. *Post*, p. 584.

Sewage treatment plant. Sewage treatment plant: For operation and maintenance, including salaries and wages of necessary employees, supplies, repairs to buildings and equipment, purchase of electric power, fuel, oil, waste, and other necessary expenses, including the maintenance of non-passenger-carrying motor vehicles used in this work, \$200,000.

Vehicles.

COLLECTION AND DISPOSAL OF REFUSE

Personal services. For personal services, \$137,020.

Sweeping streets, avenues, etc. For dust prevention, sweeping and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the Commissioners, including services and purchase and maintenance of equipment, rent of storage rooms; maintenance and repair of garages; maintenance and repair of non-passenger-carrying motor-propelled vehicles necessary in cleaning streets, purchase and exchange of motor-propelled street-cleaning equipment, not to exceed \$29,400, and necessary incidental expenses, \$445,160.

Garbage, dead animals, etc. To enable the Commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia, including inspection; fencing of public and private property designated by the Commissioners as public dumps; including not to exceed \$47,000 for the purchase and exchange of non-passenger-carrying motor vehicles; and incidental expenses, \$920,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants.

Vehicles.

*Proviso.* Collection restriction.

## ELECTRICAL DEPARTMENT

For personal services, \$97,780.

For general supplies, repairs, new batteries and battery supplies, telephone rental and purchase, telephone service charges, wire and cable for extension of telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record book, stationery, extra labor, new boxes, maintenance of motortrucks, and other necessary items, \$35,700.

For placing wires of fire alarm, police patrol, and telephone services underground, extension and relocation of police-patrol and fire-alarm systems, purchase and installing additional cables, labor, material, appurtenances, and other necessary equipment and expenses, \$30,000.

Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008-1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181-184, sec. 7), and other laws applicable thereto, \$757,500: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Personal services.

Supplies, contingent expenses, etc.

Placing wires of fire-alarm, etc., services underground.  
*Ante*, p. 85.

Street lighting.

Airway lights.

12 D. C. Code §§ 91-95, 97; Supp. V, §§ 91, 95.

12 D. C. Code § 91; Supp. V, § 91.  
*Provisos.*  
Rates, limitation.

Award to lowest bidder.

## PUBLIC SCHOOLS

For personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat. 367-375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, \$704,550.

For personal services of clerks and other employees, \$192,340.

For personal services in the department of school attendance and work permits in accordance with the Act approved June 4, 1924 (43 Stat. 367-375), the Act approved February 5, 1925 (43 Stat. 806-808), and the Act approved May 29, 1928 (45 Stat. 998), \$41,500.

For personal services of teachers and librarians in accordance with the Act approved June 4, 1924 (43 Stat. 367-375), including for teachers colleges assistant professors in salary class eleven, and professors in salary class twelve, and including \$12,900 for health and physical education teachers to supervise play in schools of the central area bounded by North Capitol Street on the east, Florida Avenue on the north, the Mall on the south, and Twelfth Street on the west,

Administrative and supervisory officers.

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.

Clerks, etc.

School attendance and work permits department.

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.  
7 D. C. Code §§ 91-143.

Teachers, librarians, etc.

7 D. C. Code, ch. 2; Supp. V, ch. 2.

- Provisos.*  
Filling of vacancies. \$7,334,194: *Provided*, That teaching vacancies that occur during the fiscal year 1941 wherever found may be filled by the assignment of teachers of special subjects and teachers not now assigned to classroom instruction, and such teachers are hereby made eligible for such assignment without further examination: *Provided further*, That the average of the salaries paid librarians in the public schools shall not exceed the average of the salaries paid employees performing the same grade of work in the Free Public Library: *And provided further*, That the Board of Education is hereby authorized to appoint two additional teachers, class 2-A, for instruction in automobile driving at a beginning salary of \$2,000 each.
- Librarians, pay restriction. For the instruction and supervision of children in the vacation schools, and supervisors and teachers of vacation schools may also be supervisors and teachers of day schools, \$30,400.
- Instruction in automobile driving. For financing one hundred and ten lectures on the effect of alcohol, marihuana, and other narcotics to be delivered by physicians and/or other qualified lecturers in all the public school buildings in the District of Columbia, which have auditoriums or other seating facilities for student assemblies, including elementary schools, high schools, and teacher's colleges, \$550.
- Vacation schools, instruction, etc.
- Lectures on effects of alcoholic liquors and narcotics.

## NIGHT SCHOOLS

- Salaries. For teachers and janitors of night schools, including teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools, \$102,180.
- Contingent expenses. For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, \$4,000.

## AMERICANIZATION WORK

- Instruction of foreigners. For Americanization work and instruction of foreigners of all ages in both day and night classes, and teachers and janitors of Americanization schools may also be teachers and janitors of the day schools, \$8,800.
- Contingent expenses. For contingent and other necessary expenses, including books, equipment, and supplies, \$600.
- Instruction of children of veterans killed, etc., during World War. For carrying out the provisions of the Act of June 19, 1934 (34 U. S. C. 945), entitled "An Act providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War", \$700.
- Vocational education. For the development of vocational education in the District of Columbia in accordance with the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488), including teacher training and supervision, trades and industries, home economics, distributive occupations, and for salaries of teacher trainers and supervisors, clerical service, printing, supplies, and postage, \$23,599.

## COMMUNITY CENTER DEPARTMENT

- Salaries and expenses. For all expenses necessary for the operation and maintenance of the Community Center Department, including the expense of keeping open the public-school playgrounds during the summer months, such expenses to include personal services of the director, general secretaries and community secretaries in accordance with the Act approved June 4, 1924 (43 Stat. 369); clerks and part-time employees, including janitors on account of meetings of parent-

teacher associations and other activities; directors, supervisors, and other playground personnel at rates of pay to be fixed by the Board of Education, without reference to the Classification Act of 1923, as amended; special and temporary services, directors, assistants, and janitor service during the summer vacation, and in the larger yards, daily after school hours during the school term; supplies; medals; trophies; awards; lighting fixtures; and equipment, \$280,320: *Provided*, That such public-school playgrounds shall be kept open for play purposes in accordance with the schedule heretofore maintained for playgrounds while under the jurisdiction of the playground department: *Provided further*, That the activities provided for under this appropriation shall be operated under the joint control, supervision, and direction of the Commissioners of the District of Columbia and the Board of Education.

Playground personnel.

42 Stat. 1488,  
5 U. S. C. §§ 631-674;  
Supp. V, §§ 673, 673c.

*Provided*.  
Playground schedules.

Operation of activities.

#### CARE OF BUILDINGS AND GROUNDS

For personal services, including care of portable buildings at a rate not to exceed \$96 per annum for the care of each building, \$981,385.

Personal services.

#### MISCELLANEOUS

For the maintenance of schools for crippled pupils, \$4,000.

Schools for crippled pupils.

For transportation for pupils attending schools for sight-conservation pupils, and crippled pupils, \$16,000: *Provided*, That expenditures for streetcar and bus fares from this fund shall not be subject to the general limitations on the use of streetcar and bus fares covered by this Act.

Transportation for pupils.  
*Provided*.  
Streetcar, etc., fares.

For purchase and repair of furniture, tools, machinery, material, and books, and apparatus to be used in connection with instruction in manual and vocational training, and incidental expenses connected therewith, and for insurance and all other necessary expenses in connection with the operation, maintenance, and repair of District owned or loaned automobiles used in driver-training courses, \$70,675, to be immediately available.

Manual, etc., training.

Driver-training courses.  
Maintenance, etc., of automobiles.

For fuel, gas, and electric light and power, \$300,000: *Provided*, That this appropriation shall be so apportioned and distributed over the fiscal year ending June 30, 1941, and shall be so administered, during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes.

Fuel, light, and power.  
*Provided*.  
Apportionment.

For contingent expenses, including United States flags, furniture and repairs of same, stationery, ice, paper towels, and other necessary items not otherwise provided for, and including not exceeding \$10,000 for books of reference and periodicals, not exceeding \$1,500 for replacement of pianos at an average cost of not to exceed \$300 each, and not exceeding \$7,000 for labor; in all, \$160,387, to be immediately available, of which not to exceed \$2,100 may be expended for tabulating school census cards either by contract or by day labor as the Commissioners may determine: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia.

Contingent expenses.

*Provided*.  
Military supplies issued to students, bond not required.

For the purchase of furniture and equipment to replace worn-out furniture and equipment, including not to exceed \$6,750 for the establishment of a new office-practice room in Eastern High School, \$15,000.

Replacement of worn-out equipment, etc.

For completely furnishing and equipping buildings and additions to buildings, as follows: Calvin Coolidge Senior High School; Thomas Jefferson Memorial Junior High School; Randall Junior

Furnishing and equipping designated buildings.

High School; Dennison Vocational School; Ketcham School; Montgomery School; Banneker Junior High School; \$304,171, to be immediately available.

Supplies to pupils.  
7 D. C. Code, Supp.  
V, §§ 253-258.

For textbooks and other educational books and supplies as authorized by the Act of January 31, 1930 (46 Stat. 62), including not to exceed \$7,000 for personal services, \$193,000, to be immediately available.

Kindergartens.

For maintenance of kindergartens, \$5,600, to be immediately available.

Supplies for general  
science, etc., depart-  
ments.

For purchase of apparatus, fixtures, specimens, technical books, and for extending the equipment and for the maintenance of laboratories of the department of physics, chemistry, biology, and general science in the several high and junior high schools, vocational schools, and teachers colleges, and for the installation of the same, \$17,750, to be immediately available.

School gardens,  
utensils, etc.

For utensils, materials, and labor, for establishment and maintenance of school gardens, and for use in teaching elementary science in connection therewith, \$3,600.

Repairs, etc., to  
school buildings.

For repairs and improvements to school buildings and grounds, including maintenance of motortrucks, and not to exceed \$975 for the replacement of one one and one-half ton truck, not to exceed \$20,000 for replacement of boilers, not to exceed \$12,000 for replacement of the heating plant at the Garfield School, not to exceed \$3,000 for replacement of insanitary drinking fountains, not to exceed \$7,000 for replacement of insanitary toilet facilities, and not to exceed \$11,110 for alterations and improvements to the building and grounds of the Health School located on Thirteenth Street near Allison Street, Northwest, and for the purchase and installation of equipment for such school, \$466,585, of which amount \$100,000 shall be immediately available: *Provided*, That work performed for repairs and improvements under appropriations contained in this Act shall be by contract or otherwise, as may be determined by the Commissioners to be most advantageous to the District of Columbia: *Provided further*, That this appropriation shall be available for performing work of repairs and improvements to other municipal buildings, subject to reimbursement covering the cost of such work, and a report of expenditures for such repairs and improvements to other municipal buildings shall be submitted to Congress in the annual Budget.

Garfield School,  
heating plant.

Health School, al-  
terations, etc.

*Provisos*.  
Contracts, etc.

Repairs, etc., to  
other municipal build-  
ings; reimbursement.

Report to Congress.

Improvement of  
municipal play-  
grounds.

For improvement of various municipal playgrounds and recreation centers, including erection of shelter houses, \$25,000, of which not exceeding \$1,000 shall be immediately available for the preparation of architectural and landscaping plans.

Annuities.

To carry out the purposes of the Act approved June 11, 1926, entitled "An Act to amend the Act entitled 'An Act for the retirement of public-school teachers in the District of Columbia', approved January 15, 1920, and for other purposes" (41 Stat. 387-390), \$609,000.

44 Stat. 727.  
7 D. C. Code §§ 61-  
79; Supp. V, §§ 70, 70a.

#### THE DEAF, DUMB, AND BLIND .

Maintenance and  
instruction.

For maintenance and instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the Act approved March 1, 1901 (24 U. S. C. 238), and under a contract to be entered into with the said institution by the Commissioners, \$36,500.

31 Stat. 844.  
7 D. C. Code § 218.

Colored deaf-mutes.

For maintenance and instruction of colored deaf-mutes of teachable age belonging to the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Com-

missioners, \$10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

*Proviso.*  
Supervision of expenditures.

For maintenance and instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the Commissioners, \$11,500: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the Board of Education.

Blind children.

*Proviso.*  
Supervision of expenditures.

No part of any appropriation made in this Act shall be paid to any person employed under or in connection with the public schools of the District of Columbia who shall solicit or receive, or permit to be solicited or received, on any public-school premises, any subscription or donation of money or other thing of value from any pupil enrolled in such public schools for presentation of testimonials to school officials or for any purpose except such as may be authorized by the Board of Education at a stated meeting upon the written recommendation of the superintendent of schools.

Solicitation of subscriptions, etc.

No money appropriated in this Act for the purchase of furniture and equipment and school supplies for the public schools of the District of Columbia shall be expended unless the requisitions of the Board of Education therefor shall be approved by the Commissioners of the District of Columbia, or by the purchasing officer and the auditor for the District of Columbia acting for the Commissioners.

Requisitions for equipment, approval by Commissioners.

The Board of Education is authorized to designate the months in which the ten salary payments now required by law shall be made to teachers assigned to instruction in nature study and school gardening, and in health, physical education, and playground activities.

Nature study, etc., teachers.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools without payment of tuition.

Children of Army, Navy, etc., personnel, admission to schools.

#### BUILDINGS AND GROUNDS

For beginning construction of an eight-room addition to the Syphax School, including an assembly hall-gymnasium and the necessary remodeling of the present building, \$95,000, and the Commissioners are authorized to enter into contract or contracts for such addition at a cost not to exceed \$215,000: *Provided*, That not to exceed \$4,515 of the amount herein appropriated may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and to be available for the preparation of plans and specifications for said building;

Syphax School, addition and remodeling.

*Proviso.*  
Funds for plans, etc.  
*Ante*, p. 309.

For beginning construction of a junior high school building on land owned by the District of Columbia in the vicinity of Seventeenth and Q Streets Southeast, \$445,000, and the Commissioners are authorized to enter into contract or contracts for such building at a cost not to exceed \$881,850: *Provided*, That not to exceed \$18,518 of the amount herein appropriated may be transferred to the credit of the appropriation account, "Municipal Architect's Office, construction services", and be available for the preparation of plans and specifications for said building;

Junior high school, Seventeenth and Q Streets SE., construction.

*Proviso.*  
Funds for plans, etc.  
*Ante*, p. 309.

For the preparation of plans and specifications for a new extensible senior high school building to be constructed, at a total cost of not to exceed \$900,000, on a site already owned by the District of Columbia at Twenty-fourth Street and Benning Road Northeast, \$20,000, which amount may be transferred to the credit of the appropriation account, "Municipal Architect's Office, construction services", and be available for the above purposes, including the employment of personal serv-

New extensible senior high school, preparation of plans, etc.  
Site.  
*Ante*, p. 309.

41 U. S. C. § 5.  
42 Stat. 1488.  
5 U. S. C. §§ 661-  
674; Supp. V, §§ 673,  
673c.  
New elementary  
school, preparation of  
plans, etc.  
Site.  
*Ante*, p. 309.

New elementary  
school, preparation of  
plans, etc.  
Site.  
*Ante*, p. 309.

Availability of  
funds; accounting.

*Proviso.*  
Restriction.

Purchase of school  
building and play-  
ground sites.

Instruction of chil-  
dren under five years  
of age, limitation.

*Proviso.*  
Exception.

Building contracts,  
requirements.

*Proviso.*  
Right to reject bids.

Preparation of  
plans, etc.

ices without reference to section 3709 of the Revised Statutes or the Classification Act of 1923, as amended, and civil service requirements;

For the preparation of plans and specifications for a new elementary school building to be constructed at a total cost of not to exceed \$500,000, on a site to be purchased in the vicinity of Eleventh and G Streets Southeast, to replace the Cranch, Tyler, and Van Ness Schools, \$10,500, which amount may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and be available for the above purposes;

For the preparation of plans and specifications for a new elementary school building to be constructed at a total cost of not to exceed \$500,000, on a site to be purchased in the vicinity of the Brent School, to replace the Brent, Dent, Lenox, and French Schools, \$10,500, which amount may be transferred to the credit of the appropriation account "Municipal Architect's Office, construction services", and be available for the above purposes;

In all, \$581,000, to be immediately available and to be disbursed and accounted for as "Buildings and grounds, public schools", and for that purpose shall constitute one fund and remain available until expended: *Provided*, That no part of this appropriation shall be used for or on account of any school building not herein specified.

For the purchase of school building and playground sites as follows:

For the purchase of additional land west of the present site of the Rose Lees Hardy School to offset land to be carved out of the present site for street extensions;

For the purchase of a site in the vicinity of Thirteenth and Van Buren Streets Northwest, for the construction of an elementary school;

For the purchase of a site for elementary school purposes in the vicinity of Eleventh and G Streets Southeast, for the replacement of the Cranch, Tyler, and Van Ness Schools;

For the purchase of a site for elementary school purposes in the vicinity of the Brent School, for the replacement of the Brent, Dent, Lenox, and French Schools;

In all, \$230,000.

No part of the foregoing appropriations for public schools shall be used for instructing children under five years of age except children entering during the first half of the school year who will be five years of age by November 1, 1940, and children entering during the second half of the school year who will be five years of age by March 15, 1941: *Provided*, That this limitation shall not be considered as preventing the employment of a matron and the care of children under school age at the Webster School whose parent or parents are in attendance in connection with Americanization work.

None of the money appropriated by this Act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, plumbing, painting, and treatment of grounds, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest responsible bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided*, That nothing herein shall be construed as repealing existing law giving the Commissioners the right to reject all bids.

The plans and specifications for all building provided for in this Act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation

with the Board of Education, and shall be approved by the Commissioners and shall be constructed in conformity thereto.

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having in excess of eight rooms shall have at least four exits. Appropriations carried in this Act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Exit, etc., requirements.

## METROPOLITAN POLICE

### SALARIES

For the pay and allowances of officers and members of the Metropolitan Police force, in accordance with the Act entitled "An Act to fix the salaries of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia" (43 Stat. 174-175), as amended by the Act of July 1, 1930 (46 Stat. 839-841), including one captain, who shall be property clerk, and the present acting sergeant in charge of police automobiles, who shall have the rank and pay of a sergeant, \$2,948,505.

Salaries.

20 D. C. Code § 457; Supp. V, § 457a. Property clerk.

For personal services, \$151,985, including not to exceed \$1,265 for the salary of one part-time physician to be paid at the rate of \$3,800 per annum.

Personal services. Part-time physician.

### MISCELLANEOUS

For fuel, \$6,750.

Fuel.

For repairs and improvements to police stations and station grounds, including not to exceed \$10,000 for the erection of a modern cell block in Number 13 Police Precinct Station, \$17,000.

Repairs, etc., stations and grounds.

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance, and servicing of radio broadcasting systems, purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed \$300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage and hauling of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime, not to exceed \$3,000 for expenses of officers and members of the police force in attending, without loss of pay or time, specialized police training classes and pistol matches, including tuition, entrance fees, travel and subsistence, and other necessary expenses, including expenses of harbor patrol, \$76,750, of which amount \$10,000 shall be available for expenditure by the Major and Superintendent of Police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Contingent expenses.

Harbor patrol.

For purchase and exchange, and maintenance of passenger-carrying and other motor vehicles and the replacement of those worn out in the service and condemned, \$65,000.

Vehicles.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the Metropolitan

Uniforms, etc.

Police, including cleaning, alteration, and repair of articles transferred from one individual to another, \$48,725.

#### HOUSE OF DETENTION

Maintenance, etc.

For maintenance of a suitable place for the reception and detention of girls and women over seventeen years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, clinic supplies, food, clothing, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, \$8,500; for personal services, \$9,360; in all, \$17,860.

#### POLICEMEN AND FIREMEN'S RELIEF

Payments.

To pay the policemen and firemen's relief and other allowances as authorized by law, \$1,165,000.

#### FIRE DEPARTMENT

##### SALARIES

Salaries.

For the pay of officers and members of the fire department, in accordance with the Act entitled "An Act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the fire department of the District of Columbia" (43 Stat. 175), as amended by the Act of July 1, 1930 (46 Stat. 839-841), \$2,171,000.

20 D. C. Code § 555;  
Supp. V, § 555a.

Personal services.

For personal services, \$5,720.

##### MISCELLANEOUS

Repairs, etc.  
*Anie*, p. 86.  
Uniforms, etc.

For repairs and improvements to buildings and grounds, \$20,000.

Uniforms: For furnishing uniforms and other official equipment prescribed by department regulations as necessary and requisite in the performance of duty to officers and members of the fire department, including cleaning, alteration, and repair of articles transferred from one individual to another, \$21,625.

Repairs to apparatus, etc.

For repairs to apparatus, motor vehicles, and other motor-driven apparatus, fireboat and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools, \$37,500: *Provided*, That the Commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop.

*Proviso*.  
Construction at repair shop.

Hose.

For hose, \$12,500.

Fuel.

For fuel, \$20,500.

Contingent expenses.

For contingent expenses, furniture, fixtures, oil, blacksmithing, gas and electric lighting, flags and halyards, medals of award, and other necessary items, \$20,000.

Replacement of fire-fighting apparatus.

For replacement of fire-fighting apparatus, including one passenger automobile at not to exceed \$650, and not to exceed \$1,100 for one chief's automobile, \$51,750.

#### HEALTH DEPARTMENT

Salaries and expenses.

General administration: For personal services and other necessary expenses, including not to exceed \$4,500 for contract investigational

services without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$77,180.

**Medical services:** For all expenses necessary for the enforcement of the Acts relating to the prevention of the spread of contagious and infectious diseases in the District of Columbia; the maintenance of tuberculosis and venereal disease clinics and dispensaries; the conduct of hygiene and sanitation work, including the maintenance of free dental clinics in schools; the maintenance of a maternal and child-health service, including clinics; and the maintenance of a nursing service; such expenses to include personal services, books and periodicals, uniforms and rent, \$409,060: *Provided*, That the Commissioners may, without creating any obligation for the payment of money on account thereof, accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the medical services herein provided for.

Medical services;  
clinics, etc.

*Proviso.*  
Volunteer services.

**Laboratories:** For operation and maintenance of laboratories, including personal services, books and periodicals, manufacture of serums for use in indigent cases, and other necessary expenses, \$45,114.

Laboratories, main-  
tenance.

**Inspections:** For all expenses necessary for the enforcement of the Acts relating to the drainage of lots and abatement of nuisances in the District of Columbia; the Act relating to the adulteration of foods, drugs, and candy; the Act relating to the manufacture and sale of mattresses; the Act relating to the manufacture, sale, and transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors; and the Act relating to the sale of milk, cream, and ice cream; such expenses to include personal services, books and periodicals and travel, \$124,416: *Provided*, That not to exceed \$200 may be expended for special services in detecting adulteration of drugs and foods, including candy and milk: *Provided further*, That inspectors of dairy farms may receive an allowance for furnishing privately owned motor vehicles in the performance of official duties at the rate of not to exceed \$312 per annum for each inspector.

Inspections; abate-  
ment of nuisances,  
adulteration of foods,  
etc.

*Provisos.*  
Special services.

Vehicle allowance  
for dairy inspectors.

For completely furnishing and equipping the Southwest Health Center, including not to exceed \$4,500 for the installation of an elevator, \$23,000, to be immediately available.

Southwest Health  
Center.

For the following hospital and sanatoria:

**Tuberculosis sanatoria:** For personal services, including \$3,000 for chief visiting consultant, and not to exceed \$3,000 for compensation of consulting physicians at rates to be fixed by the Commissioners, \$423,760.

Tuberculosis sana-  
toria.

For provisions, fuel, forage, harness and vehicles and repairs to same, gas, water, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, medical books, schoolbooks, classroom supplies, books of reference, and periodicals not to exceed \$500, maintenance of motortrucks, and other necessary items, \$213,000.

Provisions, fuel, for-  
age, etc.

For repairs and improvements to buildings and grounds, including roads and sidewalks, \$5,500.

Repairs and im-  
provements.

**Gallinger Municipal Hospital:** For personal services, including two associate medical officers at \$3,200 per annum each, to be appointed without reference to civil-service requirements, and including not to exceed \$2,000 for temporary labor, \$687,840, of which \$26,760 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians: *Provided*, That no part of this appropriation shall be available for the care of persons, except in emergency cases, where the person has been a resident of the District of Columbia for less than one year at the time of application for admission.

Gallinger Muni-  
cipal Hospital.  
*Post*, p. 637.

*Proviso.*  
Restriction on use  
of funds.

Maintenance of hospital, quarantine station, etc.

For maintenance of the hospital; for maintenance of the quarantine station, smallpox hospital, and public crematorium, including expenses incident to furnishing proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium and remain unclaimed after twelve months from the date of such cremation; for maintenance and purchase of horses and horse-drawn vehicles; for medical books, books of reference, and periodicals not to exceed \$500; for maintenance of non-passenger-carrying motor vehicles; and for all other necessary expenses, \$292,000.

Repairs and improvements to buildings and grounds.

For repairs and improvements to buildings and grounds, including acquisition (without reference to section 3709 of the Revised Statutes, 41 U. S. C. 5) of the necessary transformers for a 4,000-volt electrical distribution system, and not to exceed \$8,000 for the installation of an elevator in the Crippled Children's Building, \$23,000.

Purchase of books, etc.

Purchase of books, musical instruments and music, expense of commencement exercises, entertainments, and inspection by New York State Board of Regents, and other incidental expenses of the training school for nurses, \$600.

Medical charities. Care, etc., of indigent patients at designated hospitals.

Medical charities: For care and treatment of indigent patients under contracts to be made by the Health Officer of the District of Columbia and approved by the Commissioners with the following institutions and for not to exceed the following amounts respectively:

Children's Hospital, including not to exceed \$15,000 for dispensary cases to be paid for at existing rates, \$80,000.

Central Dispensary and Emergency Hospital, \$80,000, including \$25,000 for the establishment of a twenty-four-hour clinic at the Emergency-George Washington University clinic, of which not to exceed \$20,000 shall be available for payment to said clinic for employment of personal services, and \$5,000 for dispensary cases, redressings, radiographs, and other services, to be paid at existing rates.

Eastern Dispensary and Casualty Hospital, \$75,000.

Washington Home for Incurables, \$15,000.

Columbia Hospital and Lying-in Asylum: For general repairs, including labor and material to be expended in the discretion and under the direction of the Architect of the Capitol, \$5,000.

## COURTS

### JUVENILE COURT

Salaries.

Salaries: For personal services, \$98,190.

Miscellaneous.

Miscellaneous: For compensation of jurors, \$1,500.

Incidental expenses.

For stationery, books of reference, periodicals, typewriters and repairs thereto, preservation of records, telephone service, traveling expenses, meals of jurors and prisoners, furniture, fixtures, and equipment, and other incidental expenses not otherwise provided for, \$3,000.

Advances for return of absconding probationers.

The disbursing officer of the District of Columbia is authorized to advance to the chief probation officer of the juvenile court upon requisition previously approved by the judge of the juvenile court and the auditor of the District of Columbia, sums of money not to exceed \$50 at any one time, to be expended for transportation and traveling expenses to secure the return of absconding probationers, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

## POLICE COURT

Salaries: For personal services, \$105,520.

For law books, books of reference, directories, periodicals, stationery, rebinding of books, preservation of records, typewriters and repairs thereto, telephone service, laundry work, medicines, lodging and meals for jurors and bailiffs when ordered by the court, and all other necessary and incidental expenses of every kind not otherwise provided for, \$3,582.

For witness fees and compensation of jurors, \$27,500.

Salaries.  
Contingent ex-  
penses.

Witness fees, etc.

## MUNICIPAL COURT

Salaries: For personal services, including compensation of five judges without reference to the limitation in this Act restricting salaries within the grade, \$87,620.

Salaries.  
*Ante*, p. 307; *post*, p.  
1038.

For compensation of jurors, \$9,000: *Provided*, That deposits made on demands for jury trials in accordance with rules prescribed by the court under authority granted in section 11 of the Act approved March 3, 1921 (41 Stat. 1312), shall be earned unless, prior to three days before the time set for such trials, including Sundays and legal holidays, a new date for trial be set by the court, cases be discontinued or settled, or demands for jury trials be waived.

Jurors.  
*Proviso*.  
Deposits for jury  
trials.

18 D. C. Code § 212.

For contingent expenses, included books, lawbooks, books of reference, fuel, light, telephone, lodging and meals for jurors, and for deputy United States marshals while in attendance upon jurors, when ordered by the court; fixtures, repairs to furniture, building and building equipment, and all other necessary miscellaneous items and supplies, \$1,250.

Contingent ex-  
penses.

## MISCELLANEOUS

Probation system: For personal services, \$16,880; contingent expenses, \$800, in all, \$17,680.

Probation system.

## PUBLIC WELFARE

## BOARD OF PUBLIC WELFARE

For personal services, including a principal assistant director of public welfare at \$6,500 per annum, to be appointed without reference to civil service requirements, and including not to exceed \$4,500 for contract investigational services, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), \$149,900.

Salaries; contract in-  
vestigational services.

## DIVISION OF CHILD WELFARE

Administration: For administrative expenses, including placing and visiting children, city directory, purchase of books of reference and periodicals not exceeding \$50, and all office and sundry expenses, \$5,000, and no part of the money herein appropriated shall be used for the purpose of visiting any ward of the Board of Public Welfare placed outside the District of Columbia and the States of Virginia and Maryland; and a ward placed outside said District and the States of Virginia and Maryland shall be visited not less than once a year by a voluntary agent or correspondent of said Board, and that said Board shall have power, upon proper showing, in its discretion, to discharge from guardianship any child committed to its care.

Administrative ex-  
penses.

Restriction on use of  
funds.

Board and care of children.

For board and care of all children committed to the guardianship of said Board by the courts of the District, and for temporary care of children pending investigation or while being transferred from place to place, with authority to pay not more than \$2,500 each to institutions under sectarian control and not more than \$400 for burial of children dying while under charge of the Board, \$316,000: *Provided*, That not more than \$900 of this appropriation shall be available for continuous maintenance of two foster homes for temporary or emergency board and care of nondelinquent children.

*Proviso.*  
Maintenance of two foster homes.

Receiving home for children under eighteen.

For the maintenance, under the jurisdiction of the Board of Public Welfare, of a suitable place in a building entirely separate and apart from the house of detention for the reception and detention of children under eighteen years of age arrested by the police on charge of offense against any laws in force in the District of Columbia, or committed to the guardianship of the Board, or held as witness, or held temporarily, or pending hearing, or otherwise, including transportation, food, clothing, medicine, and medicinal supplies, rental, repair and upkeep of buildings, fuel, gas, electricity, ice, supplies, and equipment, and other necessary expenses, including not to exceed \$20,920 for personal services, \$39,000.

Plans for a new receiving home.  
Site.

For the preparation of plans for a new building for the reception and detention of children, to be located on land owned by the District of Columbia in square 2885, \$3,675.

Advances to director.

The disbursing officer of the District of Columbia is authorized to advance to the director of public welfare, upon requisitions previously approved by the auditor of the District of Columbia and upon such security as may be required of said director by the Commissioners, sums of money not to exceed \$400 at any one time, to be used for expenses in placing and visiting children, traveling on official business of the Board, and for office and sundry expenses, all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

Placing and visiting children.

#### JAIL

Salaries.

Salaries: For personal services, \$104,940.

Maintenance, etc., of prisoners.

For maintenance and support of prisoners of the District of Columbia at the jail, including not to exceed \$1,000 for furnishing uniforms and caps for guards; subsistence of internes; expenses incurred in identifying and pursuing escaped prisoners and rewards for their capture; repair and improvements to buildings, cells, and locking devices; newspapers, books, and periodicals not to exceed \$100; maintenance of non-passenger-carrying motor vehicle; and expense of electrocutions, \$72,700.

Addition to jail.

Addition to jail: For an additional amount for completing construction of an addition to, and for the necessary remodeling of, the jail, exclusive of walled yard, \$44,000, and the limit of cost of such construction is increased to \$294,000.

#### GENERAL ADMINISTRATION, WORKHOUSE AND REFORMATORY, DISTRICT OF COLUMBIA

Personal services.

For personal services, \$557,760.

Maintenance, etc.

For maintenance, care, and support of inmates, including subsistence of internes, discharge gratuities provided by law, medical supplies, newspapers, books, books of reference and periodicals, farm implements, tools, equipment, transportation expenses, purchase and maintenance of livestock and horses; purchase of a moving-picture machine at not to exceed \$1,500; purchase, exchange, maintenance,

operation, and repair of non-passenger-carrying vehicles and motor-bus; fuel for heating, lighting, and power, and all other necessary items, including uniforms and caps for guards, \$480,000.

For repairs to buildings and grounds, and maintenance of utilities, marine and railroad transportation facilities, and mechanical equipment not used in industrial enterprises, \$27,000.

To provide a working capital fund for such industrial enterprises as may be approved by the Commissioners of the District of Columbia, \$30,000: *Provided*, That the various departments and institutions of the District of Columbia and the Federal Government may purchase, at fair market prices, as determined by the Commissioners, such products and services as meet their requirements; receipts from the sale of products and services shall be deposited to the credit of said working capital fund, and said fund, including all receipts credited thereto, shall be used as a revolving fund for the fiscal year 1941 for the purchase and repair of machinery, tools, and equipment, purchase of raw materials and manufacturing supplies, purchase, maintenance, and operation of non-passenger-carrying vehicles, and purchase of fuel for manufacturing purposes; for freight, personal services, and all other necessary expenses; and for the payment to inmates or their dependents of such pecuniary earnings as the Commissioners may deem proper.

For continuing construction and equipment of permanent buildings for women, including sewers, water mains, and other necessary utilities, \$45,000.

For construction of a bakery, including equipment, and necessary utilities, \$25,000, to be immediately available.

Support of convicts: For support, maintenance, and transportation of convicts transferred from District of Columbia; expenses of shipping remains of deceased convicts to their homes in the United States, expenses of interment of unclaimed remains of deceased convicts; expenses incurred in identifying, pursuing, recapturing (including rewards therefor), and returning to institutions, escaped convicts and parole and conditional-release violators; and transportation expenses of returning released convicts to their residences, \$120,730.

The disbursing officer of the District of Columbia is authorized to advance to the general superintendent of penal institutions, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said superintendent, sums of money not exceeding \$300 at one time, to be used only for expenses in returning escaped prisoners, conditional releases, and parolees, payable from the appropriation, "Support of convicts", all such expenditures to be accounted for to the accounting officers of the District of Columbia within one month on itemized vouchers properly approved.

#### NATIONAL TRAINING SCHOOL FOR BOYS

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the Attorney General at a rate of not to exceed \$2 per day for each boy so committed, \$91,250.

#### NATIONAL TRAINING SCHOOL FOR GIRLS

National Training School for Girls: For personal services, groceries, provisions, light, fuel, clothing, shoes; forage and farm supplies; medicine and medical service (including not to exceed

Repairs to buildings, etc.

Fund for industrial enterprises.

Proviso. Purchase of products, etc.

Deposit of receipts.

Buildings for women, construction, etc.

Bakery, construction, etc.

Support, etc., of convicts.

Advances for returning escaped prisoners, etc.

Care, etc., of boys committed to.

Salaries and expenses.

*Proviso.*  
Maintenance limitation. \$2,000 for medical care and not to exceed \$600 for dental care); transportation; maintenance of non-passenger-carrying vehicles; equipment, fixtures, books, magazines, and other educational supplies; recreational equipment and supplies, including rental of motion-picture films; stationery; postage; repairs; and other necessary items, including expenses incident to securing suitable homes for paroled or discharged girls, \$41,920, of which sum not to exceed \$23,060 may be expended for personal services: *Provided*, That the total cost of maintaining inmates in said school, including all administrative expenses, shall not exceed an average per capita of \$575 per annum.

## DISTRICT TRAINING SCHOOL

Personal services. For personal services, including not to exceed \$500 for compensation of consulting physicians at rates to be fixed by the Commissioners, and not to exceed \$2,500 for temporary labor, \$148,620.

Maintenance, etc. For maintenance and other necessary expenses, including the maintenance of non-passenger-carrying motor vehicles, the purchase and maintenance of horses and wagons, farm machinery and implements, and not to exceed \$300 for the purchase of books, books of reference, and periodicals, \$107,500.

Repairs, etc. For repairs and improvements to buildings and grounds, \$6,000.

Purchase of truck. For purchase (including exchange) of one stake-body truck, \$750.

## INDUSTRIAL HOME SCHOOL FOR COLORED CHILDREN

Salaries. Salaries: For personal services, \$40,505; temporary labor, \$500; in all, \$41,005.

Maintenance, etc. For maintenance, including purchase and maintenance of farm implements, horses, wagons, and harness, maintenance of non-passenger-carrying motor vehicles, not to exceed \$2,250 for manual-training equipment and materials, \$29,000.

Repairs, etc. For repairs and improvements to buildings and grounds, \$3,000.

Purchase of refrigerator. For purchase of a refrigerator, \$850.

## INDUSTRIAL HOME SCHOOL

Salaries. Salaries: For personal services, \$36,530; temporary labor, \$1,000; in all, \$37,530.

Maintenance, etc. For maintenance, including purchase of equipment, maintenance of non-passenger-carrying motor vehicles, \$25,600.

Repairs, etc. For repairs and improvements to buildings and grounds, \$6,500.

## HOME FOR AGED AND INFIRM

Salaries. Salaries: For personal services, \$87,560, including a superintendent at \$4,600 per annum, to be appointed without reference to civil-service requirements; temporary labor, \$2,000; in all, \$89,560.

Contingent expenses. For provisions, fuel, forage, harness and vehicles and repairs to same, ice, shoes, clothing, dry goods, tailoring, drugs and medical supplies, furniture and bedding, kitchen utensils, and other necessary items, and maintenance of non-passenger-carrying motor vehicles, \$82,100.

Purchase of station wagon. For purchase (including exchange) of one station wagon, \$750.

Repairs, etc. For repairs and improvements to buildings and grounds, such work to be performed by day labor or otherwise in the discretion of the Commissioners, \$12,350.

## MUNICIPAL LODGING HOUSE

For personal services, \$3,660; maintenance, \$4,000; in all, \$7,660.

## PUBLIC ASSISTANCE

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the Board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, \$900,000, and not to exceed 12 per centum of this appropriation and of Federal grants reimbursed under this appropriation shall be expended for personal services, including the employment of one general superintendent of public assistance services at \$5,600 per annum, one assistant superintendent of such services at \$4,600 per annum, and one stenographer-typist (secretary) at \$2,000 per annum, to be appointed without reference to civil-service requirements, not to exceed \$31,900 may be expended for the distribution of surplus commodities and relief milk, including \$12,200 for personal services, which shall be in addition to such services herein authorized, and not to exceed \$49,960 for personal services, which shall be in addition to such services herein authorized, to certify persons eligible for work relief and surplus commodities: *Provided*, That all auditing, disbursing, and accounting for funds administered through the Public Assistance Division of the Board of Public Welfare, including all employees engaged in such work and records relating thereto, shall be under the supervision and control of the Auditor of the District of Columbia: *Provided*, That no part of this appropriation shall be expended in such a manner as to require a deficiency to supplement such appropriation.

Home Care for Dependent Children: To carry out the purposes of the Act entitled "An Act to provide home care for dependent children in the District of Columbia", approved June 22, 1926 (44 Stat. 758-760), including not to exceed \$13,060 for personal services in the District of Columbia, \$163,000: *Provided*, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1941, and shall be so administered during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes, and no more than \$400 shall be paid for burial of children dying while beneficiaries under said Act.

Assistance against old-age want: To carry out the provisions of the Act entitled "An Act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want", approved August 24, 1935 (49 Stat. 747), including not to exceed \$57,265 for personal services and other necessary expenses, \$582,500.

Pensions for needy blind persons: To carry out the provisions of the Act entitled "An Act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor", approved August 24, 1935 (49 Stat. 744), \$50,000.

In expending appropriations contained in this Act under the caption "Public Assistance", not more than the following monthly amounts shall be paid therefrom: Emergency Relief of Residents: Single persons, not more than \$24; family of two persons, not more

Relief to the unemployed, etc.

From D. C. revenues.

Personal services.

*Provisos.*  
Supervision of accounts.

Antideficiency provision.

Home care for dependent children.

8 D. C. Code §§ 91-100.

*Proviso.*  
Apportionment of funds.

Old-age assistance.

8 D. C. Code, Supp. V, §§ 281-295.

Pensions for needy blind persons.

8 D. C. Code, Supp. V, §§ 251-266.

Public assistance, allocations.

Emergency relief of residents.

than \$30, and for each person in excess of such number under sixteen years of age not more than \$6; and not to exceed a total of \$60 to any one family; Home Care for Dependent Children: Family of two persons, not more than \$30, and for each person in excess of such number under sixteen years of age not more than \$6; and not to exceed a total of \$60 to any one family; Assistance Against Old Age Want: Not more than \$30 per month shall be paid therefrom to any one person; Aid for Needy Blind Persons: Not more than \$40 per month shall be paid therefrom to any one person.

Home care for dependent children.

Old-age assistance and aid to blind.

#### SPONSOR'S CONTRIBUTION TO WORK PROJECTS ADMINISTRATION

Sponsor's contributions; projects, etc.

For amount required by the District of Columbia as sponsor's contributions toward Work Projects Administration nonconstruction projects for free lunches for necessitous school children, sewing, household service, housekeeping aides, adult education, woodyard, recreation, vocational training, and historical records, including the purchase of food, supplies, materials, streetcar and bus fares, rent, equipment, rental of equipment, personal services, and other necessary expenses, \$177,500.

#### EDUCATION OF HANDICAPPED CHILDREN

Education of handicapped children.

For the education of handicapped children, including personal services, at rates of pay to be fixed by the Commissioners on the recommendation of the Board of Public Welfare, and other necessary expenses, \$15,000.

#### TEMPORARY HOME FOR FORMER SOLDIERS AND SAILORS

Personal services; maintenance.

For personal services, \$4,620; maintenance, \$11,750; and repairs to buildings and grounds, \$1,000; in all, \$17,370, to be expended under the direction of the Commissioners; and former Union soldiers, sailors, or marines of the Civil War, former soldiers, sailors, or marines of the Spanish War, Philippine Insurrection, or China Relief Expedition, and former soldiers, sailors, or marines of the World War or who served prior to July 2, 1921, shall be admitted to the home, all under the supervision of a board of management.

#### FLORENCE CRITTENTON HOME AND SAINT ANNS INFANT ASYLUM AND MATERNITY HOSPITAL

Care, etc., of women and children.

For care and maintenance of women and children under contracts to be made by the Board of Public Welfare, with the Florence Crittenton Home, and Saint Anns Infant Asylum and Maternity Hospital, \$8,000.

#### SOUTHERN RELIEF SOCIETY

Care of Confederate veterans, etc.

For care and maintenance of needy and infirm Confederate veterans, their widows and dependents, residents in the District of Columbia, under a contract to be made with the Southern Relief Society by the Board of Public Welfare, \$10,000.

#### NATIONAL LIBRARY FOR THE BLIND

Aid and support.

For aid and support of the National Library for the Blind, located at 1800 D Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$5,000.

#### COLUMBIA POLYTECHNIC INSTITUTE

Aid.

To aid the Columbia Polytechnic Institute for the Blind, located at 1808 H Street Northwest, to be expended under the direction of the Commissioners of the District of Columbia, \$3,000.

## SAINT ELIZABETHS HOSPITAL

For support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, \$2,792,250.

Support of D. C. indigent insane.

## NONRESIDENT INSANE

For deportation of nonresident insane persons, in accordance with the Act of Congress entitled "An Act to provide for insanity proceedings in the District of Columbia", approved June 8, 1938, including persons held in the psychopathic ward of the Gallinger Municipal Hospital, \$12,000.

Deportation.  
52 Stat. 625; 53 Stat. 1293.  
16 D. C. Code, Supp. V, §§ 41-72.

In expending the foregoing sum the disbursing officer of the District of Columbia is authorized to advance to the Director of Public Welfare, upon requisitions previously approved by the auditor of the District of Columbia, and upon such security as the Commissioners may require of said Director, sums of money not exceeding \$500 at one time, to be used only for deportation of nonresident insane persons, and to be accounted for monthly on itemized vouchers to the accounting officer of the District of Columbia.

Advances for deportations authorized.

Accounting.

## BURIAL OF EX-SERVICE MEN

For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent Union ex-soldiers, ex-sailors, or ex-marines, of the United States service, either Regular or Volunteer, who have been honorably discharged or retired, and who died in the District of Columbia, to be disbursed by the Secretary of War at a cost not exceeding \$45 for such burial expenses in each case, exclusive of cost of grave, \$270.

Expenses.

## TRANSPORTATION OF NONRESIDENT AND INDIGENT PERSONS

For transportation of indigent nonresident persons to their legal residence or to the home of a relative or relatives, including maintenance pending transportation, and transportation of other indigent persons, including indigent veterans of the World War and their families, \$20,000, of which amount not to exceed \$7,100 shall be available for personal services.

Indigent nonresident persons.

## VOCATIONAL REHABILITATION

Vocational rehabilitation of disabled residents, District of Columbia: To carry out the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929, \$25,000.

Disabled residents, D. C.  
45 Stat. 1260.  
7 D. C. Code §§ 201-207; Supp. V, § 206.

## MILITIA

For the following, to be expended under the authority and direction of the commanding general, who is hereby authorized and empowered to make necessary contracts and leases, namely:

Expenditures, authority of commanding general.

For personal services, \$27,660, including compensation to the commanding general at the rate of \$3,600 per annum; temporary labor, \$5,800; for expenses of camps, including hire of horses for officers required to be mounted, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments; damages to private property incident to encampment; reimbursement to the United States for loss of property for which the District

Personal services.

Camps, etc.

of Columbia may be held responsible; cleaning and repairing uniforms, arms, and equipment; instruction, purchase, and maintenance of athletic, gymnastic, and recreational equipment at armory or field encampments, not to exceed \$500; practice marches, drills, and parades; rent of armories, drill halls, and storehouses; fuel, light, heat, care, and repair of armories, offices, and storehouses; machinery and dock, including dredging alongside of dock; construction of buildings for storage and other purposes at target range; telephone service; printing, stationery, and postage; horses and mules for mounted organizations; maintenance and operation of passenger and non-passenger-carrying motor vehicles; streetcar fares (not to exceed \$200) necessarily used in the transaction of official business; not exceeding \$400 for traveling expenses, including attendance at meetings or conventions of associations pertaining to the National Guard; and for general incidental expenses of the service, \$15,480; in all, \$48,940.

Vehicles.

Aggregate.

Armory, construction.

For continuing construction of an armory for the Militia of the District of Columbia, \$1,100,000.

### ANACOSTIA RIVER AND FLATS

Anacostia Park, development.

For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document Numbered 37, Sixty-eighth Congress, first session, \$65,000.

### IMPROVEMENT OF WASHINGTON CHANNEL

Payment by D. C.

49 Stat. 1031.

Toward the payment by the District of Columbia of its proportionate part of the cost of improving the north side of Washington Channel, District of Columbia, as set forth in the Act of Congress approved August 30, 1935, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", \$64,000, which sum shall be transferred to the War Department and be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and shall continue available until expended.

### NATIONAL CAPITAL PARKS

#### SALARIES, PUBLIC PARKS, DISTRICT OF COLUMBIA

Personal services.

For personal services, \$350,990.

#### GENERAL EXPENSES, PUBLIC PARKS

General expenses, public parks.

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains and reservations, propagating gardens and greenhouses under the jurisdiction of the National Park Service, including the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per-diem rates of pay approved by the Secretary of the Interior, not exceeding current rates of pay for similar employment in the District of Columbia; placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; the hire of draft animals with or without drivers at local rates approved by said Secretary; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city direc-

ories; communication service; carfare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books, blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed two motor-propelled passenger-carrying vehicles and all necessary bicycles, motorcycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, and so forth, \$384,822: *Provided*, That not to exceed \$10,000 of the amount herein appropriated may be expended for the erection of minor auxiliary structures.

*Proviso.*  
Minor auxiliary  
structures.

#### PARK POLICE

Salaries: For pay and allowances of the United States Park Police force, in accordance with the Act approved May 27, 1924, as amended, \$176,230.

Salaries.  
43 Stat. 175.  
20 D. C. Code § 535.

For uniforming and equipping the United States Park Police force, including the purchase, issue, operation, maintenance, repair, exchange, and storage of revolvers, bicycles, and motor-propelled passenger-carrying vehicles, uniforms, ammunition, and radio equipment and the rental of teletype service, \$13,400.

Uniforms, etc.

#### NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For reimbursement to the United States in compliance with section 4 of the Act approved May 29, 1930 (46 Stat. 482), as amended, \$300,000.

Federal reimburse-  
ment for lands ac-  
quired.  
46 Stat. 485.

For each and every purpose, except the acquisition of land, requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (40 U. S. C. 71), as amended, including personal services in the District of Columbia, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed \$1,000 for printing and binding, not to exceed \$500 for traveling expenses and carfare of employees of the Commission, and not to exceed \$300 for professional, scientific, technical, and reference books, and periodicals, \$41,230.

Incidental expenses.

43 Stat. 463.  
20 D. C. Code  
§§ 1532, 1535, 1536.

#### NATIONAL ZOOLOGICAL PARK

For roads, walks, bridges, water supply, sewerage, and drainage; grading, planting, and otherwise improving the grounds, erecting and repairing buildings and enclosures; care, subsistence, purchase, and transportation of animals; necessary employees; traveling and incidental expenses not otherwise provided for, including not to exceed \$2,000 for travel and field expenses in the United States and foreign countries for the procurement of live specimens and for the care, subsistence, and transportation of specimens obtained in the course of such travel; purchase (including exchange) of one passenger-carrying motor vehicle at not to exceed \$650; maintenance and operation of one motor-propelled passenger-carrying vehicle required for official purposes; for the purchase, issue, operation, maintenance, repair, and exchange of bicycles and non-passenger-carrying motor vehicles, revolvers, and ammunition; not exceeding \$2,500 for purchasing and supplying uniforms to Park Police, keepers, and assistant keepers; not exceeding \$100 for the purchase of necessary books and periodicals, \$239,910, no part of which sum shall be available for architect's fees or compensation.

Expenses.

Vehicles.

Uniforms.

## HIGHWAY FUND, GASOLINE TAX AND MOTOR VEHICLE FEES

Appropriations from special fund.

43 Stat. 106.  
20 D. C. Code  
§§ 831-848; Supp. V,  
§§ 831-847.  
50 Stat. 676.

The following sums are appropriated wholly out of the special fund created by the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, and the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, for expenses of the following departments and activities:

### DEPARTMENT OF VEHICLES AND TRAFFIC

Personal services.	For personal services, including \$6,000 for temporary clerk hire, \$177,720.
Expenses, etc.	For purchase, installation, and modification of electric traffic lights, signals, and controls, markers, painting white lines, labor, maintenance of non-passenger-carrying motor vehicles, printing and binding, postage, telephone service, heating, electricity, repairs to equipment of inspection stations, continuation of the operation of parking meters on the streets of the District of Columbia, including maintenance and repair, not to exceed \$7,500 for such expenses as the Commissioners, in their discretion, may deem necessary in connection with traffic safety education, and such other expenses as may be necessary in the judgment of the Commissioners said amount to be expended without reference to any other law, including not to exceed \$34,300 for the operation and maintenance of electric traffic lights, signals, and controls, \$139,380, of which not less than \$25,000 shall be expended for the purchase, installation, and modification of electric traffic-light signals and \$1,000 shall be available for directional signs: <i>Provided</i> , That no part of this or any other appropriation contained in this Act shall be expended for building, installing, and maintaining streetcar loading platforms and lights of any description employed to distinguish same, except that a permanent type of platform may be constructed from appropriations contained in this Act for street improvements when such work is undertaken in connection with roadway paving, repaving, or resurfacing, and plans and locations thereof are approved by the Public Utilities Commission and the Director of Vehicles and Traffic: <i>Provided further</i> , That the street-railway company shall pay the cost of maintenance, marking, and lighting after construction.
Parking meters.	
Traffic safety education.	
<i>Proviso.</i> Streetcar loading platforms, etc.	
Maintenance expenses.	
Parking spaces for Members of Congress.	The Commissioners of the District of Columbia are authorized and directed to designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in such District for the use of Members of Congress engaged on public business.
Identification plates.	For the purchase of motor-vehicle identification number plates, \$20,000.

### POLICE TRAFFIC CONTROL

Expenses.	For expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways, \$520,325, which amount shall be transferred to the appropriation contained in this Act for pay and allowances of officers and members of the Metropolitan Police force.
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### HIGHWAY DEPARTMENT

Personal services.	For personal services, \$251,740.
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## STREET IMPROVEMENTS

For paving, repaving, grading, and otherwise improving streets, avenues, and roads, including temporary per diem services, surveying instruments and implements, and drawing materials, printing and binding, postage, and miscellaneous expenses, and the maintenance of motor vehicles used in this work, including curbing and gutters and replacement of curb-line trees where necessary, and including assessment and permit work and the several purposes provided for thereunder, as follows:

Paving, etc., streets and roads.

For paving, repaving, and surfacing, including curbing and gutters where necessary, the following:

Improvements designated.

Northeast: Tenth Street, Jackson Street to Monroe Street, \$17,400;

Southeast: R Street, Seventeenth Street to Minnesota Avenue, \$9,600;

Southeast: Seventeenth Street, Que Street to Minnesota Avenue, \$12,500;

Southeast: Ridge Place, Sixteenth Street to Seventeenth Street, \$4,100;

Southeast: Thirty-fourth Street, Alabama Avenue to You Street, \$17,800;

Northeast: Nineteenth Street, C Street to E Street, \$14,100;

Northeast: Neal Street, Holbrook Street to Orren Street, \$6,600;

Northeast: Sixth Street, Edgewood Street to Franklin Street and Everts Street, Sixth Street to Edgewood Street, \$11,800;

Northwest: Second Street, Hamilton Street to Ingraham Street, \$6,600;

Northwest: Milmarson Place, North Capitol Street to First Street, \$8,300;

Northwest: Nicholson Street, Blair Road to First Street, \$9,000;

Northwest: Nicholson Street, Seventh Street to Eighth Street, \$6,600;

Northwest: Seventh Street, Concord Avenue to Nicholson Street, \$6,600;

Northwest: Second Street, Peabody Street to Rittenhouse Street, \$11,000;

Northwest: Tewkesbury Place, Sixth Street to Seventh Street, \$3,500;

Northwest: Underwood Street, Fifth Street to Eighth Street, \$16,300;

Northwest: Underwood Street, Piney Branch Road to Georgia Avenue, \$4,400;

Northwest: Juniper Street, Seventeenth Street to Rock Creek Park, \$9,600;

Northwest: Randolph Street, Georgia Avenue to Kansas Avenue, \$14,800;

For widening, altering, paving, and repaving roadways, in accordance with the plans and profiles to be approved by the Commissioners of the District of Columbia, including the necessary replacement and relocation of sewers, water mains, and fire-alarm and police-patrol boxes, as follows:

Widening, etc., designated roadways.

Northwest: Eye Street, Thirteenth Street to Fifteenth Street, \$46,000;

For grading, paving, repaving, surfacing, and otherwise improving streets, avenues, and roads, including curbing and gutters, drainage structures, retaining walls, the replacement and relocation of sewers, water mains, and fire-alarm boxes and police-patrol boxes, and replacement of curb-line trees, when necessary, as Federal-aid high-

Grading, etc., under Federal Aid Highway Act.

52 Stat. 633.  
23 U. S. C., Supp.  
V, § 41b.  
*Proviso.*  
Professional serv-  
ices.

52 Stat. 636.  
23 U. S. C., Supp.  
V, ch. 2, note.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Grading; culverts,  
etc.

Paving center strips.  
Minor changes.

Construction of  
curbs and gutters.

Surfacing, etc.,  
pavements.

Bridges, construc-  
tion, repair, etc.

Street, etc., repairs.

*Provisos.*  
Snow removal.

Purchase of asphalt  
plant authorized.

Scott Circle under-  
pass, plans, etc.

Federal-aid high-  
way project.

23 U. S. C., Supp. V.

Construction, etc.

way projects under section 1-b of the Federal Aid Highway Act of 1938 (Public, Numbered 584, Seventy-fifth Congress), \$635,000, to remain available until June 30, 1942: *Provided*, That in connection with the highway-planning survey, involving surveys, plans, engineering, and economic investigations of projects for future construction in the District of Columbia, as provided for under section 10 of the Federal Aid Highway Act of 1938, this fund shall be available to the extent authorized in said section for the employment of engineering or other professional services by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, and civil-service requirements, and for engineering and incidental expenses;

For grading streets, alleys, and roads, including construction of necessary culverts and retaining walls, \$50,000;

For paving the unpaved center strips of paved roadways, \$5,000;

For minor changes in roadway and sidewalks on plans to be approved by the Commissioners of the District of Columbia to facilitate vehicular and pedestrian traffic, \$5,000;

For construction of curbs and gutters, or concrete shoulders in connection with all forms of macadam roadways and adjustment of roadways thereto, together with resurfacing and replacing of base of such roadways where necessary, \$200,000;

For the surfacing and resurfacing or replacement of asphalt, granite block, or concrete pavements with the same or other approved material \$350,000;

For construction, maintenance, operation, and repair of bridges, \$50,000;

For current work of repairs to streets, avenues, roads, and alleys, including the reconditioning of existing gravel streets and roads; for cleaning snow and ice from streets, sidewalks, cross walks, and gutters in the discretion of the Commissioners; and including the purchase, exchange, maintenance, and operation of non-passenger-carrying motor vehicles used in this work, \$922,500, of which amount \$97,500 shall be available exclusively for snow removal purposes, \$18,000 thereof to be immediately available for reimbursement to the appropriation from which expenditures for such purposes have heretofore been made, and not to exceed \$37,500 thereof to be avail-

able for the procurement of snow removal equipment: *Provided*, That appropriations contained in this Act for highways, sewers, city refuse, and the water department shall be available for snow removal when specifically and in writing ordered by the Commissioners: *Provided further*, That the Commissioners of the District of Columbia, should they deem such action to be to the advantage of the District of Columbia, are hereby authorized to purchase a municipal asphalt plant at a cost not to exceed \$30,000: *Provided further*, That not exceeding \$15,000 of the foregoing appropriation shall be available for the preparation of plans, working drawings, and specifications for the construction of an underpass at Scott Circle, including necessary changes in surface and underground structures within public property areas now occupied by roadways, sidewalks, walkways, parking, and park reservations: *Provided further*, That upon the completion and approval of such plans by the Commissioners of the District of Columbia, the National Capital Park and Planning Commission, and the Fine Arts Commission, the said Commissioners are authorized to submit the project as a Federal-aid highway project to the Public Roads Administration under the provisions of the Federal Aid Highway Act of June 8, 1938 (52 Stat. 633), and upon approval of such project by the Public Roads Administration the Commissioners are authorized to construct such underpass and perform such necessary incidental work and pay the

cost thereof from the appropriation contained in this Act for Federal-aid highway projects and the District's allocation of funds by the Public Roads Administration authorized by the said Federal Aid Highway Act: *Provided further*, That the necessary transfer of jurisdiction of public land and the relocation of monuments is authorized and directed under the provisions of the Land Transfer Act of May 20, 1932 (47 Stat. 161): *And provided further*, That the Commissioners are authorized to employ necessary engineering and other professional services, by contract or otherwise, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, and civil-service requirements;

This appropriation shall be available for the construction and repair of pavements of street railways in accordance with the provisions of the Merger Act, approved January 14, 1933 (47 Stat. 752). The proportion of the amount thus expended which under the terms of the said Act is required to be paid by the street-railway company shall be collected, upon the neglect or the refusal of such street-railway company to pay, from the said street-railway company in the manner provided by section 5 of "An Act providing a permanent form of government for the District of Columbia", approved June 11, 1878, and shall be deposited to the credit of the appropriation for the fiscal year in which it is collected;

The unexpended balance of the appropriation of \$25,000 contained in the District of Columbia Appropriation Act for the fiscal year 1940 for the preparation of studies, plans and surveys, estimates and investigation of foundation conditions for a grade separation structure in the vicinity of Fourteenth Street and Maine Avenue Southwest, is hereby continued available for the same purposes during the fiscal year 1941;

For completing the construction of a bridge to replace the bridge in line of Pennsylvania Avenue over the Anacostia River in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in sewer and water mains, traveling expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), the Classification Act of 1923, as amended, or the civil-service requirements, and engineering and incidental expenses, \$680,000;

For completing the construction of a bridge in line of Massachusetts Avenue Northwest over Rock Creek and Rock Creek and Potomac Parkway in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including necessary changes, construction, and reconstruction of roadways, sidewalks and curbing, construction of and changes in sewer and water mains, fire alarm and police patrol boxes, construction, reconstruction, and relocation of parkway roads, walkways, and such other work as may be necessary, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5), or the Classification Act of 1923, as amended, and civil-service requirements, including engineering and incidental expenses, \$250,000;

To carry out the provisions of existing law which authorize the Commissioners of the District of Columbia to open, extend, straighten, or widen any street, avenue, road, or highway, in accordance with the plan of the permanent system of highways for the District of Columbia, including the procurement of chains of title, \$150,000,

Transfer of jurisdiction of land, etc.  
40 U. S. C. §§ 122, 123.

20 D. C. Code, Supp. V, §§ 1540e, 1540f.

Professional services.

42 Stat. 1488.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Street railways, pavements.

Expenses chargeable to railway company.

20 Stat. 105.

12 D. C. Code § 74; Supp. V, § 74.

Grade separation structure, 14th and Maine Avenue SW.  
53 Stat. 1035.

Anacostia River.  
Bridge over, in line of Pennsylvania Avenue, construction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Rock Creek.  
Bridge over, in line of Massachusetts Avenue NW., construction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Opening streets, etc., permanent highway system.

*Proviso.*  
Alley improvement,  
building lines, etc.

to remain available until June 30, 1942: *Provided*, That this appropriation shall be available to carry out the provision of existing law for the opening, extension, widening, or straightening of alleys and minor streets and for the establishment of building lines in the District of Columbia;

Assessment and permit work.

For assessment and permit work, paving of roadways under the permit system, and construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, including purchase or condemnation of streets, roads, and alleys, and of areas less than two hundred and fifty square feet at the intersection of streets, avenues, or roads in the District of Columbia, to be selected by the Commissioners, and including maintenance of non-passenger-carrying motor vehicles, \$150,000;

Disbursement, etc.

In all, \$3,684,100, to be immediately available, to be disbursed and accounted for as "Street improvements", and for that purpose shall constitute one fund: *Provided*, That assessments in accordance with existing law shall be made for paving and repaving roadways, alleys, and sidewalks where such roadways, alleys, and sidewalks are paved or repaved with funds herein appropriated: *Provided further*, That any portion of this appropriation may be used for payment to contractors and for other expenses in connection with the expense of design, construction, and inspection of grade-crossing elimination and other construction projects authorized under section 8 of the Act approved June 16, 1936 (49 Stat. 1521), and section 1-b of the Federal Aid Highway Act of 1938 (Public, Numbered 584, Seventy-fifth Congress), pending reimbursement to the District of Columbia by the Department of Agriculture, reimbursement to be credited to fund from which payment was made.

*Provisos.*  
Assessments under existing law.

Grade-crossing elimination projects.

23 U. S. C., Supp. V, § 24a.  
52 Stat. 633.  
23 U. S. C., Supp. V, § 41b.

Parking facilities study.

The Commissioners of the District of Columbia, in connection with the highway planning survey now in progress as a cooperative project with the Public Roads Administration, are directed to make a thorough study to determine the most feasible program for providing parking facilities, other than the public streets, for motor vehicles in the District of Columbia. Such study shall be made with a view to determining, among other things, the type or types and the quantity of such facilities which should be provided, the proper location and the probable cost of such facilities, and the appropriate method of financing the cost of such facilities. The Commissioners shall make a report to the Congress, of the results of their study, together with their recommendations at the earliest practicable date.

Report to Congress.

Changes in widths of sidewalks and roadways.

The Commissioners of the District of Columbia are authorized and empowered, in their discretion, to fix or alter the respective widths of sidewalks and roadways (including tree spaces and parking) of all highways that may be improved under appropriations contained in this Act.

Open competition for street improvement contracts.

No part of any appropriation contained in this Act shall be available for repairing, resurfacing, or paving any street, avenue, or roadway by private contract unless the specifications for such work shall be so prepared as to permit of fair and open competition in paving material as well as in price.

Period of contractors' liability for repairs for inferior work.

In addition to the provision of existing law requiring contractors to keep new pavements in repair for a period of one year from the date of the completion of the work, the Commissioners of the District of Columbia shall further require that where repairs are necessary during the four years following the said one-year period, due to inferior work or defective materials, such repairs shall be made at the expense of the contractor, and the bond furnished by the contractor shall be liable for such expense.

No part of the appropriations contained in this Act shall be used for the operation of a testing laboratory of the highways department for making tests of materials in connection with any activity of the District government.

Use of funds for testing laboratory, etc.

For personal services, trees, and parkings, \$26,780;

Trees and parkings, contingent expenses.

For contingent expenses, trees and parkings, including laborers, trimmers, nurserymen, repairmen, teamsters, hire of carts, wagons, or motortrucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees, and tree spaces on city and suburban streets, purchase and maintenance of non-passenger-carrying motor vehicles, and miscellaneous items, \$110,000;

Refunding erroneous collections: To enable the Commissioners, in cases where motor-vehicle registration fees, motor-vehicle operators' permit fees, motor-vehicle title fees, motor-vehicle fuel taxes, importers' license fees, special assessments, or collections of any character have been erroneously covered into the Treasury to the credit of the special fund created by the Act entitled "An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes", approved April 23, 1924, and the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, to refund such erroneous payments, \$1,500: *Provided*, That this appropriation shall also be available for refunding such payments made within the last three fiscal years prior to the fiscal year for which this appropriation is made available: *Provided further*, That this appropriation shall not be available for refunds authorized by section 10 of the Act of April 23, 1924.

Refund of erroneous collections.

43 Stat. 106.  
20 D. C. Code §§ 831-848; Supp. V, §§ 831-847.  
50 Stat. 676.  
*Provisos.*  
A availability of funds.

Exception.  
43 Stat. 108.  
20 D. C. Code § 840; Supp. V, § 840.

## WATER SERVICE

The following sums are appropriated wholly out of the revenues of the Water Department for expenses of the Washington Aqueduct and its appurtenances and for expenses for Water Department, namely:

### WASHINGTON AQUEDUCT

For operation, including salaries of all necessary employees, maintenance and repair of Washington aqueducts and their accessories, including Dalecarlia, Georgetown, McMillan Park, first and second High Service Reservoirs, Washington aqueduct tunnel, the filtration plants, the pumping plants, and the plant for the preliminary treatment of the water supply, ordinary repairs, grading, opening ditches, and other maintenance of Conduit Road, purchase, installation, and maintenance of water meters on Federal services; purchase, care, repair, and operation of vehicles, including the purchase and exchange of one passenger-carrying motor vehicle at a cost not to exceed \$650; purchase and repair of rubber boots and protective apparel; printing and binding; and for each and every purpose connected therewith, \$513,350.

Maintenance, etc., of aqueducts and accessories.

Meters on Federal services.

For the development of a plan to insure an adequate future water supply for the District of Columbia, including engineering and other professional services by contract or otherwise, without reference to section 3709 of the Revised Statutes, the Classification Act of 1923, as amended, or the civil-service requirements, \$20,000, to continue available until June 30, 1942.

Plan for adequate water supply.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

For a new pump and electric-control equipment for the Dalecarlia pumping station and for each and every purpose connected therewith, \$70,000.

Dalecarlia station equipment.

Superintendence of Secretary of War not affected.

Nothing herein shall be construed as affecting the superintendence and control of the Secretary of War over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same and over appropriations and expenditures therefor as now provided by law.

WATER DEPARTMENT

- Revenue, etc., branches. For revenue and inspection and distribution branches: For personal services, \$214,580.
- Operating expenses. For the maintenance of the water-department distribution system, including pumping stations and machinery, water mains, valves, fire and public hydrants, and all buildings and accessories, and motortrucks, and motor vehicles such as are now owned and the replacement by purchase and exchange of the following motor-propelled vehicles: Two trucks at not to exceed \$650 each; one truck at not to exceed \$800; two trucks at not to exceed \$2,500 each and the purchase of one passenger-carrying automobile at not to exceed \$650; purchase of fuel, oils, waste, and other materials, and the employment of all labor necessary for the proper execution of this work; and for contingent expenses including books, blanks, stationery, printing and binding not to exceed \$3,300; postage, purchase of technical reference books and periodicals not to exceed \$275, and other necessary items; in all for maintenance, \$343,685, of which not exceeding \$5,000 shall be available for operation of pumps at Bryant Street pumping station upon interruption of service from Dalecarlia pumping station.
- Vehicles.
- Extension of distribution system. For extension of the water department distribution system, laying of such service mains as may be necessary under the assessment system, \$260,000, of which amount \$20,000 shall be immediately available.
- Meters. For installing and repairing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the Commissioners; said meters at all times to remain the property of the District of Columbia, \$115,000.
- Hydrants. For installing fire and public hydrants, \$22,500.
- Replacement of old mains, etc. For replacement of old mains and divide valves in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains and replacing old service pipes in advance of pavements, \$150,000.
- Investment of water funds. For investment by the Secretary of the Treasury in United States or District of Columbia securities for the account of the water fund of the District of Columbia, \$500,000.
- Refund of erroneous charges. For the refunding of water rents and other water charges erroneously paid in the District of Columbia, to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes, \$3,500: *Provided*, That this appropriation shall be available for such refunds of payments made within the past two years.
- Proviso.*  
Availability. For the construction of approximately five thousand four hundred and fifty linear feet of twenty-four inch trunk line water main from the Anacostia pumping station to the Anacostia second high service storage tank at Stanton School, \$80,000; for the construction of approximately thirteen thousand two hundred linear feet of twenty-, twenty-four- and thirty-six-inch trunk-line water main from Fourth Street and Florida Avenue, Northeast, to the vicinity of Kentucky Avenue and East Capitol Street, \$250,000; in all, \$330,000; to continue available until June 30, 1942.
- Water mains, construction.
- Pump, Anacostia station. Pump, Anacostia station: For additional pumping equipment at the Anacostia pumping station, including necessary appurtenances and alterations in existing piping, \$14,000.

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, water, street, street-cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in their Budget estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed \$42,000 during the fiscal year 1941: *Provided further*, That excluding inspectors in the sewer department, one inspector in the electrical department, and one inspector in the repair shop, no person shall be employed in pursuance of the authority contained in this paragraph for a longer period than nine months in the aggregate during the fiscal year.

Temporary services  
of draftsmen, etc.

*Proviso.*  
Limitation.  
Maximum period of  
employment.

Appropriations in this Act shall be available for payment by the District of Columbia of its contributions as an employer, in accordance with the provisions of the District of Columbia Unemployment Compensation Act (49 Stat. 946).

D. C. Unemploy-  
ment Compensation  
Act, contributions.  
8 D. C. Code, Supp.  
V, §§ 311-335.

The Commissioners, or their duly designated representatives, are further authorized to employ temporarily such laborers, skilled laborers, drivers, hostlers, and mechanics as may be required exclusively in connection with sewer, water, street, and road work, and street cleaning, or the construction and repair of buildings, and bridges, furniture and equipments, and any general or special engineering or construction or repair work, and to incur all necessary engineering and other expenses, exclusive of personal services, incidental to carrying on such work and necessary for the proper execution thereof, said laborers, skilled laborers, drivers, hostlers, and mechanics to be employed to perform such work as may not be required by law to be done under contract, and to pay for such services and expenses from the appropriations under which such services are rendered and expenses incurred.

Temporary labor,  
etc.

SEC. 3. That all horses, harness, horse-drawn vehicles necessary for use in connection with construction and supervision of sewer, street, street lighting, road work, and street-cleaning work, including maintenance of said horses and harness, and maintenance and repair of said vehicles, and purchase of all necessary articles and supplies in connection therewith, or on construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations, may be purchased, hired, and maintained, and motortrucks may be hired exclusively to carry into effect said appropriations, when specifically and in writing ordered by the Commissioners; and all such expenditures necessary for the proper execution of said work, exclusive of personal services, shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners in the Budget estimates shall report the number of horses, vehicles, and harness purchased, and horses and vehicles hired, and the sums paid for same, and out of what appropriation; and all horses owned or maintained by the District shall, so far as may be practicable, be provided for in stables owned or operated by said District: *Provided*, That such horses, horse-drawn vehicles, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may

Horses, wagons, etc.

*Proviso.*  
Temporary employ-  
ment.

be temporarily employed for such purposes under the conditions named in section 2 of this Act in relation to the employment of laborers, skilled laborers, and mechanics.

Miscellaneous trust-fund deposits.  
Expenses payable from.  
33 Stat. 368.  
20 D. C. Code § 636.

SEC. 4. That the Commissioners are authorized to employ in the execution of work, the cost of which is payable from the appropriation account created in the District of Columbia Appropriation Act, approved April 27, 1904, and known as the miscellaneous trust-fund deposits, District of Columbia, necessary personal services, horses, carts, and wagons, and to hire therefor motortrucks when specifically and in writing authorized by the Commissioners, and to incur all necessary expenses incidental to carrying on such work and necessary for the proper execution thereof, including the purchase, exchange, maintenance, and operation of motor vehicles for inspection and transportation purposes, such services and expenses to be paid from said appropriation account: *Provided*, That the Commissioners may delegate to their duly authorized representatives the employment under this section of laborers, mechanics, and artisans.

*Proviso.*  
Employment of labor.

Material, supplies, vehicles, etc., purchase.

SEC. 5. That the Commissioners and other responsible officials, in expending appropriations contained in this Act, so far as possible, shall purchase material, supplies, including food supplies and equipment, when needed and funds are available, in accordance with the regulations and schedules of the Procurement Division of the Treasury Department or from various services of the Government of the United States possessing materials, supplies, passenger-carrying and other motor vehicles, and equipment no longer required. Surplus articles purchased from the Government, if the same have not been used, shall be paid for at a reasonable price, not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage. The various services of the Government of the United States are authorized to sell such surplus articles to the municipal government under the conditions specified, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided*, That this section shall not be construed to amend, alter, or repeal the Executive order of December 3, 1918, concerning the transfer of office materials, supplies, and equipment in the District of Columbia falling into disuse because of the cessation of war activities.

Surplus articles, price basis.

*Proviso.*  
Provisions of designated Executive order not affected.

Rent limitation.  
*Ante*, p. 310.

SEC. 6. No part of the funds appropriated in this Act shall be available for the payment of rental of quarters for any activity at a rate in excess of 90 per centum of the per annum rate paid by the District of Columbia for such quarters on June 30, 1933: *Provided*, That the provisions of this paragraph shall not apply to leases made prior to the passage of this Act, except when renewals thereof are made hereafter: *Provided further*, That the appropriations or portions of appropriations unexpended by reason of the operation of this paragraph shall not be used for any purpose, but shall be impounded and deposited in the Treasury to the credit of the District of Columbia.

*Provisos.*  
Prior leases.

Unexpended appropriations, impoundment and deposit.

Salary increases.

SEC. 7. Appropriations contained in this Act shall be used to pay increases in the salaries of officers and employees by reason of the reallocation of the position of any officer or employee by the Civil Service Commission, and administrative promotions within the several grades: *Provided*, That the total reallocation increases under such appropriations shall not exceed \$35,000 and administrative promotions shall not exceed \$50,000: *Provided further*, That such reallocation increases and administrative promotions shall be subject to the approval of the Commissioners of the District of Columbia.

*Provisos.*  
Limitation.

Approval.

Minor purchases.  
41 U. S. C. § 5.

SEC. 8. Section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase made or service ren-

dered under the appropriations contained in this Act when the aggregate amount does not exceed the sum of \$100.

SEC. 9. No part of this appropriation shall be available for any expense for or incident to the issuance of congressional tags except to those persons set out in the Act of December 19, 1932 (47 Stat. 750), including the Speaker and the Vice President.

Congressional tags.  
6 D. C. Code, Supp.  
V, § 243.

SEC. 10. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of the District of Columbia unless such person is a citizen of the United States, or a person in the service of the United States or the District of Columbia on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Citizenship requirement.

SEC. 11. This Act may be cited as the "District of Columbia Appropriation Act, 1941".

Short title.

Approved, June 12, 1940.

[CHAPTER 334]

AN ACT

Authorizing the Secretary of the Interior to grant to the State of Montana for the use and benefit of the Montana School of Mines a patent to a certain tract of land.

June 12, 1940  
[S. 2191]  
[Public, No. 603]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to grant, subject to vested existing rights, to the State of Montana for the use and benefit of the Montana School of Mines a patent to the tract of land (including all mineral rights therein) known as the WPA Quartz Lode Mining Claim, located in Summit Valley Mining District, Montana, and designated on the official plat of the United States General Land Office as lot 19, section 14, township 3 north, range 8 west, Montana principal meridian. Such claim is more particularly described as follows:

Montana School of  
Mines.  
Granting of lands  
for use of, authorized.

Location of tract.

Beginning at the south corner of the tract herein described, a point in the east end line of survey numbered 1688, Occidental Lode, lot 441, and which is also corner numbered 10 of survey numbered 2942, Arkansas Lode Mining Claim, and corner numbered 4 of survey numbered 1218, Great Western Lode, lot 339; thence, first course north eight degrees west along the east end line of survey numbered 1688, Occidental Lode, two hundred and thirty-eight feet to the northwest corner of the tract herein described and which is also corner numbered 2 of survey numbered 1688, Occidental Lode, and a point in the south side line of survey numbered 1687, Bummer Lode, lot 440; thence, second course, north eighty-one degrees east along the south side line of survey numbered 1687, Bummer Lode, forty-four feet to the northeast corner of the tract herein described, which is also the point of intersection of line 4-3 of survey numbered 1687, Bummer Lode, at south eighty-one degrees west, two hundred and three feet from its corner numbered 3, with line 3-4 of survey numbered 1218, Great Western Lode, at south two degrees thirty-four minutes west, one hundred and thirty-six feet from its corner numbered 3; thence, third course, south two degrees thirty-four minutes west along line 3-4, the west end line of survey numbered 1218, Great Western Lode, two hundred and forty-four feet, to the place of beginning, containing an area of one hundred and twenty one-thousandths acre, more or less. Such trace being entirely within the boundaries of the location corners set for the said WPA Quartz Lode Mining Claim.

Description.

Approved, June 12, 1940.

## [CHAPTER 335]

## AN ACT

To provide for a change in the time for holding court at Rock Hill and Spartanburg, South Carolina.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 105 of the Judicial Code, as amended (U. S. C., title 28, sec. 186), be, and the same is hereby, amended to read as follows:

"SEC. 105. The State of South Carolina is divided into two districts to be known as the eastern and western districts of South Carolina.

"The western district shall include the territory embraced on the 1st day of July 1910 in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York.

"The western district of South Carolina is divided into five divisions, to be known as the Anderson, Greenville, Greenwood, Rock Hill, and Spartanburg divisions. The Anderson division shall include the territory embraced in the counties of Anderson, Oconee, and Pickens. The Greenville division shall include the territory embraced in the counties of Greenville and Laurens. The Greenwood division shall include the territory embraced in the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda. The Rock Hill division shall include the territory embraced in the counties of Chester, Fairfield, Lancaster, and York. The Spartanburg division shall include the territory embraced in the counties of Cherokee, Spartanburg, and Union. The terms of the district court for the Anderson division shall be held at Anderson, for the Greenville division at Greenville, for the Greenwood division at Greenwood, for the Rock Hill division at Rock Hill, and for the Spartanburg division at Spartanburg. Terms of the district court for the western district shall be held at Greenville on the first Mondays in April and October; at Rock Hill the second Monday in March and the first Monday in September; at Greenwood the first Mondays in February and November; at Anderson the fourth Mondays in May and November; and at Spartanburg on the third Monday in February and the second Monday in September.

"The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

"The eastern district of South Carolina is divided into five divisions, to be known as the Aiken, Charleston, Columbia, Florence, and Orangeburg divisions. The Aiken division shall include the territory embraced in the counties of Aiken, Allendale, Barnwell, and Hampton. The Charleston division shall include the territory embraced in the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, and Jasper. The Columbia division shall include the territory embraced in the counties of Kershaw, Lee, Lexington, Richland, and Sumter. The Florence division shall include the territory embraced in the counties of Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, and Williamsburg. The Orangeburg division shall include the territory embraced in the counties of Calhoun, Bamberg, and Orangeburg. The terms of the district court for the Aiken division shall be held at Aiken, for the Charleston division at Charleston, for the Columbia division at Columbia, for the Florence division at Florence, and the Orangeburg division at Orangeburg.

June 12, 1940

[S. 2262]

[Public, No. 604]

Judicial Code,  
amendment.  
28 U. S. C., Supp.  
V, § 186.

South Carolina judicial  
districts.

Western district.

Divisions.

Anderson.

Greenville.

Greenwood.

Rock Hill.

Spartanburg.

Terms of courts.

Eastern district.

Divisions.

Aiken.

Charleston.

Columbia.

Florence.

Orangeburg.

Terms of courts.

“Terms of the district court for the eastern district shall be held at Charleston on the second Monday in October, the third Monday in January, and the fourth Monday in May; at Columbia on the first Monday in November and the third Monday in March; at Florence on the first Monday in December and the fourth Monday in April; at Aiken on the fourth Monday in September and the second Monday in February; and at Orangeburg on the third Monday in November and the second Monday in April: *Provided*, That facilities for holding court at Orangeburg are furnished free of expense to the United States. The office of the clerk of the district court for the western district shall be at Greenville and the office of the clerk of the district court for the eastern district shall be at Charleston.

“All criminal cases shall be tried in the division in which the offense was committed, unless upon proper showing the venue would be changed by the judge from one division to another, and this change be made only upon affidavits and motion made in open court after four days’ notice to the adverse party.”

Approved, June 12, 1940.

[CHAPTER 336]

AN ACT

To amend section 73 of an Act entitled “An Act to provide a government for the Territory of Hawaii”, approved April 30, 1900, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled “An Act to provide a government for the Territory of Hawaii”, approved April 30, 1900, as amended, is hereby further amended by adding at the end of section 73 thereof the following paragraphs:

“Any person or persons holding an unpatented homestead under a special homestead agreement, entered into prior to the effective date of this paragraph, excluding those homesteads under the control of the Hawaiian Homes Commission as provided in section 203 of the Hawaiian Homes Commission Act, 1920, shall be entitled to a reamortization of the indebtedness due the Territory of Hawaii on account of such special homestead agreement upon filing an application for the reamortization of said indebtedness with the Commissioner within six months after the effective date of this paragraph. Upon the filing of any such application, the Commissioner shall determine the balance due the Territory in the following manner: The amount of the principal which would have been paid during the full period of payment provided for in the special homestead agreement had the agreement been duly performed according to its terms and the amount of the interest which would have been paid under the special homestead agreement prior to the effective date of this paragraph had the agreement been duly performed according to its terms shall be computed and added together; from the sum of these amounts there shall be deducted all moneys that have been actually paid to the Territory on account of the special homestead agreement, whether as principal or as interest. The balance thus determined shall be the total amount remaining due and payable for the homestead covered by such special homestead agreement, any other terms, conditions, or provisions in any of said agreements, or any provisions of law to the contrary notwithstanding: *Provided, however*, That nothing herein contained shall be deemed to excuse the payment of taxes and other charges and assessments upon unpatented homestead lands as provided in said agreements, nor to excuse or modify any term, condition, or provision of said agreements other than such as relate to the principal and interest payable to the

Terms of courts.

*Proviso.*  
Free facilities at  
Orangeburg.  
Offices.

Trial of criminal  
cases.

June 12, 1940  
[H. R. 9185]  
[Public, No. 605]

Hawaiian Organic  
Act, amendment.  
31 Stat. 141.  
8 U. S. C. §§ 83-86;  
48 U. S. C. §§ 663-677;  
Supp. V, § 670.

Reamortization of  
indebtedness of cer-  
tain persons.

42 Stat. 109.  
48 U. S. C. § 697;  
Supp. V, § 697.

Filing of applica-  
tion.

Determination of  
balance due Territory.

*Proviso.*  
Payment of taxes,  
etc.

Installments.  
 Interest.  
 Due dates of payments on principal.  
 Due dates of payments on interest.  
 Possession by Commissioner upon default.  
 Issuance of land-patent grants.  
 Nonliability of Territory for refunds, etc.  
 Effective date.

Territory. The total amount remaining due, determined as hereinabove provided, shall be payable in fifteen equal biennial installments. Simple interest at the rate of 3 per centum per annum shall be charged upon the unpaid balance of such installments, whether matured or unmatured, said interest to be computed from the effective date of this paragraph and to be payable semiannually. The first payment on account of principal shall be due two years subsequent to the effective date of this paragraph, and thereafter the due dates of principal payments shall be at regular two-year periods; the first payment on account of interest shall be due six months subsequent to the effective date of this paragraph, and thereafter the due dates of interest payments shall be at regular six-month periods. In case of default in payments of principal or interest on the due dates as hereby fixed the Commissioner may, with the approval of the Governor, with or without legal process, notice, demand, or previous entry, take possession of the land covered by any such special homestead agreement and thereby determine the estate created by such agreement as hereby modified, whereupon liability for payment of any balance then due under such special homestead agreement shall terminate. When the aforesaid payments have been made to the Territory of Hawaii, and all taxes, charges, and assessments upon the land have been paid as provided by said agreements, and all other conditions therein stipulated have been complied with, except as herein excused or modified, the said special homestead agreements shall be deemed to have been performed by the holders thereof, and land-patent grants covering the land described in such agreements shall be issued to the parties mentioned therein, or their heirs or assigns, as the case may be.

“Neither the Territory of Hawaii nor any of its officers, agents, or representatives shall be liable to any holder of any special homestead agreement, past or present, whether or not a patent shall have issued thereon, or to any other person, for any refund or reimbursement on account of any payment to the Territory in excess of the amount determined as provided by the preceding paragraph, and the legislature shall not recognize any obligation, legal or moral, on account of such excess payments.”

SEC. 2. This Act shall take effect upon its approval.  
 Approved, June 12, 1940.

[CHAPTER 337]

AN ACT

To provide for the examination of civilian nautical schools and for the inspection of vessels used in connection therewith, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as used in this Act the term “civilian nautical school” means any school or branch thereof operated and conducted in the United States (except State nautical schools and schools operated by the United States or any agency thereof), which offers to persons quartered on board any vessel instruction for the primary purpose of training for service in the merchant marine.

SEC. 2. Every civilian nautical school shall be subject to examination and inspection by the United States Maritime Commission, and the Commission may, under such rules and regulations as it may prescribe, provide for the rating and certification of such schools as to the adequacy of the course of instruction, the competency of the instructors, and the suitability of equipment used by or in connection with such schools.

June 12, 1940  
 [H. R. 9282]  
 [Public, No. 606]  
 Merchant marine.  
 “Civilian nautical school,” definition.  
 Examination, rating, etc.

SEC. 3. (a) All laws covering the inspection of passenger vessels in effect on the date of enactment of this Act are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, to such extent and upon such conditions as may be required by regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

Inspection of ves-  
sels.

(b) The Bureau of Marine Inspection and Navigation is authorized and directed, through such rules and regulations as the Secretary of Commerce may approve, to prescribe minimum standards for the size, ventilation, plumbing, and sanitation of quarters assigned to members of the crew, passengers, cadets, students, instructors, or any other persons at any time quartered on board any vessel used by or in connection with any civilian nautical school.

Standards for size,  
etc., of quarters.

(c) No certificate of inspection shall be issued to any such vessel until and unless a board of local inspectors has found such vessel to be in compliance with all the requirements of this section and the regulations issued thereunder. Such certificates shall be subject to revocation in the manner prescribed by section 4453 of the Revised Statutes of the United States, as amended (U. S. C., 1934 edition, title 46, sec. 435).

Certificate of in-  
spection, requirement.

Revocation.

(d) On and after ninety days from the date of enactment of this Act, it shall be unlawful for any vessel to which the Act applies to be used by or in connection with any civilian nautical school unless it is in possession of a valid, unexpired certificate of inspection, or a valid, unexpired temporary certificate of inspection.

Possession of cer-  
tificates by vessels.

(e) In case of the violation of this section or of any of the regulations issued thereunder by any vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$1,000, and such owner or officer may be imprisoned for not more than one year, or subjected to both fine and imprisonment. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed.

Penalty provisions.

SEC. 4. The provisions of section 3 of this Act shall not apply to vessels of the Navy or the Coast Guard used by or in connection with civilian nautical schools.

Vessels of Navy or  
Coast Guard ex-  
cepted.

Approved, June 12, 1940.

[CHAPTER 339]

AN ACT

To amend sections 798 and 800 of the Code of Law for the District of Columbia, relating to murder in the first degree.

June 12, 1940  
[S. 186]  
[Public, No. 607]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 798 and 800 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189), be amended to read as follows:

District of Colum-  
bia Code, amend-  
ment.  
6 D. C. Code §§ 21,  
23.

"SEC. 798. MURDER IN THE FIRST DEGREE.—Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the penitentiary, or without purpose so to do kills another in perpetrating or in attempting to perpetrate any arson, as defined in section 820 or 821 of this Code, rape, mayhem, robbery, or kidnapping, or in perpetrating or in attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, is guilty of murder in the first degree.

Murder, first de-  
gree.

Murder, second degree.

"SEC. 800. MURDER IN THE SECOND DEGREE.—Whoever with malice aforethought, except as provided in the last two sections, kills another, is guilty of murder in the second degree."

Approved, June 12, 1940.

[CHAPTER 340]

AN ACT

Relating to the hours of service of persons employed upon the Government-owned Wiota-Fort Peck Railroad in the State of Montana.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act entitled "An Act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia", approved August 1, 1892, as amended, shall not be applicable with respect to the service and employment of persons employed in connection with the operation or maintenance of the Government-owned Wiota-Fort Peck Railroad in the State of Montana; but the hours of labor or service of such persons shall be limited to the same extent that such hours of labor or service would be limited, if the United States in the operation of such railroad were a common carrier subject to the provisions of the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon", approved March 4, 1907, as amended.

SEC. 2. Any officer or agent of the United States whose duty it shall be to employ, direct, or control any person employed in connection with the operation or maintenance of such railroad who shall intentionally require or permit such person to be employed for hours of labor or service in violation of this Act shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Approved, June 12, 1940.

[CHAPTER 341]

AN ACT

To amend section 107 of the Judicial Code, as amended, to eliminate the requirement that suitable accommodations for holding the court at Winchester, Tennessee, be provided by the local authorities.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 107 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 188), is amended by striking out "Provided, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Columbia, a public building shall have been erected or other Federal space provided for court purposes in said city", and inserting in lieu thereof the following: "Provided, That suitable accommodations for holding the court at Cookeville shall be provided by the local authorities

June 12, 1940

[S. 2639]

[Public, No. 608]

Wiota-Fort Peck Railroad, Mont.  
Hours of service of employees.

27 Stat. 340.

40 U. S. C. §§ 321-323.

34 Stat. 1415.

45 U. S. C. §§ 61-64.

Violation by U. S. officers or agents.

Penalty.

June 12, 1940

[S. 3828]

[Public, No. 609]

Judicial Code, amendment.

Tennessee judicial districts.

36 Stat. 1124.

28 U. S. C., Supp.

V. § 188.

Post, pp. 1216, 1217.

Provisos.

Court accommodations at Cookeville.

without expense to the United States: *Provided further*, That suitable accommodations for holding the courts at Winchester and Columbia shall be provided by the local authorities, but only until such time as, in the case of each of such cities, such accommodations shall have been provided, upon recommendation of the Director of the Administrative Office of the United States Courts, in a public building or in other quarters provided by the Federal Government for such purpose”.

Approved, June 12, 1940.

At Winchester and Columbia.

[CHAPTER 342]

AN ACT

To provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes.

June 12, 1940  
[H. R. 9326]  
[Public, No. 610]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Board of Education, on recommendation of the superintendent of schools, may grant leave of absence with part pay to any employee of said Board of Education whose salary is fixed in the Salary Act approved June 4, 1924, who has served in the public schools of the District of Columbia not less than six years continuously prior to filing application for leave, for purposes of educational improvement for a period not exceeding one year at a time, under conditions not herein otherwise specified as the Board of Education may determine, and the place of said person to be filled by the appointment of a qualified temporary employee for the period of said leave: *Provided*, That not more than 2 per centum of the total number of the above-mentioned employees may be on leave with part pay at the same time.

District of Columbia.  
Board of Education employees.  
Leave for educational improvement.  
43 Stat. 367.  
7 D. C. Code, ch. 2; Supp. V, ch. 2.

*Proviso.*  
Limitation.

SEC. 2. Any employee to whom such leave of absence may be granted shall report in writing to the Superintendent, in such form as the Board of Education may determine, the manner in which said leave of absence is being employed, and for failure to comply with any requirement of the rules of the Board of Education or to pursue in a satisfactory manner the purpose for which said leave of absence was granted, the Board of Education, on recommendation of the Superintendent, may terminate such leave of absence at any time.

Written report to Superintendent.

Termination of leave by Board.

SEC. 3. Any teacher whose salary is fixed in article I of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the same manner as though on active duty, equal to the difference between the salary which the teacher would have received during the year he is on said leave of absence and the basic annual salary of group A or group C of his salary class, less the amount of his contribution to the retirement fund, in accordance with the provisions of the Retirement Act, as amended and approved June 11, 1926.

Compensation of teacher while on leave.

44 Stat. 727.  
7 D. C. Code §§ 61-79; Supp. V, §§ 70, 70a.

SEC. 4. Any administrative or supervisory officer mentioned in section 1 of this Act whose salary is fixed in article II of the Act approved June 4, 1924, who is granted leave of absence for educational purposes under the provisions of this Act, shall receive compensation during the period of said leave, paid in the manner as though on active duty, equal to the largest amount to which any teacher in the group B or group D salary class under his supervision would be entitled if given such education leave, less the amount of his contribution to the retirement fund in accordance with the provisions of the Retirement Act, as amended and approved June 11,

Compensation of administrative, etc., officer while on leave.

*Provisos.*  
Temporary assign-  
ment to officer's posi-  
tion.

Filling of vacated  
position.

Teacher or officer on  
leave considered as in  
active service.

Masculine pronoun  
construed.

Effective date.

1926: *Provided*, That during the period of the leave of said officer, the Board of Education on the recommendation of the superintendent of schools may authorize the temporary assignment to his position of any teacher or officer who serves under said officer on leave: *And provided further*, That the position of the teacher or officer so assigned may be filled during the period of such absence by a qualified temporary employee.

SEC. 5. The teacher or officer who takes leave of absence with part pay for educational purposes under the provisions of this Act shall be construed as in active service, and periods of service for salary increment purposes and for retirement purposes, and the pay which the teacher or officer would have received had leave not been taken shall be used in computing retirement annuities.

SEC. 6. Wherever the masculine pronoun occurs in this Act it shall be construed to mean both male and female employees.

SEC. 7. This Act shall take effect on and after July 1, 1940.

Approved, June 12, 1940.

[CHAPTER 343]

AN ACT

Making appropriations for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1941, and for other purposes, namely:

SALARIES, WAR DEPARTMENT

For compensation for personal services in the District of Columbia, as follows:

Office of Secretary of War: Secretary of War, Assistant Secretary of War, and other personal services, \$543,240, of which \$184,860 shall be available exclusively for temporary personal services: *Provided*, That not to exceed \$50,000 of the appropriations contained in this Act for military activities shall be available for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation, in an advisory capacity to the Secretary of War, and for the temporary employment of persons or organizations, by contract or otherwise, without regard to section 3709 of the Revised Statutes or the civil service or classification laws: *Provided*, That no field-service appropriation shall be available for personal services in the War Department except as may be expressly authorized herein.

Office of Chief of Staff, \$312,290, of which \$69,340 shall be available exclusively for temporary personal services.

Adjutant General's office, \$1,797,856, of which \$251,740 shall be available exclusively for temporary personal services.

Office of the Inspector General, \$37,260.

Office of the Judge Advocate General, \$127,560.

Office of the Chief of Finance, \$514,928, of which \$94,798 shall be available exclusively for temporary personal services.

Office of the Quartermaster General, \$1,001,786 of which \$140,000 shall be available exclusively for temporary personal services.

Office of the Chief Signal Officer, \$279,927, of which \$70,422 shall be available exclusively for temporary personal services.

Office of the Chief of Air Corps, \$392,000, of which \$133,000 shall be available exclusively for temporary personal services.

June 13, 1940

[H. R. 9209]

[Public, No. 611]

Military Appropria-  
tion Act, 1941.

*Post*, pp. 601, 656,  
872, 966.

*Post*, pp. 603, 604.

Personal services.

Office of Secretary  
of War.

*Provisos.*  
Transportation ex-  
penses, etc., of per-  
sons serving in ad-  
visory capacity.  
*Post*, p. 971.

41 U. S. C. § 5.

Use of field-service  
appropriations for per-  
sonal services.

Designated offices.

Office of the Surgeon General, \$370,710, of which \$41,000 shall be available exclusively for temporary personal services.

Office of Chief of Engineers, \$216,256, of which \$55,000 shall be available exclusively for temporary personal services: *Provided*, That the services of such additional technical and clerical personnel as the Secretary of War may deem necessary may be employed only in the Office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors and flood control, surveys, and preparation for and the consideration of river and harbor and flood-control estimates and bills, to be paid from such appropriations: *Provided further*, That the expenditures on this account for the fiscal year 1941 shall not exceed \$585,680, and the Secretary of War shall each year, in the Budget, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of Chief of Ordnance, \$838,500, of which \$350,000 shall be available exclusively for temporary personal services.

Office of Chief of Chemical Warfare Service, \$74,790, of which \$24,000 shall be available exclusively for temporary personal services.

Office of Chief of Infantry, \$15,320.

Office of Chief of Cavalry, \$11,100.

Office of Chief of Field Artillery, \$6,840.

Office of Chief of Coast Artillery, \$36,040.

Office of Chief of Chaplains, \$9,680.

National Guard Bureau, War Department, \$181,864.

In all, salaries, War Department, \$6,767,947: *Provided*, That the number of warrant officers and enlisted men on duty in the offices of the Chiefs of Ordnance, Engineers, Coast Artillery, Field Artillery, Cavalry, Infantry, and Chaplains on March 5, 1934, shall not be increased, and in lieu of warrant officers and enlisted men whose services in such offices shall have been terminated for any cause prior to July 1, 1941, their places may be filled by civilians, for the pay of whom, in accordance with the Classification Act of 1923, as amended, the appropriation "Pay of the Army" shall be available.

In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary of War, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

Office of Chief of Engineers.  
*Proviso.*  
Services of technical and clerical personnel.

Maximum expenditures, fiscal year 1941.  
Report to Congress.

Aggregate.  
*Proviso.*  
No increase in certain details.

Civilians to fill vacancies.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Post, p. 354.  
Salary restriction.

Exception.

*Proviso.*  
Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

*Post*, pp. 603, 604.

## OFFICE OF THE SECRETARY

*Post*, pp. 603, 604, 875.

### CONTINGENT EXPENSES, WAR DEPARTMENT

Department contingent expenses.

For stationery; purchase of professional and scientific books, law-books, including their exchange; books of reference, pamphlets, periodicals, newspapers (not to exceed \$305), maps; typewriting and adding machines, and other labor-saving devices, including their repair and exchange; furniture and repairs to same; carpets, linoleum, filing equipment, photo supplies, towels, ice, brooms, soap, sponges; purchase (including exchange) of an automobile for the official use of the Secretary of War at not to exceed \$1,800; purchase (including exchange) of motortrucks; maintenance, repair, and operation of motortrucks and one motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; streetcar fares; postage to Postal Union countries; and other absolutely necessary expenses, \$422,485, and it shall not be lawful to expend, unless otherwise specifically provided herein, for any bureau, office, or branch of the War Department or of the Army having or maintaining an office in the War Department proper, at Washington, District of Columbia, any sum out of appropriations contained in this Act (or accruing thereto) made for the Military Establishment for any of the purposes mentioned or authorized in this paragraph: *Provided*, That section 3709, Revised Statutes, shall not apply to any procurement under this appropriation which does not exceed \$50 in amount.

Restriction on expenditures.

*Proviso*.  
Minor purchases.  
41 U. S. C. § 5.  
*Post*, p. 1109.

### LIBRARY, SURGEON GENERAL'S OFFICE

Books of reference, etc.

For the purchase of the necessary books of reference, periodicals, and technical supplies and equipment, \$25,000.

### ARMY MEDICAL MUSEUM

Preservation, etc., of specimens.

For the procurement, preparation, and preservation of specimens and the purchase of technical supplies and equipment, \$14,400.

*Post*, pp. 603, 604.

### PRINTING AND BINDING, WAR DEPARTMENT

Printing and binding.

For printing and binding for the War Department, except such as may be otherwise provided for in accordance with existing law, \$672,730: *Provided*, That the sum of \$3,000, or so much thereof as may be necessary, may be used for the publication, from time to time, of bulletins prepared under the direction of the Surgeon General of the Army, for the instruction of medical officers, when approved by the Secretary of War.

*Proviso*.  
Bulletins.

*Post*, pp. 378, 601, 604, 872, 966, 1046.

## MILITARY ACTIVITIES

*Post*, p. 966.

### CONTINGENCIES OF THE ARMY

Army contingencies.

For all emergencies and extraordinary expenses, including the employment of translators, and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, and for examination of estimates of appropriations and of military activities in the field, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Govern-

ment, \$50,000, of which \$30,000 shall be available immediately and exclusively for the actual and necessary expenses, as may be determined and approved by the Secretary of War, of officers of the Army on special duty in European countries.

Officers on special duty in European countries, expenses.

#### EDUCATIONAL ORDERS

For placing educational orders and for expenditures incidental to the accomplishment of procurements thereunder, as authorized by the Act of June 16, 1938, as amended by section 13 of the Act of April 3, 1939, \$16,250,000: *Provided*, That the Secretary of War shall submit to Congress as early as may be practicable at the next regular session a detailed report of all expenditures from appropriations under this head for the period ending December 31, 1940.

Educational orders. 52 Stat. 707; 53 Stat. 560.  
50 U. S. C., Supp. V, §§ 91-94.  
*Proviso.*  
Report to Congress.

#### GENERAL STAFF CORPS

*Post*, pp. 601, 655, 966.

#### MILITARY INTELLIGENCE ACTIVITIES

*Post*, pp. 655, 966.

For miscellaneous expenses requisite for and incident to the military intelligence activities of the Army and maintenance of the military attachés at the United States Embassies and Legations abroad, including the purchase of lawbooks, maps, professional books of reference, and subscriptions to newspapers and periodicals; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including not to exceed \$5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, \$125,000, to be expended under the direction of the Secretary of War, and \$10,000 of such sum shall be available immediately: *Provided*, That section 3648, Revised Statutes (31 U. S. C. 529), shall not apply to payments made from appropriations contained in this Act in compliance with the laws of foreign countries or their ministerial regulations under which the military attachés are required to operate.

Miscellaneous expenses.

Observing operations of foreign armies.

*Proviso.*  
Provisions waived.

#### FIELD EXERCISES

*Post*, pp. 601, 966.

For expenses required for the conduct of special field exercises, including participation therein by the National Guard and the Organized Reserves, and including pay and travel of temporary employees and officers and enlisted men of the National Guard and the Organized Reserves, not otherwise provided for, allowances for enlisted men for quarters and rations, troop movements and travel of personnel of the Regular Army, in connection with special field exercises, including special combat training for small units, movement of matériel, maintenance and operation of structures and utilities, rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, use or repair of private property, and any other requisite supplies and services, and for settlement of claims (not exceeding \$500 each) for damages to or loss of private property resulting from such exercises that have accrued or may hereafter accrue, when payment thereof will be accepted by the owners of the property in full satisfaction of such damages, and each claim is substantiated in such manner as the Secretary of War may prescribe by regulations and is approved by the Secretary of War, or by such other officer or officers as he may designate, whose action thereon shall be conclusive, \$8,231,306.

Participation by National Guard, etc.

Rental of land, etc.

31 U. S. C. § 529.  
Private property damage claims.

## ARMY WAR COLLEGE

Expenses.

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers, newspapers, and periodicals; maps; police utensils; employment of temporary, technical, or special services, and expenses of special lectures; pay of employees; and for all other absolutely necessary expenses, \$80,664.

*Post*, pp. 601, 966.

## ADJUTANT GENERAL'S DEPARTMENT

## COMMAND AND GENERAL STAFF SCHOOL, FORT LEAVENWORTH, KANSAS

Expenses.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and material for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction, at the Command and General Staff School, Fort Leavenworth, Kansas, \$71,950.

*Post*, pp. 601, 966.

## WELFARE OF ENLISTED MEN

Equipment and conduct of clubs, libraries, etc.

For the equipment and conduct of school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers, salaries of civilians employed in the hostess and library services, transportation of books and equipment for these services, rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, \$106,880.

*Post*, pp. 601, 604, 966.

## FINANCE DEPARTMENT

## PAY OF THE ARMY

*Ante*, p. 351; *post*, pp. 601, 966, 970.

Officers.

Aviation increase.

Increased pay for aerial flights, restriction.

Longevity.

Enlisted men.

Regular Army Reserve.

National Guard.

Aviation increase.

Philippine Scouts.

Longevity.

Retired officers, etc.

Civil-service messengers at headquarters, etc.

For pay of commissioned officers, \$38,055,754; pay of officers, National Guard, \$100; pay of warrant officers, \$1,351,248; aviation increase to commissioned and warrant officers of the Army, including not to exceed eighty-six medical officers, \$3,242,593, none of which shall be available for increased pay for making aerial flights by non-flying officers at a rate in excess of \$720 per annum, which shall be the legal maximum rate as to such officers, and such nonflying officers shall be entitled to such rate of increase by performing three or more flights within each ninety-day period, pursuant to orders of competent authority, without regard to the duration of such flight or flights; additional pay to officers for length of service, \$10,546,818; pay of enlisted men of the line and staff, not including the Philippine Scouts, \$125,325,942; Regular Army Reserve, \$1,119,816; pay of enlisted men of National Guard, \$100; aviation increase to enlisted men of the Army, \$2,195,303; pay of enlisted men of the Philippine Scouts, \$1,050,447; additional pay for length of service to enlisted men, \$8,965,256; pay of commissioned officers on the retired list, \$12,850,930; pay of retired warrant officers and retired members of the Army Nurse Corps, \$1,441,086; increased pay to not to exceed three hundred and eight retired officers on active duty, \$394,960; pay of retired enlisted men, \$13,930,512; pay of not to exceed sixty civil-service messengers at not to exceed \$1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service

schools, camps, and ports of embarkation and debarkation, \$72,000; pay and allowances of contract surgeons, \$40,656; pay of nurses, \$1,277,763; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, \$12,808,431; subsistence allowances, \$7,221,009; interest on soldiers' deposits, \$75,000; payment of exchange by officers serving in foreign countries and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, \$100; in all, \$241,965,824, of which amount \$1,000,000 shall be available immediately; and the money herein appropriated for "Pay of the Army" shall be accounted for as one fund: *Provided*, That during the fiscal year ending June 30, 1941, no officer of the Army shall be entitled to receive an addition to his pay in consequence of the provisions of the Act approved May 11, 1908 (10 U. S. C. 803): *Provided further*, That the appropriations contained in this Act shall not be subject to the limitations contained in section 13a of the National Defense Act, as amended (10 U. S. C. 291), as to the number of enlisted men and flying cadets in the Army Air Corps: *Provided further*, That no part of this or any other appropriation contained in this Act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department, nor for the pay of any such person beyond the period of enlistment or termination of employment, but nothing herein shall be construed as applying to instructors of foreign languages at the Military Academy, or to Filipinos in the Army Transport Service, or to persons employed outside of the continental limits of the United States except enlisted men of the Regular Army, other than Philippine Scouts, upon expiration of enlistment, and this provision shall be subject to the provisions of the Act entitled "An Act for the protection of certain enlisted men of the Army", approved August 19, 1937: *Provided further*, That, without deposit to the credit of the Treasurer of the United States and withdrawal on money requisitions, receipts of public moneys from sales or other sources by officers of the Army on disbursing duty and charged in their official accounts, except receipts to be credited to river and harbor and flood-control appropriations and retirement deductions, may be used by them as required for current expenditures, all necessary bookkeeping adjustments of appropriations, funds, and accounts to be made in the settlement of their disbursing accounts.

No payment shall be made from money appropriated in this Act to any officer on the retired list of the Army who, for himself or for others, is engaged in the selling of, contracting for the sale of, or negotiating for the sale of, to the Army or the War Department, any war materials or supplies.

No appropriation for the pay of the Army shall be available for the pay of any officer or enlisted man on the active list of the Army who is engaged in any manner with any publication which is or may be issued by or for any branch or organization of the Army or military association in which officers or enlisted men have membership and which carries paid advertising of firms doing business with the War Department: *Provided, however*, That nothing herein contained shall be construed to prohibit officers from writing or disseminating articles in accordance with regulations issued by the Secretary of War.

Contract surgeons;  
nurses.  
Rent, subsistence,  
etc.

Payment of ex-  
change by officers  
serving in foreign  
countries.

Accounting.

*Proviso.*  
No allowance to  
officer owning mount.  
35 Stat. 108.

Enlisted men, etc.,  
in Army Air Corps,  
number.

41 Stat. 768,  
10 U. S. C., Supp.  
V, § 291.

Citizenship require-  
ment.

Not applicable to  
designated persons.

50 Stat. 696.

Receipts of public  
moneys from sales,  
etc., use.

Retired officer sell-  
ing supplies to Army,  
pay restriction.

Officers, etc., en-  
gaged with certain  
service publications,  
pay restriction.

*Proviso.*  
Writing, etc., of  
articles by officers.

## TRAVEL OF THE ARMY

*Post*, pp. 601, 966,  
970.

Travel allowances,  
etc.

Amount immedi-  
ately available.  
Transfers from other  
appropriations.

Restriction.

*Provisos.*  
Expert accountant,  
travel allowances.

Attendance at meet-  
ings.  
39 Stat. 199.  
32 U. S. C. § 22.

Personnel traveling  
under orders, ex-  
penses.

Dependents, etc.

For travel allowances and travel in kind, as authorized by law, for persons traveling in connection with the military activities of the War Department, including mileage, transportation, reimbursement of actual expenses, or per diem allowances, to officers and contract surgeons; transportation of troops; transportation, or reimbursement therefor, of nurses, enlisted men, recruits, recruiting parties, applicants for enlistment between places of acceptance for enlistment and recruiting stations, rejected applicants for enlistment, general prisoners, cadets and accepted cadets from their homes to the Military Academy, discharged cadets, civilian employees, civilian witnesses before courts martial, and dependents of military personnel, including those of retired officers ordered to active duty and upon relief therefrom; travel pay to discharged military personnel; transportation of discharged prisoners and persons discharged from Saint Elizabeths Hospital after transfer thereto from the military service, to their homes, or elsewhere as they may elect, the cost in each case not to be greater than to the place of last enlistment; monetary allowances for liquid coffee for troops traveling when supplied with cooked or travel rations; commutation of quarters and rations to enlisted men traveling on detached duty when it is impracticable to carry rations, and to applicants for enlistment and general prisoners traveling under orders; per diem allowances or actual cost of subsistence while in a travel status, to nurses, civilian employees, and civilian witnesses before courts martial, \$7,004,916, of which amount \$100,000 shall be available immediately, and such total amount may be increased, subject to the approval of the Director of the Bureau of the Budget, by transfers from other appropriations for the Military Establishment of such amounts as may be required in addition to those herein provided for travel in connection with development, procurement, production, maintenance, or construction activities; and, with such exception, no other appropriation in this Act shall be available for any expense for or incident to travel of personnel of the Regular Army or civilian employees under the War Department, except the appropriation "Contingencies of the Army" and the appropriations for Military Posts, the National Guard, the Organized Reserves, the Reserve Officers' Training Corps; Citizens' Military Training Camps, and the National Board for the Promotion of Rifle Practice, and except as may be provided for in the appropriations "Special Field Exercises" and "Air Corps, Army": *Provided*, That hereafter the expert accountant, Inspector General's Department, shall be entitled to the same travel allowances as other employees of the War Department: *Provided further*, That, in addition to the authority contained in section 67, National Defense Act of June 3, 1916, as amended, a total of not to exceed \$2,500 of the appropriations available to the War Department chargeable with expenses of travel shall be available for expenses incident to attendance at meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of War, such attendance would be of benefit in the conduct of the work of the War Department: *Provided further*, That appropriations available for travel of personnel of the Military Establishment or employees under the War Department which are current at the date of relief from duty station of such personnel traveling under orders shall be charged with all expenses properly chargeable to such appropriations in connection with the travel enjoined, including travel of dependents and transportation of authorized baggage and household effects of such personnel, regardless of the dates of arrival at destination of the persons so traveling.

## EXPENSES OF COURTS MARTIAL

Post, pp. 601, 967.

For expenses of courts martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services, and expenses of taking depositions and securing other evidence for use before the same, \$44,000.

Courts martial, expenses.

## APPREHENSION OF DESERTERS, AND SO FORTH

Post, p. 601.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than \$25 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of \$10 to prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, \$15,000.

Apprehension of deserters, etc.

## FINANCE SERVICE

Post, pp. 601, 604, 967.

For compensation of clerks and other employees of the Finance Department, including not to exceed \$900 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), \$1,644,413.

Compensation of clerks, etc.

46 Stat. 818.

## CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY

For payment of claims, including claims of military and civilian personnel in and under the War Department, not exceeding \$500 each in amount for damages to or loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue, from time to time, \$8,000: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages.

Claims for damages, etc.

Proviso. Settlement.

## CLAIMS OF OFFICERS, ENLISTED MEN, AND NURSES OF THE ARMY FOR DESTRUCTION OF PRIVATE PROPERTY

For the payment of claims of officers, enlisted men, and nurses of the Army for private property lost, destroyed, captured, abandoned, or damaged in the military service of the United States, under the provisions of an Act approved March 4, 1921 (31 U. S. C. 218-222), \$15,000.

Claims of Army officers, etc.

41 Stat. 1436.

## QUARTERMASTER CORPS

Post, pp. 601, 872, 967, 1046.

Subsistence of the Army: Purchase of subsistence supplies: For issue as rations to troops, including retired enlisted men when ordered to active duty, civil employees when entitled thereto, hospital matrons, applicants for enlistment while held under observation, general prisoners of war, and general prisoners at posts; ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army Transport Service; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers, including members of the Officers' Reserve Corps while on active duty, and

Subsistence of the Army. Post, pp. 601, 967.

Army Transport Service.

Sales to officers, etc.

Allowances of commutation in lieu of rations.

enlisted men of the Army. For payments: Of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, and to enlisted men when stationed at places where rations in kind cannot be economically issued, including retired enlisted men when ordered to active duty. For payment of the regulation allowance of commutation in lieu of rations for enlisted men, applicants for enlistment while held under observation, civilian employees who are entitled to subsistence at public expense, and general prisoners while sick in hospitals, to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed \$900 per annum; and for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; in all, \$45,639,198: *Provided*, That none of the money appropriated in this Act shall be used for the purchase of oleomargarine or butter substitutes for other than cooking purposes, except to supply an expressed preference therefor or for use where climatic or other conditions render the use of butter impracticable.

Prizes, etc.

Subsistence supplies.

*Proviso.*  
Butter substitutes, restriction.

Regular supplies of the Army.  
*Post*, pp. 378, 601, 603, 872, 957.

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; field ranges, field stoves for cooking food, coffee roasters, field bakery equipment, and appliances for cooking and serving food at posts (except fixed installations in buildings), in the field and when traveling, and repair and maintenance of such equipment; authorized issues of candles and matches; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, periodicals, market reports, technical books, and so forth; for equipment and furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blankbooks and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, \$8,052,471.

Clothing and equipage.

*Post*, pp. 378, 601, 603, 872, 957, 970.

Clothing and equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including retired enlisted men when ordered to active duty for issue and for sale; for payment of commutation of clothing due to warrant officers of the mine-planter service and to enlisted men; for altering and fitting clothing and washing and cleaning when necessary; for operation of laundries, existing or now under construction, including purchase and repair of laundry machinery therefor; for the authorized issues of laundry materials for use of general prisoners confined at

military posts without pay or allowances, and for applicants for enlistment while held under observation; for equipment and repair of equipment of existing dry-cleaning plants, salvage and sorting storehouses, hat-repairing shops, shoe-repair shops, clothing-repair shops, and garbage-reduction works; for equipage, including authorized issues of toilet articles, barbers' and tailors' material, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment; for expenses of packing and handling and similar necessities; for a suit of citizen's outer clothing and when necessary an overcoat, the cost of all not to exceed \$30, to be issued each soldier discharged otherwise than honorably, to each enlisted man convicted by civil court for an offense resulting in confinement in a penitentiary or other civil prison, and to each enlisted man ordered interned by reason of the fact that he is an alien enemy, or, for the same reason, discharged without internment; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, \$75,004,376, of which amount not exceeding \$60,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1941: *Provided*, That laundry charges, other than for service now rendered without charge, shall be so adjusted that earnings in conjunction with the value placed upon service rendered without charge shall aggregate an amount not less than \$50,000 below the cost of maintaining and operating laundries and dry-cleaning plants.

Incidental expenses of the Army: Postage; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government; compensation of clerks and other employees of the Quartermaster Corps, including not to exceed \$900 for any one person for allowances for living quarters, including heat, fuel, and light, as authorized by the Act of June 26, 1930 (5 U. S. C. 118a), and clerks, foremen, watchmen, and organist for the United States Disciplinary Barracks; incidental expenses of recruiting; not to exceed \$5,000 for activities of chaplains (excluding ritual garments and personal services); for the operation of coffee-roasting plants; for the payment of entrance fees for Army rifle and pistol teams participating in competitions; for tests and experimental and development work and scientific research to be performed by the Bureau of Standards for the Quartermaster Corps; for inspection service and instruction furnished by the Department of Agriculture which may be transferred in advance; for such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other departments, \$5,011,683.

Army transportation: For transportation of Army supplies; of authorized baggage (including baggage of retired officers ordered to active duty or upon relief therefrom), including packing and crating; of horse equipment; and of funds for the Army; for transportation on Army vessels, notwithstanding the provisions of other law, of privately owned automobiles of Regular Army personnel upon change of station; for the purchase or construction, not to exceed \$9,500,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriage; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and

Amount immediately available.

*Proviso.*  
Laundry charges.

Incidental expenses of the Army.  
*Post*, pp. 601, 967, 970.

46 Stat. 818.  
Recruiting.

Tests, research, etc.

Army transportation.  
*Post*, pp. 378, 601, 603, 872, 967, 970.

Privately owned automobiles.

Boats, etc.

Vehicles.

National Guard, travel allowances.  
31 Stat. 902.  
42 Stat. 1021.

Fuel and vehicles, amount immediately available.  
*Provides.* Passenger automobiles.  
Ambulances, etc.  
Restriction on use of funds; salvaging.  
Exceptions.  
Transportation costs, supplies, equipment, etc.

supplies and for official military and garrison purposes; for hire of draft and pack animals; for travel allowances to officers of National Guard on discharge from Federal service as prescribed in the Act of March 2, 1901 (10 U. S. C. 751), and to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory Act of September 22, 1922 (10 U. S. C. 752), and to members of the National Guard who have been mustered into Federal service and discharged on account of disability; in all, \$64,999,664, of which amount not exceeding \$250,000 for the procurement and transportation of fuel for the service of the fiscal year 1941, and not exceeding \$15,000,000 for the procurement of motor vehicles, shall be available immediately: *Provided*, That not to exceed \$1,000,000 may be expended for the purchase of light and medium passenger-carrying automobiles at a unit cost of not to exceed \$750 for light automobiles and \$1,200 for medium automobiles, including the value of any vehicle exchanged, and not to exceed \$5,000,000 may be expended for the purchase or exchange of motor-propelled ambulances, and trucks of station-wagon type: *Provided further*, That no appropriation contained in this Act shall be available for any expense of any character, other than as may be incident to salvaging or scrapping, on account of any motor-propelled vehicle procured prior to January 1, 1920, except tanks, tractors, ambulances, fire trucks, searchlight trucks, three hundred and ninety modernized class B trucks, and vehicles in use by Reserve Officers' Training Corps units on February 19, 1935: *Provided further*, That during the fiscal year 1941 the cost of transportation from point of origin to the first point of storage or consumption of supplies, equipment, and material in connection with the manufacturing and purchasing activities of the Quartermaster Corps may be charged to the appropriations from which such supplies, equipment, and material are procured.

*Post*, pp. 601, 872, 967.

#### HORSES, DRAFT AND PACK ANIMALS

Horses, draft and pack animals, purchase.

For the purchase of draft and pack animals and horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including \$81,750 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), \$782,490.

Encouragement of breeding of riding horses.

*Post*, pp. 602, 704, 705, 873, 958, 967.

#### MILITARY POSTS

Construction, etc.

For construction and installation of buildings, flying fields, and appurtenances thereto, including interior facilities, fixed equipment, necessary services, roads, connections to water, sewer, gas, and electric mains, purchase and installation of telephone and radio equipment, and similar improvements, and procurement of transportation incident thereto, without reference to sections 1136 and 3734, Revised Statutes (10 U. S. C. 1339; 40 U. S. C. 267); general overhead expenses of transportation, engineering, supplies, inspection and supervision, and such services as may be necessary in the office of the Quartermaster General; and the engagement by contract or otherwise without regard to section 3709, Revised Statutes (41 U. S. C. 5), and at such rates of compensation as the Secretary of War may determine, of the services of architects or firms or corporations thereof and other technical and professional personnel as may be

Technical and professional personnel.

necessary; \$90,310,785, to remain available until expended, and, in addition, authority is hereby given to enter into contracts, prior to July 1, 1941, for the same purposes to an amount not in excess of \$6,000,000: *Provided*, That the foregoing appropriation and contract authorization shall be applied as follows: For work authorized by the Act of July 14, 1939 (53 Stat. 1003), Carlisle Barracks, Pennsylvania, \$375,000; for work authorized by the Act of June 20, 1939 (53 Stat. 842-843), at Fort Niagara, New York, \$60,000; for work authorized by the Act of August 26, 1937 (50 Stat. 857-862): At Fort Shafter, Hawaii, \$890,000; Schofield Barracks, Hawaii, \$1,264,200; Fort MacArthur, California, \$134,500; Corozal General Depot, Canal Zone, \$427,300; Fort Crook, Nebraska, \$55,000; Fort Huachuca, Arizona, \$225,000; for work authorized by the Act of June 4, 1936 (49 Stat. 1462), at Edgewood Arsenal, Maryland, \$918,988; for work authorized by the Act of August 12, 1935 (49 Stat. 610-611): At Albrook Field, Canal Zone, \$350,000; Chanute Field, Illinois, \$669,400; Brooks Field, Texas, \$708,000; Eglin Field, Florida, \$250,000; Marshall Field, Kansas, \$249,400; Godman Field, Kentucky, \$740,000; Pope Field, North Carolina, \$90,000; Lowry Field, Colorado, \$350,000; Kelly Field, Texas, \$990,000; Langley Field, Virginia, \$220,000; Hamilton Field, California, \$150,000; Patterson Field, Ohio, \$193,000; Barksdale Field, Louisiana, \$204,400; McChord Field, Washington, \$134,000; Mitchel Field, New York, \$57,000; Bolling Field, District of Columbia, \$100,000; Selfridge Field, Michigan, \$50,300; March Field, California, \$86,000; Southeast Air Base, Florida, \$848,400; Wright Field, Ohio, \$1,840,000; Patterson Field, Ohio, \$130,000; Alaska Air Base, \$12,104,060; Albrook Field, Panama Canal Zone, \$1,000,000; aircraft warning service, Panama Canal Zone, \$134,375; and gasoline and bomb storage at Panama Canal Zone, \$1,050,000, Puerto Rico, \$1,201,500, Alaska, \$630,000, and Hawaii, \$454,000; emergency construction, \$47,976,962, including the acquisition of necessary land therefor, without regard to the provisions of sections 355 and 1136, Revised Statutes, as amended (10 U. S. C. 1339; 40 U. S. C. 255); and for payments under contracts authorized in the Supplemental Military Appropriation Act, 1940, and the Third Deficiency Appropriation Act, fiscal year 1939, \$19,000,000.

#### ACQUISITION OF LAND

Acquisition of land, Mojave Desert, California: For the acquisition of land for an antiaircraft firing range, Mojave Desert, north of Barstow and Baker, California, seven hundred and forty-nine thousand four hundred and forty acres, more or less, as authorized by the Act of July 26, 1939 (53 Stat. 1123), \$249,000, to remain available until July 1, 1942.

For the acquisition of land, as authorized by the Act of August 12, 1935 (49 Stat. 610), as follows: Wright Field, Ohio, \$392,000; Puerto Rican Department, \$140,000; in vicinity of Anchorage, Alaska, \$85,000; in all, \$617,000, to remain available until July 1, 1942.

Toward the acquisition of land, as authorized by the Act of July 26, 1939 (53 Stat. 1123), as follows: Fort Bliss, Texas (estimated to cost \$800,000), \$500,000; Fort Meade, South Dakota, \$30,720; Fort Dix, New Jersey, \$21,000; in all, \$551,720, to remain available until July 1, 1942.

Toward the acquisition of land at Fort Devens, Massachusetts, \$386,667; Fort Ethan Allen, Vermont, \$120,000, as authorized by the Act of July 26, 1939 (53 Stat. 1123), to remain available until July 1, 1942.

Availability.  
Contracts authorized.

*Proviso.*  
Application of funds to designated works.

10 U. S. C., Supp.  
V, §§ 1343a-1343d.

53 Stat. 994, 1327.

*Post*, pp. 602, 705,  
873, 958.

Acquisition of land;  
availability of funds.

10 U. S. C., Supp.  
V, §§ 1343a-1343d.

Toward the acquisition of land at Fort Knox, Kentucky, as authorized by the Act of July 26, 1939 (53 Stat. 1123) (estimated to cost \$1,640,000), \$666,667, to remain available until July 1, 1942.

40 Stat. 241.

For the acquisition of land for Utah General Depot, as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), \$213,000, to remain available until June 30, 1942.

40 Stat. 241.

For the acquisition of land for the Fort Sill Military Reservation, Oklahoma, as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), \$205,000, to remain available until June 30, 1942.

Post, pp. 602, 968,  
1046.

#### BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

Construction, etc.,  
of buildings.

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings, including not to exceed \$900 in the District of Columbia, provided space is not available in Government-owned buildings, and grounds for military purposes, lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, disposal of sewage, shooting galleries, ranges for small-arms target practice, field, mobile, and railway artillery practice, including flour for paste for marking targets, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War; warehouse and fuel handling equipment; stoves required for use of the Army for heating offices, hospitals, barracks, quarters, recruiting stations, and United States disciplinary barracks, also ranges and stoves for cooking food at posts, for post bakery and bake-oven equipment and apparatus and appliances for cooking and serving food when constituting fixed installations in buildings, including maintenance and repair of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the Act approved May 31, 1902 (10 U. S. C. 1346), and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale of fuel to officers; fuel and engine supplies required in the operation of modern batteries at established posts, \$19,534,053, of which amount \$2,500,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1941: *Provided*, That the amounts to be assessed and collected by the Secretary of War for expenditure for maintenance purposes at Fort Monroe, Virginia, under the provisions of the Act of August 1, 1894 (28 Stat. 212), shall be \$13,520 for wharf and \$5,053 for roads and sewerage system: *Provided further*, That this appropriation shall be available for the rental of offices, garages, and stables

Rentals.

Target practice, etc.

Heat, light, etc.

Buildings erected at  
private cost.  
32 Stat. 282.

Fuel, engine sup-  
plies, etc.

Provisos.  
Fort Monroe, Va.,  
wharf, etc.

Military attachés,  
rental of offices, etc.

for military attachés: *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds \$20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed \$15.

Construction, limitation on cost.

Stabling, rental rate.

#### CONSTRUCTION AND REPAIR OF HOSPITALS

Post, pp. 602, 968.

For construction and repair of hospitals at military posts already established and occupied, including all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments; for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental or purchase of grounds, and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and electric work, cooking apparatus, and roads and walks for the same, \$780,909.

Construction and repair of hospitals.

Temporary hospitals.

#### ARMY MEDICAL LIBRARY AND MUSEUM BUILDING

Post, p. 656.

For personal services and other necessary expenses incident to designing and preparing working drawings and specifications of a building to replace the present Army Medical Library and Museum, as authorized by the Act of June 15, 1938 (52 Stat. 684), \$130,000.

Replacement of present building.

The appropriations contained in this Act which are available for the procurement or manufacture of munitions of war of special or technical design may be used for the development and procurement of gages, dies, jigs, and other special aids and appliances, production studies, factory plans, and other production data, including specifications and detailed drawings, in accordance with the provisions of sections 120 and 123 of the National Defense Act, as amended. Such appropriations may also be used for the purchase of letters patent, applications for letters patent, and licenses under letters patent and applications for letters patent that pertain to such equipment or material for which the appropriations are made.

Gages, dies, jigs, etc., funds available.

39 Stat. 213, 215.  
50 U. S. C. §§ 80, 78.  
Purchase, etc., of letters patent.

#### SIGNAL CORPS

Post, pp. 602, 873, 968.

#### SIGNAL SERVICE OF THE ARMY

Post, pp. 602, 603, 873, 968.

Purchase, equipment, operation, and repair of military telegraph, telephone, radio cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometers, anemometers, thermometers, and other meteorological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motorcycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the Chief Signal Officer; telephone apparatus, including rental and payment for commercial, exchange, message,

Telegraph, etc., systems.

Vehicles.

Telephone apparatus, etc.

trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting the local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment, and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire control and direction apparatus, and matériel for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development, or improvements in apparatus, and maintenance of signaling and accessories thereto, including machines, instruments, and other equipment for laboratory and repair purposes; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required; for all expenses incident to the preparation of plans, and construction, purchase, installation, equipment, maintenance, repair, and operation of aircraft warning service systems, and their accessories, including purchase of lands and rights-of-way, acquisition of leaseholds and other interests therein, and temporary use thereof, \$49,690,649, of which not to exceed \$1,160,000 shall be available for payments under contracts for the procurement of aircraft-communication equipment and ground radio and telephone facilities under the authorization contained in the Supplemental Military Appropriation Act, 1940, and in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,700,000 for the procurement of Signal Corps equipment.

*Post*, pp. 602, 873, 968.

*Post*, pp. 602, 603, 873, 968, 970.

Instruction, etc., expenses.

Aircraft operation, etc.

Photographic supplies.

Helium gas.  
*Post*, p. 443.

## AIR CORPS

### AIR CORPS, ARMY

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments, and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and takeoff runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and

introducing water, electric light and power, gas, and sewerage, including maintenance, operation, and repair of such utilities at such plants, for the procurement of helium gas; for travel of officers and enlisted men of the Air Corps by air in connection with the administration of this appropriation, including the transportation of new aircraft from factory to first destination; salaries and wages of civilian employees as may be necessary; transportation of materials in connection with consolidation of Air Corps activities; experimental investigations and purchase and development of new types of airplanes, autogiros, and balloons, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof; for the purchase, manufacture, and construction of airplanes and balloons, including instruments and appliances of every sort and description necessary for the operation, construction (airplanes and balloons), or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; or the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus of obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the rental of office space and other facilities in connection with Air Corps procurement activities; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed \$50 a day for not exceeding fifty days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs, and replacements of same used in connection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft; for settlement of claims (not exceeding \$250 each) for damage to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War, \$265,886,418, of which \$3,300,000 shall be available under the appropriation "Air Corps, Army, 1939", and \$76,205,988 shall be available under the appropriation "Air Corps, Army, 1940", for payments under contracts for the procurement of new airplanes and of equipment, spare parts, and accessories for airplanes, as authorized by said appropriations: *Provided*, That \$10,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1940, for supplying helium: *Provided further*, That in addition to the amounts herein appropriated the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts between the date of the approval of this Act and July 1, 1941, for the procurement of new airplanes and for the procurement of equipment, spare parts, and accessories for airplanes to an amount not in excess of \$103,300,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That of the amount herein appropriated and the amount herein authorized for contractual obligation not less than \$123,741,994 shall be applied to the procurement of new airplanes and their equipment and accessories, of which

Civilian employees.

Development of new types of aircraft.

Purchase, construction, etc., of aircraft.

Marking of military airways.

Sale of surplus, etc., aeronautical equipment, expenses.

Consulting engineers.

Printing plants.

Settlement of claims.

Payments under contracts.  
52 Stat. 654.  
53 Stat. 605.  
Post, p. 968.

*Provisos.*  
Helium.  
Post, p. 443.  
New airplanes, equipment, etc., contracts.

Procurement.

Combat airplanes.  
Waiving of limitation.

53 Stat. 555.  
10 U. S. C., Supp.  
V, § 292b.

Restriction on use of funds for Crissy Field, Calif.

Sums available for incurred obligations.  
49 Stat. 133, 1290;  
50 Stat. 455.

amount of \$123,741,994 not less than \$82,661,994 shall be applied to the procurement of combat airplanes and their equipment and accessories and \$3,919,718 shall be available immediately: *Provided further*, That this appropriation may be expended without reference to the limitation contained in section 1 of the Act approved April 3, 1939 (Public, Numbered 18, Seventy-sixth Congress), as to the number of airplanes to be procured and maintained: *Provided further*, That no part of this or any other appropriation contained in this Act shall be available for any expense incident to the use of Crissy Field, California, as an air station: *Provided further*, That the sum of \$60,775 of the appropriation for Air Corps, Army, fiscal year 1936, the sum of \$30,000 of the appropriation for Air Corps, Army, fiscal year 1937, and the sum of \$1,884,031 of the appropriation for Air Corps, Army, fiscal year 1938, shall remain available until June 30, 1941, for the payment of obligations incurred under contracts executed prior to July 1, 1938.

*Post*, pp. 602, 873,  
969.

## MEDICAL DEPARTMENT

### ARMY

#### MEDICAL AND HOSPITAL DEPARTMENT

*Post*, pp. 378, 602,  
603, 873, 969.

Supplies, etc.

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment of patients, including supernumeraries, not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the care of insane Filipino soldiers in conformity with the Act of Congress approved May 11, 1908 (24 U. S. C. 198); for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of Army and Navy Hospital at Hot Springs, Arkansas; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$6,875,978.

Care, etc., in private hospitals.

*Proviso*.  
If on furlough, etc.

Epidemic and contagious diseases.

Insane Filipino soldiers.  
35 Stat. 122.

Pay of nurses, cooks, and other civilians.

Civilian physicians.

Army and Navy Hospital, Hot Springs, Ark.

## HOSPITAL CARE, CANAL ZONE GARRISONS

For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners, and civilian employees of the Army admitted thereto upon the request of proper military authority, \$80,000: *Provided*, That the subsistence of the said patients, except commissioned officers, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals.

Hospital care, Canal Zone garrisons.

*Proviso.*  
Subsistence pay-  
ments.

## CORPS OF ENGINEERS

## ENGINEER SERVICE, ARMY

For the design, development, procurement, maintenance, alteration, repair, installation, storage, and issue of engineer equipment, instruments, appliances, supplies, materials, tools, and machinery required in the equipment and training of troops and in military operations, including military surveys and the Engineer School; for the operation and maintenance of the Engineer School, including (a) compensation of civilian lecturers, and (b) purchase and binding of scientific and professional books, pamphlets, papers, and periodicals; for the procurement, preparation, and reproduction of maps and similar data for military purposes; for expenses incident to the Engineer service in military operations, including military surveys, and including (a) research and development of improved methods in such operations, (b) the rental of storehouses and grounds within and outside the District of Columbia, and (c) repair and alteration of buildings; for heat, light, power, water, and communication service, not otherwise provided for; and for the compensation of employees required in these activities, \$21,565,263, of which amount not to exceed \$1,000,000 shall be available for payments under contracts for the procurement of Engineer equipment under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939.

*Post*, pp. 602, 873,  
875, 969.*Post*, pp. 378, 602,  
603, 873, 969, 970.Equipment, instru-  
ments, etc.Engineer School,  
maintenance, etc.

Maps, surveys, etc.

Rentals.

Operating, etc., ex-  
penses.Payments under  
contracts.

53 Stat. 643.

*Post*, pp. 602, 874,  
969.*Post*, pp. 378, 602,  
603, 874, 969, 970.Manufacture, issue,  
etc.Contingent ex-  
penses.

Vehicles.

Ammunition for  
military salutes.Libraries of Ord-  
nance Department.

## ORDNANCE DEPARTMENT

## ORDNANCE SERVICE AND SUPPLIES, ARMY

For manufacture, procurement, storage, and issue, including research, planning, design, development, inspection, test, alteration, maintenance, repair, and handling of ordnance material, together with the machinery, supplies, and services necessary thereto; for supplies and services in connection with the general work of the Ordnance Department, comprising police and office duties, rents, tolls, fuel, light, water, advertising, stationery, typewriting and computing machines, including their exchange, and furniture, tools, and instruments of service; to provide for training and other incidental expenses of the ordnance service; for instruction purposes, other than tuition; for the purchase, completely equipped, of plant vehicles, including trucks, ambulances, and station wagons, and for maintenance, repair, and operation of motor-propelled and horse-drawn freight and passenger-carrying vehicles; for ammunition for military salutes at Government establishments and institutions to which the issues of arms for salutes are authorized; for services, material, tools, and appliances for operation of the testing machines and chemical laboratory in connection therewith; for publications for libraries of the Ordnance Department, including the Ordnance Office, including

Consulting engi- subscriptions to periodicals; for services of not more than four con-  
neers. sulting engineers as the Secretary of War may deem necessary, at  
rates of pay to be fixed by him not to exceed \$50 per day for not  
exceeding fifty days each, and for their necessary traveling expenses,  
Payments under \$302,422,312, of which not to exceed \$46,000,000 shall be available  
contracts. for payments under contracts for the procurement or production of  
ordnance matériel, machinery, and supplies under the authorizations  
53 Stat. 643, 608, 995. contained in the Second Deficiency Appropriation Act, fiscal year  
1939, the Military Appropriation Act, 1940, and the Supplemental  
Contracts author- Military Appropriation Act, 1940; also, in addition, the Chief of  
ized. Ordnance, when authorized by the Secretary of War, may enter into  
contracts prior to July 1, 1941, for the procurement or production  
of ordnance matériel, machinery, and supplies to an amount not in  
excess of \$133,774,679, and his action in so doing shall be deemed a  
contractual obligation of the Federal Government for the payment of  
the cost thereof: *Provided*, That the President may, with their con-  
sent, order Ordnance Reserve Officers and Specialist Reserve Officers  
assigned to the Ordnance Department to active duty for such periods  
as may be necessary to carry out the purposes of this appropriation,  
and the pay and allowances of such officers while so assigned shall  
be charged to this appropriation.

*Proviso.*  
Reserve officers,  
etc., to active duty.

#### ROCK ISLAND BRIDGE, ROCK ISLAND, ILLINOIS

Operating bridges, For operating, repair, and preservation of Rock Island bridges and  
etc. viaduct, and maintenance and repair of the arsenal street connecting  
the bridges, \$32,835.

#### REPAIRS OF ARSENALS

Repairs of arsenals. For repairs and improvements of ordnance establishments, and to  
meet such unforeseen expenditures as accidents or other contingencies  
may require, \$3,776,541.

#### CHEMICAL WARFARE SERVICE

*Post*, pp. 378, 602, 603, 874, 969.  
Gases, gas masks, etc.

Part-time employ- For purchase, manufacture, and test of chemical warfare gases  
ment of scientists, etc. or other toxic substances, gas masks, or other offensive or defensive  
materials or appliances required for gas-warfare purposes; investiga-  
tions, research, design, experimentation, and operation, purchase of  
chemicals, special scientific and technical apparatus and instruments,  
including services connected therewith; for the payment of part-time  
or intermittent employment of such scientists and technicians as may  
be contracted for by the Secretary of War, in his discretion, at a  
rate of pay not exceeding \$20 per diem for any person so employed;  
for the purchase, maintenance, repair, and operation of freight-  
and passenger-carrying motor vehicles; construction, maintenance,  
and repair of plants, buildings, and equipment, and the machinery  
therefor; receiving, storing, and issuing of supplies, comprising police  
and office duties, rents, tolls, fuels, gasoline, lubricants, paints and  
oils, rope and cordage, light, water, advertising, stationery, type-  
writing and adding machines including their exchange, office furni-  
ture, tools, and instruments; for incidental expenses; for civilian  
employees; for libraries of the Chemical Warfare Service and sub-  
scriptions to periodicals; for expenses incidental to the organization,  
training, and equipment of special gas troops not otherwise provided  
for, including the training of the Army in chemical warfare, both  
offensive and defensive, together with the necessary schools, tactical  
demonstrations, and maneuvers; for current expenses of chemical pro-  
jectile filling plants and proving grounds, including construction  
and maintenance of rail transportation, repairs, alterations, acces-

Construction, etc., of buildings.

Special gas troops; training Army in chemical warfare.

Projectile filling plants, etc.

sories, building and repairing butts and targets, clearing and grading ranges, \$24,713,053, of which amount not to exceed \$740,000 shall be available for payments under contracts for the procurement of chemical warfare equipment under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939: *Provided*, That in addition to the amount herein appropriated, the Chief of Chemical Warfare Service, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, for the procurement of chemical warfare equipment to an amount not in excess of \$2,036,910, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

Payments under contracts.

53 Stat. 643.  
*Proviso.*  
Contracts authorized.

### CHIEF OF INFANTRY

Post, p. 969.

#### INFANTRY SCHOOL, FORT BENNING, GEORGIA

Post, p. 969.

For the procurement of books, publications, instruments, and materials, pay of employees, and other necessary expenses for instruction at the Infantry School, \$62,268.

Instruction expenses.

### CHIEF OF CAVALRY

Post, p. 969.

#### INSTRUCTION IN CAVALRY ACTIVITIES

Post, p. 969.

For the purchase of textbooks, books of reference, scientific and professional papers, instruments, and materials for instruction; employment of temporary, technical, special, and clerical services; and for other necessary expenses of instruction at the Cavalry School, Fort Riley, Kansas; and for the instruction of the Army in cavalry activities, \$29,040.

Instruction expenses.

### CHIEF OF FIELD ARTILLERY

Post, p. 969.

#### INSTRUCTION IN FIELD ARTILLERY ACTIVITIES

Post, p. 969.

For the pay of employees; the purchase of books, pamphlets, periodicals, and newspapers; procurement of supplies, materials, and equipment for instruction purposes; and other expenses necessary in the operation of the Field Artillery School of the Army, and for the instruction of the Army in Field Artillery activities, \$28,650.

Instruction expenses.

### CHIEF OF COAST ARTILLERY

Post, p. 969.

#### COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

Post, p. 969.

For purchase of engines, generators, motors, machines, measuring and laboratory instruments, special apparatus, and materials; for purchase and binding of professional books; for newspapers and periodicals; for incidental expenses; for pay of employees; for office furniture and fixtures; for maintenance, operation, and repair of motor vehicles; and unforeseen expenses; in all, \$30,955.

Instruction expenses.

### SEACOAST DEFENSES

Post, pp. 378, 602, 603, 874, 969.

For all expenses incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their accessories, including personal services, ammunition storage, maintenance of channels to submarine-mine wharves, purchase of lands and rights-of-way as authorized by law, acquisition of leaseholds and other interests therein, and temporary use thereof, and payments for leasehold interests may be made in advance for the entire term

Expenses.

Leaseholds, etc.

31 U. S. C. § 529.

notwithstanding the provisions of section 3648, Revised Statutes, and for experimental, test, and development work, as follows:

United States.

United States, \$16,684,794, of which \$9,784,779 shall be available until expended;

Insular departments.

Insular departments, \$3,084,013, of which \$438,693 shall be available until expended;

Panama Canal.

Panama Canal, \$9,733,716, of which \$6,827,633 shall be available until expended;

Payments under contracts.

In all, \$29,502,523, of which not to exceed \$1,061,000 shall be available for payments under contracts for procurement of equipment for seacoast defenses under the authorization contained in the Second Deficiency Appropriation Act, fiscal year 1939, as follows: United States, \$591,000; Insular Departments, \$339,000; Panama Canal, \$131,000; and in addition, when authorized by the Secretary of War, contracts may be entered into prior to July 1, 1941, for the procurement and installation of equipment for seacoast defenses as follows:

53 Stat. 641.

Contracts authorized.

United States, \$5,639,726;  
Insular Departments, \$384,975;  
Panama Canal, \$4,393,346;  
In all, \$10,418,047.

## UNITED STATES MILITARY ACADEMY

### PAY OF MILITARY ACADEMY

Cadets.  
*Provisos.*  
Academy detail,  
pay restriction.

Retired officer as  
librarian.

10 U. S. C. § 933.

Cadets: For pay of cadets, \$1,375,920: *Provided*, That during the fiscal year ending June 30, 1941, no officer of the Army shall be entitled to receive any increase in pay or allowances because of detail or assignment to duty in any capacity at the Military Academy: *Provided further*, That the duties of librarian of the United States Military Academy may be performed by an officer of the Regular Army retired from active service under the provisions of section 1251, Revised Statutes, and detailed on active duty for that purpose.

### MAINTENANCE AND OPERATION, UNITED STATES MILITARY ACADEMY

Expenses.

For text and reference books for instruction; increase and expense of library; office equipment and supplies; stationery, blank books, forms, printing and binding, and periodicals; diplomas for graduates; expense of lectures; apparatus, equipment, supplies, and materials for purpose of instruction and athletics, and maintenance and repair thereof; musical instruments and maintenance of band; care and maintenance of organ; equipment for cadet mess; postage, telephones, and telegrams; freight and expressage; for commutation of rations for cadets in lieu of the regular established ration; for commutation of rations for civilians employed at cadet mess at rate of 42.5 cents per day; maintenance of children's school (not exceeding \$12,200); contingencies for superintendent of the academy, to be expended in his discretion (not to exceed \$5,200); expenses of the members of the Board of Visitors (not exceeding \$1,500); contingent fund, to be expended under the direction of the Academic Board (not exceeding \$1,000); improvement, repair, and maintenance of buildings and grounds (including roads, walls, and fences); shooting galleries and ranges; cooking, heating, and lighting apparatus and fixtures and operation and maintenance thereof; maintenance of water, sewer, and plumbing systems; maintenance of and repairs to cadet camp; fire-extinguishing apparatus; machinery and tools and repairs of same; maintenance, repair, and operation of motor-propelled vehicles; policing buildings and grounds; furniture, refrigerators, and lockers for Government-owned buildings

Board of Visitors.  
Contingent fund.

Vehicles.

at the academy and repair and maintenance thereof; fuel for heat, light, and power; pay of employees; and other necessary incidental expenses in the discretion of the superintendent; in all, \$1,958,270: Provided, That not to exceed \$3,750 of this amount shall be available to liquidate the indebtedness of cadets separated from the service for any reason during their first year, who at the time of their separation are in debt to the cadet store.

*Proviso.*  
Liquidation of indebtedness of certain cadets.

## NATIONAL GUARD

*Post*, p. 970.

### ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD

For procurement of forage, bedding, and so forth, for animals used by the National Guard, \$535,817.

Forage, etc.

For compensation of help for care of materials, animals, and equipment, \$4,349,970, of which \$212,350 shall be available exclusively for the compensation of employees engaged upon Federal property custodial and accounting work and such other work as they may be required to perform by the properly constituted State authorities: *Provided*, That the number of caretakers authorized to be employed for any one heavier-than-air squadron under the provisions of section 90 of the National Defense Act of June 3, 1916, as amended, may be increased from 13 to 21.

Care of materials, animals, etc.

*Proviso.*  
Increase in caretakers for heavier-than-air squadrons.  
39 Stat. 205.  
32 U. S. C. § 42; Supp. V, § 42.  
Instruction expenses.

For expenses, camps of instruction and air fields, and storage facilities either on Government-owned or State-owned land, field and supplemental training, including construction and maintenance, and the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, \$19,662,417: *Provided*, That not to exceed \$25,500 of this appropriation shall be available for the settlement of claims (not exceeding \$500) for damages to or loss of private property incident to the operation of camps of instruction, either during the stay of National Guard units in such camps or while thereto or therefrom en route: *Provided further*, That not to exceed \$100,000 of this appropriation shall be available for construction at concurrent camps.

*Provisos.*  
Settlement of claims.

Construction at concurrent camps.

For expenses, selected officers and enlisted men, military service schools, \$730,925.

Service schools, expenses of officers, etc.

For pay of property and disbursing officers for the United States, at a rate not less than \$2,400 per annum, \$130,800.

Property and disbursing officers.

For general expenses, equipment, and instruction, National Guard, the hire (at a rate not to exceed \$1 per diem), repair, maintenance, and operation of motor-propelled passenger- and non-passenger-carrying vehicles, and the medical and hospital treatment of members of the National Guard who suffer personal injury or contract disease in line of duty, and other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507), \$1,598,302.

Equipment, etc.

Medical, etc., treatment.

For travel of officers, warrant officers, and enlisted men of the Regular Army detailed to, or while on, duty with the National Guard, including transportation of dependents, transportation of mounts, and transportation, packing, and crating of household goods and effects as authorized by law, \$415,821.

10 U. S. C., Supp. V, §§ 455a-455d.  
Travel of Army officers, etc.

Transportation.

For transportation of equipment and supplies, \$991,014.

Army enlisted men, expenses.

For expenses of enlisted men of the Regular Army on duty with the National Guard, including payment of an allowance for quarters at the rate of \$35 per month to each man not furnished quarters in kind, \$373,500.

For pay of National Guard (armory drills), \$19,309,100, of which \$900,000 shall be available for voluntary field training without pay at or near home stations, including rations (not to exceed 75 cents per ration), to which participants in such training shall be entitled.

Pay, armory drills; voluntary field training.

Restriction on use of funds for pensioners, etc.

Provision. Surrender of pension.

Status of adjutants general.

No part of the appropriations made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer or enlisted man of the National Guard who may be drawing a pension, disability allowance, disability compensation, or retired pay (where retirement has been made on account of physical disability or age) from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the National Guard who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his service in the National Guard: *Provided further*, That adjutants general who may be drawing such emoluments may be continued in a federally recognized status without pay under this Act.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, FOR FIELD SERVICE,  
NATIONAL GUARD

Procurement of arms and equipment.

Motortrucks, etc.

Accounting.

Amount immediately available.

Provision. Specifications for motor vehicles.

Replacement of surveyed property.

39 Stat. 204.  
32 U. S. C. § 47.

39 Stat. 199.  
32 U. S. C. § 22.

48 Stat. 1227.  
31 U. S. C. § 725c.

Issuance of Army clothing, equipment, etc.

39 Stat. 199.

Accounting.

Mounted units and wagon companies, restriction.

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the Governors of the several States and Territories or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and reserve supply thereof as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, including animals, motortrucks, motorcycles, field ambulances, and station wagons and to repair such of the afore-mentioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, \$40,369,301, and all of the sums appropriated in this Act on account of the National Guard shall be accounted for as one fund, and of the total of all sums appropriated in this Act on account of the National Guard, \$1,500,000 shall be available immediately: *Provided*, That specifications for motor vehicles, which shall be so drawn as to admit of competition, shall to the extent otherwise practicable conform with the requirements of the National Guard: *Provided further*, That the value of issues made to any State, Territory, or the District of Columbia to replace property surveyed in accordance with section 87, National Defense Act of June 3, 1916, as amended, shall not be charged to the apportionments required by section 67 of that Act, but no such replacement issue shall be made in excess of receipts theretofore collected and covered into the Treasury as miscellaneous receipts pursuant to said section 87, as amended, and section 4 (a) and (b) (22) of the Permanent Appropriation Repeal Act of June 26, 1934: *Provided further*, That the Secretary of War is hereby authorized to issue from surplus stores and material on hand and purchased for the United States Army such articles of clothing and equipment and field artillery, engineer, and signal material and ammunition as may be needed by the National Guard organized under the provisions of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916 (32 U. S. C. 21), as amended. This issue shall be made without charge against National Guard appropriations except for actual expenses incident to such issue.

No appropriation contained in this Act shall be available for any expense for or on account of a larger number of mounted units and wagon companies of the National Guard than were in existence on

June 30, 1932: *Provided*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves, who, under regulations prescribed by the Secretary of War, volunteer to participate without pay as competitors or range officers in the national matches to be held during the fiscal year 1941, may attend such matches without pay, notwithstanding any provision of law to the contrary, but shall be entitled to travel and subsistence allowances at the same rates as are provided for civilians who attend and participate in said matches, but this proviso shall not operate to prohibit the pay of such competitors or range officers, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1941", nor shall any provision in this Act operate to deprive a Reserve officer ordered to active duty incident to the national matches of pay for the full period of such active duty, provided funds for such payment are available from the appropriation "Promotion of rifle practice, 1941": *Provided further*, That officers, warrant officers, and enlisted men of the National Guard and Organized Reserves may be ordered to duty, with their consent, for the care, maintenance, and operation of the ranges used in the conduct of the national matches, and such officers, warrant officers, and enlisted men while so engaged shall be entitled to the same pay, subsistence, and transportation as officers, warrant officers, and enlisted men of corresponding grades of the Regular Army are entitled by law, which expense shall be provided by the appropriation "Promotion of rifle practice"; and after being duly mustered may be paid for the period from the date of leaving home rendezvous to date of return thereto as determined in advance, both dates inclusive.

#### ORGANIZED RESERVES

For pay and allowances of members of the Officers' Reserve Corps on active duty in accordance with law; mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law; for travel in kind, or reimbursement in lieu thereof, as now authorized by law for officers of the Regular Army, of dependents of Reserve officers who have been ordered to active duty for periods in excess of fifteen days; pay, transportation, subsistence, clothing, and medical and hospital treatment of members of the Enlisted Reserve Corps; conducting correspondence or extension courses for instruction of members of the Reserve Corps, including necessary supplies, procurement of maps and textbooks, and transportation and traveling expenses of employees; purchase of training manuals, including Government publications and blank forms, subscriptions to magazines and periodicals of a professional or technical nature; establishment, maintenance, and operation of Organized Reserve headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles and purchase of thirty such vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army and Reserve officers ordered to active duty for periods in excess of fifteen days traveling on duty in connection with the Organized Reserves, and for travel of dependents, and packing and transportation of baggage of such personnel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for transportation of baggage, including packing and crating, of Reserve

*Provisos.*  
Participation in national matches.

Travel and subsistence allowances.

*Post*, p. 377.  
Reserve officers.

Care, etc., of ranges.

*Post*, p. 377.

*Post*, pp. 602, 970.

Officers' Reserve Corps, members on active duty.

Enlisted Reserve Corps.

Correspondence, etc., courses.

Headquarters and training camps.

Per diem, travel, etc.

Medical and hospital treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

Flight training, restriction.  
Post, p. 970.

Proviso.  
Organized Reserve headquarters.

Restriction on use of other funds; exceptions.

Restriction on use of funds for pensioners, etc.

Proviso.  
Surrender of pension.

Reserve officer on active duty, pay restriction; exceptions.

41 Stat. 760, 763.  
10 U. S. C., Supp. V, § 26 (note).

53 Stat. 557.  
10 U. S. C., Supp. V, § 369a.

Proviso.  
Medical Reserve Corps.  
Pay, etc., of certain officers and nurses.

Post, pp. 874, 970.

Supplies, etc.

officers ordered to active duty for not less than six months; for the medical and hospital treatment of members of the Officers' Reserve Corps and of the Enlisted Reserve Corps, who suffer personal injury or contract disease in line of duty, as provided by the Act of June 15, 1936 (49 Stat. 1507), and for such other purposes in connection therewith as are authorized by the said Act, including pay and allowances, subsistence, transportation, and burial expenses; in all, \$32,107,455; and no part of such amount shall be available for any expense incident to giving flight training to any officer of the Officers' Reserve Corps unless he shall be found physically and professionally qualified to perform aviation service as an aviation pilot, by such agency as the Secretary of War may designate: *Provided*, That not to exceed \$213,750 of this appropriation may be used for establishment, operation, and maintenance of Organized Reserve headquarters.

None of the funds appropriated elsewhere in this Act, except for printing and binding, field exercises, and for pay and allowances of officers and enlisted men of the Regular Army, and for mileage, reimbursement of actual traveling expenses, or per-diem allowances in lieu thereof, as authorized by law, to Air Corps Reserve officers on extended active duty, shall be used for expenses in connection with the Organized Reserves, but available supplies and existing facilities at military posts shall be utilized to the fullest extent practicable.

No appropriation made in this Act shall be available for pay, allowances, or traveling or other expenses of any officer of the Organized Reserves who may be drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States: *Provided*, That nothing in this provision shall be so construed as to prevent the application of funds herein contained to the pay, allowances, or traveling expenses of any officer or enlisted man of the Reserve Corps who may surrender said pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Reserve Corps.

No appropriation made in this Act shall be expended for the pay of a Reserve officer on active duty for a longer period than fifteen days, except such as may be detailed for duty with the War Department General Staff under section 3a and section 5 (b) of the National Defense Act, as amended (10 U. S. C. 26, 37), or who may be detailed for courses of instruction at the general or special service schools of the Army, or to Corps Area staff schools, or for duty as instructors at civilian military training camps, appropriated for in this Act, or who may be detailed to active duty with the Regular Army under the provisions of the Act of April 3, 1939, or whose fifteen-day training period may be increased by not to exceed fifteen additional days, or who may be detailed to duties for which officers of the Regular Army are not available: *Provided*, That the pay and allowances of such additional officers and nurses of the Medical Reserve Corps as are required to supplement the like officers and nurses of the Regular Army in the care of beneficiaries of the United States Veterans' Administration treated in Army hospitals may be paid from the funds allotted to the War Department by that Administration under existing law.

## CITIZENS' MILITARY TRAINING

### RESERVE OFFICERS' TRAINING CORPS

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including

cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit, or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the Act approved June 3, 1916, as amended by the Act approved June 4, 1920 (10 U. S. C. 387); for the medical and hospital treatment of members of the Reserve Officers' Training Corps, who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including pay and allowances, subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507); for mileage, traveling expenses, or transportation, for transportation of dependents, and for packing and transportation of baggage, as authorized by law, for officers, warrant officers, and enlisted men of the Regular Army traveling on duty pertaining to or on detail to or relief from duty with the Reserve Officers' Training Corps; for the purchase, maintenance, repair, and operation of motor vehicles, including station wagons, \$4,931,417, of which amount \$400,000 shall be available immediately: *Provided*, That the Secretary of War is authorized to issue, without charge, in lieu of purchase, for the use of the Reserve Officers' Training Corps, so many horses now belonging to the Regular Army as he may consider desirable: *Provided*, That uniforms and other equipment or material issued to the Reserve Officers' Training Corps in accordance with law shall be furnished from surplus stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropriation for uniforms, equipment, or material furnished to the Reserve Officers' Training Corps from stocks under the control of the War Department be in excess of the price current at the time the issue is made: *Provided further*, That none of the funds appropriated in this Act shall be used for the organization or maintenance of an additional number of mounted, motor transport, or tank units in the Reserve Officers' Training Corps in excess of the number in existence on January 1, 1928: *Provided further*, That none of the funds appropriated in this Act shall be available for any expense on account of any student in Air Corps, Dental Corps, or Veterinary units not a member of such units

Training camps, etc.

Travel allowance.

Pay of students attending advanced camps.  
Subsistence commutation, senior division.

39 Stat. 193; 41 Stat. 778.  
Medical, etc., treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

Vehicles.

*Provision.*  
Issue of Army horses.

Uniforms, etc., from War Department surplus stocks.

Price.

Limitation on number of mounted, etc., units.  
*Post*, p. 970.

Air Corps, etc., students, expenses; enrollments.

Restriction on use of other funds; exceptions.

on May 5, 1932, but such stoppage of further enrollments shall not interfere with the maintenance of existing units: *Provided further*, That none of the funds appropriated elsewhere in this Act, except for printing and binding and pay and allowances of officers and enlisted men of the Regular Army, shall be used for expenses in connection with the Reserve Officers' Training Corps.

#### MILITARY SUPPLIES AND EQUIPMENT FOR SCHOOLS AND COLLEGES

Procurement and issue.

41 Stat. 780.

34 U. S. C. § 1129.

41 Stat. 776.

10 U. S. C. § 381.

For the procurement and issue as provided in section 55c of the Act approved June 4, 1920 (10 U. S. C. 1180), and in section 1225, Revised Statutes, as amended, under such regulations as may be prescribed by the Secretary of War, to schools and colleges, other than those provided for in section 40 of the Act above referred to, of such arms, tentage, and equipment, and of ammunition, targets, and target materials, including the transporting of same, and the overhauling and repair of articles issued, as the Secretary of War shall deem necessary for proper military training in said schools and colleges, \$8,900.

#### CITIZENS' MILITARY TRAINING CAMPS

Uniforms, transportation expenses, etc.

41 Stat. 779.

Maintenance of camps, etc.

Mileage, etc.

Medical and hospital treatment.

10 U. S. C., Supp. V, §§ 455a-455d.

*Provisos.*  
Age limitation.

Restriction on use of other funds; exceptions.

Uniforms, etc., from War Department surplus stocks.

Price.

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the National Defense Act of June 3, 1916, as amended (10 U. S. C. 442), uniforms, including altering, fitting, washing, and cleaning when necessary; subsistence, or subsistence allowances and transportation, or transportation allowances, as prescribed in said section 47d, as amended; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for expenses incident to the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding \$20,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, and for the travel expenses of enlisted men of the Regular Army, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment of members of the citizens' military training camps who suffer personal injury or contract disease in line of duty, and for other expenses in connection therewith, including subsistence, transportation, and burial expenses, as authorized by the Act of June 15, 1936 (49 Stat. 1507), in all, \$2,275,000, of which \$200,000 shall be immediately available: *Provided*, That the funds herein appropriated shall not be used for the training of any person in the first year or lowest course who shall have reached his twenty-fourth birthday before the date of enrollment: *Provided further*, That none of the funds appropriated elsewhere in this Act except for printing and binding and for pay and allowances of officers and enlisted men of the Regular Army shall be used for expenses in connection with citizens' military training camps: *Provided further*, That uniforms and other equipment or matériel furnished in accordance with law for use at citizens' military training camps shall be furnished from surplus stocks of the War Department without payment from this appropriation, except for actual expense incurred in the manufacture or issue: *Provided further*, That in no case shall the amount paid from this appropria-

tion for uniforms, equipment, or matériel furnished in accordance with law for use at citizens' military training camps from stocks under the control of the War Department be in excess of the price current at the time the issue is made.

#### NATIONAL BOARD FOR PROMOTION OF RIFLE PRACTICE, ARMY

Promotion of rifle practice: For construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of practice in the use of rifled arms; for arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War; for clerical services, including not exceeding \$25,000 in the District of Columbia; for procurement of materials, supplies, trophies, prizes, badges, services, and such other items as are authorized in section 113, Act of June 3, 1916, and under this head in War Department Appropriation Act of June 7, 1924; for the conduct of the national matches, including incidental travel of rifle teams and of individuals and of Marine Corps and other detachments required in the operation of the matches and including incidental travel of rifle teams and individuals attending regional, national, and international competitions, and for the purchase of medals and badges for use in National Rifle Association competitions, including those fired as a part of the national matches; for mileage at 8 cents per mile for members of the National Board for the Promotion of Rifle Practice when authorized by the Secretary of War, any provision of law to the contrary notwithstanding; and for maintenance of the National Board for the Promotion of Rifle Practice, including not to exceed \$4,500 for incidental expenses in addition to the amount authorized by Act of May 28, 1928; to be expended under the direction of the Secretary of War, \$732,710.

Promotion of rifle practice.  
*Ante*, p. 373.  
Instruction expenses, etc.

Supplies, etc

39 Stat. 211; 43 Stat. 510.  
32 U. S. C. §§ 183, 186, 181.  
National matches, etc.

Mileage for Board members.

Maintenance of Board.

45 Stat. 786.  
32 U. S. C. § 181c.

#### EMERGENCY FUND FOR THE PRESIDENT

To enable the President, through the appropriate agencies of the Government, without reference to section 3709, Revised Statutes, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel necessary in connection with the production of critical and essential items of equipment and material and the use or operation thereof; and the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, \$66,000,000; to be immediately and continuously available until June 30, 1942; and, in addition, the President is authorized, through such agencies, on and after the enactment hereof, to enter into contracts for the same purposes to an amount not exceeding \$66,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder, and a report thereon shall be submitted to the Congress on or before June 30, 1942.

No part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion

*Ante*, p. 297; *post*, p. 1126.

Emergencies affecting national security and defense.  
41 U. S. C. § 5.

Government-owned facilities.  
Civilian personnel.

Strategic and critical materials.  
53 Stat. 811.  
50 U. S. C., Supp. V, §§ 98-98f.  
Contracts.

*Proviso*.  
Accounting: report to Congress.

Time-measuring devices, etc.

Restriction on cash rewards, etc.; exception.

thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Pay, etc., of Reserve officers ordered to active duty; funds available.

*Ante*, pp. 358, 359, 366, 367, 368, 369.

SEC. 2. The foregoing appropriations for "Regular Supplies of the Army", "Clothing and Equipage", "Army Transportation", "Signal Service of the Army", "Air Corps, Army", "Medical and Hospital Department", "Engineer Service, Army", "Ordnance Service and Supplies", "Chemical Warfare Service", and "Seacoast Defenses" shall each be available for the pay and allowances, including travel allowances, of such Reserve officers as the President may, with their consent, order to active duty for such periods, not in excess of two years, as their service may be required in the procurement or production of equipment therein appropriated for, or on duty pertaining to aviation.

Restriction on use of funds for certain Government vehicles; exception.

SEC. 3. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Restriction on use of funds for post exchanges.

SEC. 4. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience under such regulations as the Secretary of War may prescribe, to such personnel as are now or may be hereafter authorized by law and regulation to purchase subsistence stores or other Quartermaster supplies and to civilians employed or serving at military posts in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section: *Provided further*, That at posts isolated from a convenient market the Secretary of War may broaden the nature of the articles to be sold.

Exception.

*Provisos*.  
Certification on monthly report.

Isolated posts.

Limitation on administrative promotions.

SEC. 5. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Temporary personal services.

*Ante*, p. 352.  
53 Stat. 642, 993.

SEC. 6. Such portions of the appropriations contained herein under the head of "Military activities" on account of classified personal services provided for in the Second Deficiency Appropriation Act, fiscal year 1939, in the Supplemental Military Appropriation Act, 1940, and in the Emergency Supplemental Appropriation Act, 1940, shall be available for the employment of such personal services only upon a temporary basis.

*Ante*, p. 23.

Personal services, Canal Zone, citizenship requirement; exception.

SEC. 7. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory

position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week; (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

SEC. 8. All funds appropriated by this Act, and all amounts herein made available for contractual obligation shall be immediately available.

SEC. 9. This Act may be cited as the "Military Appropriation Act, 1941".

Approved, June 13, 1940.

[CHAPTER 344]

AN ACT

To provide for the promotion of promotion-list officers of the Army after specified years of service in grade, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 2 of the Act of July 31, 1935 (49 Stat. 505), is hereby repealed.

SEC. 2. Section 3 of the said Act of July 31, 1935, is hereby amended to read as follows:

"SEC. 3. The number of promotion-list officers that shall be in the respective grades at any time after the effective date of this Act shall be such as results from the operation of the promotion system herein-after in this section prescribed. Promotion-list second lieutenants and first lieutenants shall be promoted to the respective grades of first lieutenant and captain immediately upon completing respectively three years' and ten years' continuous commissioned service in the Regular Army, but not otherwise. Except as hereinafter provided promotion-list captains, majors, and lieutenant colonels shall be promoted to the respective grades of major, lieutenant colonel, and colonel immediately upon completing respectively seventeen years',

*Provisos.*  
Employment of Panamanian citizens.  
48 U. S. C., Supp. V, § 1307.

Limitation on number.

Employment after 15 years' service.

Selection of personnel.

Hours of employment; rates of pay.

Section applicable only to designated persons.

Authority of President to suspend compliance.

Funds immediately available.

Short title.

June 13, 1940

[H. R. 9243]

[Public, No. 612]

Army.  
Promotion-list officers.

Repeal.  
10 U. S. C., Supp. V, § 553b.

10 U. S. C., Supp. V, § 552a.  
Number in grades.

Second and first lieutenants, promotions; service requirements.

Captains, majors, and lieutenant colonels, promotions; service requirements.

<p><i>Provisos.</i> Number of colonels limited.</p>	<p>twenty-three years', and twenty-eight years' continuous commissioned service in the Regular Army: <i>Provided</i>, That at no time shall the number of promotion-list colonels exceed seven hundred and five:</p>
<p>Majors and lieutenant colonels, required service within grades.</p>	<p><i>Provided further</i>, That promotion-list majors and lieutenant colonels shall not be promoted to the respective grades of lieutenant colonel and colonel until they shall have completed respectively six years' and five years' continuous commissioned service under permanent appointments in the grades of major and lieutenant colonel, except that for</p>
<p>Exception.</p>	<p>the purpose of determining years of such service in grade officers promoted to or serving in the respective grades of major and lieutenant colonel shall, in addition to receiving credit for all actual continuous commissioned service in the Regular Army in those grades, receive constructive credit of one-half the amount of their continuous commissioned service in the Regular Army in excess of seventeen</p>
<p>Continuous service assumed for promotion purposes; exception.</p>	<p>and twenty-three years, respectively: <i>Provided further</i>, That each promotion-list officer shall be assumed to have, for promotion purposes, at least the same length of continuous commissioned service in the Regular Army and service in grade as any officer junior to him, in his grade, on the promotion list, except that an officer sentenced by courts martial to loss of files on the promotion list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the promotion list:</p>
<p>Order of promotion.</p>	<p><i>Provided further</i>, That no officer shall be promoted, under the provisions of this section, in advance of any officer in the same grade whose name appears above his on the promotion list, except that the promotion of an officer shall not be withheld by reason of the fact that an officer senior to him on the promotion list is for any reason not eligible for promotion: <i>And provided further</i>, That hereafter all promotion-list officers in any grade shall take rank among themselves according to their standing on the promotion list."</p>
<p>Rank.</p>	<p>SEC. 3. That section 5 of the said Act of July 31, 1935, is hereby amended to read as follows:</p>
<p>49 Stat. 507. 10 U. S. C., Supp. V, § 971b.</p>	<p>"That whenever any officer on the active list of the Regular Army or Philippine Scouts shall have completed not less than fifteen nor more than twenty-nine years' service, he may upon his own application be retired, in the discretion of the Secretary of War with annual pay equal to 2½ per centum of his active-duty annual pay at the time of his retirement, multiplied by a number equal to the years of his active service not in excess of twenty-nine years: <i>Provided</i>, That the numbers of years of service to be credited in computing the right to retirement and retirement pay hereinbefore provided in this section shall include all service now or hereafter credited for active-duty pay purposes, any fractional part of a year amounting to six months or more to be counted as a complete year: <i>Provided further</i>, That any officer on the active list of the Regular Army or Philippine Scouts who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall upon his own application be retired with annual pay equal to 75 per centum of his active-duty annual pay at the time of his retirement unless entitled to retired pay of a higher grade as hereinafter provided, except that officers with less than twenty years' service and officers who are under investigation or who are awaiting trial by courts martial or the result of such trial, or whose cases are pending before courts of inquiry shall be retired only when the application for retirement in each case has been approved by the Secretary of War: <i>Provided further</i>, That on June 30, 1942, all brigadier generals of the line who are then sixty-two years of age or over and all promotion-list officers who are then sixty</p>
<p>Retirement provisions; service requirements.</p>	
<p>Pay.</p>	
<p><i>Provisos.</i> Computation of service.</p>	
<p>Officers serving prior to Nov. 12, 1918.</p>	
<p>Retirements for age in 1942 and thereafter.</p>	

years of age or over shall be retired, and thereafter all brigadier generals of the line shall be retired at the age of sixty-two years and all promotion-list officers shall be retired at the age of sixty years, except that all officers in the grade of general officer whose names are carried on the promotion list are exempted from the operation of this proviso and in addition thereto the Secretary of War may, in his discretion, exempt from the operation of this proviso such number of colonels as will result in there being on active duty at any time a number of colonels who would otherwise be retired not greater than 5 per centum of the total number of colonels then on the promotion list, but such exemption shall terminate in each case when the officer reaches the age of sixty-two, or sooner in the discretion of the Secretary of War, and colonels so exempted shall be included within the authorized number of promotion-list colonels: *Provided further*, That any promotion-list officer retired for any reason except by operation of section 24b, National Defense Act, or wholly retired, who has completed twenty-eight or more years of continuous commissioned service in the Regular Army and who has failed to reach the grade of colonel by reason of the limitation on the number of promotion-list officers in the grade of colonel or by reason of the restriction of years of service in grade of major or lieutenant colonel shall be retired in the grade of colonel with retired pay computed as otherwise provided by law for a colonel with the same length of service including all service now or hereafter credited for active-duty pay purposes, and any such officer who has completed more than twenty-three but less than twenty-eight years of continuous commissioned service in the Regular Army and who has failed to reach the grade of lieutenant colonel by reason of the restriction of years of service in grade of major shall be retired in the grade of lieutenant colonel with retired pay computed as otherwise provided by law for a lieutenant colonel with the same length of service including all service now or hereafter credited for active-duty pay purposes: *Provided further*, That each promotion-list officer shall be assumed to have for retirement purposes, at least the same length of continuous commissioned service in the Regular Army as any officer junior to him on the promotion list: *Provided further*, That the number of years of service to be credited in computing the right to retirement and retirement pay in the case of officers retired by reason of having reached the age of sixty years or over shall include all service heretofore credited for retirement at age sixty-four: *Provided further*, That nothing in this Act shall operate to deprive any officer of the retired rank to which he is now entitled under the provisions of law: *And provided further*, That all officers retired under the provisions of this section shall be placed on the unlimited retired list."

SEC. 4. That hereafter brigadier generals of the line shall be appointed from among officers of the line commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as hereinbefore provided and whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general; and hereafter appointment as chief of any branch shall be made from among officers commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as hereinbefore provided, and who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment.

Exception.

Retirements in grade of colonel and lieutenant colonel.  
41 Stat. 773.  
10 U. S. C. § 571.

Continuous service assumed for retirement purposes.

Service computation of officers 60 years of age or over.

Retention of retired rank.

Officers on unlimited retired list.

Brigadier generals of the line, appointment.

Chiefs, service branches, appointment.

Effective date; repeal of conflicting, etc., laws.

SEC. 5. Except as otherwise provided, this Act shall be effective July 1, 1940, and all laws and parts of laws, so far as they are inconsistent with or in conflict with any of the provisions hereof, are hereby repealed as of that date.

Approved, June 13, 1940.

[CHAPTER 345]

AN ACT

Granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Little Missouri River.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That consent of Congress is hereby given to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact or agreement not later than January 1, 1943, providing for an equitable division and apportionment among the States of the water supply of the Little Missouri River and of the streams tributary thereto, upon conditions that one suitable person, who shall be appointed by the President of the United States, shall participate in said negotiations as the representative of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into: *Provided,* That any such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

Approved, June 13, 1940.

[CHAPTER 346]

AN ACT

To promote on the retired list officers who were decorated and recommended for promotion for distinguished service during the World War and who have not attained the rank to which recommended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any commissioned officer of the Army below the grade of brigadier general, now retired or hereafter retired, except those retired under the provisions of section 24b of the Act of June 4, 1920, who for services rendered during the World War was officially recommended in writing for promotion to increased rank by a division commander or coordinate or higher authority or by the chief of a staff corps or department, and who has not attained said rank, and who as evidenced by bestowal of Medal of Honor or Distinguished Service Cross or Distinguished Service Medal rendered exceptionally meritorious services or demonstrated gallantry in action beyond the call of duty shall, upon application, be advanced one grade on the retired list: *Provided,* That any such officer on the active or retired list who died or may die prior to the approval of this Act, or on the active list who may hereafter die before retirement, shall upon application in his behalf be advanced one grade as of date of death: *Provided further,* That such promotion shall not carry with it any increase of pay or allowances.

Approved, June 13, 1940.

June 13, 1940

[S. 1777]

[Public, No. 613]

Little Missouri River.

Negotiations for division of water supply of, authorized.

U. S. representative.

Report to Congress.

*Proviso.*  
Approval of agreement.

June 13, 1940

[S. 2328]

[Public, No. 614]

Army.  
Promotion on retired list of certain decorated officers.

41 Stat. 773.  
10 U. S. C. § 571.

*Proviso.*  
Deceased officers.

No increase of pay, etc.

## [CHAPTER 347]

## AN ACT

To amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), so as to provide uniformity in the pay of all civilian employees of the Navy Department appointed for duty beyond the continental limits of the United States and in Alaska.

June 13, 1940  
[S. 3014]  
[Public, No. 615]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 662), insofar as the provisions thereof are embodied in section 506 of title 34 of the United States Code, is hereby amended to read as follows:

Navy Department.

"The Secretary of the Navy, in his discretion, is authorized to pay all civilian employees appointed for duty beyond the continental limits of the United States, and in Alaska, from the date of their sailing from the United States until they report for duty to the officer under whom they are to serve, and while returning to the United States by the most direct route and with due expedition, compensation at a rate corresponding to their rate of pay while actually employed."

Transit pay of certain civilian employees.

Approved, June 13, 1940.

## [CHAPTER 348]

## AN ACT

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

June 13, 1940  
[S. 3042]  
[Public, No. 616]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 5 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended, is amended by adding to the end of said section the following: "Provided further, That such officers, agents, or employees paid from funds appropriated for or allocated to the Civilian Conservation Corps, as may be designated or approved for the purpose by the Director shall have the general powers of notaries public in the administration of oaths, the execution and acknowledgement of legal instruments, the attestation of documents, and all other forms of notarial acts determined to be necessary by the Director to prosecute effectively the operations of the Civilian Conservation Corps".

Civilian Conservation Corps.  
50 Stat. 320.  
16 U. S. C., Supp. V, § 584d.

Notaries public.

Approved, June 13, 1940.

## [CHAPTER 349]

## AN ACT

Authorizing the sale of fuel, electric current, ice, and water at isolated naval stations.

June 13, 1940  
[S. 3065]  
[Public, No. 617]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy is authorized to sell, under such regulations as he may prescribe, and at such prices as he may deem reasonable, to private concerns or individuals doing business or residing at or in the immediate vicinity of isolated naval stations, such supplies of fuel, water, ice, and electric current as may be required to meet the necessities of, and as may not otherwise be locally obtainable by, such concerns or individuals.

Sale of fuel, etc., at isolated naval stations, authorized.

Approved, June 13, 1940.

## [CHAPTER 350]

## AN ACT

To provide that fines for failure to pay license taxes in Alaska shall be disposed of as provided for the disposition of such taxes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Act of June 6, 1900 (ch. 786, 31 Stat. 324, as amended; 35 Stat. 840; U. S. C., title 48, sec. 106), be, and it is hereby, amended to read as follows:

“SEC. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney General may direct. Each clerk shall, in his division of the district perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses and fines imposed for failure to pay license taxes, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney General, and the Secretary of the Treasury: *Provided*, That fines imposed and collected for failure to pay license taxes shall be disposed of as provided by law for the disposition of such license taxes; and moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section 3618, Revised Statutes, as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safekeeping of his official record where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid.”

Approved, June 13, 1940.

June 13, 1940  
[S. 3491]  
[Public, No. 618]

Alaska.  
Fines for nonpayment of license taxes.

Number of clerks; assignment; residence.

Duties.

Collection and receipt of fees.

Application.

Accounting.

*Proviso.*  
Disposition of designated fines; other moneys.

31 U. S. C. § 487.

Deposit of balances.

Other duties of clerks.

Deputies; clerical assistance.

## [CHAPTER 351]

## AN ACT

To prevent retardation in promotion and in pay and allowances of permanent professors of the United States Military Academy appointed by the President from the commissioned officers of the Regular Army.

June 13, 1940  
[S. 3496]  
[Public, No. 619]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the permanent professors of the United States Military Academy who have been or may hereafter be appointed by the President from the commissioned officers of the Regular Army shall have the rank, pay, and allowances of colonel from the date now provided by law or from the date each would have been entitled to such rank, pay, and allowances had he not accepted such appointment, whichever date is the earlier: *Provided,* That no back pay or allowances shall accrue hereunder.

U. S. Military Academy.  
Rank, etc., of designated permanent professors.

*Proviso.*  
No back pay or allowances.

Approved, June 13, 1940.

## [CHAPTER 352]

## AN ACT

Granting the consent of Congress to the Secretary of the Interior and the State of Washington to construct, maintain, and operate a highway bridge across the Spokane River, Washington.

June 13, 1940  
[S. 3642]  
[Public, No. 620]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Secretary of the Interior and the State of Washington, jointly or separately, to construct, maintain, and operate a toll-free highway bridge across the Spokane River at a point suitable to the interests of navigation, between Stevens County and Lincoln County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Spokane River, Wash.  
Bridge authorized across, between Stevens and Lincoln Counties.

34 Stat. 84.  
33 U. S. C. §§ 491-498.  
Right reserved.

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

Approved, June 13, 1940.

## [CHAPTER 353]

## AN ACT

Granting the consent of Congress to the Secretary of the Interior and Stevens County, State of Washington, to construct, maintain, and operate a highway bridge across the Kettle River, near Marcus, Washington.

June 13, 1940  
[S. 3643]  
[Public, No. 621]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Secretary of the Interior and Stevens County, State of Washington, jointly or separately, to construct, maintain, and operate a toll-free highway bridge across the Kettle River at a point suitable to the interests of navigation, near Marcus, and between Ferry County and Stevens County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Kettle River, Wash.  
Bridge authorized across, near Marcus, Wash.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

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

Right reserved.

Approved, June 13, 1940.

[CHAPTER 354]

AN ACT

June 13, 1940  
[S. 3644]  
[Public, No. 622]

Granting the consent of Congress to the Secretary of the Interior and the Great Northern Railway Company to construct, maintain, and operate two railroad bridges across the Kettle River, near Marcus, Washington.

Kettle River, Wash.  
Bridges authorized  
across, near Marcus,  
Wash.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Secretary of the Interior and the Great Northern Railway Company, a corporation organized and existing under the laws of the State of Minnesota, and their successors and assigns, jointly or separately, to construct, maintain, and operate two railroad bridges across the Kettle River at points suitable to the interests of navigation, near Marcus, and between Ferry County and Stevens County, Washington, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations of this Act.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.  
Right reserved.

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

Approved, June 13, 1940.

[CHAPTER 355]

AN ACT

June 13, 1940  
[S. 3677]  
[Public, No. 623]

To donate to the city of Seattle a totem pole carved by the Alaskan native Civilian Conservation Corps.

Seattle, Wash.  
Donation of totem  
pole to, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Director of the Civilian Conservation Corps, through the regional forester, United States Forest Service, Juneau, Alaska, is hereby authorized to donate to the city of Seattle, Washington, the duplicate of the pioneer place totem pole which has been carved by Alaskan native Civilian Conservation Corps enrollees.

Approved, June 13, 1940.

[CHAPTER 356]

AN ACT

June 13, 1940  
[S. 3693]  
[Public, No. 624]

To authorize the Secretary of War to grant an easement for pipe lines across public lands reserved for military purposes in the parish of Plaquemines, Louisiana.

Plaquemines Par-  
ish, La.  
Easement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and empowered to grant, under such terms and conditions as are deemed advisable by him, to the Texas Pipe Line Company, its successors, and/or assigns, an easement for a period not exceeding fifty years for a right-of-way for pipe lines for the transportation of oil and/or gas over, across, in, and upon certain lands owned by the United States of America, situated in the State of Louisiana and in the parish of Plaquemines, described as follows: Sections 30, 31, 32, 36, and 39, township 21 south, range 19 east; and sections 2, 4, 6, 8, and 9, township 22 south, range 19 east, including any accretions thereto; and such portion of section 29, township 22 south, range 32 east as remains, and to cross the channels of Cheniere and Pass a Loutre with said pipe lines: *Provided,* That such easement for right-of-way shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of

Description.

Proviso.  
Conditions.

the United States of America and the property affected thereby: *Provided further*, That all or any part of such easement for right-of-way may be annulled and forfeited by the Secretary of War for failure to comply with the terms and conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

Approved, June 13, 1940.

Annulment and forfeiture.

[CHAPTER 357]

AN ACT

Authorizing the Secretary of the Treasury to grant to the city of Fort Lauderdale, Florida, an easement or easements authorizing such city to construct and maintain a highway and utility facilities over the United States Coast Guard Reservation known as base six at Fort Lauderdale, Florida.

June 13, 1940  
[S. 3959]  
[Public, No. 625]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to grant to the city of Fort Lauderdale, Florida, a permanent easement or easements authorizing such city to construct and maintain across such of the lands constituting a part of the United States Coast Guard Reservation known as Base Six at Fort Lauderdale, Florida, as the Secretary may designate, a highway, sewer lines, water mains, electric distribution lines, and other utility facilities.

Base Six, U. S. Coast  
Guard Reservation,  
Fort Lauderdale, Fla.  
Easement.

SEC. 2. Such easement or easements shall be granted subject to the condition that the Secretary may at any time require the removal of the highway and the utility facilities, or either of them, to any other location or locations on said property, without expense to the United States, and shall be subject to such other reasonable conditions as the Secretary may deem desirable to include in the grant to protect the interests of the United States and to enable the Government to use such lands in such manner as the public interests may require. In addition, the city of Fort Lauderdale shall furnish bond with good and adequate sureties, or such other security in lieu of such bond, in such reasonable amount and in such form, as the Secretary may require, to assure the fulfillment of any or all the conditions and stipulations of such easement or easements.

Conditions.

Bond.

SEC. 3. In the event the United States disposes of its interests in the Coast Guard Reservation known as Base Six, such easement or easements shall cease to be subject to such conditions, unless the Secretary shall find that the discontinuance of any or all of such conditions would adversely affect the sales value of such lands, in which case the conditions with respect to which the Secretary shall have made such a finding shall run with the land.

Cessation of conditions; exception.

Approved, June 13, 1940.

[CHAPTER 358]

AN ACT

To amend the Canal Zone Code.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 10 of title 2 of the Canal Zone Code, approved June 19, 1934, is amended so as to read as follows:

June 13, 1940  
[H. R. 5584]  
[Public, No. 626]

"10. INJURIES TO VESSELS, CARGO, CREW, OR PASSENGERS, OCCASIONED BY OPERATION OF CANAL.—The regulations of the President, authorized under section 9 of this title, shall provide for the prompt adjustment and payment by the Governor of the Panama Canal, subject to

Canal Zone Code,  
amendments.  
37 Stat. 562.  
48 U. S. C. § 1319.

Payment for damages to vessels, etc.

the limitations hereinafter contained in this section, of damages for injuries to vessels, or to the cargo, crew, or passengers of vessels, which may arise:

From passage through Canal locks.

*Proviso.*  
Negligence of vessel, etc.

Contributory negligence of vessel, etc.

From presence in Canal Zone waters.

*Proviso.*  
Contributory negligence of vessel, etc.

Panama Canal pilot.

Adjustment of damages.

Acceptance of award.

*Proviso.*  
Submission of certain claims to Congress.

Action by aggrieved claimant allowable in District Court.

Payment of judgments.

“(a) By reason of the passage of such vessels through the locks of the canal under the control of officers or employees of the Panama Canal: *Provided, however,* That no such damages shall be paid in any case wherein the Governor shall find that the injury was proximately caused by the negligence or fault of the vessel, master, crew, or passengers: *And provided further,* That in any case wherein the Governor shall find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers.

“(b) By reason of the presence of such vessels in the waters of the Canal Zone, other than the locks, when the Governor shall find that the injury was proximately caused by negligence or fault on the part of any officer or employee of the Panama Canal acting within the scope of his employment and in the line of his duties in connection with the operation of the canal: *Provided, however,* That when the Governor shall further find that the negligence or fault of the vessel, master, crew, or passengers proximately contributed to the injury, he shall diminish the award of damages in proportion to the negligence or fault, as determined by him, attributable to the said vessel, master, crew, or passengers: *And provided further,* That, in the case of any vessel which is required by or pursuant to regulations heretofore or hereafter prescribed under section 9 of this title to have a Panama Canal pilot on duty aboard, no damages shall be adjusted and paid for injuries to any such vessel, or to the cargo or passengers of any such vessel, incurred while the vessel is under way and in motion, unless at the time such injuries are incurred the navigation or movement of the vessel is under the control of a Panama Canal pilot.

“The amounts of the respective awards of damages, under this section and the regulations authorized herein, may be adjusted, fixed, and determined by the Governor by mutual agreement, compromise, or otherwise, and such amounts shall be payable promptly out of any moneys appropriated or allotted for the maintenance and operation of the Panama Canal, and acceptance by any claimant of the amount awarded to him shall be deemed to be in full settlement of such claim against the Government of the United States: *Provided, however,* That the Governor shall not adjust and pay any claim for damages for injuries arising by reason of the presence of a vessel in the waters of the Canal Zone, other than the locks, where the amount of the claim exceeds \$60,000, but shall submit the same to the Congress by a special report containing the material facts and his recommendations thereon.

“With respect to any claim for damages for injuries arising by reason of the passage of any vessel through the locks of the canal, as hereinbefore provided, any claimant for damages who considers himself aggrieved by the findings, determination, or award of the Governor, in reference to his claim, may bring an action on such claim against the Panama Canal in the United States District Court for the District of the Canal Zone; and in any such action the provisions of this section, and of the regulations of the President authorized under section 9 of this title, applicable to the determination, adjustment, and payment of such claims for damages, by the Governor, shall be applicable, and any judgment obtained against the Panama Canal shall be paid promptly out of any moneys appropriated or

allotted for the maintenance and operation of the Panama Canal.

“Except as otherwise provided in the next preceding paragraph of this section, no action for damages for injuries arising in connection with the operation of the Canal and by reason of the presence of a vessel in the waters of the Canal Zone shall lie in any court against the United States or the Panama Canal, or against any officer or employee of the Panama Canal: *Provided, however,* That nothing in this section shall be construed to prevent or prohibit actions against officers or employees of the Panama Canal for damages for injuries resulting from acts of such officers or employees outside the scope of their employment and not in line with their duties, or from acts of such officers or employees committed or performed with intent to injure the person or property of another.”

Prohibition on certain damage actions.

*Proviso.*  
Liability of employees for acts outside scope of employment.

SEC. 2. That chapter 14 of title 2 of the Canal Zone Code, which chapter now consists of sections 271 to 275 of said title 2, is hereby amended so as to read as follows:

47 Stat. 812.  
48 U. S. C. §§ 1323a-1325.

“271. MAINTENANCE AND OPERATION OF THE CANAL ZONE POSTAL SERVICE.—The Postal Service of the Canal Zone shall be governed, except as otherwise provided in the Canal Zone Code, by such of the laws, rules, regulations, and conventions of the Postal Service of the United States as by their terms apply in the Canal Zone and by such additional laws, rules, and regulations of the Postal Service of the United States as the Governor of the Panama Canal shall by regulation determine to be applicable to conditions existing in the Canal Zone. The Governor may prescribe such additional rules and regulations as are necessary for the maintenance and operation of the Canal Zone Postal Service.

Canal Zone Postal Service.  
Laws, rules, regulations, etc.

“The Governor of the Panama Canal is authorized—

“a. To maintain and operate a postal service in the Canal Zone, including a money-order system, a parcel-post system, a postal-savings system, and such other services as may be necessary or convenient in connection with the postal service;

Maintenance of postal service.

“b. To establish and discontinue post offices;

Post offices.  
Postage rates.  
*Proviso.*  
Mail exchanged with U. S.

“c. To prescribe the postage rates: *Provided, however,* That the United States domestic postage rates shall be applicable to regular mail exchanged with the United States; and

“d. To prescribe the postage stamps and other stamped paper which shall be used in such service.

Postage stamps, etc.

CROSS REFERENCES

Extension to Canal Zone of United States laws and regulations defining crimes against the postal service, see title 5, section 111.

For the laws of the Postal Service of the United States, see U. S. Code, title 39.

“272. DEFRAIVING EXPENSES FROM REVENUE SO FAR AS POSSIBLE.—The expenses of operating the Canal Zone postal service shall be defrayed, so far as possible, from the revenue derived therefrom, the use of which for that purpose is authorized.

Defraying expenses from postal revenue.

“273. ACCEPTANCE OF POSTAL-SAVINGS DEPOSITS.—Such of the post offices of the Canal Zone as may be designated by the Governor are hereby authorized, under such regulations as the Governor may prescribe, to receive postal-savings deposits, and to issue therefor postal-savings certificates in the form to be prescribed by the Governor.

Acceptance of postal-savings deposits.

Issuance of postal-savings certificates.

“274. RATE OF INTEREST ON POSTAL-SAVINGS CERTIFICATES.—Postal-savings certificates issued as provided in this chapter shall bear interest at such rate, not exceeding 3 per centum per annum, as shall be established by the President.

Rate of interest.

United States pledged to payment of deposits.

"275. FAITH OF UNITED STATES PLEDGED TO PAYMENT OF DEPOSITS.—The faith of the United States is pledged to the payment of postal-savings certificates issued as provided in this chapter, with accrued interest thereon, in the same manner as such faith is pledged by law with respect to deposits made in postal-savings depository offices in the United States.

Control of money-order and postal-savings funds.

"276. CONTROL OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The funds received from the issuance of money orders and postal-savings certificates by the Canal Zone postal service shall be under the control of the Governor.

Deposit of funds in U. S. Treasury.

"277. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN UNITED STATES TREASURY.—The Governor is authorized to cause to be deposited in the United States Treasury for safekeeping but subject to his control all or any part of the funds, including interest thereon, received from the issuance of money orders and postal-savings certificates, and such funds or any part thereof may be withdrawn from time to time under such regulations as may be prescribed by the Governor.

Withdrawal.

Deposit of funds in banks.

"278. DEPOSIT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN BANKS; SECURITY.—The Secretary of the Treasury is hereby authorized to designate one or more national-banking associations to be depositories, under such regulations as may be prescribed by him, of funds received from the issuance of money orders and postal-savings certificates, including interest therefrom, and is hereby directed to require the associations thus designated to give satisfactory security, by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of the funds deposited with them, and such associations are authorized to give such security as may be required. All pledges of securities heretofore made for the safekeeping and prompt payment of any such funds are hereby ratified, approved, and validated.

Security for safekeeping, etc., of funds deposited.

Investment of funds in U. S. securities.

"279. INVESTMENT OF MONEY-ORDER AND POSTAL-SAVINGS FUNDS IN SECURITIES OF THE UNITED STATES.—The Governor is hereby authorized to invest all or any part of the funds referred to in the two preceding sections in bonds or other securities of the United States and to deposit such securities with the Treasurer of the United States for safekeeping, and to sell such securities, or any part of them, when such sale is necessary or desirable in the interest of the postal service. Before making such purchases or sales of securities, the Governor shall request the advice of the Secretary of the Treasury.

Prior advice of Secretary of the Treasury.

Use of interest and profits.

"280. USE OF INTEREST AND PROFITS ON MONEY-ORDER AND POSTAL-SAVINGS FUNDS.—The interest and profits received from the deposit in banks or the investment, as provided in this chapter, of money-order and postal-savings funds shall form a part of the Canal Zone postal revenues and shall be available to pay the interest on postal-savings certificates, the expenses of operating the Canal Zone postal service, and the losses which are chargeable to the said service.

Application of foregoing provisions to deposit money orders.

"281. APPLICATION OF FOREGOING PROVISIONS TO DEPOSIT MONEY ORDERS.—All the provisions of this chapter relating to postal-savings certificates and the funds received therefrom, including interest, shall apply equally to money orders issued in lieu of postal-savings certificates prior to the effective date of this Act, and to the funds received therefrom, including interest."

SEC. 3. That section 843 of title 5 of the Canal Zone Code is amended so as to read as follows:

Placing signs on lands or structures.

"843. PLACING SIGNS ON LANDS OR STRUCTURES IN CANAL ZONE.—The Governor of the Panama Canal is hereby authorized to make rules and regulations in respect to the construction or placing of signs, bills, posters, or other advertising devices on any lands, build-

ings, or other structures in the Canal Zone. Any person who shall violate any provision of such rules and regulations shall be punished by a fine of not more than \$25, or by imprisonment in jail for not more than ten days, or by both; and every day that any such advertising device shall remain upon such lands or structures, in violation of such rules and regulations, shall constitute a separate offense.”

SEC. 4. That section 125 of title 6 of the Canal Zone Code is amended so as to read as follows:

“125. PROCEEDINGS ON PLEA OF GUILTY.—If the defendant pleads guilty, the magistrate may hear testimony to determine the gravity of the offense and, within twenty-four hours after such plea or hearing of testimony, shall render judgment as to the punishment to be imposed.”

SEC. 5. That section 521 of title 6 of the Canal Zone Code is amended so as to read as follows:

“521. WARRANT FOR EXECUTION OF JUDGMENT OF DEATH; TIME OF EXECUTION.—When judgment of death is rendered, a warrant signed by the judge and attested by the clerk, under the seal of the court, must be drawn and delivered to the marshal. It must state the conviction and judgment, and appoint a day on which judgment is to be executed, which must be not less than ninety nor more than one hundred and twenty days from the time of judgment, and must direct the marshal to deliver the defendant, within ten days from the time of judgment, to the warden of the penitentiary, for execution.”

SEC. 6. That this Act shall take effect sixty days after the date of its enactment.

Approved, June 13, 1940.

[CHAPTER 359]

AN ACT

To amend section 1 of the Act providing punishment for the killing or assaulting of Federal officers.

Punishment.

47 Stat. 882.

Proceedings on plea of guilty.

Warrant for execution of judgment of death; time of execution.

Effective date.

June 13, 1940  
[H. R. 7019]

[Public, No. 627]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act of May 18, 1934 (ch. 299, 48 Stat. 780), as amended (U. S. C., title 18, sec. 253), be, and it is hereby, amended to read as follows:

“That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code, any United States marshal or deputy United States marshal or person employed to assist a United States marshal or deputy United States marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer, employee, agent, or other person in the service of the customs or of the internal revenue, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code.”

18 U. S. C., Supp. V, § 253.

Punishment for killing Federal officers.  
18 U. S. C. §§ 452, 453.

18 U. S. C. § 454.

Approved, June 13, 1940.

## [CHAPTER 360]

## AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (3) (C) of section 301 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the words "calendar year then current" the following: "except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof, and".

SEC. 2. That subsection (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the figure "10" in the last sentence and inserting in lieu thereof the figure "20", and by striking out the period at the end of the last sentence and inserting in lieu thereof a comma and the following: "or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level."

SEC. 3. That subsection (c) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following: "In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and, beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period. If more than one-third of the farmers voting on this question oppose marketing quotas for the three-year period, such results shall be proclaimed by the Secretary and quotas for a longer period than one year shall not be in effect, but such result shall in no wise affect or limit the proclamation and submission to a referendum, as otherwise provided in this section, of a national marketing quota for any marketing year thereafter."

SEC. 4. That subsection (a) of section 313 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the colon and all the words thereafter which follow the words "such five-year period" and inserting in lieu thereof a period and the following: "Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-1942 to 1943-1944, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940-1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing

June 13, 1940  
[H. R. 9700]  
[Public, No. 628]

Agricultural Adjustment Act of 1938, amendments.  
"Carry-over" of tobacco defined.  
52 Stat. 39.  
7 U. S. C., Supp. V, § 1301 (b) (C).

Proclamation of tobacco marketing quota; increase.  
52 Stat. 46; 53 Stat. 1261.  
7 U. S. C., Supp. V, § 1312 (a).

National marketing quota, referendum.  
52 Stat. 46.  
7 U. S. C., Supp. V, § 1312 (c).  
Tobacco marketing quotas for 3-year period.

Effect of vote.

52 Stat. 47.  
7 U. S. C., Supp. V, § 1313 (a).  
Apportionment of national marketing quota.

Limitation on reduction.

Determination of farm-acreage allotments.

quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices."

SEC. 5. That section 314 of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting "(a)" immediately before the first word therein and by adding at the end of the section the following: "If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the farm-acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm, and the penalty in respect thereof shall be paid and remitted by the producer. Tobacco carried over by the producer thereof from one marketing year to another may be marketed without payment of the penalty imposed by this section if the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over did not exceed the farm marketing quota established for the farm for such marketing year (or which would have been established if marketing quotas had been in effect for such marketing year), or if the tobacco so carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the farm-acreage allotment. Tobacco produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

"(b) The Secretary shall require collection of the penalty upon a proportion of each lot of tobacco marketed from the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of such excess tobacco prior to the marketing of any tobacco from the farm. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States until the end of the marketing year next succeeding that in which the funds are collected, and upon certification by the Secretary there shall be paid out of such special deposit account to persons designated by the Secretary the amount by which the penalty collected exceeds the amount of penalty due upon tobacco marketed in excess of the farm marketing quota for any farm. Such special account shall be administered by the Secretary, and the basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive."

*Proviso.*  
Limitation on decrease of allotments.

Allotment of additional acreage.

52 Stat. 48.  
7 U. S. C., Supp. V,  
§ 1314.  
*Penalties.*  
False identification,  
etc., of tobacco by  
producer.

Tobacco carried over.

Designated tobacco subject to quotas.

Collection of penalty.

Deposit of funds in special account.

Payments.

Administration.

52 Stat. 65.  
7 U. S. C., Supp. V,  
§ 1373 (a).  
Failure to remedy  
violation, additional  
fine.

*Proviso.*  
Maximum fine.  
Service of notice of  
violation.

SEC. 6. That subsection (a) of section 373 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and by adding the following: "and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both."

Approved, June 13, 1940.

[CHAPTER 364]

AN ACT

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the authorized composition of the United States Navy in under-age vessels as established by the Act of May 17, 1938 (52 Stat. 401), is hereby further increased by one hundred and sixty-seven thousand tons, as follows:

Navy.  
Increase in authorized  
composition in  
under-age vessels.  
34 U. S. C., Supp.  
V, §§ 498-498k.  
*Post*, p. 779.

Aircraft carriers.

(a) Aircraft carriers, seventy-nine thousand five hundred tons, making a total authorized under-age tonnage of two hundred and fifty-four thousand five hundred tons.

Cruisers.

(b) Cruisers, sixty-six thousand five hundred tons, making a total authorized under-age tonnage of four hundred and seventy-nine thousand and twenty-four tons.

Submarines.

(c) Submarines, twenty-one thousand tons, making a total authorized under-age tonnage of one hundred and two thousand nine hundred and fifty-six tons: *Provided*, That the foregoing total tonnage for aircraft carriers, cruisers, and submarines may be varied by thirty-three thousand four hundred tons in the aggregate so long as the sum of the total tonnages of these classes as authorized herein is not exceeded: *Provided further*, That the terms used in this or any other Act to describe vessels of designated classes shall not be understood as limited or controlled by definitions contained in any treaty which is not now in force.

*Provisos.*  
Variance of tonnage.

Descriptive terms.

Construction.  
34 U. S. C. §§ 494-  
497; Supp. V, § 496.

Acquisition, etc., of  
naval airplanes and  
lighter-than-air craft.  
*Post*, pp. 400, 780.

Acquisition, etc., of  
auxiliary vessels.

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the Act of March 27, 1934 (48 Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this Act.

SEC. 3. The President of the United States is hereby authorized to acquire or construct naval airplanes, and lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than four thousand five hundred, including five hundred airplanes for the Naval Reserve; and the number of useful nonrigid lighter-than-air craft at a total of not more than eighteen.

SEC. 4. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of seventy-five thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed \$35,000,000 for shipbuilding ways, shipbuilding docks, and essential equipment and facilities at naval establishments for building or equipping any ship, herein or heretofore authorized, and, in addition, not to exceed \$6,000,000 for essential equipment and facilities at either private or naval establishments for the production of armor or armament: *Provided*, That equipment and facilities procured for the production of armor or armament pursuant to the authority contained herein may be leased, sold, or otherwise disposed of, in the discretion of the Secretary of the Navy, when no longer required for use under naval contract.

Appropriations authorized.

Shipbuilding ways, etc.

Equipment, etc., for production of armor, etc.

*Proviso.*  
Disposition when no longer required.

SEC. 6. The allocation and contracts for construction of the vessels herein authorized as well as the procurement and construction of airplanes and spare parts, shall be in accordance with the terms and conditions provided by the Act of March 27, 1934 (48 Stat. 503), as amended.

Allocation and contracts for construction, etc.

34 U. S. C. §§ 494-497; Supp. V, § 496.

Under-age vessels.

SEC. 7. Vessels of the following categories shall hereafter be deemed under age until the number of years indicated have elapsed since completion: Battleships, twenty-six years; aircraft carriers and cruisers, twenty years; other combatant surface craft, sixteen years; submarines, thirteen years.

SEC. 8. The construction, alteration, furnishing, or equipping of any naval vessel authorized by this Act, or the construction, alteration, furnishing, or equipping of any naval vessels with funds from any appropriation available for such purposes, contracts for which are made after June 30, 1940, shall be in accordance with the provisions of Public Law Numbered 846, Seventy-fourth Congress, approved June 30, 1936, unless such course, in the judgment of the President of the United States, should not be in the interest of national defense.

Construction, etc., contracts made after June 30, 1940.

49 Stat. 2036.  
41 U. S. C., Supp. V, §§ 35-45.

SEC. 9. For the purpose of modernizing the United States ships New York, Texas, and Arkansas, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$6,000,000. This sum shall be in addition to the total appropriation expenditures for repairs and changes to each of these vessels as limited by the Act of July 18, 1935 (49 Stat. 482; U. S. C., title 5, sec. 468a).

Modernization of designated ships, cost limitation.  
*Ante*, p. 295.

5 U. S. C., Supp. V, § 468a.

SEC. 10. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), shall, during the period of any national emergency declared by the President to exist, be applicable to naval public works and naval public utilities projects in the Fourteenth Naval District for which appropriations are made or authorized: *Provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority contained herein, or any contract hereafter entered into under the authority contained in said Act of April 25, 1939, shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

Fourteenth Naval District.  
Contracts on a cost-plus-a-fixed-fee basis.

*Proviso.*  
Amount of fixed fee, limitation.  
*Post*, p. 677.

SEC. 11. In the discretion of the President, there is hereby authorized and established a Naval Consulting Board of seven members to be appointed by the President, by and with the advice and consent of the Senate, from among eminent civilians in the fields of industry, science, and research, to serve during the pleasure of the President. This Board is hereby authorized to make recommendations to the Secretary of the Navy in any matter concerning the Naval Establishment and the national defense. The members thereof shall serve without compensation, but shall be reimbursed for all expenses incurred incident to their travel and employment as members of the

Naval Consulting Board, establishment.

Recommendations, scope.

Compensation; expenses.

Appropriation authorized.

Board. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, not to exceed \$25,000 to effectuate the purposes of this section.

Approved, June 14, 1940.

[CHAPTER 365]

JOINT RESOLUTION

June 15, 1940  
[H. J. Res. 367]  
[Pub. Res., No. 83]

To authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

Assistance to governments of American republics.

Coast-defense and antiaircraft matériel.

Testing and repairing.

Plans, etc.

Construction of war vessels.

Armament, etc.

Antiaircraft artillery.

Testing and repairing.

Plans, etc.

Provisos.  
Treaty violations, etc.

No expense to U. S.; restriction on credits.

Use of U. S. shipyards, etc.; contract restriction.

Information relating to arms, etc.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the President may, in his discretion, authorize the Secretary of War to manufacture in factories and arsenals under his jurisdiction, or otherwise procure, coast-defense and antiaircraft matériel, including ammunition therefor, on behalf of the government of any American republic; to sell such matériel and ammunition to any such government; to test or prove such matériel and ammunition prior to sale or delivery to any such government; to repair such matériel on behalf of any such government; and to communicate to any such government plans, specifications, or other information relating to such matériel and ammunition as may be sold to any such government.

(b) The President may, in his discretion, authorize the Secretary of the Navy to construct vessels of war on behalf of the government of any American republic in shipyards under his jurisdiction; to manufacture armament and equipment for such vessels on behalf of any such government in arsenals under his jurisdiction; to sell armament and equipment for such vessels to any such government; to manufacture antiaircraft artillery and ammunition therefor, on behalf of any such government in factories and arsenals under his jurisdiction; to sell antiaircraft artillery and ammunition therefor to any such government; to test or prove such vessels, armament, artillery, ammunition, or equipment prior to sale or delivery to any such government; to repair such vessels, armament, artillery, or equipment on behalf of any such government; and to communicate to any such government plans, specifications, and other information relating to such vessels of war and their armament and equipment or antiaircraft artillery and ammunition therefor, as may be sold to any such government or relating to any vessels of war which any such government may propose to construct or manufacture within its own jurisdiction: *Provided*, That nothing contained herein shall be construed as authorizing the violation of any of the provisions of any treaty to which the United States is or may become a party or of any established principles or precedents of international law: *And provided further*, That no transaction authorized herein shall result in expense to the United States, nor involve the extension of credits by the United States: *And provided further*, That no contract shall be entered into under the terms of this joint resolution which shall interfere with or delay the United States in the full use of its shipyards, arsenals, munition plants, and other equipment for its own purposes.

SEC. 2. In carrying out transactions authorized by section 1, the Secretary of War and the Secretary of the Navy are authorized, in their discretion and provided that it be not inconsistent with any defense requirements of the United States or of its possessions, to communicate or transmit to the government of any American republic or to any duly authorized person for the use of such government information pertaining to the arms, ammunition, or implements of war sold under the terms of that section or to any vessels of war

constructed within the jurisdiction of any such government, and to export for the use of any such government coast defense and anti-aircraft matériel and ammunition therefor, and vessels of war and their armament and equipment involving such information: *Provided*, That any information thus communicated or transmitted or involved in any such arms, ammunition, implements of war, or equipment when exported shall cease to be considered restricted after one year from the date that such communication or transmission has been authorized or such exportation made.

*Proviso.*  
Cessation of restriction.

SEC. 3. All contracts or agreements made by the Secretary of War or the Secretary of the Navy for the sale to the government of any American republic of any of the arms, ammunition, or implements of war, the sale of which is authorized by this joint resolution, shall contain a clause by which the purchaser undertakes not to dispose of such arms, ammunition, or implements of war, or any plans, specifications, or information pertaining thereto, by gift, sale, or any mode of transfer in such manner that such arms, ammunition, implements of war, or plans, specifications, or information pertaining thereto, may become a part of the armament of any state other than an American republic.

Contract require-  
ment on disposition of  
arms, etc.

SEC. 4. The Secretary of War or the Secretary of the Navy, as the case may be, shall, when any arms, ammunition, implements of war, or equipment are exported pursuant to the provisions of this joint resolution, immediately inform the Secretary of State, Chairman of the National Munitions Control Board, of the quantities, character, value, terms of sale, and destination of the arms, ammunition, implements of war, or equipment so exported. Such information shall be included in the annual report of the Board.

Export data to Na-  
tional Munitions  
Control Board.

SEC. 5. (a) There is hereby authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this joint resolution.

Appropriations au-  
thorized.

(b) All moneys which may be received from the government of any American republic, in payment for any article delivered or service rendered in compliance with the provisions of this joint resolution, shall revert to the respective appropriation or appropriations out of which funds were expended in carrying out the transaction for which money is received, and such moneys shall be available for expenditure for the purpose for which such expended funds were appropriated by law, during the fiscal year in which such funds are received and the ensuing fiscal year.

Disposition of pay-  
ments.

SEC. 6. The Secretary of War and the Secretary of the Navy shall in all contracts or agreements for the sale of such matériel fully protect the rights of all citizens of the United States who have patent rights in and to any such matériel which is hereby authorized to be sold and the funds collected for royalties on such patents shall be paid to the owners and holders of such patents.

Protection of patent  
rights of U. S. citizens.

SEC. 7. The Secretaries of War and of the Navy are hereby authorized to purchase arms, ammunition, and implements of war produced within the jurisdiction of any American republic if such arms, ammunition, or implements of war cannot be produced in the United States.

Purchase of certain  
arms, etc., from Amer-  
ican republics.

Approved, June 15, 1940.

## [CHAPTER 366]

## AN ACT

To amend the Federal Credit Union Act (June 26, 1934, ch. 750, par. 1, 48 Stat. 1216, sec. 1761).

June 15, 1940  
[S. 2568]  
[Public, No. 630]

Federal Credit Union Act, amendment.  
48 Stat. 1220.  
12 U. S. C. § 1761 (d).  
Loans in excess of \$100; maximum loans.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 11 (d) of the Federal Credit Union Act be, and the same is hereby, amended by substituting for “\$50” where it appears in the fourth sentence thereof “\$100”, so that said fourth sentence shall read as follows: “No loan in excess of \$100 shall be made without adequate security and no loan shall be made to any member in excess of \$200 or 10 per centum of the Federal credit union’s paid-in and unimpaired capital and surplus, whichever is greater.”

Approved, June 15, 1940.

## [CHAPTER 367]

## AN ACT

To facilitate and simplify national-forest administration.

June 15, 1940  
[H. R. 7643]  
[Public, No. 631]

National-forest administration.  
Deposit of contracts, etc., in General Accounting Office.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20, title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any one fiscal year.

Approved, June 15, 1940.

## [CHAPTER 371]

## JOINT RESOLUTION

To authorize the postponement of payment of amounts payable to the United States by the Republic of Finland on its indebtedness under agreements between that Republic and the United States dated May 1, 1923, and May 23, 1932.

June 15, 1940  
[S. J. Res. 272]  
[Pub. Res., No. 84]

Finland.  
Optional postponement of amounts payable to U. S.

Agreement authorized.

Proviso.  
Interest rate.

Annuity payments.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Republic of Finland, at its option, may postpone the payment of amounts payable to the United States of America during the period from January 1, 1940, to December 31, 1940, inclusive, under the agreements between that Republic and the United States of America dated May 1, 1923, and May 23, 1932; and, in the event of the exercise of the option herein granted, the Secretary of the Treasury is authorized to make, on behalf of the United States of America, an agreement with the Republic of Finland for the payment of the postponed amount, with interest at the rate of 3 per centum per annum beginning January 1, 1941, in ten annuities, the first to be paid during the calendar year beginning January 1, 1941, and one during each of the nine calendar years following, each annuity payment to be payable in one or more installments: *Provided, however,* That the amounts postponed shall bear interest at the rate of 3 per centum per annum from the date payment of such amounts was postponed to January 1, 1941.

SEC. 2. The agreement authorized in the first section of this joint resolution shall be in such form that annuity payments thereunder shall, unless otherwise provided in such agreement, (1) be in accordance with the agreement with the Republic of Finland dated May 1, 1923, and (2) be subject to the same terms and conditions as payment under the agreement dated May 1, 1923.

Approved, June 15, 1940.

## [CHAPTER 372]

## AN ACT

Granting the consent of Congress to the States of Montana, North Dakota, and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River.

June 15, 1940  
[S. 1759]  
[Public, No. 632]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of Congress approved August 2, 1937 (50 Stat. 551), granting the consent of Congress to the States of Montana and Wyoming to negotiate and enter into a compact or agreement for division of the waters of the Yellowstone River be, and it is hereby, amended to provide that the consent of Congress is given to the State of North Dakota to negotiate and to enter into the compact or agreement therein authorized providing for an equitable division and an apportionment between the States of the water supply of the Yellowstone River and of the streams tributary thereto, upon condition that the representative appointed by the President of the United States under the Act of August 2, 1937, to participate in said negotiations as the representative of the United States and to report to Congress of proceedings and of any compact or agreement entered into, shall continue to represent the United States and to report under this Act: *Provided*, That such Act of August 2, 1937, is amended by striking out "June 1, 1939" and inserting in lieu thereof "June 1, 1943": *Provided*, That such compact or agreement shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislatures of each of the said States and by the Congress of the United States: *Provided further*, That nothing in this Act shall apply to any waters within or tributary to the Yellowstone National Park or shall establish any right or interest in or to any lands within the boundaries thereof.

Yellowstone River.  
Consent given to N.  
Dak. to negotiate, etc.,  
for division of waters.

Federal representative;  
report to Congress.

*Provisos.*  
Time extension.

Approval.

Yellowstone National Park, nonapplication to waters within, etc.

Approved, June 15, 1940.

## [CHAPTER 373]

## AN ACT

To require the payment of prevailing rates of wages on Federal public works in Alaska and Hawaii.

June 15, 1940  
[S. 3650]  
[Public, No. 633]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1 of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (46 Stat. 1494), as amended, is further amended by striking out the words "States of the Union or the District of Columbia" and inserting in lieu thereof "States of the Union, the Territory of Alaska, the Territory of Hawaii, or the District of Columbia"; and by striking out the words "or other civil subdivision of the State" and inserting in lieu thereof "or other civil subdivision of the State, or the Territory of Alaska, or the Territory of Hawaii".

Alaska and Hawaii.  
Wage rates on public works.

40 U. S. C. § 276a;  
Supp. V, § 276a.

SEC. 2. The amendments made by this Act shall take effect on the thirtieth day after the date of enactment of this Act, but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on the date of enactment of this Act.

Effective date.  
Certain contracts not affected.

Approved, June 15, 1940.

## [CHAPTER 374]

## AN ACT

To regulate the number of warrant and commissioned warrant officers in the Marine Corps.

June 15, 1940  
[H. R. 6044]  
[Public, No. 634]

Marine Corps.  
Number of war-  
rant, etc., officers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the number of warrant and commissioned warrant officers in the Marine Corps and their distribution in the warrant and commissioned warrant grades shall be as the President may from time to time deem necessary.

Approved, June 15, 1940.

## [CHAPTER 375]

## AN ACT

To authorize the construction or acquisition of naval aircraft, the construction of certain public works, and for other purposes.

June 15, 1940  
[H. R. 9848]  
[Public, No. 635]

Navy.  
Acquisition, etc., of  
naval aircraft.  
*Ante*, p. 394; *post*, p.  
780.

Maximum number.

Training facilities.

*Proviso.*  
Responsibility of  
Secretary.

Establishment, etc.,  
of naval aviation facil-  
ities.

Designated projects.

*Provisos.*  
Variation in cost;  
limitation.

Additional to prior  
authorizations.

Report to Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized to acquire or construct naval airplanes and nonrigid lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than ten thousand, including eight hundred fifty airplanes for the Naval Reserve, and the number of useful nonrigid lighter-than-air craft at a total of not more than forty-eight. He is also authorized to provide such training facilities as may, in his judgment, be necessary for sixteen thousand naval aviators and enlisted pilots: *Provided*, That nothing herein shall be construed to limit or affect the responsibility of the Secretary of the Navy as defined in the Act of July 12, 1921 (42 Stat. 141; U. S. C., title 34, sec. 732).

SEC. 2. The Secretary of the Navy is hereby authorized to establish, develop, or increase naval aviation facilities, with which shall be included the authority to purchase, accept by gift, or otherwise acquire land and to construct buildings and accessories, with approximate costs as indicated, at or in the vicinity of Norfolk, Virginia, \$13,246,000; San Juan, Puerto Rico, \$2,330,000; Coco Solo, Canal Zone, \$12,690,000; Seattle, Washington, \$4,670,000; Kodiak, Alaska, \$2,012,000; Hawaiian Islands, \$6,385,000; Midway Island, \$1,870,000; Wake Island, \$5,582,000; Johnston Island, \$460,000; Quonset Point, Rhode Island, \$24,204,000; Quantico, Virginia, \$2,326,000; Guantanamo, Cuba, \$2,886,000; Charlotte Amalie, Virgin Islands, \$1,510,000; San Diego, California, \$5,637,000; Alameda, California, \$6,861,000; Unalaska, Alaska, \$2,963,000; Canton Island, \$1,500,000; Tongue Point, Oregon, \$2,000,000; Corpus Christi, Texas, \$25,000,000; at such localities within the continental limits of the United States as may, in his judgment, be necessary for the Naval Reserve, which authority shall also include the acquisition of existing facilities, \$10,000,000; and in such vicinities as he may, in his discretion, deem advisable for other auxiliary air bases, \$10,000,000: *Provided*, That the approximate cost indicated for each project enumerated above may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 25 per centum of the approximate cost indicated, but the total cost shall not exceed \$144,132,000: *Provided further*, That this shall be in addition to all authorizations heretofore made for projects in these vicinities: *And provided further*, That the Secretary of the Navy shall report to the Congress, at the beginning of each regular session, the extent to which he has exercised the

authority herein contained with respect to Naval Reserve aviation and the location of those facilities left to his discretion.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

Appropriation authorized.

SEC. 4. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), shall be applicable to all facilities authorized by this Act, including facilities located within the continental limits of the United States: *Provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority contained herein shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

Contracts on a cost-plus-a-fixed-fee basis, authorized.

*Proviso.*  
Amount of fixed fee, limitation.  
*Post*, p. 677.

SEC. 5. The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects authorized by this Act, or heretofore otherwise authorized.

Continuation of employment of certain employees.

SEC. 6. The Secretary of the Navy is hereby authorized to proceed with the construction of the following public-works projects at a cost not to exceed the amount stated after each item enumerated:

Construction of designated public-works projects.  
*Ante*, p. 280.

Navy Yard, Pearl Harbor, Hawaii: Temporary storehouses and accessories, \$1,000,000.

Naval Station, Guantanamo, Cuba: Defense facilities, including buildings and accessories, \$1,500,000.

Net and ammunition-storage facilities: Naval net depots and ammunition storage, including buildings and accessories and the acquisition of land, \$6,262,362.

Naval Air Station, Pensacola, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$4,000,000.

Naval Air Station, Miami, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$3,500,000.

Naval Air Station, Jacksonville-Banana River, Florida: Development of aviation facilities for training, including buildings and accessories, and acquisition of land, \$9,500,000.

Naval Air Station, Jacksonville, Florida: Trade schools, including buildings and accessories, \$3,000,000.

Temporary housing, including extension of existing structures and facilities, for Marine Corps personnel, \$4,500,000.

Temporary housing for hospital facilities, \$600,000.

Approved, June 15, 1940.

[CHAPTER 389]

JOINT RESOLUTION

Authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal Prisons.

June 17, 1940  
[S. J. Res. 59]  
[Pub. Res., No. 85]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of furnishing information to the Congress regarding the amount of goods produced in State and Federal prisons, the Bureau of Labor Statistics of the United States Department of Labor is authorized and directed to collect information concerning the character, kind, type, amount, and value of all goods produced in State and Federal

Collection of information regarding prison-made goods.

prisons, showing separately the amount and value of goods produced under the State-use, State-account, contract, and piece-price systems.

Appropriation au-  
thorized.  
Post, p. 1043.  
Report to Congress.

For the purpose of making this study, there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$20,000. The Commissioner of Labor Statistics is directed to submit the report to the Congress on or before May 1, 1941.

Approved, June 17, 1940.

[CHAPTER 390]

AN ACT

June 17, 1940  
[S. 3683]  
[Public, No. 636]

To extend the time limit for cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects.

Development of  
farm units on public  
lands.  
53 Stat. 1238.  
43 U. S. C., Supp.  
V, § 433 (note).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 7, 1939 (Public, Numbered 307, Seventy-sixth Congress, first session), is hereby amended by striking out "during the fiscal year 1940," and by inserting "during the fiscal year 1941,".

Approved, June 17, 1940.

[CHAPTER 391]

AN ACT

June 17, 1940  
[H. R. 2417]  
[Public, No. 637]

To facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior of boundaries of the Sequoia National Forest, California.

Sequoia National  
Forest, Calif.  
Acquisition of lands  
in, for soil erosion,  
etc., control.  
36 Stat. 962.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture, with the approval of the National Forest Reservation Commission established by section 4 of the Act of March 1, 1911 (U. S. C., title 16, sec. 513), is hereby authorized to acquire by purchase any lands, or interests therein, within the boundaries of the Sequoia National Forest, in the State of California, which, in his judgment, should become the property of the United States in order that they may be so managed with other lands of the United States as to minimize soil erosion and flood damage, and to pay for said lands, or interest therein, from the entire receipts from the occupancy of public land or the sale of national resources, other than mineral, within the Sequoia National Forest, which receipts are hereby authorized to be appropriated for that purpose until said lands have been acquired: *Provided,* That any appropriated amounts which are unexpended and unobligated at the close of the fiscal year for which appropriated shall be transferred to the national-forest receipts of that fiscal year and amounts so transferred and such part of the entire receipts of any fiscal year as are not appropriated shall be disposed of in like manner as other national-forest receipts.

Approved, June 17, 1940.

[CHAPTER 392]

AN ACT

June 17, 1940  
[H. R. 2418]  
[Public, No. 638]

To extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests.

Whitman, Malheur,  
or Umatilla National  
Forests, Oreg.  
Exchange of certain  
lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any lands in private, State, or county ownership within the following described area, which are found by the Secretary of Agriculture to be chiefly

valuable for national forest purposes, may be offered in exchange under the provisions of the Act approved March 20, 1922, as amended (U. S. C., title 16, secs. 485, 486), and upon acceptance of title shall become parts of the Whitman, Malheur, or Umatilla National Forests, Oregon, and shall thereafter be subject to the laws, rules, and regulations applicable to national forests: *Provided*, That such exchanges are approved by the board of county commissioners of the county or counties in which said lands are situated.

42 Stat. 465.

*Proviso.*  
Approval by county  
commissioners.

Whitman National  
Forest.

To the Whitman National Forest: The east half of section 1; the southeast quarter of section 11; the south half and the northeast quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, 26, 35, and 36; township 1 north, range 40 east.

Sections 6, 7, 18, 19, 30, and 31; township 1 north, range 41 east.

The south half of section 12; section 13; the east half of section 14; sections 23, 24, 25, 26, 35, and 36; township 1 south, range 39 east.

Sections 1, 2, 3, 4, and 5; the south half of section 6; sections 7 to 36, inclusive; township 1 south, range 40 east.

Section 1; township 2 south, range 39 east.

Sections 5 and 6; the north half of section 7; sections 8 and 16; the southwest quarter of section 35; township 2 south, range 40 east.

The east half of section 11; the southwest quarter of section 12; section 13; the east half of section 14; the east half of section 23; sections 24, 25, and 26; the east half of section 27; sections 35 and 36; township 3 south, range 40 east.

The west half of section 30; section 31; the southwest quarter of section 32; township 3 south, range 41 east.

Sections 5, 8, 9, 10, 11, 14, and 23; township 4 south, range 38 east.

Section 1; the east half of section 2; the east half and the northwest quarter of section 12; the northeast quarter of section 13; township 4 south, range 40 east.

Sections 5, 6, 7, and 8; the west half of section 9; sections 16 to 21, inclusive, and 28 to 33, inclusive; the west half of section 34; township 4 south, range 41 east.

Section 36; township 5 south, range 37 east.

Sections 2, 3, 10, 11, 14, 15, 16, 22, 23, 26, and 27; the east half of section 28; the southwest quarter of section 31; sections 33, 34, and 35; township 5 south, range 38 east.

The south half of section 1; the south half of section 2; sections 11, 12, 13, and 14; the east half of section 23; sections 24 and 25; the east half of section 26; township 5 south, range 40 east.

The west half of section 3; sections 4 to 10, inclusive; the southwest quarter of section 14; sections 15 to 36, inclusive; township 5 south, range 41 east.

Section 19; the north half of section 30; township 5 south, range 42 east.

Sections 31 and 32; portions of sections 33, 34, 35, and 36, which lie south of the North Fork John Day River; township 6 south, range 31 east.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, and 32; township 6 south, range 38 east.

Sections 1 to 6, inclusive, and 8 to 12, inclusive; township 6 south, range 41 east.

Section 1; portions of sections 2, 3, 4, 5, and 6, which lie south of North Fork John Day River; sections 7 to 25, inclusive; township 7 south, range 30 east.

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33; township 7 south, range 38 east.

Section 3; township 8 south, range 31 east.

The south half of section 3; section 4; the north half of section 5; sections 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, and 35; township 8 south, range 38 east.

Section 1; township 9 south, range 38 east.

The north half of section 8; township 9 south, range 39 east.

The south half of section 2; the southwest quarter of section 4; the southwest quarter of section 10; the south half of section 23; section 25; township 10 south, range 37 east.

The south half of section 29; the south half of section 30; township 10 south, range 38 east.

The east half, the southeast quarter of the northwest quarter and the southwest quarter of section 3; sections 16 and 21; the west half of section 28; section 33; township 10 south, range 39 east.

Sections 31, 32, and 33; township 11 south, range 37 east.

The north half of section 10; the west half of section 11; the north half, the south half of the south half, and the north half of the southeast quarter of section 30; township 11 south, range 39 east.

Section 1; the south half of section 2; the southwest quarter of section 4; the southeast quarter of section 5; the east half of section 8; sections 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; township 11 south, range 40 east.

The south half of section 2; the south half of section 3; section 7; the west half of section 8; sections 10 to 21, inclusive; the west half of section 22; the north half of section 28; sections 29, 30, 31, and 32; township 11 south, range 41 east.

Sections 1, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, and 24; the north half of section 29; township 12 south, range 32 east.

Sections 1 to 12, inclusive; sections 17, 18, and 19; the north half of section 30; township 12 south, range 33 east.

Sections 7 and 8; the northwest quarter and the south half of section 9; the south half of section 10; the west half of section 15; sections 16, 17, 18, 20, and 21; the west half of section 22; sections 27 and 34; township 12 south, range 34 east.

Section 16; the northeast quarter of section 17; the north half of section 21; sections 22, 26, 27, 34, and 35; township 12 south, range 36 east.

Sections 5, 6, 7, and 8; township 12 south, range 37 east.

The northeast quarter of section 4; township 12 south, range 39 east.

Sections 1, 2, 3, 10, and 11; the north half of section 12; the west half of section 15; the north half of section 19; the north half of section 20; the north half of section 21; the northwest quarter of section 22; township 12 south, range 40 east.

Sections 6 and 7; township 12 south, range 41 east.

Sections 1 and 2; the north half of section 3; sections 11, 12, and 13; the north half of section 14; the north half of section 24; township 13 south, range 34 east.

The west half of section 19; the northwest quarter of section 30; the west half of section 31; township 13 south, range 35 east.

The north half of section 2; sections 3, 10, 15, 16, 22, 27, and 34; township 13 south, range 36 east.

To the Malheur National Forest:

Sections 14, 15, 16, and 23; the west half of section 26; the west half of section 35; township 9 south, range 31 east.

The south half of section 27; sections 31, 32, 33, and 34; township 9 south, range 32 east.

Sections 1 and 2; township 10 south, range 31 east.

The west half of the west half of section 4; section 5; the north half of section 6; township 10 south, range 32 east.

Sections 31 and 32; the south half of section 33; the south half of section 34; the south half of section 35; township 11 south, range 29 east.

The south half of section 10; the north half of section 15; section 16; the east half of section 29; the south half of section 32; township 11 south, range 30 east.

To the Umatilla National Forest:

Sections 13, 14, 15, 16, 21, and 22; the west half of section 28; the west half of section 33; township 1 north, range 38 east.

Sections 2, 3, 8, 9, 10, 11, 15, 16, and 17; township 2 north, range 39 east.

The south half of section 13; sections 23, 24, and 34; township 3 north, range 39 east.

Sections 19, 20, 21, and 22; the northwest quarter of section 29; section 30; township 3 north, range 40 east.

All Willamette base and meridian.

Approved, June 17, 1940.

Umatilla National  
Forest.

[CHAPTER 393]

AN ACT

To amend the Act entitled "An Act to authorize the city of Pierre, South Dakota, to construct, equip, maintain, and operate on Farm Island, South Dakota, certain amusement and recreational facilities; to charge for the use thereof; and for other purposes", approved August 16, 1937.

June 17, 1940  
[H. R. 6446]  
[Public, No. 639]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Act entitled "An Act to authorize the city of Pierre, South Dakota, to construct, equip, maintain, and operate on Farm Island, South Dakota, certain amusement and recreational facilities; to charge for the use thereof; and for other purposes", approved August 16, 1937, is amended to read as follows:

Pierre, S. Dak.  
Farm Island amuse-  
ment, etc., facilities.

50 Stat. 649.

"SEC. 3. The enterprises authorized to be operated on Farm Island by the provisions of the first section of this Act shall be owned and operated by the city of Pierre or by concessionaires of such city. All funds derived by such city from the operation of such enterprises and from the granting of concessions for the operation of such enterprises shall be maintained by such city in a separate fund and shall be used exclusively for the purpose of maintaining, developing, and policing Farm Island."

Municipal or con-  
cessionaire ownership  
of enterprises.

Use of funds re-  
ceived.

SEC. 2. Section 4 of such Act is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to prohibit such city, such State, or any agency of the United States performing functions on such island from removing therefrom, by such means as it may deem appropriate or advisable, such wild animals and wild birds (except migratory birds for the removal of which a permit has not been issued pursuant to the provisions of the Migratory Bird Treaty Act) as may become detrimental to the maintenance of said island as a wild-game refuge, park, or forest."

50 Stat. 649.  
Removal of unde-  
sirable wild animals,  
etc.

40 Stat. 755.  
16 U. S. C. §§ 703-  
711; Supp. V, §§ 703-  
709a.

Approved, June 17, 1940.

## [CHAPTER 395]

## AN ACT

Making appropriations for the Department of the Interior for the fiscal year ending June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1941, namely:

## OFFICE OF THE SECRETARY

## SALARIES

## Salaries.

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$874,950: *Provided*, That in expending appropriations or portions of appropriations, contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided*, That no part of the appropriation made available to the office of the Secretary by this section shall be used for the broadcast of radio programs designed for or calculated to influence the passage or defeat of any legislation pending before the Congress.

## OFFICE OF SOLICITOR

## Personal services.

For personal services in the District of Columbia and in the field (except Consumers' Counsel Division), \$314,340.

Consumers' Counsel Division.  
Salaries and expenses.

15 U. S. C., Supp. V, § 829b.

Consumers' Counsel Division, salaries and expenses: For all necessary expenditures of the Consumers' Counsel Division, in performing the duties devolving upon said Consumers' Counsel Division by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including witness fees and mileage for witnesses appearing in behalf of the Division before the Bituminous Coal Division and including witnesses before the Interstate Commerce Commission, personal services and rent in the District of Columbia and elsewhere,

June 18, 1940

[H. R. 8745]

[Public, No. 640]

Interior Department  
Appropriation  
Act, 1941.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

Radio broadcasts.  
Restriction on use of funds.

traveling expenses, including not to exceed \$3,000 for expenses of attendance at meetings at which matters of importance to the work of the Consumers' Counsel Division are to be discussed, printing and binding, contract stenographic reporting services, stationery and office supplies and equipment, and not to exceed \$1,000 for newspapers, books, and periodicals, \$145,706.

#### DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

For personal services in the District of Columbia, \$118,780.

Personal services.

#### DIVISION OF INVESTIGATIONS

For investigating official matters under the control of the Department of the Interior; for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; for protecting public lands from illegal and fraudulent entry or appropriation; for adjusting claims for swamplands and indemnity for swamplands; and for traveling and other expenses of persons employed hereunder, \$470,000, including not exceeding \$42,370 for personal services in the District of Columbia; not exceeding \$52,500 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for the use of agents and others employed in the field service. The Secretary of the Interior shall include in his annual report a full statement of all expenditures made under authority of this paragraph.

Investigation of official matters; timber protection, etc.

Statement of expenditures.

#### GRAZING SERVICE

For carrying out the provisions of the Act entitled "An Act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), and as amended by the Acts of June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002), including examination and classification of lands with respect to grazing or agricultural utility, preparation of land classification maps and reports, traveling and other necessary expenses, payments for the cost of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior, not to exceed \$100,160 for personal services in the District of Columbia, not to exceed \$30,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, and not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the Grazing Service when authorized by the Secretary of the Interior, \$680,000; for payment of a salary of \$5 per diem while actually employed and for the payment of necessary travel expenses, exclusive of subsistence, of members of advisory committees of local stockmen, \$70,000; in all, \$750,000.

Grazing Service, expenses.

43 U. S. C. §§ 315-315n; Supp. V, §§ 315-315o-1.

Classification of lands, etc.

Personal services.

Advisory committees of local stockmen.

Range improvements.

43 U. S. C. §§ 315l, 315j; Supp. V, §§ 315l, 315j, 315o-1.  
43 U. S. C. § 315h.

43 U. S. C., Supp. V, § 315m-1.  
Proviso.  
Limitation.

For construction, purchase, and maintenance of range improvements within grazing districts, pursuant to the provisions of sections 10 and 11 of the Act of June 28, 1934 (48 Stat. 1269), and as amended by the Acts of June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002), and not including contributions under section 9 of the Act of June 28, 1934, and for the leasing of State, county, and privately owned lands as provided under the Act of June 23, 1938 (52 Stat. 1033), \$250,000: *Provided*, That expenditures hereunder shall not exceed 25 per centum of all moneys received from grazing districts under the provisions of said Act of June 28, 1934, as amended, during the fiscal years 1940 and 1941.

## PETROLEUM CONSERVATION DIVISION

Oil regulation and enforcement.  
15 U. S. C., Supp. V, §§ 715-715I.

Personal services.

Attendance at meetings.

Printing and binding.

Vehicles.

Salaries and expenses, oil regulation and enforcement: For administering and enforcing the provisions of the Act approved February 22, 1935 (49 Stat. 30), entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", as amended, and to include necessary personal services in the District of Columbia (not to exceed \$43,000), and elsewhere without regard to the civil-service laws and regulations, traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed \$1,000 for necessary expenses of attendance at meetings and conferences concerned with the work of petroleum conservation when authorized by the Secretary of the Interior, not to exceed \$3,100 for printing and binding, not to exceed \$600 for books, newspapers, and periodicals, and not to exceed \$14,000 for the purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, \$255,000.

## BITUMINOUS COAL DIVISION

Salaries and expenses.  
Post, p. 1040.  
15 U. S. C., Supp. V, §§ 828-851.

50 Stat. 86.  
15 U. S. C., Supp. V, § 838.  
Vehicles.

Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed \$4,500 for hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed \$1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, \$2,250,000.

## CONTINGENT EXPENSES, DEPARTMENT OF THE INTERIOR

Department contingent expenses.

For contingent expenses of the office of the Secretary and the bureaus and offices of the Department (except the Bureau of Biological Survey); furniture, carpets, ice, lumber, hardware, dry goods, advertising, teletype rentals and service, telegraphing, telephone service, including personal services of temporary or emergency telephone operators; streetcar fares for use by messengers not exceeding \$150; expressage, diagrams, awnings, filing devices, typewriters, adding and addressing machines, and other labor-saving devices, including the repair, exchange, and maintenance thereof; constructing model and other cases and furniture; postage stamps to prepay postage on foreign mail and for special-delivery and air-mail stamps for use in the United States; traveling expenses, including necessary expenses of inspectors and attorneys; fuel and light; examination of estimates for appropriations in the field for any bureau, office, or service of the Department; not exceeding \$500 for the payment of damages caused to private property by Department motor vehicles; purchase and exchange of motortrucks, motorcycles, and bicycles,

maintenance, repair, and operation of three motor-propelled passenger-carrying vehicles and motortrucks, motorcycles, and bicycles to be used only for official purposes; expense of taking testimony and preparing the same in connection with disbarment proceedings instituted against persons charged with improper practices before the Department, its bureaus and offices; expense of translations, and not exceeding \$1,000 for contract stenographic reporting services; not exceeding \$700 for newspapers; stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the Department and its several bureaus and offices, and other absolutely necessary expenses not hereinafter provided for, \$129,160; and, in addition thereto, sums amounting to \$55,900 for stationery supplies shall be deducted from other appropriations made for the fiscal year 1941 as follows: General Land Office, \$3,500; Geological Survey, \$8,500; Freedmen's Hospital, \$2,000; Saint Elizabeths Hospital, \$2,500; National Park Service, \$12,500; Bureau of Reclamation, \$8,400, any unexpended portion of which shall revert and be credited to the reclamation fund; Division of Investigations, \$2,000; Bureau of Mines, \$11,500; Grazing Service, \$5,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of \$129,160, the total appropriation for contingent expenses for the Department and its several bureaus and offices (except the Bureau of Biological Survey) for the fiscal year 1941.

Stationery supplies.  
Additional sums  
from specified appro-  
priations.

For the purchase or exchange of professional and scientific books, law and medical books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, \$800, and in addition there is hereby made available from any appropriations made for any of the following bureaus or offices of the Department not to exceed the following respective sums: Indian Service, \$500; Bureau of Reclamation, \$6,000; Geological Survey, \$6,000; National Park Service, \$2,200; General Land Office, \$500; Bureau of Mines, \$4,000; Bureau of Fisheries, \$500.

Purchase of books,  
etc.

Additional sums  
from specified appro-  
priations.

#### PRINTING AND BINDING

For printing and binding for the Department of the Interior, \$287,180, of which \$92,005 shall be for the National Park Service, \$85,290 for the Bureau of Mines, and \$27,500 for the Bureau of Biological Survey, including the publication of bulletins which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of the bulletins to be delivered to or sent out under addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they may direct.

Printing and bind-  
ing.

Publication of bulle-  
tins.

#### COMMISSION OF FINE ARTS

For expenses made necessary by the Act entitled "An Act establishing a Commission of Fine Arts", approved May 17, 1910 (40 U. S. C. 104), including the purchase of periodicals, press clippings, maps, and books of reference, and payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and committee meetings of the Commission either within or outside of the District of Columbia, to be disbursed on vouchers approved by the Commission, \$9,700, of which amount not to exceed \$6,480 may be expended for personal services in the District of Columbia.

Expenses.  
36 Stat. 371.

Personal services.

For all printing and binding for the Commission of Fine Arts, \$300.

Printing and bind-  
ing.

Total, Commission of Fine Arts, \$10,000.

## WAR MINERALS RELIEF COMMISSION

Administrative expenses.

40 Stat. 1274.

Personal services.

*Proviso.*  
Undisposed-of claims.

Administrative expenses: For administrative expenses made necessary by section 5 of the Act entitled "An Act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes", approved March 2, 1919 (40 Stat. 1272), including personal services, without regard to the civil-service laws and regulations; traveling and subsistence expenses; supplies and all other expenses incident to the proper prosecution of this work, both in the District of Columbia and elsewhere, \$11,200: *Provided*, That any claim that has not been prosecuted and disposed of prior to July 1, 1941, shall not thereafter be considered by the Secretary of the Interior and shall be barred.

## BONNEVILLE POWER ADMINISTRATION

Expenses.  
*Post*, p. 1040.

16 U. S. C., Supp.  
V, §§ 832-832i.

Personal services.

*Proviso.*  
Availability; accounting.

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the Act "To authorize the completion, maintenance, and operation of the Bonneville project, for navigation and for other purposes", approved August 20, 1937 (50 Stat. 731), including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange (including one at not to exceed \$1,200), maintenance, and operation of motor-propelled passenger-carrying vehicles, \$6,650,000, of which amount \$8,200 shall be available for personal services in the District of Columbia and \$641,800 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That this appropriation and the unexpended balances of appropriations and allotments heretofore made for the construction of the power distribution system shall be available until expended and shall be accounted for as one fund entitled "Construction, Operation, and Maintenance, Bonneville Power Transmission System".

## UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Maintenance of office.  
*Post*, p. 1040.

48 Stat. 461.  
48 U. S. C. § 1237;  
Supp. V, §§ 1237a-1237c.

Traveling expenses.

*Provisos.*  
Salary of legal adviser, etc.

Minor purchases.

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the Act approved March 24, 1934 (48 Stat. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of lawbooks and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, and return, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, and all other necessary expenses, \$154,000, of which amount not exceeding \$10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of \$10,000 and \$9,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of \$100.

## GENERAL LAND OFFICE

## SALARIES

For Commissioner of the General Land Office and other personal services in the District of Columbia, \$762,000, including one clerk, who shall be designated by the President, to sign land patents.

Transcribing records: For special personal services in the District of Columbia to transcribe worn and defaced records of the General Land Office, \$10,000.

Binding records: For personal services in the District of Columbia, purchase and maintenance of equipment, and all other expenses requisite for and incidental to the operation and maintenance of a branch of the Government Printing Office in the Interior Building, to bind, rebind, and repair books of record in the General Land Office, to be expended under the supervision of the Public Printer, \$10,000.

## GENERAL EXPENSES

For traveling expenses of officers and employees, including not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the General Land Office when authorized by the Secretary of the Interior; for employment of stenographers and other assistants when necessary, for separate maps of public-land States and Alaska; for the reproduction by photolithography or otherwise of official plats of surveys; for expenses of restoration to the public domain of lands in forest reserves and of lands temporarily withdrawn for forest-reserve purposes; and for expenses of hearings or other proceedings held by order of the General Land Office to determine the character of lands, whether alleged fraudulent entries are of that character or have been made in compliance with the law, and of hearings in disbarment proceedings, \$17,500.

For United States maps, prepared in the General Land Office, \$10,000, to be immediately available, all of which maps shall be delivered to the Senate and House of Representatives, except 10 per centum, which shall be delivered to the Commissioner of the General Land Office for official purposes. All maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$893,880, including not to exceed \$5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed \$5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Salaries.

Transcribing records.

Binding records.

Traveling expenses, etc.

Hearings.

U. S. maps.

Surveying public lands.

Vehicles.

*Provisos.*  
Temporarily detailed employees.  
Survey, etc., of designated lands.

Expenditures for surveys.

## Registers.

Registers: For salaries and commissions of registers of district land offices, \$78,000.

## Contingent expenses of land offices.

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and for traveling expenses of clerks transferred in the interest of the public service from one district land office to another, \$154,560: *Provided*, That no expenses chargeable to the Government shall be incurred by registers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

*Proviso.*  
Restriction.

## Fire prevention, etc., in Alaska.

For the prevention and suppression of fires on the public domain in Alaska, including the maintenance of patrols, the employment of field personnel, and the use of airplanes by charter or otherwise, \$27,000, of which not to exceed \$1,000 may be used for the maintenance and operation of motor-propelled passenger-carrying vehicles.

## Payments to States.

Payments to States of 5 per centum of proceeds from sales of public lands: For payment to the several States of 5 per centum of the net proceeds of sales of public lands lying within their limits, for the purpose of education or of making public roads and improvements, \$7,500: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

*Proviso.*  
Expenditures limited.  
48 Stat. 1227.  
31 U. S. C. § 725c.

## Revested Oregon and California Railroad, etc., grant lands. Conservation management.

Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, Oregon: For carrying out the provisions of title I of the Act entitled "An Act relating to the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands situated in the State of Oregon", approved August 28, 1937 (50 Stat. 874), including fire protection and patrol on these and adjacent and intermingled public lands, through cooperative agreements with Federal, State, and county agencies, or otherwise, and including travel and other necessary expenses, and including not to exceed \$5,000 for personal services in the District of Columbia, and not to exceed \$2,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, \$150,000: *Provided*, That such expenditures shall be reimbursed from the 25 per centum referred to in section c, title II of the Act approved August 28, 1937, of the special fund designated the "Oregon and California Land Grant Fund" and section 4 of the Act approved May 24, 1939, of the special fund designated the "Coos Bay Wagon Road Grant Fund".

## Personal services.

*Proviso.*  
Reimbursement.  
50 Stat. 878.

53 Stat. 754.

## Range improvements outside of grazing districts.

48 Stat. 1275, 1273;  
49 Stat. 1978.  
43 U. S. C. §§ 315m,  
315i; Supp. V, §§ 315m,  
315i.

*Proviso.*  
Limitation.

Range improvements on public lands outside of grazing districts (receipt limitation): For construction, purchase, and maintenance of range improvements on the public lands subject to grazing leases under the provisions of section 15 and pursuant to the provisions of section 10 of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), \$60,000, including not to exceed \$1,200 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That expenditures hereunder shall not exceed 25 per centum of all moneys received under the provisions of section 15 of said Act during the fiscal years 1940 and 1941.

## Payment to Oklahoma.

42 Stat. 1448.  
30 U. S. C. § 233.

Payment to Oklahoma from royalties, oil and gas, south half of Red River: For payment of 37½ per centum of the royalties derived from the south half of Red River in Oklahoma under the provisions of the Act of March 4, 1923 (30 Stat. U. S. C. 233), which shall be paid to the State of Oklahoma in lieu of all State and local

taxes upon tribal funds accruing under said Act, to be expended by the State in the same manner as if received under section 35 of the Act approved February 25, 1920 (30 U. S. C. 191), \$7,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

41 Stat. 450.

*Proviso.*  
Limitation.  
48 Stat. 1227.  
31 U. S. C. § 725c.

## BUREAU OF INDIAN AFFAIRS

### SALARIES

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$548,580.

Salaries.

### GENERAL EXPENSES

For transportation and incidental expenses of officers and clerks of the Bureau of Indian Affairs when traveling on official duty; for radio, telegraph, and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, \$36,500.

Traveling expenses, etc.

For advertising, inspection, storage, and all other expenses incident to the purchase of goods and supplies for the Indian Service and for payment of railroad, pipe-line, and other transportation costs of such goods and supplies, \$799,720: *Provided*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed.

Advertising, etc., expenses.

*Proviso.*  
Restriction on payments.

For maintaining law and order on Indian reservations, including pay of judges of Indian courts, pay of Indian police, and pay of employees engaged in the suppression of the traffic in intoxicating liquors, marihuana, and deleterious drugs among Indians, and including traveling expenses, supplies, and equipment, \$255,340.

Maintenance of law and order on Indian reservations.

For lease, purchase, construction, repair, and improvement of agency buildings, exclusive of hospital buildings, including the purchase of necessary lands for agency purposes and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$200,000: *Provided*, That no part of this appropriation shall be available for the construction of any building the total cost of which is in excess of \$1,500.

Lease, etc., of agency buildings.

*Proviso.*  
Construction of buildings, limitation.

For expenses of organizing Indian chartered corporations, or other tribal organizations, in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 986), as supplemented and amended by the Acts of June 15, 1935 (49 Stat. 378), May 1, 1936 (49 Stat. 1250), and June 26, 1936 (49 Stat. 1967), including personal services, purchase of equipment and supplies, not to exceed \$3,000 for printing and binding, and other necessary expenses, \$74,540, of which not to exceed \$18,000 may be used for personal services in the District of Columbia: *Provided*, That in the discretion of the Secretary of the Interior, not to exceed \$3 per diem in lieu of subsistence may be allowed to Indians actually traveling away from their place of residence when assisting in organization work: *Provided further*, That no part of this appropriation shall be available for expenditure in that part of the State of New Mexico embraced in the Navajo Indian Reservation, and not to exceed \$5,000 shall be available for expenditure in said State: *Provided further*, That no part of this appropriation shall be available to conduct elections in any reservation on any matter which has been previously voted upon there unless two years have elapsed.

Tribal organizations, expenses.

25 U. S. C. § 400;  
Supp. V, §§ 478a, 478b,  
501-509; 48 U. S. C.,  
Supp. V, §§ 358a, 362.

Personal services.

*Provisos.*  
Traveling allowances.

Expenditures in New Mexico.

Conduct of elections.

Vehicles, Indian Service, maintenance.

Vehicles, Indian Service: Not to exceed \$495,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall

be available for the maintenance, repair, and operation (including the exchange of necessary parts and accessories in part payment for new parts and accessories) of motor-propelled and horse-drawn passenger-carrying vehicles for the use of employees in the Indian field service, and the transportation of Indian school pupils, and not to exceed \$300,000 of applicable appropriations may be used for the purchase and exchange of motor-propelled passenger-carrying vehicles, and such vehicles shall be used only for official service, including the transportation of Indian school pupils.

Replacement of property destroyed by fire, etc. Replacement of property destroyed by fire, flood, or storm: That to meet possible emergencies not exceeding \$35,000 of the appropriations made by this Act for support of reservation and nonreservation schools, for school and agency buildings, and for conservation of health among Indians shall be available, upon approval of the Secretary of the Interior, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Indian Service above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

*Proviso.*  
Report to Congress.

Attendance at meetings.

Authorization for attending health and educational meetings: Not to exceed \$7,000 shall be available from applicable funds for expenses (not membership fees) of employees of the Indian Service when authorized by the Secretary of the Interior to attend meetings of medical, health, educational, agricultural, forestry, engineering, and industrial associations in the interest of work among the Indians.

#### INDIAN LANDS

Pueblo Indian lands, N. Mex.  
Compensation to non-Indian claimants.

Compensation to non-Indian claimants, Pueblo Indian lands, New Mexico: For carrying out the provisions of the Act of March 28, 1939 (53 Stat. 553), in supplemental settlement of the liability of the United States to non-Indian claimants on Indian Pueblo grants whose claims, extinguished under the Act of June 7, 1924, have been found entitled to awards under said Act as supplemented by the Act of May 31, 1933 (48 Stat. 108), \$9,826.05, to remain available until expended, to be apportioned to claimants within the several Pueblos as follows: Taos, \$9,733.05; San Felipe, \$93.

43 Stat. 636.

Apportionment.

Navajo Indians, Ariz.  
Purchase of land.  
48 Stat. 1033.

Purchase of land for the Navajo Indians, Arizona, reimbursable: The unexpended balance of the appropriation contained in the Deficiency Appropriation Act, fiscal year 1934, for the purchase of land, and improvements thereon, including water rights, for the Navajo Indians in Arizona, as authorized by and in conformity with the provisions of the Act of June 14, 1934 (48 Stat. 961), is hereby continued available for the same purposes until June 30, 1941.

Purchase of land with tribal funds.

52 Stat. 300.

Purchase of land for the Navajo Indians, Arizona (tribal funds): The unexpended balance of the appropriation of \$40,000 from funds to the credit of the Navajo tribe, contained in the Interior Department Appropriation Act, fiscal year 1939, for the purchase, in accordance with the provisions of the Act of June 14, 1934 (48 Stat. 961), of lands from the New Mexico and Arizona Land Company within the Navajo Indian Reservation, Arizona, is hereby continued available for the same purpose and under the same conditions until June 30, 1941.

Leasing of lands for Navajo Indians.

Leasing of lands for Navajo Indians (tribal funds): For lease, pending purchase, of land and water rights for the use and benefit of Indians of the Navajo Tribe in Arizona and New Mexico, \$20,000, payable from funds on deposit to the credit of the Navajo Tribe.

Acquisition of lands, etc.

For the acquisition of lands, interest in lands, water rights and surface rights to lands, and for expenses incident to such acquisition

(except salaries and expenses of employees), in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 985), \$325,000, together with the unexpended balance of the appropriation for this purpose for the fiscal year 1940: *Provided*, That in addition to the amount herein appropriated the Secretary of the Interior may also incur obligations, and enter into contracts for the acquisition of the additional land, not exceeding a total of \$325,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the acquisition of land pursuant to the authorization contained in the Act of June 18, 1934, shall be available for the purpose of discharging the obligation or obligations so created: *Provided further*, That no part of the sum herein appropriated or of this contract authorization shall be used for the acquisition of land within the States of Arizona, Colorado, New Mexico, and Wyoming outside of the boundaries of existing Indian reservations.

The unexpended balance of the appropriation of \$25,000 contained in the Interior Department Appropriation Act, fiscal year 1938, for the payment of taxes, including penalties and interest, assessed against individually owned Indian land, title to which is held subject to restrictions against alienation or encumbrance except with the consent or approval of the Secretary of the Interior, when such land was purchased with trust or restricted funds with the understanding that after purchase it would be nontaxable, as authorized by the Act of June 20, 1936 (49 Stat. 1542), is hereby continued available for the same purposes until June 30, 1941.

Purchase of land, Confederated Bands of Utes, Utah (tribal funds): The unexpended balances of the amounts authorized to be expended by the Interior Department Appropriation Act for the fiscal year 1940 for the purchase of additional lands and improvements for the Confederated Bands of Ute Indians in Utah, are hereby continued available for the same purposes, and for the purchase of improvements on public-domain lands, until June 30, 1941.

Purchase of land, Cheyenne River Reservation, South Dakota (tribal funds): The unexpended balances of the appropriations from tribal funds of the Cheyenne River Indians, South Dakota, available during the fiscal year 1940 for the purchase of Indian-owned and privately owned land, and improvements thereon, in the Cheyenne River Reservation, South Dakota, are hereby continued available for the same purposes and under the same conditions, until June 30, 1941.

Purchase of land, Fort Hall Reservation, Idaho (tribal funds): The unexpended balance of the appropriation of \$40,000 contained in the Second Deficiency Appropriation Act, fiscal year 1938, for the purchase of Indian-owned and privately owned lands or interests therein, and improvements thereon, payable from funds on deposit to the credit of the Fort Hall Indians, is hereby continued available, for the same purposes and under the same conditions, until June 30, 1941.

Purchase of land for the Indians of the Round Valley Reservation, California (tribal funds): For the purchase of land and improvements thereon for the Indians of the Round Valley Reservation, California, \$10,000, payable from funds on deposit to the credit of said Indians: *Provided*, That title to any land and improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Round Valley Reservation.

Purchase of land for Ute Mountain Indians, Colorado (tribal funds): The unexpended balance of the appropriation of \$20,000 contained in the Second Deficiency Appropriation Act, fiscal year 1938, for the purchase of land and improvements thereon for the Ute Mountain Band of Indians in Colorado, payable from funds on

25 U. S. C. § 465.  
53 Stat. 695.  
*Provisos.*  
Contracts.

48 Stat. 985.

Restriction on use of funds.

Restricted lands, taxes, etc.  
50 Stat. 573.

25 U. S. C., Supp. V, § 412a.

Confederated Bands of Utes, Utah. Purchase of land.  
53 Stat. 695.

Cheyenne River Reservation, S. Dak. Purchase of land.  
53 Stat. 695.

Fort Hall Reservation, Idaho. Purchase of land.  
52 Stat. 1130.

Round Valley Reservation, Calif. Purchase of land.

*Proviso.*  
Title.

Ute Mountain Indians, Colo. Purchase of land.

52 Stat. 1130.

deposit to the credit of the Ute Mountain Band, is hereby continued available, for the same purposes and under the same conditions, until June 30, 1941.

Fort Peck Reserva-  
tion, Mont.  
Purchase of land.

Purchase of land, Fort Peck Reservation, Montana (tribal funds): For the purchase of Indian-owned and privately owned lands, improvements on lands, or any interest in lands, including water rights, for Indians of the Fort Peck Reservation, Montana, \$50,000, payable from any funds on deposit to the credit of the Indians of said reservation: *Provided*, That title to land or improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Fort Peck Reservation: *Provided further*, That no funds shall be expended under this authorization without the consent of the executive board of the tribal council of said Indians: *Provided further*, That so much of this appropriation as may be necessary may be expended to permit said executive board to lease for ten-year periods agricultural and grazing lands from Indians and non-Indians for sublease to Indians and groups of Indians.

*Provisos.*  
Title.

Restriction on use of  
funds.

Leasing of land.

Spokane Indians,  
Wash.  
Purchase of land.

Purchase of land, Spokane Indians, Washington (tribal funds): For the purchase of Indian-owned and privately owned lands, improvements on lands, or any interest in lands, including water rights for Indians of the Spokane Reservation, Washington, \$30,000, payable from any funds on deposit to the credit of the Indians of said reservation: *Provided*, That title to land or improvements so purchased shall be taken in the name of the United States in trust for the Indians of the Spokane Reservation.

*Proviso.*  
Title.

#### INDUSTRIAL ASSISTANCE AND ADVANCEMENT

Timber preserva-  
tion, etc.

For the preservation of timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, the education of Indians in the proper care of forests, and the general administration of forestry and grazing work, including fire prevention and payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law on Indian lands, \$398,640: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose.

*Proviso.*  
Restriction on use of  
funds.

Timber sales, etc.,  
expenses.

For expenses incidental to the sale of timber, and for the expenses of administration, including fire prevention, of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, \$117,000, reimbursable to the United States as provided in the Act of February 14, 1920 (25 U. S. C. 413): *Provided*, That this appropriation shall be available for the payment of reasonable rewards for information leading to arrest and conviction of a person or persons setting forest fires, or taking or otherwise destroying timber, in contravention of law.

41 Stat. 415.

*Proviso.*  
Rewards.

Suppression, etc., of  
forest fires.  
*Post*, p. 1040.

For the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$15,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested: *Provided*, That not to exceed \$50,000 of appropriations herein made for timber operations shall be available upon the approval of the Secretary of the Interior, for fire-suppression or emergency prevention purposes: *Provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

*Provises.*  
Additional amount  
available.

Report to Congress.

For transfer to the Geological Survey for expenditures to be made in inspecting mines and examining mineral deposits on Indian lands and in supervising mining operations on restricted, tribal, and allotted Indian lands leased under the provisions of the Acts of February 28, 1891 (25 U. S. C. 336, 371, 397), May 27, 1908 (35 Stat. 312), March 3, 1909 (25 U. S. C. 396), and other Acts authorizing the leasing of such lands for mining purposes, including not to exceed \$5,000 for the purchase and exchange (not to exceed \$2,000), maintenance, repair, and operation of passenger-carrying vehicles, and not to exceed \$11,000 for personal services in the District of Columbia, \$100,000.

For the purpose of obtaining remunerative employment for Indians, \$40,220.

For the purpose of developing agriculture and stock raising among the Indians, including necessary personnel, traveling and other expenses, and purchase of supplies and equipment, \$670,220, of which not to exceed \$15,000 may be used to conduct agricultural experiments and demonstrations on Indian school or agency farms and to maintain a supply of suitable plants or seed for issue to Indians, and not to exceed \$30,000 may be used for the operation and maintenance of a sheep-breeding station on the Navajo Reservation.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$150,000, which sum may be advanced to Indians for the purchase of seeds, animals, machinery, tools, implements, and other equipment; for advances to old, disabled, or indigent Indian allottees for their support; and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof: *Provided*, That except for the Navajo Indians in Arizona and New Mexico not to exceed \$25,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians: *Provided further*, That not to exceed \$15,000 may be advanced to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

Industrial assistance (tribal funds): For advances to individual members of the tribes for the construction of homes and for the purchase of seed, animals, machinery, tools, implements, building material, and other equipment and supplies; and for advances to old, disabled, or indigent Indians for their support and burial, and Indians having irrigable allotments to assist them in the development and cultivation thereof, to be immediately available, \$22,000, payable from tribal funds as follows: Blackfeet, Montana, \$10,000; Hoopa Valley, California, \$2,000; Red Lake, Minnesota, \$10,000 (from funds held in trust by the United States for said Indians pursuant to the Act of June 15, 1938 (52 Stat. 697), and to be used only for educational loans to Indian youths of the Red Lake Band possessing one-fourth degree or more of Indian blood); and the unexpended balances of funds available under this head in the Interior Department Appropriation Act for the fiscal year 1940, and the Third Deficiency Act, fiscal year 1939, are hereby continued available during the fiscal year 1941 for the purposes for which they were appropriated: *Provided*, That advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years

Geological Survey.  
Transfer of funds.

26 Stat. 794; 35 Stat.  
783.

Vehicles.

Employment.

Development of ag-  
riculture and stock  
raising.

Agricultural experi-  
ments, etc.

Navajo Reserva-  
tion.  
Sheep-breeding sta-  
tion.

Loans to encourage  
industry, etc.

*Provisos*.  
Limitation; excep-  
tion.

Advances to Indian  
youths for educational  
purposes.  
Reimbursement.

Industrial assist-  
ance.  
Construction of  
homes, etc.

Advances to old,  
etc., Indians.

Reappropriations.  
53 Stat. 697, 1314.

*Provisos*.  
Advances to Indian  
youths for educational  
purposes.  
Reimbursement.

- Credits; availability. under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That all moneys reimbursed during the fiscal year 1941 shall be credited to the respective appropriations and be available for the purposes of this paragraph: *Provided further*, That funds available under this paragraph may be used for the establishment and operation of tribal enterprises when proposed by Indian tribes and approved by the Secretary of the Interior, and revenues derived therefrom shall be covered into the Treasury to the credit of the respective tribes: *Provided further*, That the unexpended balances of prior appropriations under this head for any tribe, including reimbursements to such appropriations and the appropriations made herein, may be advanced to such tribe, if incorporated, for use under rules and regulations established for the making of loans from the revolving loan fund authorized by the Act of June 18, 1934 (25 U. S. C. 470).
- Establishment, etc., of tribal enterprises. For an additional amount to be added to the appropriations heretofore made, for the establishment of a revolving fund for the purpose of making and administering loans to Indian chartered corporations in accordance with the Act of June 18, 1934 (48 Stat. 986), and of making and administering loans to individual Indians and to associations or corporate groups of Indians of Oklahoma in accordance with the Act of June 26, 1936 (49 Stat. 1967), \$249,600, of which amount not to exceed \$22,500 shall be available for personal services in the District of Columbia, and \$100,000 shall be available for personal services in the field, for traveling expenses of employees, for purchase of equipment and supplies, and for other necessary expenses of administering such loans, including not more than \$3,500 for printing and binding.
- Loans from revolving loan fund. For the development, under the direction of the Commissioner of Indian Affairs, of Indian arts and crafts, as authorized by the Act of August 27, 1935 (49 Stat. 891), including personal services, purchase and transportation of equipment and supplies, purchase of periodicals, directories, and books of reference, purchase and operation of motor-propelled passenger-carrying vehicles, telegraph and telephone services, cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station, expenses of exhibits and of attendance at meetings concerned with the development of Indian arts and crafts, traveling expenses, including payment of actual transportation expenses, not to exceed \$2,500 for printing and binding, and other necessary expenses, \$48,400, of which not to exceed \$16,000 shall be available for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be used to pay any salary at a rate exceeding \$7,500 per annum.
- 48 Stat. 986. Suppressing contagious livestock diseases. The unexpended balance of the appropriation of \$7,500 contained in the Second Deficiency Appropriation Act, fiscal year 1937, for reimbursing Indians of the Mescalero Reservation, New Mexico, for stock destroyed on account of being infected with Malta fever, and for expenses in connection with the eradication and prevention of this disease, is hereby made available for the same purposes for the fiscal year 1941.
- Additional amount for revolving loan fund. 50 Stat. 221.
- 25 U. S. C., Supp. V, § 501. Personal services.
- Development of Indian arts and crafts. 25 U. S. C., Supp. V, § 305.
- Vehicles.
- Printing and binding. *Proviso*. Salary limitation.

## DEVELOPMENT OF WATER SUPPLY

Development, etc., of water facilities.

For the development, rehabilitation, repair, maintenance, and operation of domestic and stock water facilities on the Navajo Reservation in Arizona, New Mexico, and Utah, the Hopi Reservation in Arizona, the Papago Reservation in Arizona, and the several Pueblos in New Mexico, including the purchase and installation of pumping and other equipment, \$100,000.

## IRRIGATION AND DRAINAGE

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, in not to exceed the following amounts, respectively:

Miscellaneous projects, \$16,500; Arizona: Ak Chin, \$4,000; Chiu Chui, \$4,000; Ganado, \$1,000 together with \$1,500 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; Navajo, miscellaneous projects, Arizona and New Mexico, \$12,000; Hopi, miscellaneous projects, \$1,500; San Xavier, \$2,000; California: Coachella Valley, \$1,000; Morongo, \$4,000; Pala and Rincon, \$3,500, together with \$500, from which expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act; Colorado: Southern Ute, \$13,000, together with \$3,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the said Repeal Act; Montana: Tongue River, \$4,000; Nevada: Pyramid Lake, \$3,000; Walker River, \$6,000; Western Shoshone, \$10,000; New Mexico: Miscellaneous Pueblos, \$27,500; Oregon: Warm Springs, \$3,000; Washington: Colville, \$5,000, together with \$1,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act; Lummi diking project, \$500, together with \$2,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Repeal Act.

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including pay of employees and their traveling and incidental expenses, \$70,980;

In all, for irrigation on Indian reservations, not to exceed \$200,480, reimbursable: *Provided*, That the foregoing amounts shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies, but the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated: *Provided further*, That the cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per-acre basis against the lands under the respective projects and shall be collected by the Secretary of the Interior as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands.

For operation and maintenance of the San Carlos project for the irrigation of lands in the Gila River Indian Reservation, Arizona, \$65,000, reimbursable, together with \$140,000 (operation and maintenance collections), and \$220,000 (power revenues), of which latter sum not to exceed \$24,000 shall be available for major repairs in case of unforeseen emergencies caused by fire, flood, or storm, from which amounts, of \$140,000 and \$220,000, respectively, expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$425,000.

Construction, maintenance, etc., of designated projects.

Limitation.

48 Stat. 1227.  
31 U. S. C. § 725c.

Miscellaneous expenses.

Total; reimbursement.  
*Provided*.  
Amounts interchangeable; limitation.

Apportionment of costs; collection.

Unpaid charges a first lien.

San Carlos project, Ariz.  
Maintenance, etc.

Emergencies.

48 Stat. 1227.  
31 U. S. C. § 725c.

Pima Indians, Ariz.  
Subjugation and  
cropping operations  
on lands of.

For continuing subjugation and for cropping operations on the lands of the Pima Indians in Arizona, there shall be available not to exceed \$200,000 of the revenues derived from these operations and deposited into the Treasury of the United States to the credit of such Indians, and such revenues are hereby made available for payment of irrigation operation and maintenance charges assessed against tribal or allotted lands of said Pima Indians.

Colorado River Indian Reservation, Ariz.  
Maintenance, etc., of system.

For improvement, operation, and maintenance of the pumping plants and irrigation system on the Colorado River Indian Reservation, Arizona, as provided in the Act of April 4, 1910 (36 Stat. 273), \$19,000, reimbursable, together with \$19,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

48 Stat. 1227.  
31 U. S. C. § 725c.

San Carlos Reservation, Ariz.  
Operation, etc., of pumping plants.

Operation and maintenance, pumping plants, San Carlos Reservation, Arizona (tribal funds): For the operation and maintenance of pumping plants for the irrigation of lands on the San Carlos Reservation, in Arizona, \$5,000, to be paid from the funds held by the United States in trust for the Indians of such reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited under such rules and regulations as the Secretary of the Interior may prescribe.

*Proviso.*  
Reimbursement.

Yuma Reservation, Calif.

For reclamation and maintenance charges on Indian lands within the Yuma Reservation, California, and on ten acres within each of the eleven Yuma homestead entries in Arizona under the Yuma reclamation project, \$11,350, reimbursable.

Yuma homestead entries, Ariz.

Fort Hall systems, Idaho.  
Maintenance, etc.

For improvements, maintenance, and operation of the Fort Hall irrigation systems, Idaho, \$28,000, together with \$25,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Belknap Reservation, Mont.  
Maintenance, etc., of systems.

For maintenance and operation, repairs, and purchase of stored waters, irrigation systems, Fort Belknap Reservation, Montana, \$14,800, reimbursable, together with \$4,200 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Fort Peck project, Mont.  
Maintenance, etc.

For maintenance and operation of the several units of the Fort Peck project, Montana, including not to exceed four thousand acres under the West Side Canal of the Poplar River Division, \$19,000, reimbursable, together with \$3,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Blackfeet Indian Reservation, Mont.  
Maintenance, etc., of systems.

For the improvement, maintenance, and operation of the irrigation systems on the Blackfeet Indian Reservation in Montana, \$10,000, reimbursable, together with \$11,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Flathead Reservation, Mont.  
Maintenance, etc., of systems.

For operation and maintenance of the irrigation and power systems on the Flathead Reservation, Montana, \$7,000, reimbursable, together with \$120,000 (operation and maintenance collections) and \$80,000 (power revenues), from which amounts of \$120,000 and \$80,000, respectively, expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934; in all, \$207,000.

48 Stat. 1227.  
31 U. S. C. § 725c.

Crow Reservation, Mont.  
Maintenance, etc., of systems.

For improvement, maintenance, and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggins Water Users' Association

and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians and irrigable thereunder, \$5,000, reimbursable, together with \$35,000 from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For payment to the Tongue River Water Users' Association, Montana, or the State Water Conservation Board of Montana, in accordance with the provisions of the Act approved August 11, 1939 (53 Stat. 1411), \$19,500, reimbursable as provided in said Act.

For payment of annual installment of reclamation charges against Paiute Indian lands within the Newlands reclamation project, Nevada, \$5,381; and for payment in advance, as provided by district law, of operation and maintenance assessments, including assessments for the operation of drains to the Truckee-Carson irrigation district, \$5,519, to be immediately available; in all, \$10,900.

For operation and maintenance of the Hogback irrigation project on the Navajo Reservation in New Mexico, \$13,000, reimbursable, together with \$5,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For maintenance and operation of the Fruitlands irrigation project, Navajo Reservation, New Mexico, \$13,000, reimbursable, together with \$3,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For operation and maintenance assessments on Indian lands, and the buildings and grounds of the Albuquerque Indian School, within the Middle Rio Grande Conservancy District, New Mexico, \$9,320, of which amount \$8,530 shall be reimbursed in accordance with existing law.

For improvements, maintenance, and operation of miscellaneous irrigation projects on the Klamath Reservation, Oregon, \$3,000, reimbursable, together with \$4,000, from which amount expenditures shall not exceed the aggregate receipts from operation and maintenance collections on the Sand Creek and Modoc Point units covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For continuing operation and maintenance and betterment of the irrigation system to irrigate allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, authorized under the Act of June 21, 1906 (34 Stat. 375), \$20,000, reimbursable, together with \$38,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For operation and maintenance of the Wapato irrigation and drainage system, and auxiliary units thereof, Yakima Indian Reservation, Washington, \$1,000, reimbursable, together with \$150,000 (collections from the waters users on the Wapato-Satus, Toppenish-Simcoe, and Ahtanum units), from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to lands in the Yakima Indian Reservation, Washington, in accordance with the provisions of section 22 of the Act of August 1, 1914 (38 Stat. 604), \$11,000.

48 Stat. 1227.  
31 U. S. C. § 725c.

Tongue River Water Users' Association, Mont., etc.  
Payment to.

Newlands project, Nev.; payment.

Operation of drains to Truckee-Carson district; payment.

Navajo Reservation, N. Mex.  
Operation of Hogback project.

Fruitlands project, Navajo Reservation, N. Mex.  
Maintenance, etc.

Albuquerque Indian School, N. Mex.  
Maintenance, etc., assessments.

Klamath Reservation, Oreg.  
Maintenance, etc., of projects.

Uncompahgre, etc., Utes in Utah.  
Irrigation of allotted lands.

Yakima Indian Reservation, Wash.  
Maintenance, etc., of Wapato system.

48 Stat. 1227.  
31 U. S. C. § 725c.

Reimbursement to fund for reservoir maintenance, etc.

Wind River Reservation, Wyo. Maintenance, etc., of systems.

For operation and maintenance of irrigation systems within the ceded and diminished portions of the Wind River Reservation, Wyoming, including the Indians' pro rata share of the cost of operation and maintenance of the Riverton-Le Clair irrigation district and the Big Bend drainage district on the ceded reservation, \$25,000, reimbursable, together with \$25,000, from which amount expenditures shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

48 Stat. 1227. 31 U. S. C. § 725c.

Construction, repair, etc., of designated projects.

For the construction, repair, and rehabilitation of irrigation systems on Indian reservations; for the purchase or rental of equipment, tools, and appliances; for the acquisition of rights-of-way, and payment of damages in connection with such irrigation systems; for the development of domestic and stock water and water for subsistence gardens; for the purchase of water rights, ditches, and lands needed for such projects; and for drainage and protection of irrigable lands from damage by floods or loss of water rights, as follows:

Arizona.

Arizona: Colorado River, as authorized by and in accordance with section 2 of the River and Harbor Act, approved August 30, 1935 (49 Stat. 1039, 1040), including the purchase of electrical energy and the distribution and sale thereof, \$1,150,000; Navajo, Arizona, and New Mexico, \$50,000; San Carlos, \$90,000; Salt River, \$50,000; San Xavier, \$10,000;

California.

California: Mission, \$15,000; Sacramento, \$10,000; Owens Valley (Carson Agency, Nevada), \$10,000;

Colorado.

Colorado: Southern Ute, \$10,000;

Montana.

Montana: Crow, \$400,000; Flathead, \$250,000; Fort Belknap, \$12,000; Blackfeet, \$50,000; Fort Peck, \$50,000;

Nevada.

Nevada: Western Shoshone, \$25,000; Walker River, \$17,000; Pyramid Lake, \$50,000;

New Mexico.

New Mexico: Pueblo, \$25,000;

Washington.

Washington: Wapato, including surveys of the Klickitat unit, \$100,000;

Wyoming.

Wyoming: Wind River, \$41,000;

Garden tracts.

Miscellaneous garden tracts, \$45,000;

Surveys, investigations, etc. Printing and binding.

For surveys, investigations, and administrative expenses, including personal services in the District of Columbia and elsewhere, and not to exceed \$3,000 for printing and binding, \$112,300;

Total; availability.

In all, \$2,572,300, to be reimbursable in accordance with law, and to be immediately available, which amount, together with the unexpended balances of funds made available under this head in the Interior Department Appropriation Act, fiscal year 1940, shall remain available until June 30, 1941: *Provided*, That the foregoing amounts may be used interchangeably in the discretion of the Secretary of the Interior, but not more than 10 per centum of any specific amount shall be transferred to any other amount, and no appropriation shall be increased by more than 15 per centum.

53 Stat. 703.

Proviso. Interchange of amounts.

EDUCATION

Support of Indian schools, etc.

For the support of Indian schools not otherwise provided for, and for other Indian educational purposes, including apprentice teachers for reservation and nonreservation schools, educational facilities authorized by treaty provisions, care of Indian children of school age attending public and private schools, and tuition and other assistance for Indian pupils attending public schools, \$6,015,000: *Provided*, That not to exceed \$20,000 of this appropriation may be used for the support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian chil-

Proviso. Deaf and dumb or blind, etc., Indian children.

dren: *Provided further*, That \$60,000 of this appropriation shall be available for subsistence of pupils in reservation and nonreservation boarding schools during summer months: *Provided further*, That not more than \$15,000 of the amount herein appropriated may be expended for the tuition (which may be paid in advance) of Indian pupils attending vocational or higher educational institutions, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (41 U. S. C. 16), for payment (which may be made from the date of admission) of tuition and for care of Indian pupils attending public and private schools, higher educational institutions, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient: *Provided further*, That not to exceed \$10,000 of this appropriation may be used for printing and binding (including illustrations) in authorized Indian-school printing plants: *Provided further*, That no part of any appropriation in this Act for the Bureau of Indian Affairs shall be available for expenses of travel for the study of educational systems or practices outside the continental limits of the United States and the Territory of Alaska.

Support of Indian schools from tribal funds: For the support of Indian schools, and for other educational purposes, including care of Indian children of school age attending public and private schools, tuition and other assistance for Indian pupils attending public schools, and support and education of deaf and dumb or blind, physically handicapped, or mentally deficient Indian children, there may be expended from Indian tribal funds and from school revenues arising under the Act of May 17, 1926 (25 U. S. C. 155), not more than \$297,750, including not to exceed \$58,750 for payment of tuition for Chippewa Indian children enrolled in public schools and care of children of school age attending private schools in the State of Minnesota, payable from the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under section 7 of the Act of January 14, 1889 (25 Stat. 645): *Provided*, That formal contracts shall not be required, for compliance with section 3744 of the Revised Statutes (41 U. S. C. 16), for payment (which may be made from the date of admission) of tuition and for care of Indian pupils attending public schools, or schools for the deaf and dumb, blind, physically handicapped, or mentally deficient.

Education, Osage Nation, Oklahoma (tribal funds): For the education of unallotted Osage Indian children in the Saint Louis Mission Boarding School, Oklahoma, \$2,000, payable from funds held in trust by the United States for the Osage Tribe.

For reimbursable loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools, including colleges and universities offering recognized vocational, trade, and professional courses, in accordance with the provisions of the Act of June 18, 1934 (48 Stat. 986), and for apprentice training in manufacturing and other commercial establishments, \$100,000: *Provided*, That not more than \$50,000 of the amount available for the fiscal year 1941 shall be available for loans to Indian students pursuing liberal-arts courses in high schools and colleges: *Provided further*, That advances made under this authorization shall be reimbursed in not to exceed eight years, under such rules and regulations as the Secretary of the Interior may prescribe.

For lease, purchase, repair, and improvement of buildings at Indian schools not otherwise provided for, including the purchase of necessary lands for school purposes and the installation, repair, and improvement of heating, lighting, power, sewer, and water systems in connec-

Subsistence of pupils during summer months.

Vocational, etc., courses, tuition.

Formal contracts not required.

Printing and binding.

Travel expenses, restriction on use of funds.

Support of Indian schools from tribal funds.

44 Stat. 560.

Chippewa Indian children attending schools in Minnesota. Payment of tuition, etc.

*Provided*. Formal contracts not required.

Education, Osage Nation, Okla.

Loans for tuition and expenses in vocational, etc., schools.

25 U. S. C. § 471.

*Provided*. Liberal-arts courses.

Reimbursement of advances.

Lease, repair, etc., of buildings at Indian schools.

tion therewith, and including not to exceed \$15,000 for the purchase of materials for the use of Indian pupils in the construction of buildings (not to exceed \$1,500 for any one building) at Indian schools not otherwise provided for, \$370,000: *Provided*, That the foregoing appropriation, and appropriations in this Act for repairs and improvements at nonreservation boarding schools, shall be available to provide sponsor's contributions to projects for the construction, repair, or improvement of Indian school buildings approved by and carried on under funds of the Work Projects Administration or the National Youth Administration.

*Proviso.*  
Availability of funds for sponsor's contributions to certain projects.

Nonreservation boarding schools. Support, etc., of Indian pupils.

For support and education of Indian pupils at the following nonreservation boarding schools in not to exceed the following amounts, respectively:

Phoenix, Ariz.

Phoenix, Arizona: For five hundred pupils, including not to exceed \$2,500 for printing and issuing school paper, and not to exceed \$6,000 for the purchase of printing equipment, \$162,500; for pay of superintendent or other officer in charge, drayage, and general repairs and improvements, \$25,000; in all, \$187,500;

Sherman Institute, Riverside, Calif.

Sherman Institute, Riverside, California: For six hundred and fifty pupils, including not to exceed \$2,000 for printing and issuing school paper, and not to exceed \$6,000 for the purchase of printing equipment, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$23,500; in all, \$244,500;

Haskell Institute, Lawrence, Kans.

Haskell Institute, Lawrence, Kansas: For six hundred and twenty-five pupils, including not to exceed \$2,500 for printing and issuing school paper, \$212,500; for pay of superintendent, drayage, and general repairs and improvements, including necessary drainage work, \$25,000; in all, \$237,500;

Pipestone, Minn.

Pipestone, Minnesota: For three hundred pupils, \$97,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$112,750;

Carson City, Nev.

Carson City, Nevada: For five hundred and twenty-five pupils, \$168,500; for pay of principal, drayage, and general repairs and improvements, \$20,000; in all, \$188,500;

Albuquerque, N. Mex.

Albuquerque, New Mexico: For six hundred pupils, \$204,000; for pay of superintendent or other officer in charge, drayage, and general repairs and improvements, \$25,000; in all, \$229,000;

Santa Fe, N. Mex.

Santa Fe, New Mexico: For three hundred and eighty pupils, \$134,900; for drayage, and general repairs and improvements, \$15,000; in all, \$149,900;

Wahpeton, N. Dak.

Wahpeton, North Dakota: For three hundred pupils, \$97,250; for pay of superintendent, drayage, and general repairs and improvements, \$13,000; in all, \$110,250;

Chilocco, Okla.

Chilocco, Oklahoma: For six hundred and fifty pupils, including not to exceed \$2,000 for printing and issuing school paper, \$221,000; for pay of superintendent, drayage, and general repairs and improvements, \$25,000; in all, \$246,000;

Sequoyah Orphan Training School, Okla.

Sequoyah Orphan Training School, near Tahlequah, Oklahoma: For three hundred and fifty orphan Indian children of the State of Oklahoma belonging to the restricted class, \$114,250; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$129,250;

Carter Seminary, Okla.

Carter Seminary, Oklahoma: For one hundred and sixty-five pupils, \$57,525; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$64,525;

Euclaw, Okla.

Euclaw, Oklahoma: For one hundred and fifteen pupils, \$40,525; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$47,525;

Eufaula, Oklahoma: For one hundred and forty pupils, \$48,650; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$55,650;

Eufaula, Okla.

Jones Academy, Oklahoma: For one hundred and seventy-five pupils, \$61,125; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$68,125;

Jones Academy, Okla.

Wheelock Academy, Oklahoma: For one hundred and thirty pupils, \$45,050; for pay of principal, drayage, and general repairs and improvements, \$7,000; in all, \$52,050;

Wheelock Academy, Okla.

Chemawa, Oregon: For four hundred and fifty pupils, including not to exceed \$1,000 for printing and issuing school paper, \$152,250; for pay of superintendent, drayage, and general repairs and improvements, \$20,000; in all, \$172,250;

Chemawa, Oreg.

Flandreau, South Dakota: For four hundred and fifty pupils, \$159,750; for pay of superintendent, drayage, and general repairs and improvements, \$19,000; in all, \$178,750;

Flandreau, S. Dak.

Pierre, South Dakota: For three hundred pupils, \$97,750; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$112,750;

Pierre, S. Dak.

In all, for above-named nonreservation boarding schools, not to exceed \$2,586,775: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures for similar purposes in the various boarding schools named, but not more than 10 per centum shall be added to the amount appropriated for any one of said boarding schools or for any particular item within any boarding school. Any such interchanges shall be reported to Congress in the annual Budget.

Total.  
*Proviso.*  
Interchange of amounts.

Report to Congress.

For tuition and for care and other assistance for Indian pupils attending public schools and special Indian day schools and for the repair of special Indian day schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$395,000, to be expended in the discretion of the Secretary of the Interior and under rules and regulations to be prescribed by him: *Provided*, That not to exceed \$21,500 may be expended for the payment of salaries of public-school teachers, employed by the State, county, or district in special Indian day schools in full-blood Indian communities, where there are not adequate white day schools available for their attendance.

Tuition for Indian pupils attending designated schools, etc.

*Proviso.*  
Salaries of certain public-school teachers.

Natives in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for support and education and relief of destitution of the Eskimos, Aleuts, Indians, and other natives of Alaska, including necessary traveling expenses of pupils to and from boarding schools in Alaska; purchase, repair, and rental of school buildings, including purchase of necessary lands; textbooks and industrial apparatus; pay and necessary traveling expenses of superintendents, teachers, physicians, and other employees; repair, equipment, maintenance, and operation of vessels; and all other necessary miscellaneous expenses which are not included under the above special heads, \$940,595, to be immediately available and to remain available until June 30, 1942: *Provided*, That a report shall be made to Congress covering expenditures from the amount herein provided for relief of destitution.

Natives in Alaska.  
Support, relief, etc.

*Proviso.*  
Report to Congress.

#### CONSERVATION OF HEALTH

For conservation of health among Indians, including equipment, materials, and supplies; repairs and improvements to buildings and plants; compensation and traveling expenses of officers and employees

Designated expenses.

Clinical surveys and general medical research.

and renting of quarters for them when necessary; transportation of patients and attendants to and from hospitals and sanatoria; returning to their former homes and interring the remains of deceased patients; and not exceeding \$25,000 for clinical surveys and general medical research in connection with tuberculosis, trachoma, and venereal and other disease conditions among Indians, including cooperation with State and other organizations engaged in similar work and payment of traveling expenses and per diem of physicians, nurses, and other persons whose services are donated by such organizations, and including printing and binding circulars and pamphlets for use in preventing and suppressing trachoma and other contagious and infectious diseases, \$5,235,720, including not to exceed \$3,836,840 for the following-named hospitals and sanatoria:

Allotments to specified hospitals and sanatoria.

Arizona.

Arizona: Indian Oasis Hospital, \$27,260; Kayenta Sanatorium, \$52,000; Navajo Medical Center, \$287,450; Phoenix Sanatorium, \$110,040; Pima Hospital, \$27,600; Truxton Canyon Hospital, \$14,000; Western Navajo Hospital, \$35,700; Chin Lee Hospital, \$16,620; Fort Apache Hospital, \$29,700; Hopi Hospital, \$40,000; Leupp Hospital, \$27,800; San Carlos Hospital, \$32,300; Tohatchi Hospital, \$17,200; Colorado River Hospital, \$22,000; San Xavier Sanatorium, \$45,000; Phoenix Hospital, \$47,090; Winslow Sanatorium, \$63,865;

California.

California: Hoopa Valley Hospital, \$28,000; Soboba Hospital, \$25,620; Fort Yuma Hospital, \$22,000;

Colorado.

Colorado: Ute Mountain Hospital, \$15,000; Edward T. Taylor Hospital, \$25,000;

Idaho.

Idaho: Fort Lapwai Sanatorium, \$94,730; Fort Hall Hospitals, \$14,000;

Iowa.

Iowa: Sac and Fox Sanatorium, \$79,150;

Minnesota.

Minnesota: Pipestone Hospital, \$22,500; Cass Lake Hospital, \$30,000; Fond du Lac Hospital, \$25,000; Red Lake Hospital, \$25,500; White Earth Hospital, \$22,000;

Mississippi.

Mississippi: Choctaw Hospital, \$25,000;

Montana.

Montana: Blackfeet Hospital, \$45,000; Fort Peck Hospital, \$26,400; Crow Hospital, \$32,000; Fort Belknap Hospital, \$32,500; Tongue River Hospital, \$30,000;

Nebraska.

Nebraska: Winnebago Hospital, \$47,000;

Nevada.

Nevada: Carson Hospital, \$27,000; Walker River Hospital, \$25,000; Western Shoshone Hospital, \$20,000;

New Mexico.

New Mexico: Albuquerque Sanatorium, \$111,915; Jicarilla Hospital and Sanatorium, \$68,290; Mescalero Hospital, \$23,000; Eastern Navajo Hospital, \$60,000; Northern Navajo Hospital, \$47,885; Taos Hospital, \$20,000; Zuni Hospital, \$35,000; Albuquerque Hospital, \$51,500; Charles H. Burke Hospital, \$30,000; Santa Fe Hospital, \$44,000; Toadlena Hospital, \$13,000;

North Carolina.

North Carolina: Cherokee Hospital, \$25,000;

North Dakota.

North Dakota: Turtle Mountain Hospital, \$41,600; Fort Berthold Hospital, \$18,000; Fort Totten Hospital, \$23,000; Standing Rock Hospital, \$41,000;

Oklahoma.

Oklahoma: Cheyenne and Arapaho Hospital, \$36,000; Talihina Sanatorium and Hospital, \$201,790; Shawnee Sanatorium, \$112,940; Claremore Hospital, \$83,020; Clinton Hospital, \$22,000; Pawnee and Ponca Hospital, \$38,000; Kiowa Hospital, \$139,000; William W. Hastings Hospital, \$76,715;

Oregon.

Oregon: Warm Springs Hospital, \$20,000;

South Dakota.

South Dakota: Crow Creek Hospital, \$22,000; Pine Ridge Hospitals, \$57,775; Rosebud Hospital, \$45,000; Yankton Hospital, \$23,000; Cheyenne River Hospital, \$35,000; Sioux Sanatorium, \$149,960; Sisseton Hospital, \$33,000;

Utah.

Utah: Uintah Hospital, \$30,000;

Washington: Yakima Sanatorium, \$40,000; Tacoma Sanatorium, \$233,985; Tulalip Hospital, \$12,600; Colville Hospital, \$35,000; Wisconsin: Hayward Hospital, \$40,600; Tomah Hospital, \$32,620; Wyoming: Wind River Hospital, \$29,620:

*Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably for expenditures in the various hospitals named, but not more than 10 per centum shall be added to the amount appropriated for any one of said hospitals or for any particular item within any hospital, and any interchange of appropriations hereunder shall be reported to Congress in the annual Budget: *Provided further*, That nonreservation boarding schools receiving specific appropriations shall contribute on a per diem basis for the hospitalization of pupils in hospitals located at such schools and supported from this appropriation: *Provided further*, That in the discretion of the Secretary of the Interior and under such rules and regulations as may be prescribed by him, fees may be collected from Indians for medical, hospital, and dental service and any fees so collected shall be covered into the Treasury of the United States.

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction through the Bureau of Indian Affairs, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; purchase, repair, rental, and equipment of hospital buildings; books and surgical apparatus; pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$492,490, to be available immediately and to remain available until June 30, 1942.

#### GENERAL SUPPORT AND ADMINISTRATION

For general support of Indians and administration of Indian property, including pay of employees authorized by continuing or permanent treaty provisions, \$2,884,520: *Provided*, That in the discretion of the Secretary of the Interior, and under such rules and regulations as may be prescribed by him, fees may be collected from individual Indians for services performed for them, and any fees so collected shall be covered into the Treasury of the United States.

Reindeer service: For supervision of reindeer in Alaska and instruction in the care and management thereof, including salaries and travel expenses of employees, purchase, rental, erection, and repair of range cabins, purchase and maintenance of communication and other equipment, and all other necessary miscellaneous expenses, including \$3,000 for the purchase and distribution of reindeer, \$75,000, to be immediately available, and to remain available until June 30, 1942.

For general support of Indians and administration of Indian property under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, in not to exceed the following sums, respectively:

Arizona: Fort Apache, \$66,000; Navajo, \$12,500, including all necessary expenses of holding a tribal fair, erection of structures, awards for exhibits and events, feeding of livestock, and labor and materials; Pima (Camp McDowell), \$300; San Carlos, \$60,000; Truxton Cañon, \$12,000; in all, \$150,800;

California: Mission, \$39,900, of which amount \$4,000 shall be available for payment of the salary and expenses of an agent employed under a contract approved by the Secretary of the Interior;

Washington.

Wisconsin.

Wyoming.

*Proviso.*  
Interchange of amounts.

Report to Congress.

Hospitalization of pupils, basis of contribution.

Fees for medical, etc., services.

Medical relief in Alaska.

Hospital buildings, etc.

General support and administration.

*Proviso.*  
Collection of fees for services; disposition.

Alaska.  
Reindeer service.

Support of Indians, etc., under specified agencies.

Arizona.

California.

Colorado.

Colorado: Consolidated Ute, \$60,000 (Southern Ute, \$57,000, Ute Mountain, \$3,000), together with the unexpended balance of the appropriations under this head for the fiscal year 1940, including the purchase of land, the subjugation thereof, and the construction of improvements thereon;

Florida.

Florida: Seminole, \$2,000, including the purchase of cattle for the establishment of a tribal herd;

Iowa.

Iowa: Sac and Fox, \$1,500;

Montana.

Montana: Flathead, \$24,000;

Nevada.

Nevada: Western Shoshone, \$3,000;

New Mexico.

New Mexico: United Pueblos (Zuni Indians), \$4,086;

North Carolina.

North Carolina: Cherokee, \$8,000;

Oklahoma.

Oklahoma, Seminole: The unexpended balance of the appropriation of \$7,787 from tribal funds of the Seminole Indians, Oklahoma, contained in the Interior Department Appropriation Act, fiscal year 1940, for reconstruction of a community house is hereby continued available for the same purposes until June 30, 1941;

53 Stat. 708.

Oregon.

Attorney fees.

Oregon: Klamath, \$125,760, of which not to exceed \$4,500 shall be available for fees and expenses of an attorney or firm of attorneys selected by the tribe and employed under a contract approved by the Secretary of the Interior in accordance with existing law, and not to exceed \$30,000 shall be available for the construction and equipment of a nurses' home and a nurse's dwelling;

South Dakota.

South Dakota: Sisseton, \$7,000, including the construction of an agricultural building and the purchase of land, title to such lands to be taken in the name of the United States in trust for the Sisseton and Wahpeton Indians;

Utah.

Utah: Uintah and Ouray, \$10,000, of which amount not to exceed \$3,000 shall be available for the payment of an agent employed under a contract approved by the Secretary of the Interior;

Washington.

Washington: Puyallup, \$1,300 for upkeep of the Puyallup Indian cemetery; Taholah, \$11,500 (Makah, \$9,500; Quinaielt, \$2,000); Yakima, \$680; Tulalip, \$1,000; Swinomish, \$500; in all, \$14,980;

Wisconsin.

Wisconsin: Keshena, \$78,100, including \$20,000 for monthly allowances, under such rules and regulations as the Secretary of the Interior may prescribe, to old and indigent members of the Menominee Tribe who reside with relatives or friends, and \$5,200 for the compensation and expenses of an attorney or firm of attorneys employed by the tribe under a contract approved by the Secretary of the Interior in accordance with existing law: *Provided*, That not to exceed \$6,000 shall be available from the funds of the Menominee Indians for the payment of salaries and expenses of the chairman, secretary, and interpreters of the Menominee general council and members of the Menominee Advisory Council and tribal delegates when engaged on business of the tribe at rates to be determined by the Menominee general council and approved by the Commissioner of Indian Affairs;

In all, not to exceed \$529,126.

Old, etc., members  
of Menominee Tribe.

*Provido*,  
Salaries and expenses  
of certain officers, etc.

Relief of Chippewa  
Indians in Minnesota.

Relief of Chippewa Indians in Minnesota (tribal funds): Not to exceed \$40,000 of the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat. 645), may be expended, in the discretion of the Secretary of the Interior, in aiding indigent Chippewa Indians including boarding-home care of pupils attending public or high schools.

Relief of needy In-  
dians.

Relief of needy Indians: For the relief of Indians in need of assistance, including cash grants; the purchase of subsistence supplies, clothing, and household goods; medical, burial, housing, transportation, and all other necessary expenses, \$100,000, payable from

funds on deposit to the credit of the particular tribe concerned: *Provided*, That expenditures hereunder may be made without regard to section 3709, United States Revised Statutes, or to the Act of May 27, 1930 (46 Stat. 391), as amended.

Expenses of tribal officers, Five Civilized Tribes, Oklahoma (tribal funds): For the current fiscal year money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation, one mining trustee for the Choctaw and Chickasaw Nations, at salaries of \$3,000 each for the said governor, said chief, and said mining trustee, chief of the Creek Nation at \$600 and one attorney each for the Choctaw and Chickasaw Tribes employed under contract approved by the President under existing law: *Provided*, That the expenses of the above-named officials shall be determined and limited by the Commissioner of Indian Affairs at not to exceed \$2,500 each.

Support of Osage Agency and pay of tribal officers, Oklahoma (tribal funds): For the support of the Osage Agency, and for necessary expenses in connection with oil and gas production on the Osage Reservation, Oklahoma, including pay of necessary employees, the tribal attorney and his stenographer, one special attorney in tax and other matters, and pay of tribal officers; payment of damages to individual allottees; repairs to buildings, rent of quarters for employees, traveling expenses, printing, telegraphing, and telephoning, and purchase, repair, and operation of automobiles, \$184,080, payable from funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That not more than \$1,800 may be used for the employment of a curator for the Osage Museum, which employee shall be an Osage Indian and shall be appointed without regard to civil-service laws and regulations upon the recommendation of the Osage tribal council: *Provided further*, That this appropriation shall be available, for traveling and other expenses, including not to exceed \$5 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, of members of the tribal council and other members of the tribe, when engaged on tribal business, including visits to the District of Columbia when duly authorized or approved in advance by the Commissioner of Indian Affairs.

The unexpended balance of the appropriation of Choctaw Tribal funds contained in the Interior Department Appropriation Act, fiscal year 1940, for the relief of needy Choctaw Indians shall continue available until expended, and any revenue derived from the rehabilitation projects operated thereunder shall be available for such purposes as may be recommended by the chief of the Choctaw Nation, and approved by the superintendent of the Five Civilized Tribes Agency.

Expenses of tribal councils or committees thereof (tribal funds): For traveling and other expenses of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes, including supplies and equipment, not to exceed \$5 per diem in lieu of subsistence, and not to exceed 5 cents per mile for use of personally owned automobiles, and including not more than \$25,000 for visits to Washington, District of Columbia, when duly authorized or approved in advance by the Commissioner of Indian Affairs, \$50,000, payable from funds on deposit to the credit of the particular tribe interested: *Provided*, That, except for the Navajo Tribe, not more than \$5,000 shall be expended from the funds of any

*Proviso.*  
Expenditures.  
41 U. S. C. § 6.  
18 U. S. C. § 744a.

Five Civilized  
Tribes, Okla.  
Expenses of tribal  
officers.

*Proviso.*  
Limitation on ex-  
penses.

Osage Agency, Okla.  
Agency, etc., ex-  
penses.

*Provisos.*  
Employment of cu-  
rator for Museum.

Travel, etc.

Relief of needy  
Choctaw Indians.  
Reappropriation.  
63 Stat. 710.

Expenses of tribal  
councils, etc.

*Provisos.*  
Limitation on ex-  
penditures.

Restriction on use of funds; exception.

one tribe or band of Indians for the purposes herein specified: *Provided further*, That no part of this appropriation shall be available for expenses of members of tribal councils, business committees, or other tribal organizations, when in Washington, for more than a thirty-day period, unless the Secretary of the Interior shall in writing approve a longer period.

Makah Reservation, Wash.  
Expenses of attorneys.

Expenses of attorneys, Makah Reservation, Washington (tribal funds): Not to exceed \$1,700 of the funds on deposit to the credit of the Makah Indians, Washington, is hereby made available for the fiscal years 1940 and 1941 for payment of the compensation and expenses of an attorney employed by the Makah Tribe under a contract executed October 4, 1939, and approved by the Secretary of the Interior in accordance with law.

#### ROADS AND BRIDGES

Gallup-Shiprock Highway, N. Mex.

For maintenance and repair of that portion of the Gallup-Shiprock Highway within the Navajo Reservation, New Mexico, including the purchase of machinery, \$20,000, reimbursable: *Provided*, That other than for supervision and engineering only Indian labor shall be employed for such maintenance and repair work.

*Proviso.*  
Indian labor.

Reservation roads, construction, etc.

For construction, improvement, repair, and maintenance of Indian reservation roads under the provisions of the Acts of May 26, 1928 (25 U. S. C. 318a), June 16, 1936 (49 Stat. 1521), and June 8, 1938 (52 Stat. 633-636), \$2,000,000, to be immediately available and to remain available until expended: *Provided*, That not to exceed \$11,200 of the foregoing amount may be expended for personal services in the District of Columbia: *Provided further*, That not to exceed \$100,000 of this appropriation shall be available for purchase, lease, construction, or repair of structures for housing road materials, supplies, and equipment, and for quarters for road crews but the cost of any structure erected hereunder shall not exceed \$7,500.

45 Stat. 750.  
25 U. S. C., Supp. V, § 318b.

*Proviso.*  
Personal services.

Structures for housing road materials, etc.

#### CONSTRUCTION AND REPAIR

School, agency, hospital, etc., buildings and utilities.

For the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of land and the acquisition of easements or rights-of-way when necessary, and including the purchase of furniture, furnishings, and equipment, as follows:

Alaska.  
Carson, Nev.  
Cheyenne and Arapahoe, Okla.  
Cheyenne River, S. Dak.  
Choctaw, Miss.  
Colorado River, Ariz.  
Colville, Wash.  
Consolidated Ute, Colo.  
Crow, Mont.  
Crow Creek, S. Dak.  
Five Civilized Tribes, Okla.  
Flathead, Mont.  
Fort Belknap, Mont.  
Fort Berthold, N. Dak.

Alaska: Day-school facilities and quarters, \$20,000;  
Carson, Nevada: Quarters, \$26,000;  
Cheyenne and Arapahoe, Oklahoma: Improvements to utilities, \$35,000;  
Cheyenne River, South Dakota: Quarters, \$15,000;  
Choctaw, Mississippi: General repairs and improvements, \$19,000;  
Colorado River, Arizona: General repairs and improvements, \$14,000;  
Colville, Washington: General repairs and improvements, \$10,000;  
Consolidated Ute, Colorado: Improvements to utilities, \$5,500; quarters, \$19,000;  
Crow, Montana: General repairs and improvements, \$6,000;  
Crow Creek, South Dakota: Quarters, \$35,000;  
Five Civilized Tribes, Oklahoma: Improvements to water system, Jones Academy, \$31,500; improvements to water system, Talihina Sanatorium, \$27,500;  
Flathead, Montana: Quarters, \$5,000;  
Fort Belknap, Montana: General repairs and improvements, \$15,000; quarters, \$7,500;  
Fort Berthold, North Dakota: Quarters, \$5,000;

Fort Totten, North Dakota: Quarters, \$7,500; shop building and garage, \$10,000;

Haskell, Kansas: Improvements to utilities, \$10,000;

Hopi, Arizona: School facilities, \$125,000;

Kiowa, Oklahoma: Nurse aides' dormitory facilities, \$40,000; Fort Sill, quarters, \$7,500; dairy barn, \$15,000; shop building, \$20,000;

Mission, California: Quarters, \$7,000;

Navajo, Arizona: Quarters, \$11,500;

Northern Idaho, Idaho: Quarters, \$10,000;

Pipestone, Minnesota: Improvements to utility system, \$22,500;

Red Lake, Minnesota: Quarters, \$5,000;

Rocky Boy, Montana: Improvements to utilities, \$15,000;

Shawnee Sanatorium, Oklahoma: Building for semiambulant women patients, \$25,000, together with the unexpended balance of the appropriation for the fiscal year 1940 for remodeling women's semiambulant building;

Sherman, California: Improvements to utilities, \$25,000;

Standing Rock, North Dakota: Quarters, \$7,500;

Tacoma, Washington: Sanatorium and general hospital plant, \$400,000, and in addition thereto the Secretary of the Interior may incur obligations and enter into a contract or contracts not exceeding the total amount of \$895,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for continuing construction of the project shall be available for the purpose of discharging the obligation or obligations so created: *Provided*, That not to exceed \$228,525 may be used to acquire from the Puyallup Tribe of Indians the land and improvements now constituting the Tacoma Indian Sanatorium as authorized by the Act of August 11, 1939 (53 Stat. 1405);

Tongue River, Montana: Quarters, \$5,000;

Uintah and Ouray, Utah: Quarters, \$10,000;

Umatilla, Oregon: General repairs and improvements, \$3,500;

Western Shoshone, Nevada: Quarters, \$35,000;

For administrative expenses, including personal services in the District of Columbia and elsewhere; not to exceed \$2,500 for printing and binding; purchase of periodicals, directories, and books of reference; purchase and operation of motor-propelled passenger-carrying vehicles; traveling expenses of employees; rent of office and storage space; telegraph and telephone tolls; and all other necessary expenses not specifically authorized herein, \$110,000; in all, \$1,223,000, to be immediately available and to remain available until completion of the projects when the unobligated balances shall revert to the general fund of the Treasury: *Provided*, That not to exceed 10 per centum of the amount of any specific authorization may be transferred, in the discretion of the Commissioner of Indian Affairs, to the amount of any other specific authorization, but no limitation shall be increased more than 10 per centum by any such transfer: *Provided further*, That the unexpended balances of appropriations made available under this head in the Interior Department Appropriation Acts, fiscal years 1939 and 1940, the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, and the Third Deficiency Appropriation Act, fiscal year 1939, shall continue available until completion of the projects when the unobligated balances shall revert to the general fund of the Treasury: *Provided further*, That the appropriation contained in the Interior Department Appropriation Act, fiscal year 1939, for the construction of a central heating plant, and rehabilitation of distribution lines at Chilocco, Oklahoma, shall be available also for the construction of a print shop.

Fort Totten,  
N. Dak.

Haskell, Kans.

Hopi, Ariz.

Kiowa, Okla.

Mission, Calif.

Navajo, Ariz.

Northern Idaho,  
Idaho.

Pipestone, Minn.

Red Lake, Minn.

Rocky Boy, Mont.

Shawnee Sanato-  
rium, Okla.

53 Stat. 712.

Sherman, Calif.

Standing Rock,  
N. Dak.

Tacoma, Wash.  
Sanatorium, etc.;  
contracts.

*Proviso.*  
Acquisition of land,  
etc., from Puyallup  
Tribe.

Tongue River,  
Mont.

Uintah and Ouray,  
Utah.

Umatilla, Oreg.

Western Shoshone,  
Nev.

Administrative ex-  
penses.

*Provisos.*  
Transfers of  
amounts, limitation.

Reappropriation.

52 Stat. 317; 53 Stat.  
712, 986, 1316.

Print shop, Chiloc-  
co, Okla.

52 Stat. 316.

## ANNUITIES AND PER CAPITA PAYMENTS

Senecas, N. Y.

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (Act of February 19, 1831, 4 Stat. 442), \$6,000.

Six Nations, N. Y.  
7 Stat. 46.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), \$4,500.

Choctaws, Okla.  
11 Stat. 614.  
7 Stat. 213.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), \$3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$320; in all, \$10,520.

7 Stat. 212, 236.

7 Stat. 235.

Pawnees, Okla.  
11 Stat. 729; 27 Stat.  
644.

For fulfilling treaties with Pawnees, Oklahoma: For permanent annuity (article 2, treaty of September 24, 1857, and article 3, agreement of November 23, 1892), \$30,000.

Indians of Sioux  
reservations, benefits.

For payment of Sioux benefits to Indians of the Sioux reservations, as authorized by the Act of March 2, 1889 (25 Stat. 895), as amended, \$225,000.

Interest on trust  
funds, payment.

For payment of interest on moneys held in trust for the several Indian tribes, as authorized by various Acts of Congress, \$775,000.

Availability of  
funds for purchase of  
supplies, etc.

Appropriations herein made for the support of Indians and administration of Indian property, the support of schools, including nonreservation boarding schools and for conservation of health among Indians shall be available for the purchase of supplies, materials, and repair parts, for storage in and distribution from central warehouses, garages, and shops, and for the maintenance and operation of such warehouses, garages, and shops, and said appropriations shall be reimbursed for services rendered or supplies furnished by such warehouses, garages, or shops to any activity of the Indian Service.

Travel expenses,  
etc.

Appropriations made for the Indian Service for the fiscal year 1941 shall be available for travel expenses of employees on official business; for travel expenses and the cost of packing, crating, drayage, and transportation of personal effects of employees upon permanent change of station with or without a change in official position; for the purchase of ice, and for the purchase of rubber boots for official use of employees.

Traveling expenses  
of new appointees.

The appropriations available for expenditure for the benefit of the natives of Alaska may be used for the payment of traveling expenses of new appointees from Seattle, Washington, to their posts of duty in Alaska, and of traveling expenses, packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station within Alaska, under regulations to be prescribed by the Secretary of the Interior.

## BUREAU OF RECLAMATION

Sums appropriated  
from reclamation  
fund, availability.  
32 Stat. 388.

The following sums are appropriated out of the special fund in the Treasury of the United States created by the Act of June 17, 1902 (43 U. S. C. 391, 411), and therein designated "the reclamation fund", to be available immediately:

Salaries and ex-  
penses.

Salaries and expenses: For the Commissioner of Reclamation and other personal services in the District of Columbia, \$115,000; for travel and other necessary expenses, \$35,000, including not to exceed \$15,000 for printing and binding; in all, \$150,000;

Administrative provisions and limitations: For all expenditures authorized by the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto, known as the reclamation law, and all other Acts under which expenditures from said fund are authorized, including not to exceed \$100,000 for personal services and \$15,000 for other expenses in the office of the chief engineer, \$20,000 for telegraph, telephone, and other communication service, \$5,000 for photographing and making photographic prints, \$41,250 for personal services, and \$7,500 for other expenses in the field legal offices; examination of estimates for appropriations in the field; refunds of overcollections and deposits for other purposes; not to exceed \$15,000 for lithographing, engraving, printing, and binding; purchase of ice; purchase of rubber boots for official use by employees; maintenance and operation of horse-drawn and motor-propelled passenger vehicles; not to exceed \$25,000 for purchase and exchange of horse-drawn and motor-propelled passenger-carrying vehicles; packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior; payment of damages caused to the owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works; payment for official telephone service in the field hereafter incurred in case of official telephones installed in private houses when authorized under regulations established by the Secretary of the Interior; not to exceed \$1,000 for expenses, except membership fees, of attendance, when authorized by the Secretary, upon meetings of technical and professional societies required in connection with official work of the Bureau; payment of rewards, when specifically authorized by the Secretary of the Interior, for information leading to the apprehension and conviction of persons found guilty of the theft, damage, or destruction of public property: *Provided*, That no part of any sum provided for in this Act for operation and maintenance of any project or division of a project by the Bureau of Reclamation shall be used for the irrigation of any lands within the boundaries of an irrigation district which has contracted with the Bureau of Reclamation and which is in arrears for more than twelve months in the payment of any charges due the United States, and no part of any sum provided for in this Act for such purpose shall be used for the irrigation of any lands which have contracted with the Bureau of Reclamation and which are in arrears for more than twelve months in the payment of any charges due from said lands to the United States;

Examination and inspection of projects and operation and maintenance of reserved works: For examination of accounts and inspection of the works of various projects and divisions of projects operated and maintained by irrigation districts or water users' associations, and bookkeeping, accounting, clerical, legal, and other expenses incurred in accordance with contract provisions for the repayment of such expenses by the districts or associations; and for operation and maintenance of the reserved works of a project or division of a project when irrigation districts, water users' associations, or Warren Act contractors have contracted to pay in advance but have failed to pay their proportionate share of the cost of such operation and maintenance, to be expended under regulations to be prescribed by the Secretary of the Interior, the unexpended balance of the appropriation for this purpose for the fiscal year 1940, is continued available for the same purpose for the fiscal year 1941;

Yuma project, Arizona-California: For operation and maintenance, \$70,000: *Provided*, That not to exceed \$25,000 from the power

Administrative provisions and limitations.  
32 Stat. 388,  
43 U. S. C. § 391.

*Proviso.*  
Restriction where district is in arrears.

Lands in arrears.

Examination and inspection of projects, etc.

36 Stat. 925.  
43 U. S. C. §§ 523-525.

Yuma, Ariz.-Calif.  
*Proviso.*

revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;

Colorado-Big  
Thompson, Colo.

Colorado-Big Thompson project, Colorado: Not to exceed \$50,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;

Boise, Idaho.  
Minidoka, Idaho.  
Proviso.

Boise project, Idaho: For operation and maintenance, \$65,000;  
Minidoka project, Idaho: For operation and maintenance, reserved works, \$11,600: *Provided*, That not to exceed \$60,000 from the power revenues shall be available during the fiscal year 1941 for the operation of the commercial system; and not to exceed \$100,000 from power revenues shall be available during the fiscal year 1941 for continuation of construction, south side division;

Buffalo Rapids,  
Mont.

Buffalo Rapids project, Montana: For operation and maintenance, \$25,000;

North Platte, Nebr.-  
Wyo.

North Platte project, Nebraska-Wyoming: Not to exceed \$70,000 from the power revenues shall be available during the fiscal year 1941, for the operation and maintenance of the commercial system; and not to exceed \$6,000 from power revenues allocated to the Northport irrigation district under subsection I, section 4, of the Act of December 5, 1924 (43 U. S. C. 501), shall be available during the fiscal year 1941 for payment on behalf of the Northport irrigation district, to the Farmers' irrigation district for carriage of water; and not to exceed \$25,000 from power revenues shall be available for betterments and additions to the power system;

43 Stat. 708.

Rio Grande,  
N. Mex.-Tex.  
Proviso.

Rio Grande project, New Mexico-Texas: For operation and maintenance, \$30,000: *Provided*, That not to exceed \$50,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;

Owyhee, Oreg.

Owyhee project, Oregon: For operation and maintenance, \$115,000;

Klamath, Oreg.-  
Calif.  
Proviso.

Klamath project, Oregon-California: For operation and maintenance, \$68,000: *Provided*, That revenues received from the lease of marginal lands, Tule Lake division, shall be available for refunds to the lessees in such cases where it becomes necessary to make refunds because of flooding or other reasons within the terms of such leases;

Yakima, Wash.  
Proviso.

Yakima project, Washington: For operation and maintenance, \$250,000: *Provided*, That not to exceed \$25,000 from power revenues shall be available during the fiscal year 1941 for operation and maintenance of the power system;

Kendrick, Wyo.

Kendrick project, Wyoming: Not to exceed \$100,000 from the power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the power system;

Riverton, Wyo.  
Proviso.

Riverton project, Wyoming: For operation and maintenance, \$45,000: *Provided*, That not to exceed \$30,000 from the power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;

Shoshone, Wyo.  
Proviso.

Shoshone project, Wyoming: For operation and maintenance, Willwood division, \$13,000: *Provided*, That not to exceed \$30,000 from power revenues shall be available during the fiscal year 1941 for the operation and maintenance of the commercial system;

Secondary and economic investigations.

Secondary and economic investigations: For cooperative and general investigations, including investigations necessary to determine the economic conditions and financial feasibility of projects and investigations and other activities relating to the reorganization, settlement of lands, and financial adjustments of existing projects, including examination of soils, classification of land, land-settlement activities, including advertising in newspapers and other publications, and obtaining general economic and settlement data, \$25,000, together

with the unexpended balance of the appropriation for these purposes for the fiscal year 1940: *Provided*, That the expenditures from this appropriation for any reclamation project shall be considered as supplementary to the appropriation for that project and shall be accounted for and returned to the reclamation fund as other expenditures under the Reclamation Act: *Provided further*, That the expenditure of any sums from this appropriation for investigations of any nature requested by States, municipalities, or other interests shall be upon the basis of the State, municipality, or other interest advancing at least 50 per centum of the estimated cost of such investigation;

Operation and maintenance administration: For necessary pay of employees, traveling and other expenses incident to the general administration of reclamation projects, either operated and maintained by the Bureau or transferred to water users' organizations for operation and maintenance, and incident to the sale of temporarily and permanently unproductive public lands as authorized by the Act of May 16, 1930 (46 Stat. 367), including giving information and advice to settlers on reclamation projects in the selection of lands, equipment, and livestock, the preparation of land for irrigation, the selection of crops, methods of irrigation and agricultural practice, and general farm management, the cost of which shall be charged to the general reclamation fund and shall not be charged as a part of the construction or operation and maintenance cost payable by the water users under the projects, \$35,000;

Limitation of expenditures: Under the provisions of this Act no greater sum shall be expended, nor shall the United States be obligated to expend during the fiscal year 1941, on any reclamation project appropriated for herein, an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1941 exceed the whole amount in the reclamation fund for the fiscal year;

Interchange of appropriations: Ten per centum of the foregoing amounts shall be available interchangeably for expenditures on the reclamation projects named; but not more than 10 per centum shall be added to the amount appropriated for any one of said projects, except that should existing works or the water supply for lands under cultivation be endangered by floods or other unusual conditions, an amount sufficient to make necessary emergency repairs shall become available for expenditure by further transfer of appropriation from any of said projects upon approval of the Secretary of the Interior;

Construction: For commencement and continuation of construction, and for general investigations and administrative expenses, of the following projects in not to exceed the following amounts, respectively, to be expended from the Reclamation Fund in the same manner and for the same objects of expenditure as specified for projects hereinbefore in this Act under the caption "Bureau of Reclamation", under the heading "Administrative provisions and limitations", but without regard to the amounts of the limitations therein set forth, all to be reimbursable under the reclamation law, and to remain available until expended:

Colorado-Big Thompson project, Colorado, \$2,000,000;

Uncompahgre project, Colorado, \$100,000;

Boise project, Idaho, Payette division, \$900,000; the sum heretofore appropriated for construction of the Twin Springs Dam and Snake River pumping plant shall remain available for construction of either or both of the same or such other project works on the Boise River or its tributaries as may be found by the Secretary of the Interior, following current investigations, to be more feasible;

Sun River project, Montana, \$50,000;

63 Stat. 715.  
*Provisos.*  
Expenditures considered supplementary; accounting.

Investigations; division of expenses.

Operation and maintenance administration.

43 U. S. C. §§ 424-424e.  
Information to settlers.

Limitation of expenditures.

Interchange of appropriations.

Emergency flood repairs.

Construction of designated projects.

*Ante*, p. 433.

Colorado-Big Thompson, Colo.  
Uncompahgre, Colo.  
Boise, Idaho, Payette division.

Sun River, Mont.

Humboldt, Nev.	Humboldt project, Nevada, \$100,000;
Carlsbad, N. Mex.	Carlsbad project, New Mexico, \$100,000;
Rio Grande, N. Mex.-Tex.	Rio Grande project, New Mexico-Texas, \$72,000;
Deschutes, Oreg.	Deschutes project, Oregon, \$400,000;
Klamath, Oreg.- Calif.	Klamath project, Oregon-California, \$200,000: <i>Provided</i> , That
<i>Proviso.</i>	expenditures from this appropriation and from any other appropriation for the construction of the Modoc Unit shall be reimbursed from net revenues hereafter received from the lease of grazing and farming lands within the Tule Lake Division, notwithstanding the provisions of subsection I of section 4 of the Act of December 5, 1924 (43 Stat. 703; 43 U. S. C. 373a);
43 U. S. C. § 501.	
Provo River, Utah.	Provo River project, Utah, \$1,250,000;
Yakima, Wash.	Yakima project, Washington, Roza division, \$500,000;
Kendrick, Wyo.	Kendrick project, Wyoming, \$900,000;
Riverton, Wyo.	Riverton project, Wyoming, \$200,000;
Shoshone, Wyo.	Shoshone project, Wyoming: Heart Mountain division, \$350,000;
General investiga- tions.	General investigations: To enable the Secretary of the Interior, through the Bureau of Reclamation, to carry on engineering and economic investigations of proposed Federal reclamation projects, surveys for reconstruction, rehabilitation, or extensions of existing projects, and studies of water conservation and development plans, including Colorado River Basin investigations, such investigations, surveys, and studies to be carried on by said Bureau either independently, or, if deemed advisable by the Secretary of the Interior, in cooperation with State agencies and other Federal agencies, including the Corps of Engineers, National Resources Planning Board, and the Federal Power Commission, \$600,000;
Administrative ex- penses.	For administrative expenses on account of the above projects, including personal services (not to exceed \$90,000) and other expenses in the District of Columbia and personal services and other expenses in the field, \$750,000;
Total.	Total, construction, from reclamation fund, \$8,472,000.
Public Works Ad- ministration. Allotments, etc., continued available. 48 Stat. 195.	The Public Works Administration allotments made available to the Department of the Interior, Bureau of Reclamation, pursuant to the National Industrial Recovery Act of June 16, 1933, either by direct allotments or by transfer of allotments originally made to another Department or agency, and the allocations made to the Department of the Interior, Bureau of Reclamation, from the appropriation contained in the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1937, and the Public Works Administration Appropriation Act of 1938, shall remain available for the purposes for which allotted during the fiscal year 1941.
49 Stat. 115; 50 Stat. 352; 52 Stat. 816.	
Total.	Total, from reclamation fund, \$9,374,600.
Colorado River front work and levee system.	To defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California, subject only to section 4 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927 (44 Stat. 1010), \$15,000, together with the unexpended balance of the appropriation for the fiscal year 1940.
44 Stat. 1016. 53 Stat. 717.	
Boulder Canyon. Construction, etc.	Boulder Canyon project: For the continuation of construction of the Boulder Dam and incidental works in the main stream of the Colorado River at Black Canyon, to create a storage reservoir, and of a complete plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from such reservoir; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property
Acquisition of lands, etc.	

necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (43 U. S. C., ch. 12A); \$4,000,000, to be immediately available and to remain available until advanced to the Colorado River Dam fund; and there shall also be available from power and other revenues not to exceed \$500,000 for operation and maintenance of the Boulder Dam, power plant, and other facilities, including payment to the Boulder City School District, as reimbursement for instruction during the 1940-1941 school year in the schools operated by said district of each pupil who is a dependent of any employee of the United States living in or in the immediate vicinity of Boulder City, in the sum of \$45 per semester per pupil in average daily attendance at said schools, payable after the term of instruction in any semester has been completed, under regulations to be prescribed by the Secretary of the Interior, and in addition thereto the sum of \$18,000 shall be available from such revenues for the purchase of school equipment; which amounts of \$4,000,000 and \$500,000 shall be available for personal services in the District of Columbia (not to exceed \$25,000) and in the field and for all other objects of expenditure that are specified for projects hereinbefore included in this Act, under the caption "Bureau of Reclamation, administrative provisions and limitations", without regard to the amounts of the limitations therein set forth: *Provided*, That the Secretary of the Interior is hereby authorized and empowered, under such rules and regulations as he may prescribe, to establish rental rates for the lease of reserved lands of the United States situate within the exterior boundaries of Boulder City, Nevada, and, without prior advertising, to enter into leases therefor at not less than rates so established and for periods not exceeding fifty-three years from the date of such leases: *Provided further*, That all revenues which may accrue to the United States under the provisions of such leases shall be deposited in the Treasury and credited to the Colorado River Dam fund established by section 2 of the Boulder Canyon Project Act.

Boulder Canyon project (All-American Canal): For continuation of construction of a diversion dam, and main canal (and appurtenant structures including distribution and drainage systems) located entirely within the United States connecting the diversion dam with the Imperial and Coachella Valleys in California; to acquire by proceedings in eminent domain, or otherwise, all lands, rights-of-way, and other property necessary for such purposes; and for incidental operations, as authorized by the Boulder Canyon Project Act, approved December 21, 1928 (43 U. S. C., ch. 12A); to be immediately available and to remain available until advanced to the Colorado River Dam fund, \$1,500,000, which amount shall be available for personal services in the District of Columbia (not to exceed \$5,000) and in the field and for all other objects of expenditure that are specified for projects hereinbefore included in this Act under the caption "Bureau of Reclamation, Administrative provisions and limitations", without regard to the amounts of the limitations therein set forth.

#### GENERAL FUND, CONSTRUCTION

For continuation of construction of the following projects and for administrative expenses in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner and for the same objects of expenditures as specified for projects included hereinbefore in this Act under the

45 Stat. 1057.

Boulder City School District, reimbursement for instruction.

Personal services.

*Ante*, p. 433.*Provisos*.  
Rental rates; leases.

Credit of accrued revenues.

45 Stat. 1057.  
43 U. S. C. § 617a.Boulder Canyon (All-American Canal).  
Construction, etc.

Acquisition of lands, etc.

45 Stat. 1057.

Personal services.

*Ante*, p. 433.Construction of designated projects, etc.; reimbursement.  
*Post*, p. 1041.

<i>Ante</i> , p. 433.	caption "Bureau of Reclamation" under the heading "Administrative provisions and limitations", but without regard to the amounts of the limitations therein set forth, to be immediately available, to remain available until expended, and to be reimbursable (except as to the Pine River project, Colorado, and the Colorado River project, Texas) under the reclamation law:
Parker Dam, Ariz.-Calif. 53 Stat. 633.	Parker Dam Power project, Arizona-California, \$3,500,000, together with the unexpended balance of the appropriation of \$4,000,000 for this project contained in the Second Deficiency Appropriation Act, fiscal year 1939;
Central Valley, Calif. Pine River, Colo. San Luis Valley, Colo.	Central Valley project, California, \$23,600,000; Pine River project, Colorado, \$400,000;
<i>Provisos.</i> Construction of Closed Basin Drain; contingencies.	San Luis Valley project, Colorado: For further investigations, exploratory and preparatory work, and commencement of construction in accordance with House Document Numbered 693, Seventy-sixth Congress, third session: <i>Provided</i> , That commencement of construction of the Closed Basin Drain feature shall be contingent on (a) a conclusive finding of justification for the drain on the basis of cost and the quantity and quality of water to be secured, and (b) adequate arrangements for maintenance of the drain, \$150,000: <i>Provided further</i> , That any works to be constructed by virtue of investigations or surveys resulting from this appropriation, shall be so constructed and operated as not to interfere with the operation of or abrogate any of the terms of the Rio Grande Interstate Compact, and any contracts, permits, or licenses relating to such works entered into by the United States shall provide specifically that all rights thereunder shall be subject to and controlled by the provisions of said Rio Grande Interstate Compact;
Noninterference with Rio Grande Interstate Compact. 53 Stat. 785.	Colorado River project, Texas, \$3,000,000: <i>Provided</i> , That the Secretary of the Interior, by contracts entered into pursuant to the authority of the Act of August 26, 1937 (50 Stat. 844-850), shall require reimbursement of expenditures for construction of Marshall Ford Dam, to the extent and in the manner determined by him;
Colorado River, Tex. <i>Proviso.</i> Marshall Ford Dam.	Grand Coulee Dam project, Washington: For continuation of construction of Grand Coulee Dam and appurtenant works, \$12,000,000, of which not to exceed \$350,000 may be used for the purposes set out in section 2 of the Act of May 27, 1937 (50 Stat. 208);
Grand Coulee Dam, Wash. 50 Stat. 210. 16 U. S. C., Supp. V, § 835a. Administrative expenses.	For administrative expenses on account of the above projects, including personal services (not to exceed \$100,000) and other expenses in the District of Columbia and personal services and other expenses in the field, \$700,000.
Total.	Total, general fund construction, \$43,350,000.

## WATER CONSERVATION AND UTILITY PROJECTS

Construction, etc.	For the construction of water conservation and utilization projects and small reservoirs, including not to exceed \$196,000 for surveys, investigations, and administrative expenses in connection therewith (of which not to exceed \$20,000 shall be available for personal services in the District of Columbia), all as authorized by the Act of August 11, 1939 (53 Stat. 1418), \$3,500,000.
16 U. S. C., Supp. V, §§ 590y-590bb.	The appropriation of \$5,000,000 contained in the Interior Department Appropriation Act, 1940, is hereby made available until expended and may be expended in the same manner and for the same objects of expenditure as specified hereinbefore in this Act under the headings "Salaries and expenses" and "Administrative provisions and limitations" under the caption "Bureau of Reclamation", but without regard to the limitations therein set forth.
Reappropriation. 53 Stat. 719.	
<i>Ante</i> , pp. 432, 433.	

It is hereby declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands.

Opening to entry of newly irrigated public lands, preference.

## GEOLOGICAL SURVEY

For every expenditure requisite for and incident to the authorized work of the Geological Survey, including personal services in the District of Columbia and in the field, including not to exceed \$45,000 for the purchase and exchange, and not to exceed \$70,000 for the hire, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for field use only by geologists, topographers, engineers, and land classifiers, and the Geological Survey is authorized to exchange unserviceable and worn out passenger-carrying and freight-carrying vehicles as part payment for new freight-carrying vehicles, and including not to exceed \$3,000 for necessary traveling expenses of the Director and members of the Geological Survey acting under his direction, for attendance upon meetings of technical, professional, and scientific societies when required in connection with the authorized work of the Geological Survey, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads:

General expenses.

Vehicles.

Traveling expenses.

**Salaries:** For the Director of the Geological Survey and other personal services in the District of Columbia, \$150,000;

Salaries.

**Topographic surveys:** For topographic surveys in various portions of the United States, \$759,010, of which amount not to exceed \$250,000 may be expended for personal services in the District of Columbia: *Provided*, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of standard topographic surveys, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the survey: *Provided further*, That \$275,000 of this amount shall be available only for such cooperation with States or municipalities;

Topographic surveys.  
*Post*, p. 509.

*Provisos.*  
Cooperation with States.

Amount available.

**Geologic surveys:** For geologic surveys in the various portions of the United States and chemical and physical researches relative thereto, \$500,000, of which not to exceed \$300,000 may be expended for personal services in the District of Columbia;

Geologic surveys.

**Strategic and critical minerals:** For scientific and economic investigations of strategic and critical minerals in the United States or its Territories or insular possessions, as authorized by the Act of June 7, 1939 (53 Stat. 811), \$145,000, of which amount not to exceed \$25,000 may be expended for personal services in the District of Columbia;

Strategic and critical minerals.  
*Post*, p. 1041.

50 U. S. C., Supp. V, §§ 93-98f.

**Mineral resources of Alaska:** For continuation of the investigation of the mineral resources of Alaska, \$60,000, to be available immediately, of which amount not to exceed \$25,000 may be expended for personal services in the District of Columbia;

Mineral resources of Alaska.

**Gaging streams:** For gaging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the

Gaging streams; investigations, etc.

<p><i>Provisos.</i> Cooperation with States.</p>	<p>best methods of utilizing the water resources, \$1,224,500, of which amount not to exceed \$140,000 may be expended for personal services in the District of Columbia: <i>Provided</i>, That no part of this appropriation shall be expended in cooperation with States or municipalities except upon the basis of the State or municipality bearing all of the expense incident thereto in excess of such an amount as is necessary for the Geological Survey to perform its share of general water resource investigations, such share of the Geological Survey in no case exceeding 50 per centum of the cost of the investigation:</p>
<p>Amount available.</p>	<p><i>Provided further</i>, That \$1,000,000 of this amount shall be available only for such cooperation with States or municipalities;</p>
<p>Classification of lands.</p>	<p>Classification of lands: For the examination and classification of lands with respect to mineral character and water resources as required by the public-land laws and for related administrative operations; for the preparation and publication of mineral-land classification and water-resources maps and reports; for engineering supervision of power permits and grants under the jurisdiction of the Secretary of the Interior; and for performance of work of the Federal Power Commission, \$105,000, of which amount not to exceed \$60,000 may be expended for personal services in the District of Columbia;</p>
<p>Printing and binding, etc.</p>	<p>Printing and binding, and so forth: For printing and binding, \$130,000; for preparation of illustrations, \$25,000; and for engraving and printing geologic and topographic maps, \$173,400; in all, \$328,400;</p>
<p>Mineral leasing. 38 Stat. 742; 40 Stat. 297; 41 Stat. 437, 1363.</p>	<p>Mineral leasing: For the enforcement of the provisions of the Acts of October 20, 1914 (48 U. S. C. 435), October 2, 1917 (30 U. S. C. 141), February 25, 1920 (30 U. S. C. 181), as amended, and March 4, 1921 (48 U. S. C. 444), and other Acts relating to the mining and recovery of minerals on Indian and public lands and naval petroleum reserves; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, the construction, maintenance, and repair of necessary camp buildings and appurtenances thereto, \$315,000, of which amount not to exceed \$65,000 may be expended for personal services in the District of Columbia;</p>
<p>Supplies, etc.</p>	<p>During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific and technical investigations and requiring cooperative work by the Geological Survey on scientific and technical investigations within the scope of the functions of that Bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Geological Survey such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Geological Survey for the performance of work for the department or establishment from which the transfer is made:</p>
<p>Cooperative work on scientific, etc., investigations.</p>	<p><i>Provided</i>, That any sums transferred by any department or independent establishment of the Government to the Geological Survey for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended: <i>Provided further</i>, That any funds herein appropriated for the Geological Survey for cooperative work may be utilized prior to July 1, 1940, as required to enable the Geological Survey to continue its cooperative work pending reimbursement from cooperative agencies, the amount required for such cooperative work to be placed to the credit of the 1940 appropriation account of the Geological</p>
<p>Transfer of funds.</p>	
<p><i>Provisos.</i> Expenditure.</p>	
<p>Cooperative work; availability of funds.</p>	

Survey and subsequently repaid to the appropriation from which advanced;

During the fiscal year 1941, upon the request of the Secretary of the Interior, the Secretary of War or the Secretary of the Navy is authorized to furnish aerial photographs required for mapping projects, insofar as the furnishing of such photographs will be economical to the Federal Government and does not conflict with military or naval operations or the other parts of the regular training program of the Army, Navy, and Marine Corps flying services, and the Secretary of the Interior is authorized to reimburse the War or Navy Department for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, and the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel authorized by law, together with such incidental expenses as care and minor repairs to plane and transportation of personnel to and from projects, and the War Department or the Navy Department, on request of the Department of the Interior, is authorized to furnish copies to any State, county, or municipal agency cooperating with the Federal Government in the mapping project for which the photographs were taken. In the event that the Director of the Geological Survey deems it advantageous to the Government, the Geological Survey is authorized to contract with civilian aerial photographic concerns for the furnishing of such photographs or for the furnishing of topographic maps made from such photographs;

Appropriations herein made, and funds transferred thereto, shall be available for payment of the costs of packing, crating, and transportation (including drayage) of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior;

In all, salaries and expenses, United States Geological Survey, \$3,586,910.

Aerial photographs for mapping projects.

Copies.

Contracts with civilian concerns.

Transportation of personal effects of employees.

Total.

## BUREAU OF MINES

### SALARIES AND GENERAL EXPENSES

Salaries and general expenses: For general expenses, including pay of the Director and necessary assistants, clerks, and other employees, in the office in the District of Columbia and in the field, and every other expense requisite for and incident to the general work of the Bureau in the District of Columbia and in the field, to be expended under the direction of the Secretary of the Interior, \$64,000, of which amount not to exceed \$51,440 may be expended for personal services in the District of Columbia;

Operating mine rescue cars and stations and investigation of mine accidents: For the investigation and improvement of mine-rescue and first-aid methods and appliances and the teaching of mine safety, rescue, and first-aid methods; investigations as to the causes of mine explosions, causes of falls of roof and coal, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, statistical studies and reports relating to mine accidents, and other inquiries and technologic investigations pertinent to the mining industry; the exchange in part payment for operation, maintenance, and repair of mine-rescue trucks; the construction of temporary structures and the repair, maintenance, and operation of mine-rescue cars and the Government-owned mine-rescue stations and appurtenances thereto; personal

Salaries and general expenses.

Operating mine rescue cars, etc., and investigation of mine accidents.

- services, traveling expenses and subsistence, equipment, and supplies; travel and subsistence, and other incidental expenses of employees in attendance at meetings and conferences held for the purpose of promoting safety and health in the mining and allied industries; purchase not exceeding \$6,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; purchase and exchange in part payment therefor of cooks' uniforms, goggles, gloves, rubber boots, aprons, and such other articles or equipment as may be necessary in connection with the purposes of this paragraph; including not to exceed \$67,110 for personal services in the District of Columbia; and including not to exceed \$20,000 for the necessary employees and other expenses connected with the establishment and maintenance of a mine-rescue station to serve the New York and New England area, as authorized by the Act of March 3, 1915 (30 U. S. C., sec. 8), \$676,000: *Provided*, That of this amount not to exceed \$500 may be expended for the purchase and bestowal of trophies in connection with mine-rescue and first-aid contests;
- Vehicles.**
- Mine-rescue station for New York and New England area.
- 38 Stat. 959.  
*Proviso.*  
Trophies.
- Testing fuel.** Testing fuel: To conduct inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and use of mineral fuels, and for investigation of mineral fuels belonging to or for the use of the United States, with a view to their most efficient utilization; to recommend to various departments such changes in selection and use of fuel as may result in greater economy, and, upon request of the Director of the Bureau of the Budget, to investigate the fuel-burning equipment in use by or proposed for any of the departments, establishments, or institutions of the United States in the District of Columbia, \$263,900, of which amount not to exceed \$29,400 may be expended for personal services in the District of Columbia;
- Mineral mining investigations.
- Mineral mining investigations: For inquiries and scientific and technologic investigations concerning the mining, preparation, treatment, and utilization of ores and mineral substances, other than fuels, with a view to improving health conditions and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; and including all equipment, supplies, expenses of travel and subsistence, and the purchase, not to exceed \$12,000, including exchange, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work, including not to exceed \$27,900 for personal services in the District of Columbia, \$278,060: *Provided*, That no part of this appropriation may be expended for an investigation in behalf of any private party;
- Vehicles.**
- Proviso.*  
Investigations for private parties.
- Oil and gas investigations.
- Oil and gas investigations: For inquiries and investigations and dissemination of information concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, including economic conditions affecting the industry, with a view to economic development and conserving resources through the prevention of waste; for the purchase of newspapers relating to the oil, gas, and allied industries: *Provided*, That section 192 of the Revised Statutes (5 U. S. C. 102) shall not apply to such purchase of newspapers from this appropriation; and for every other expense incident thereto, including supplies, equipment, expenses of travel and subsistence, purchase, not to exceed \$6,500, exchange as part payment for, maintenance, and operation of motor propelled passenger-carrying vehicles for official use in field work, purchase of laboratory gloves, goggles, rubber boots, and aprons, \$260,000, of which amount not to
- Proviso.*  
Purchase of newspapers, etc.
- Vehicles.**

exceed \$22,600 may be expended for personal services in the District of Columbia;

**Mining experiment stations:** For the employment of personal services, purchase of laboratory gloves, goggles, rubber boots, and aprons, the purchase not to exceed \$3,000, exchange as part payment for, maintenance and operation of motor-propelled passenger-carrying vehicles for official use in field work, and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, as provided in the Act authorizing additional mining experiment stations, approved March 3, 1915 (30 U. S. C. 8), \$567,000, of which appropriation not to exceed \$17,100 may be expended for personal services in the District of Columbia;

**Buildings and grounds, Pittsburgh, Pennsylvania:** For care and maintenance of buildings and grounds at Pittsburgh and Bruceton, Pennsylvania, including personal services, the purchase, exchange as part payment for, operation, maintenance, and repair of passenger automobiles for official use, and all other expenses requisite for and incident thereto, including not to exceed \$5,000 for additions and improvements, \$100,000;

**Economics of mineral industries:** For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding and computing machines, accessories and repairs; newspapers; traveling expenses; purchase, not exceeding \$1,200, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work; and for all other necessary expenses not included in the foregoing, \$336,920, of which amount not to exceed \$234,000 may be expended for personal services in the District of Columbia;

**Investigation of domestic sources of mineral supply:** For every expenditure requisite for and incident to the work of the Bureau of Mines in performing the duties imposed upon it by section 7 of the Act of June 7, 1939 (Public, Numbered 117, Seventy-sixth Congress); including the purchase of professional and scientific books; not to exceed \$1,000 for printing and binding; purchase not to exceed \$15,000, exchange as part payment for, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles for official use in field work and in transporting employees between their homes and temporary locations where they may be employed; purchase of goggles, gloves, rubber boots, miners' hats, aprons, and such other articles of personal wearing apparel or equipment as may be required for the protection of employees while engaged in their work; the construction, maintenance, and repair of necessary camp buildings and mining structures and appurtenances thereto; and including not to exceed \$15,000 for personal services in the District of Columbia, \$350,000: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered when the amount involved does not exceed the sum of \$500;

**Helium production and investigations:** The sums made available for the fiscal year 1941 in the Acts making appropriations for the

Mining experiment stations.  
*Post*, p. 1042.

38 Stat. 959.

Buildings and grounds, Pittsburgh and Bruceton, Pa.

Economics of mineral industries.  
*Post*, p. 1041.

Vehicles.

Investigation of domestic sources of mineral supply.  
*Post*, p. 1042.

83 Stat. 812.  
50 U. S. C., Supp. V, § 98f.  
Printing and binding.  
Vehicles.

*Proviso*.  
Minor purchases.  
*Post*, p. 1109.

Helium production and investigations.  
*Ante*, pp. 282, 364, 365.

War and Navy Departments for the acquisition of helium from the Bureau of Mines shall be transferred to the Bureau of Mines on July 1, 1940, for operation and maintenance of the plants for the production of helium for military and naval purposes, including laboratory gloves, goggles, rubber boots, and aprons; purchase, not to exceed \$1,200, and exchange as part payment for, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles for official use in field work, and all other necessary expenses, and including \$11,300 for personal services in the District of Columbia;

Maintenance, etc.,  
of plants.

Cooperative work  
on scientific investiga-  
tions.

Transfer of sums.

*Proviso.*  
Expenditure.

Traveling expenses.

Detail of field em-  
ployees.

Traveling expenses.

*Proviso.*  
Payment of employ-  
ees' expenses.

Report to Congress.

Details from Public  
Health Service.

Holding of desig-  
nated office by Royd  
R. Sayers.

During the fiscal year 1941 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that Bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of the Interior, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended;

For necessary traveling expenses of the Director and employees of the Bureau, acting under his direction, for attendance upon meetings of technical, professional, and scientific societies, when required in connection with the authorized work of the Bureau of Mines and incurred on the written authority of the Secretary of the Interior, there is hereby made available from any appropriations made to the Bureau of Mines not to exceed in all, \$3,000;

Persons employed during the fiscal year 1941 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service in the District of Columbia for the purpose of preparing results of their field work; all persons so detailed shall be paid in addition to their regular compensation only traveling expenses in going to and returning therefrom: *Provided*, That nothing herein shall prevent the payment to employees of the Bureau of Mines of their necessary expenses, or per diem in lieu of subsistence, while on temporary detail in the District of Columbia for purposes only of consultation or investigations on behalf of the United States. All details made hereinunder, and the purposes of each, during the preceding fiscal year shall be reported in the annual estimates of appropriations to Congress at the beginning of each regular session thereof;

The Federal Security Administrator may detail medical officers of the Public Health Service for cooperative health, safety, or sanitation work with the Bureau of Mines, and the compensation and expenses of the officers so detailed may be paid from the applicable appropriations made herein for the Bureau of Mines;

Notwithstanding any other provisions of law, Royd R. Sayers, a commissioned officer on the active list, United States Public Health Service, is authorized to hold the office of Director of the Bureau of Mines in the Department of the Interior without loss of or prejudice to his status as a commissioned officer on the active list of the United States Public Health Service and if appointed to such civil office he shall receive in lieu of his pay and allowances as such commissioned officer the salary prescribed by law for such civil office;

Appropriations for the fiscal year 1941 available for expenses of travel of officers and employees of the Bureau of Mines, and funds transferred thereto, shall be available for expenses of travel performed by them on transfer from one official station to another when authorized by the Secretary of the Interior, and for the expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property of employees so transferred, under regulations to be prescribed by the Secretary of the Interior;

Total, Bureau of Mines, \$2,895,880.

Traveling expenses, etc., on change of station.

Total.

### NATIONAL PARK SERVICE

Salaries: For the Director of the National Park Service and other personal services in the District of Columbia, including accounting services in checking and verifying the accounts and records of the various operators, licensees, and permittees conducting utilities and other enterprises within the national parks and monuments, and including the services of specialists and experts for investigations and examinations of lands to determine their suitability for national-park and national-monument purposes: *Provided*, That such specialists and experts may be employed for temporary service at rates to be fixed by the Secretary of the Interior to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883, \$270,000, of which amount not to exceed \$19,200 may be expended for the services of field employees engaged in examination of lands and in developing the educational work of the National Park Service.

Salaries.

Specialists and experts.

*Proviso.*  
Employment without reference to Civil Service, etc., acts.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
22 Stat. 403.  
5 U. S. C., ch. 12;  
Supp. V, ch. 12.

Regional offices: For salaries and expenses of regional offices necessary in the administration, protection, maintenance, and improvement of the National Park System, including not to exceed \$1,200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$8,000 for personal services in the District of Columbia, \$34,000.

Regional offices.

General expenses: For every expenditure requisite for and incident to the authorized work of the office of the Director of the National Park Service not herein provided for, including traveling expenses, telegrams, photographic supplies, prints, and motion-picture films, necessary expenses of attendance at meetings concerned with the work of the National Park Service when authorized by the Secretary of the Interior, and necessary expenses of field employees engaged in examination of lands and in developing the educational work of the National Park Service, \$36,500: *Provided*, That necessary expenses of field employees in attendance at such meetings, when authorized by the Secretary, shall be paid from the various park and monument appropriations.

General expenses.

*Proviso.*  
Field employees, attendance at meetings.

Acadia National Park, Maine: For administration, protection, maintenance, and improvement, including \$3,000 for George B. Dorr as superintendent without regard to the requirements of the provisions of the Civil Service Retirement Act approved May 22, 1920 (5 U. S. C. 691-693, 697-731), as amended, \$3,000 for temporary clerical services for investigation of titles and preparation of abstracts thereof of lands donated to the United States for inclusion in the Acadia National Park, and not exceeding \$1,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$52,700.

National parks, administration, etc.  
Acadia, Maine.  
George B. Dorr.  
41 Stat. 614.

Bryce Canyon National Park, Utah: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with the general park work, \$18,910.

Bryce Canyon, Utah.

- Carlsbad Caverns, N. Mex. Carlsbad Caverns National Park, New Mexico: For administration, protection, maintenance, and improvement, including not exceeding \$1,550 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$103,840.
- Crater Lake, Oreg. Crater Lake National Park, Oregon: For administration, protection, maintenance, and improvement, including not exceeding \$1,395 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$89,400.
- General Grant, Calif. General Grant National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$22,405.
- Glacier, Mont. Glacier National Park, Montana: For administration, protection, maintenance, and improvement, including necessary repairs to the roads from Glacier Park Station through the Blackfeet Indian Reservation to the various points in the boundary line of the Glacier National Park and the international boundary, including not exceeding \$1,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$205,400.
- Grand Canyon, Ariz. Grand Canyon National Park, Arizona: For administration, protection, maintenance, and improvement, including not exceeding \$1,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$132,580.
- Grand Teton, Wyo. Grand Teton National Park, Wyoming: For administration, protection, maintenance, and improvement, including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$28,940.
- Great Smoky Mountains, N. C.-Tenn. Great Smoky Mountains National Park, North Carolina and Tennessee: For administration, protection, maintenance, and improvement, including not to exceed \$1,150 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for use in connection with general park work, \$101,670.
- Hawaii. Hawaii National Park: For administration, protection, maintenance, and improvement, including not exceeding \$650 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$62,000.
- Hot Springs, Ark. Hot Springs National Park, Arkansas: For administration, protection, maintenance, and improvement, including not exceeding \$700 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$73,670.
- Isle Royale, Mich., proposed. Proposed Isle Royale National Park, Michigan: The unexpended balance of the appropriation under this head in the Interior Department Appropriation Act, 1940, is hereby made available for the same purposes and under the same conditions until June 30, 1941.
- Kings Canyon, Calif. Kings Canyon National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$1,050 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$11,000.
- Lassen Volcanic, Calif. Lassen Volcanic National Park, California: For administration, protection, maintenance, and improvement, including not exceeding

\$700 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, and including not to exceed \$1,000 for the maintenance of approach roads through the Lassen National Forest, \$52,590.

Mesa Verde National Park, Colorado: For administration, protection, maintenance, and improvement, including not exceeding \$1,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$58,215.

Mesa Verde, Colo.

Mount McKinley National Park, Alaska: For administration, protection, maintenance, and improvement, including not exceeding \$200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$28,120.

Mount McKinley,  
Alaska.  
*Ante*, p. 81.

Mount Rainier National Park, Washington: For administration, protection, maintenance, and improvement, including not exceeding \$2,150 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$150,300.

Mount Rainier,  
Wash.

Olympic National Park, Washington: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$54,400.

Olympic, Wash.

Platt National Park, Oklahoma: For administration, protection, maintenance, and improvement, including not exceeding \$300 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, and including not exceeding \$3,500 for the purchase of land, \$24,075.

Platt, Okla.

Rocky Mountain National Park, Colorado: For administration, protection, maintenance, and improvement, including not exceeding \$800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of superintendent and employees in connection with general park work, \$97,455.

Rocky Mountain,  
Colo.

Sequoia National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$850 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, including maintenance and repair of the Generals Highway between the boundaries of Sequoia and General Grant National Parks, \$126,165.

Sequoia, Calif.

Shenandoah National Park, Virginia: For administration, protection, maintenance, and improvement, including not exceeding \$900 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$93,610.

Shenandoah, Va.

Wind Cave National Park, South Dakota: For administration, protection, maintenance, and improvement, including not exceeding \$200 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$22,200.

Wind Cave, S. Dak.

Yellowstone National Park, Wyoming: For administration, protection, maintenance, and improvement, including not exceeding \$3,000 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$15,500 for maintenance of the roads in the national

Yellowstone, Wyo.

forests leading out of the park from the east, northeast, southwest, and south boundaries, and including feed for buffalo and other animals and salaries of buffalo keepers, \$461,960.

Yosemite, Calif.

Yosemite National Park, California: For administration, protection, maintenance, and improvement, including not exceeding \$1,800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, not exceeding \$2,000 for maintenance of the road in the Stanislaus National Forest connecting the Tioga Road with the Hetch Hetchy Road near Mather Station, and including necessary expenses of a comprehensive study of the problems relating to the use and enjoyment of the Yosemite National Park and the preservation of its natural features, \$340,695.

Zion, Utah.

Zion National Park, Utah: For administration, protection, maintenance, and improvement, including not exceeding \$620 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the superintendent and employees in connection with general park work, \$49,870.

National monuments.

National monuments: For administration, protection, maintenance, improvement, and preservation of national monuments, including not exceeding \$3,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles for the use of the custodians and employees in connection with general monument work, \$342,795.

National historical parks and monuments.

*Post*, p. 1042.

National historical parks and monuments: For administration, protection, maintenance, and improvement, including not exceeding \$5,925 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$50,000 for the purchase of lands and interests in lands, including expenses incidental thereto, \$251,325: *Provided*, That the total sum expended in any fiscal year after the fiscal year 1941 for maintenance of the Vanderbilt Historical Monument in Dutchess County, New York, shall not exceed the total sum of the admission fees collected at such monument during the previous fiscal year.

*Proviso*.  
Vanderbilt Historical Monument, N. Y.

Patrick Henry National Monument, Va.

Patrick Henry National Monument: Toward the acquisition of the estate of Patrick Henry in Charlotte County, Virginia, known as Red Hill, and including all expenses incidental to such acquisition, to be known as the Patrick Henry National Monument, in accordance with the provisions of the Acts of August 15, 1935 (49 Stat. 652), and January 29, 1940 (Public, Numbered 408, Seventy-sixth Congress), \$25,000.

16 U. S. C., Supp. V, §§ 450f-450k.  
*Anne*, p. 18.

Andrew Johnson National Monument, Tenn.

Andrew Johnson National Monument: For acquisition of the Andrew Johnson homestead and site located in Greeneville, Tennessee, including certain furniture, furnishings, and equipment located therein, and expenses incidental to such acquisition, in accordance with the provisions of the Act of August 29, 1935 (49 Stat. 958), \$44,500.

16 U. S. C., Supp. V, §§ 450o-450q.

National military parks, battlefields, etc.

National military parks, battlefields, monuments, and cemeteries: For administration, protection, maintenance, and improvement, including not exceeding \$8,500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, and not exceeding \$308 for right-of-way easements across privately owned railroad lands necessary for supplying water to the Statue of Liberty National Monument, \$409,770, and the unexpended balance of the appropriation of \$40,000 contained in the Third Deficiency Appropriation Act, fiscal year 1939, under this head for the construction of an administration-museum building in the Kings Mountain National Military Park, South Carolina, including the purchase of furniture and museum cases, the preparation of exhibits for in-

Statue of Liberty National Monument, water supply.

Kings Mountain National Military Park, S. C.  
53 Stat. 1318.

stallation therein, and the construction of other necessary administration buildings or residences, is continued available for the same purposes until June 30, 1941.

**Boulder Dam National Recreational Area, Arizona and Nevada:** For administration, protection, improvement, and maintenance of the recreational activities of the Boulder Dam National Recreational Area and any lands that may be added thereto by Presidential or other authority, including not exceeding \$800 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$103,980.

Boulder Dam National Recreational Area, Ariz.-Nev.

**Mount Rushmore National Memorial Commission:** Any unexpended balances of funds available for obligation for the Mount Rushmore National Memorial on June 30, 1940, are hereby continued available during the fiscal year ending June 30, 1941, for the same purposes for which such funds were originally appropriated and under the same conditions and limitations with respect thereto.

Mount Rushmore National Memorial Commission.  
Post, p. 1042.

**Emergency reconstruction and fighting forest fires in national parks:** For reconstruction, replacement, and repair of roads, trails, bridges, buildings, and other physical improvements and of equipment in national parks or national monuments that are damaged or destroyed by flood, fire, storm, or other unavoidable causes during the fiscal year 1941, and for fighting or emergency prevention of forest fires in national parks or other areas administered by the National Park Service, or fires that endanger such areas, \$40,000, and in addition thereto the unexpended balance for this purpose for the fiscal year 1940 is continued available during the fiscal year 1941, together with not to exceed \$100,000 to be transferred upon the approval of the Secretary of the Interior from the various appropriations for national parks and national monuments herein contained, any such diversions of appropriations to be reported to Congress in the annual Budget: *Provided*, That the allotment of these funds to the various national parks or areas administered by the National Park Service as may be required for fire-fighting purposes shall be made by the Secretary of the Interior, and then only after the obligation for the expenditure has been incurred.

Emergency reconstruction and fighting forest fires.

Reappropriation.  
53 Stat. 729.

Transfer of funds.

Report to Congress.

*Proviso.*  
Restriction on allotment.

**Forest protection and fire prevention:** For the control and the prevention of spread of forest insects and tree diseases and for fire-prevention measures, including equipment, and personal services in the District of Columbia (not to exceed \$20,000) and elsewhere, \$123,500, to be immediately available.

Forest protection and fire prevention.

The total of the foregoing amounts shall be available in one fund for the National Park Service: *Provided*, That 10 per centum of the foregoing amounts shall be available interchangeably and shall be reported to Congress in the annual Budget: *Provided further*, That no part of the foregoing appropriations for the National Park Service shall be available for the payment of the salaries or expenses of any employee of the National Park Service assigned to duties in connection with the Jefferson National Expansion Memorial in Saint Louis, Missouri.

Accounting.  
*Provisos.*  
Interchange of amounts.  
Report to Congress.  
Jefferson National Expansion Memorial, Saint Louis, Mo.

Appropriations herein made for the national parks, national monuments, and other reservations under the jurisdiction of the National Park Service, shall be available for the giving of educational lectures therein; for the services of field employees in cooperation with such nonprofit scientific and historical societies engaged in educational work in the various parks and monuments as the Secretary, in his discretion, may designate; and for travel expenses of employees attending Government camps for training in forest-fire prevention and suppression.

Educational lectures, etc.

Telephones in Government-owned residences, etc.

Appropriations herein made for the National Park Service shall be available for the installation and operation of telephones in Government-owned residences, apartments, or quarters occupied by employees of the National Park Service.

Roads and trails.

Roads and Trails, National Park Service: For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including the Boulder Dam National Recreational Area, and other areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (16 U. S. C. 8a and 8b), as amended, including the roads from Glacier Park Station through the Blackfeet Indian Reservation to various points in the boundary line of the Glacier National Park and the international boundary, \$2,125,000, to be immediately available and to remain available until expended: *Provided*, That not to exceed \$60,000 of the amount herein appropriated may be expended for personal services in the District of Columbia during the fiscal year 1941: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$3,000,000 and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction, reconstruction, and improvement of roads and trails shall be considered available for the purpose of discharging the obligation so created: *Provided further*, That no part of this appropriation or contract authorization shall be available for road construction in the Kings Canyon National Park, California, except on the floor of the canyon of the south fork of the Kings River.

46 Stat. 1053.

*Provisos.*  
Personal services.

Additional for approval of projects, etc.; total.

Kings Canyon National Park, Calif.

Blue Ridge and Natchez Trace Parkways.

16 U. S. C., Supp. V, § 460b. Vehicles.

*Provisos.*  
Allotments for designated States.

Statement of expenditures to Congress.

Additional for approval of projects, etc.; total.

Natchez Trace Parkway.

Blue Ridge and Natchez Trace Parkways: For continuing the construction and maintenance, under the provisions of section 8 of the Act of June 8, 1938 (52 Stat. 635), of the Blue Ridge and Natchez Trace Parkways, including not exceeding \$2,400 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, to be immediately available and remain available until expended, \$2,000,000, of which amount not to exceed \$50,000 shall be available for personal services in the District of Columbia: *Provided*, That \$700,000 and any other sums received from other sources for said Natchez Trace Parkway shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State and said allotments shall be used for no other purpose: *Provided further*, That the Secretary of the Interior shall make a detailed statement of expenditures from this appropriation to the Senate and House Committees on Appropriations at the beginning of the next regular session of Congress: *Provided further*, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$6,000,000, of which \$2,100,000 shall be for the Natchez Trace Parkway and shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said Parkway in each respective State, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction and maintenance of the Blue Ridge and Natchez Trace Parkways shall be considered available for the purpose of discharging the obligation so created.

**Physical improvements:** For the construction, repair, or rehabilitation of buildings and utilities located in areas administered by the National Park Service, \$170,750: *Provided*, That not to exceed \$9,000 shall be available for a comfort station, including water and sewer connections, in Acadia National Park, Maine; not to exceed \$5,500 for a comfort station and waiting room in Mount Rainier National Park, Washington; not to exceed \$4,100 for a comfort station in Yellowstone National Park, Wyoming, and not to exceed \$3,600 for a comfort station in Lehman Caves National Monument, Nevada.

**Historic sites and buildings:** For carrying out the provisions of the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), including personal services in the District of Columbia, \$20,000.

**Investigation and purchase of water rights:** For the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national parks and monuments, and including not exceeding \$500 for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles, \$39,840.

**Salaries and expenses, National Capital parks:** For administration, protection, maintenance, and improvement of the Mount Vernon Memorial Highway, Arlington Memorial Bridge, George Washington Memorial Parkway, monuments and memorials, Federal parks in the District of Columbia, and other Federal lands authorized by the Act of May 29, 1930 (46 Stat. 482), including the pay and allowances in accordance with the provisions of the Act of May 27, 1924, as amended, of the police force for the Mount Vernon Memorial Highway and the George Washington Memorial Parkway, and the operation, maintenance, repair, exchange, and storage of three automobiles, revolvers, ammunition, purchase, cleaning, and repair of uniforms for police, guards, and elevator conductors, and equipment, per diem employees at rates of pay approved by the Director not exceeding current rates for similar services in the District of Columbia, the hire of draft animals with or without drivers at local rates approved by the Director, stenographic reporting service, traveling expenses and carfare, and leather and rubber articles for the protection of public property and employees, \$289,900, of which \$15,000 shall be available for repairs in the Washington Monument.

**Development of grounds, Thomas Jefferson Memorial, Washington, District of Columbia:** For all necessary expenses in connection with the development and rearrangement of grounds surrounding the Thomas Jefferson Memorial in West Potomac Park, Washington, District of Columbia, including relocation of sea wall, rearrangement of park roads, landscaping and planting; personal services in the District of Columbia; traveling expenses; per diem employees at rates of pay approved by the Secretary of the Interior; and maintenance and operation of one passenger-carrying vehicle; \$375,000, to remain available until expended.

## BUREAU OF BIOLOGICAL SURVEY

For the employment of persons and means in the city of Washington and elsewhere, including the purchase of printed bags, tags, and labels, without regard to existing laws, applicable to public printing, furniture, carpets, typewriters, computing and adding

Physical improve-  
ments.

Proviso.  
Comfort stations in  
designated national  
parks, etc.

Historic sites and  
buildings.

16 U. S. C., Supp.  
V, §§ 461-467.

Investigation and  
purchase of water  
rights.  
Post, p. 643.

National Capital  
parks.  
Salaries and ex-  
penses.

43 Stat. 174.  
Police force, Mt.  
Vernon Memorial  
Highway, etc.

Washington Monu-  
ment, repairs.

Thomas Jefferson  
Memorial, Washing-  
ton, D. C.  
Development of  
grounds.

Personal services,  
etc.

machines, filing devices, and other office equipment and labor-saving devices, stationery, telephone and telegraph service, postage stamps for official use, express, freight, and drayage charges, traveling, and all other expenses necessary in conducting investigations and carrying out the work of the Bureau, including cooperation with Federal, State, county, or other agencies or with farm bureaus, organizations, or individuals, as follows:

## SALARIES AND EXPENSES

General administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$116,600.

Food habits of birds and animals.

Food habits of birds and animals: For investigating the food habits and economic value of North American birds and animals in relation to agriculture, horticulture, and forestry, including methods of conserving beneficial and controlling injurious birds and animals, \$68,140.

Fur resources investigations.

Fur resources investigations: For investigations, experiments, demonstrations, and cooperation in connection with the production and utilization of animals the pelts of which are used commercially for fur, including the erection of necessary buildings and other structures, \$91,000.

Biological investigations.

Biological investigations: For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life zones, and including \$45,738 for investigations of the relations of wild animal life to forests, under section 5 of the Act approved May 22, 1928 (16 U. S. C. 581d), and for investigations of the wildlife resources of the Territory of Alaska, including the erection of necessary buildings and other structures, \$198,300.

45 Stat. 701.

Control of predatory animals and injurious rodents.

Control of predatory animals and injurious rodents: For investigations, demonstrations, and cooperation in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game, as authorized by the Act of March 2, 1931 (7 U. S. C. 426-426b); and in protecting stock and other domestic animals through the suppression of rabies and other diseases in predatory wild animals; and for construction, repairs, additions, and installations in and about the grounds and buildings of the game-management supply depot and laboratory at Pocatello, Idaho, including purchase, transportation, and handling of supplies and materials for distribution from said depot to other projects, in accordance with the provisions of the Act approved June 24, 1936 (16 U. S. C. 667), \$850,000.

46 Stat. 1468.

Pocatello, Idaho, depot and laboratory.

49 Stat. 1913.  
16 U. S. C., Supp.  
V, § 667.

Protection of migratory birds.  
40 Stat. 755; 49 Stat.  
1555.

16 U. S. C., Supp.  
V, §§ 703-709a.

50 Stat. 1311.

35 Stat. 1137; 49  
Stat. 390.

18 U. S. C., Supp.  
V, §§ 391-394.  
31 Stat. 187.

Securing information of law violations.

Protection of migratory birds: For all necessary expenses for enforcing the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended by the Act of June 20, 1936 (16 U. S. C. 703-711), to carry into effect the treaty with Great Britain for the protection of birds migrating between the United States and Canada (39 Stat., pt. 2, 1702), and the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals; for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith; for the enforcement of sections 241, 242, 243, and 244 of the Act approved March 4, 1909, as amended (18 U. S. C. 391-394), and for the enforcement of section 1 of the Act approved May 25, 1900 (16 U. S. C. 701), including all necessary investigations in connection therewith, \$365,300, of which not to exceed \$10,000 may be expended in the discretion of the Secretary of the Interior for the

purpose of securing information concerning violations of the laws for the enforcement of which this appropriation is made available.

**Enforcement of Alaska game law:** For the enforcement of the provisions of the Alaska game law, approved January 13, 1925, as amended by the Act of February 14, 1931, and by the Act of June 25, 1938 (48 U. S. C. 192-211), \$155,000.

**Maintenance of mammal and bird reservations:** For the maintenance of the Montana National Bison Range, the Upper Mississippi River Wildlife Refuge, the Bear River Migratory Bird Refuge, the Wichita Mountains Wildlife Refuge, and other reservations, and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rockwork, bulkheads, and other improvements necessary for the economical administration and protection of the reservations; for the enforcement of section 84 of the Act approved March 4, 1909 (18 U. S. C. 145), entitled "An Act to codify, revise, and amend the penal laws of the United States", and Acts amendatory thereto, and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (16 U. S. C. 715i); for the purchase, capture, and transportation of game for national reservations; and for the maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, \$647,000.

**Migratory bird conservation refuges:** For carrying into effect the provisions of the Act entitled "An Act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain (39 Stat., pt. 2, 1702) by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and water to furnish in perpetuity reservation for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes", approved February 18, 1929, as amended by title III of the Act approved June 15, 1935 (16 U. S. C. 715-715r), \$79,753, authorized by section 12 of the Act, which sum is a part of the remaining \$331,134 of the \$1,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933.

**Restoration of Lower Klamath Migratory Waterfowl Refuge:** For the restoration and development of Klamath Lake Reservation (commonly known as the Lower Klamath Migratory Waterfowl Refuge) as a feeding, nesting, and breeding ground for migratory birds, including the construction of water-control works thereon and for necessary expenses incident thereto, \$70,000.

In all, salaries and expenses, \$2,641,093.

#### MIGRATORY BIRD CONSERVATION FUND

For carrying into effect the provisions of section 4 of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes", approved March 16, 1934, as amended by an Act entitled "An Act to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other Acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes", approved June 15, 1935 (16 U. S. C. 718-718h), an amount equal to the sum received during the fiscal year 1941 from the proceeds from the sale of stamps, to be warranted monthly; and in addition thereto an amount equal to

Enforcement of Alaska game law.  
43 Stat. 739; 46 Stat. 1111; 52 Stat. 1169.  
48 U. S. C., Supp. V, §§ 192-207.

Maintenance of mammal and bird reservations.

Taking of eggs, etc., on bird-breeding grounds.  
35 Stat. 1104.

Prohibited acts on acquired areas.  
45 Stat. 1224.

Wichita Mountains Wildlife Refuge, cattle.

Migratory bird conservation refuges.

45 Stat. 1222; 49 Stat. 381.  
16 U. S. C., Supp. V, §§ 715a-715p.

Restoration of Lower Klamath Migratory Waterfowl Refuge.

Migratory bird conservation fund.

48 Stat. 451; 49 Stat. 378.  
16 U. S. C., Supp. V, §§ 718a-718h.

Receipts from stamp sales.

the unobligated balance on June 30, 1940, of the total of the proceeds received from the sale of stamps prior to July 1, 1940.

#### FEDERAL AID IN WILDLIFE RESTORATION

Federal aid to States.  
50 Stat. 917.  
16 U. S. C., Supp. V, §§ 669-669j.  
Proviso.  
Limitation on expenditures.

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes", approved September 2, 1937 (16 U. S. C. 669-669j), \$2,500,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury under the provisions of said Act.

Personal services.

Total, Bureau of Biological Survey, \$5,141,093 and in addition thereto funds made available under the Migratory Bird Conservation Fund of which amounts not to exceed \$709,940 may be expended for personal services in the District of Columbia, and not to exceed

Vehicles for field.

\$76,600 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia: *Provided*, That funds available for

Provisos.  
Maintenance of vehicles, purchase of books, etc.

the work of the Bureau of Biological Survey shall be available for the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles; the purchase of books, periodicals, and newspapers (not to exceed \$100); for the expenditure from appropriations available for the purchase of lands of not to exceed \$1 for each option to

Expenses of attendance at meetings.

purchase any particular tract or tracts of land; for necessary expenses (not exceeding \$5,000) of attendance at meetings of societies or associations concerned with the work of the Bureau of Biological Survey; for expenses of packing and transportation of household effects (not exceeding five thousand pounds in any one instance) of employees when transferred, for the good of the service, from one official station to another for permanent duty, when specifically authorized in the order directing the transfer; and for the employment, by contract or otherwise, of men with equipment, boats, work animals, animal-drawn and motor-propelled vehicles: *Provided further*, That not to exceed 5 per centum of the foregoing amounts for

Interchange of amounts.

the miscellaneous expenses of the work of the Bureau of Biological Survey herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of said Bureau, but no more than 5 per centum shall be added to any one item or appropriation: *Provided further*, That the Bureau of Biological Survey may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof, in part payment for vehicles, tractors, road equipment, boats, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof: *Provided further*, That cooperative work conducted by the Bureau of Biological Survey shall continue to be subject to the provisions of the Act of July 24, 1919 (5 U. S. C. 563-564).

Exchange of vehicles, etc.

Cooperative work by Bureau.

41 Stat. 270.

#### BUREAU OF FISHERIES

Salaries.

Salaries: For the Commissioner and other personal services in the District of Columbia, \$172,300, of which amount not to exceed \$5,320 may be expended for personal service in connection with the maintenance and operation of aquarium.

Propagation of food fishes.

Propagation of food fishes: For maintenance, repair, alteration, improvement, equipment, acquisition, and operation of fish-cultural stations, general propagation of food fishes and their distribution, including movement, maintenance, and repairs of cars and not to exceed \$15,000 for purchase of trucks for fish distribution; maintenance, repair, and operation of motor-propelled passenger-carrying

Trucks.

vehicles for official use in the field; purchase of equipment (including rubber boots, oilskins, and first-aid outfits), and apparatus; contingent expenses; pay of permanent employees not to exceed \$468,890; temporary labor; not to exceed \$20,000 for propagation and distribution of fresh-water mussels and the necessary expenses connected therewith; purchase, collection, and transportation of specimens and other expenses incidental to the maintenance and operation of aquarium, \$977,940, including not to exceed \$120,000 to commence the establishment of a station in Arkansas, on a site heretofore donated to the United States for such purpose, the establishment of a station in Mississippi on a site heretofore donated to the United States for such purpose, for the purchase of a fish-cultural station in Oklahoma, and for the further development of the stations at Lamar, Pennsylvania, and on Williams Creek, on the Fort Apache Indian Reservation in Arizona, including the construction of buildings, ponds, water supply, improvements to grounds, purchase of equipment, and all other necessary expenses.

**Diversion Dam Sandy River, Oregon:** For the construction, improvement, maintenance, and operation of a diversion dam and for bank protection and related works on the Sandy River, Oregon, for the conservation of fish in the Columbia River Basin, as authorized by the Act of May 11, 1938, \$30,000, including personal services not to exceed \$3,000.

The unobligated balance of the appropriation remaining under the limitation of \$155,000 to establish or commence the establishment of stations authorized by the Act approved May 21, 1930 (46 Stat. 371), contained in the Department of Commerce Appropriation Act, 1940, under the head "Propagation of food fishes", is continued available during the fiscal year 1941, and the unobligated balance of the appropriation remaining under the limitation of \$155,000 to establish or commence the establishment of stations authorized by the Act approved May 21, 1930 (46 Stat. 371), contained in the Department of Commerce Appropriation Act, 1939, under the head "Propagation of food fishes", which was continued available during the fiscal year 1940, is continued available during the fiscal year 1941.

**Maintenance of vessels:** For maintenance and operation of vessels and launches, including purchase, and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, construction of small boats, temporary employees, and all other necessary expenses in connection therewith, including the purchase of plans and specifications for vessels or for contract personal services for the preparation thereof, and money accruing from commutation of rations and provisions on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels, \$235,920, of which amount not to exceed \$37,350 may be expended for pay of officers and employees of vessels of the Atlantic coast, and not to exceed \$78,420 for pay of officers and crews of vessels for the Alaska Fisheries Service.

**Construction of fish screens:** For construction, operation, and maintenance, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, or either, of fish screens and ladders on Federal irrigation projects, and for the conduct of investigations and surveys, the preparation of designs, and supervision of construction of such screens and ladders; and for determining the requirements for fishways and other fish protective devices at dams constructed under licenses issued by the Federal Power Commission in accordance with the provisions of the Federal Water Power Act (16 U. S. C. 791), \$11,500, of which not to exceed \$6,400 may be expended for the pay of permanent employees.

Pay of permanent employees.  
*Post*, p. 643.

Aquarium.

Establishment, etc., of designated stations.

Diversion dam, Sandy River, Ore.

52 Stat. 345.  
16 U. S. C., Supp. V, §§ 755-757.

Reappropriations.

53 Stat. 917.

52 Stat. 281.

Maintenance of vessels.

Vessels of Atlantic coast, and Alaska Fisheries Service.  
Pay of officers, etc.

Construction of fish screens.

41 Stat. 1063.  
16 U. S. C. §§ 791-823; Supp. V, §§ 791-825r.

Commutation of rations.

Commutation of rations (not to exceed \$1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1941 under regulations prescribed by the Secretary of the Interior.

Inquiry respecting food fishes.  
Post, p. 643.

Inquiry respecting food fishes: For inquiry into the cause of the decrease of food fishes in the waters of the United States, and for investigation and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, maintenance, repair, improvement, equipment, and operation of biological stations, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, preparation of reports, and not to exceed \$500 for rent of suitable quarters in the District of Columbia for laboratory and storage purposes, \$371,835, of which sum not to exceed \$280,400 may be expended for personal services.

Fishery industries.  
Statistical studies.

Fishery industries: For collection and compilation of statistics of the fisheries and the study of their methods and relations, and the methods of preservation and utilization of fishery products, and to enable the Secretary of the Interior to execute the functions imposed upon him by the Act entitled "An Act authorizing associations of producers of aquatic products", approved June 25, 1934 (48 Stat. 1213), including pay of permanent employees not to exceed \$79,030, compensation of temporary employees, preparation of reports, contract stenographic reporting services, and all other necessary expenses in connection therewith, including the purchase (not to exceed \$1,100), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, \$150,640.

15 U. S. C. §§ 521, 522.

Fishery market news service.

Fishery market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, information on the fishery industry, information on market supply and demand, commercial movement, location, disposition, and market prices of fishery products, with or without cooperation with any department or agency of the United States, or any State or Territory, or subdivision thereof, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in the field, purchase of equipment and supplies, preparation of reports, and all other necessary expenses connected therewith, \$78,900, of which not to exceed \$13,020 may be expended for personal services in the District of Columbia.

Alaska, fisheries service.

Alaska, fisheries service: For protecting the seal and sea otter fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska; construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, subsistence of agents and other employees while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the Act entitled "An Act to protect the seal fisheries of Alaska, and for other purposes", approved April 21, 1910 (16 U. S. C. 631-658), and for the protection of the fisheries of Alaska, including pay of permanent employees not to exceed \$74,440, contract stenographic reporting service, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, \$280,540, of which \$100,000 shall be available immediately.

36 Stat. 326.  
16 U. S. C., Supp.  
V, §§ 631-658.

Enforcement of Black Bass and Whaling Treaty Acts.

Enforcement of Black Bass and Whaling Treaty Acts: To enable the Secretary of the Interior to administer the provisions of the Act entitled "An Act to amend the Act entitled 'An Act to regulate interstate transportation of black bass, and for other purposes', approved May 20, 1926", approved July 2, 1930 (16 U. S. C. 851-856), and to execute the functions imposed upon him by The Whaling Treaty Act, approved May 1, 1936 (16 U. S. C. 901-915), \$17,000, of which amount not to exceed \$10,600 may be expended for personal services in the District of Columbia.

46 Stat. 845.  
16 U. S. C. §§ 851-855.

49 Stat. 1246.  
16 U. S. C., Supp.  
V, §§ 901-915.

Mississippi Wild Life and Fish Refuge: For construction of buildings, boats, and ponds, for purchase of equipment, including boats, for maintenance, operation, repair, and improvements, including expenditures for personal services at the seat of government and elsewhere as may be necessary, as authorized in the Act approved June 7, 1924 (16 U. S. C. 721-731), \$17,000.

The appropriations herein for the Bureau of Fisheries shall be available, in an amount not to exceed \$750, for expenses of attendance at meetings concerned with the work of said Bureau when incurred on the written authority of the Secretary of the Interior.

Appropriations herein made for propagation of food fishes, inquiry respecting food fishes, fishery industries, fishery market news service, and Alaska fisheries service, shall be available, under such regulations as may be prescribed by the Secretary of the Interior, for paying the cost of packing, crating, drayage, and transporting the household effects of employees of the Bureau of Fisheries when transferred from one official station to another for permanent duty.

Mississippi Wild Life and Fish Refuge. Maintenance, etc.

43 Stat. 650.

Attendance at meetings.

Transporting, etc., household effects of employees. Funds available.

## GOVERNMENT IN THE TERRITORIES

### TERRITORY OF ALASKA

Salaries of the Governor and the secretary, \$15,600.

For incidental and contingent expenses of the offices of the Governor and the secretary of the Territory, clerk hire, not to exceed \$7,520; janitor service for the Governor's office and the executive mansion, not to exceed \$3,180; traveling expenses of the Governor while absent from the Capital on official business and of the secretary of the Territory while traveling on official business under direction of the Governor; repair and preservation of Governor's house and furniture; for care of grounds and purchase of necessary equipment; stationery, lights, water, and fuel; in all, \$18,120, to be expended under the direction of the Governor.

Legislative expenses: For salaries of members, \$21,600; mileage of members, \$9,600; salaries of employees, \$5,200; printing, indexing, comparing proofs, and binding laws, printing, indexing, and binding journals, stationery, supplies, printing of bills, reports, and so forth, \$13,600, in all, \$50,000, to be expended under the direction of the Governor of Alaska.

For the establishment and maintenance of public schools, Territory of Alaska, \$50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including compensation and travel expenses of medical supervisor, transportation, burial, and other expenses, \$205,840: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Company, of Portland, Oregon, or to other contracting institution or institutions, not to exceed \$648 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1941: *Provided further*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates and in returning those who are not legal residents of Alaska to their legal residence or to their friends, and the Secretary of the Interior shall, as soon as practicable, return to their places of residence or to their friends all inmates not residents of Alaska at the time they became insane, and the commitment papers for any person hereafter adjudged insane shall include a statement by the committing authority as to the legal residence of such person.

Salaries of Governor and secretary. Incidental and contingent expenses.

Legislative expenses.

Public schools.

*Proviso.*  
Limitation.  
48 Stat. 1227.  
31 U. S. C. § 725c.

Insane of Alaska.

*Provisos.*  
Payments to Sanitarium Company, Portland, Oreg.

Return, etc., of inmates not residents of Alaska.

Repair and maintenance of roads, etc.

47 Stat. 446.

Wharf at Juneau.

Construction of roads, bridges, etc.

*Proviso.*  
Limitation.

48 Stat. 1227.  
31 U. S. C. § 725c.

Alaska Railroad.  
Payment of expenses from receipts.

Operation, etc., of boats.

Damage claims.

52 Stat. 200.  
5 U. S. C., Supp. V,  
§ 793.

*Provisos.*  
Personal services.  
Limitation on salaries.

Printing and binding.

For the repair and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the provisions of the Act approved June 30, 1932 (48 U. S. C. 321a-321c), \$570,000, including not to exceed \$1,500 for repair and maintenance of Government wharf at Juneau, Alaska, to be immediately available.

For the construction, repair, and maintenance of roads, tramways, bridges, trails, and aviation fields, Territory of Alaska, \$150,000, to be available until expended: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of the Permanent Appropriation Repeal Act, 1934.

The Alaska Railroad: All amounts received by the Alaska Railroad during the fiscal year 1941 shall be available, and continue available until expended, for every expenditure requisite for and incident to the authorized work of the Alaska Railroad, including maintenance, operation, and improvements of railroads in Alaska; maintenance and operation of river steamers and other boats on the Yukon River and its tributaries in Alaska; operation and maintenance of ocean-going or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for the transportation of freight, passengers, or mail, when deemed necessary, for the benefit and development of industries and travel affecting territory tributary to the Alaska Railroad; stores for resale; payment of claims for losses and damages arising from operations, including claims of employees of the railroad for loss and damage resulting from wreck or accident on the railroad, not due to negligence of the claimant, limited to clothing and other necessary personal effects used in connection with his duties and not exceeding \$100 in value; payment of amounts due connecting lines; payment of compensation and expenses as authorized by section 42 of the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to be reimbursed as therein provided: *Provided*, That not to exceed \$6,000 of this fund shall be available for personal services in the District of Columbia during the fiscal year 1941, and no one other than the general manager of said railroad shall be paid an annual salary out of this fund of more than \$7,500: *Provided further*, That not to exceed \$10,000 of such fund shall be available for printing and binding.

#### TERRITORY OF HAWAII

Salaries of Governor and secretary.  
Contingent expenses.

Legislative expenses.  
46 Stat. 823.  
48 U. S. C. § 599.

Salaries of the Governor and of the secretary, \$15,800.

For contingent expenses, to be expended by the Governor for stationery, postage, and incidentals, and for traveling expenses of the Governor while absent from the capital on official business, \$2,000; private secretary to the Governor, \$3,100; temporary clerk hire, \$750; in all, \$5,850.

Legislative expenses, Territory of Hawaii: For compensation and mileage of members of the Legislature of the Territory of Hawaii as provided by the Act of June 27, 1930, \$47,000.

#### GOVERNMENT OF THE VIRGIN ISLANDS

Salaries of Governor and employees.  
*Post*, p. 1043.  
39 Stat. 1132.  
49 Stat. 1813.  
48 U. S. C., Supp. V, § 1405v.  
Miscellaneous expenses.

For salaries of the Governor and employees incident to the execution of the Acts of March 3, 1917 (48 U. S. C. 1391), and June 22, 1936 (48 U. S. C. 1405v), traveling expenses of officers and employees, necessary janitor service, care of Federal grounds, repair and preservation of Federal buildings and furniture, purchase of equipment, stationery, lights, water, and other necessary miscellane-

ous expenses, including not to exceed \$5,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, and not to exceed \$4,000 for personal services, household equipment, and furnishings, fuel, ice, and electricity necessary in the operation of Government House at Saint Thomas and Government House at Saint Croix, \$134,000.

For salaries and expenses of the agricultural experiment station and the vocational school in the Virgin Islands, including technical personnel, clerks, and other persons; scientific investigations of plants and plant industries, and diseases of animals; demonstrations in practical farming; official traveling expenses; fixtures, apparatus, and supplies; clearing and fencing of land; and other necessary expenses, including not to exceed \$2,000 for purchase, including exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, \$41,150.

For defraying the deficits in the treasuries of the municipal governments because of the excess of current expenses over current revenues for the fiscal year 1941, municipality of Saint Thomas and Saint John, \$15,000, and municipality of Saint Croix, \$75,000; in all, \$90,000, to be paid to the said treasuries in monthly installments.

Agricultural experiment station and vocational school.  
Salaries and expenses.

Deficits of municipal governments.

#### PUERTO RICAN HURRICANE RELIEF

To enable the Division of Territories and Island Possessions to continue collection and administration of moneys due the United States on account of loans made under the joint resolutions approved December 21, 1928 (45 Stat. 1067), and January 22, 1930 (46 Stat. 57), and to make compositions and adjustments in any loan heretofore made, as authorized by Public Resolutions Numbered 59 (49 Stat. 926) and 60 (49 Stat. 928), Seventy-fourth Congress, approved August 27, 1935, not to exceed \$20,000 of any unobligated balances of appropriations made by authority of those joint resolutions, including repayment of principal and payments of interest on such loans, is hereby made available for administrative expenses during the fiscal year 1941.

Administrative expenses.

Loan adjustments.

Limitation on use of unobligated balances.

#### EQUATORIAL AND SOUTH SEA ISLANDS

For administrative expenses of the Division of Territories and Island Possessions, in carrying out the provisions of Executive Orders Numbered 7368 and 7828, approved May 13, 1936, and March 3, 1938, respectively, relating to certain islands of the United States situate in the Pacific Ocean, including personal services outside the District of Columbia (such employment to be by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes), rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, \$35,400.

Administrative expenses.

41 U. S. C. § 5.

#### SAINT ELIZABETHS HOSPITAL

For support, clothing, and treatment in Saint Elizabeths Hospital for the Insane of insane persons from the Army, Navy, Marine Corps, and Coast Guard, insane inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval

Maintenance, etc.

services of the United States, insane civilians in the quartermaster service of the Army, insane persons transferred from the Canal Zone who have been admitted to the hospital and who are indigent, American citizens legally adjudged insane in the Dominion of Canada whose legal residence in one of the States, Territories, or the District of Columbia it has been impossible to establish, insane beneficiaries of the United States Employees' Compensation Commission, insane beneficiaries of the United States Veterans' Administration, and insane Indian beneficiaries of the Bureau of Indian Affairs, including not exceeding \$27,000 for the purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for the use of the superintendent, purchasing agent, and general hospital business, and including not to exceed \$185,000 for repairs and improvements to buildings and grounds, and not to exceed \$35,000 for the purchase of uniforms for employees, \$1,275,285, including cooperation with organizations or individuals in scientific research into the nature, causes, prevention, and treatment of mental illness, and including maintenance and operation of necessary facilities for feeding employees and others (at not less than cost), and the proceeds therefrom shall reimburse the appropriation for the institution; and not exceeding \$1,500 of this sum may be expended in the removal of patients to their friends; not exceeding \$1,000 for expenses of attendance at meetings or conventions concerned with the work of psychiatry, medicine, and other scientific subjects of interest to Saint Elizabeths Hospital, when specifically authorized by the Secretary of the Interior; not exceeding \$1,500 in the purchase of such books, periodicals, and newspapers as may be required for the purposes of the hospital and for the medical library, and not exceeding \$1,500 for the actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients: *Provided*, That so much of this sum as may be required shall be available for all necessary expenses in ascertaining the residence of inmates who are not or who cease to be properly chargeable to Federal maintenance in the institution and in returning them to such places of residence: *Provided further*, That not exceeding \$200 additional may be paid to two employees to provide mail facilities for patients in the hospital: *Provided further*, That no part of this appropriation shall be expended for the purchase of oleomargarine or butter substitutes except for cooking purposes: *Provided further*, That during the fiscal year 1941 the District of Columbia, or any branch of the Government requiring Saint Elizabeths Hospital to care for patients for which they are responsible, shall pay by check to the Superintendent, upon his written request, either in advance or at the end of each month, all or part of the estimated or actual cost of such maintenance, as the case may be, and bills rendered by the Superintendent of Saint Elizabeths Hospital in accordance herewith shall not be subject to audit or certification in advance of payment; proper adjustments on the basis of the actual cost of the care of patients paid for in advance shall be made monthly or quarterly, as may be agreed upon between the Superintendent of Saint Elizabeths Hospital and the District of Columbia government, department, or establishments concerned. All sums paid to the Superintendent of Saint Elizabeths Hospital for the care of patients that he is authorized by law to receive shall be deposited to the credit on the books of the Treasury Department of the appropriation made for the care and maintenance of the patients at Saint Elizabeths Hospital for the year in which the support, clothing, and treatment is provided, and be subject to requisition upon the approval of the Secretary of the Interior.

Insane U. S. citizens in Canada.

Vehicles.

Repairs, etc., to buildings and grounds.

Removal of patients to their friends.

Provisos. Return of inmates no longer Federal charges.

Mail facilities.

Butter substitutes, restriction.

Payment for care of patients from D. C., etc.

Accounting.

## COLUMBIA INSTITUTION FOR THE DEAF

For support of the institution, including salaries and incidental expenses, books and illustrative apparatus, and general repairs and improvements, \$143,000.

Salaries, maintenance, etc.

## HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, \$567,160;

Salaries.

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, \$180,000;

General expenses.

Total, Howard University, \$747,160.

## FREEDMEN'S HOSPITAL

For officers and employees and compensation for all other professional and other services that may be required and expressly approved by the Secretary of the Interior, \$363,620; for subsistence, fuel and light, not exceeding \$1,000 for expenses of attendance upon meetings of a technical nature, pertaining to hospital administration and medical advancement, when authorized by the Secretary of the Interior, clothing, to include white duck suits and white canvas shoes for the use of internes, and cotton or duck uniforms or aprons for cooks, maids, and attendants, and rubber surgical gloves, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, replacement of X-ray apparatus, furniture; purchase, maintenance, and operation of passenger-carrying vehicles, including not exceeding \$1,500 for the purchase of books, periodicals, and newspapers; and not to exceed \$2,000 for the special instruction of pupil nurses, and other absolutely necessary expenses, \$208,305; in all, for Freedmen's Hospital, \$571,925, including reimbursement to the appropriation for Howard University of actual cost of heat and light furnished, of which amount of \$571,925 one-half shall be chargeable to the District of Columbia and paid in like manner as other appropriations of the District of Columbia are paid.

Personal services.

Contingent expenses.

Division of expenses.

SEC. 2. Appropriations herein made for field work shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment.

Hire of work animals, etc.

SEC. 3. Appropriations herein made shall be available for the purchase, maintenance, operation, and repair of vehicles generally known as quarter-ton or half-ton pick-up trucks and as station wagons without such vehicles being considered as passenger-carrying vehicles and without the cost of purchase, maintenance, operation, and repair being included in the limitation in the various appropriation items for the purchase, maintenance, operation, and repair of motor-driven passenger-carrying vehicles.

Pick-up trucks. Appropriations available for purchase, etc.

SEC. 4. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Administrative within-grade promotions.

SEC. 5. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compen-

Citizenship requirement.

sation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Short title.

SEC. 6. This Act may be cited as the "Interior Department Appropriation Act, 1941".

Approved, June 18, 1940.

[CHAPTER 396]

AN ACT

Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1941, and for other purposes.

June 18, 1940  
[H. R. 8913]  
[Public, No. 641]

Legislative Branch  
Appropriation Act,  
1941.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch of the Government for the fiscal year ending June 30, 1941, namely:

SENATE

SALARIES AND MILEAGE OF SENATORS

Compensation.	For compensation of Senators, \$960,000.
Mileage.	For mileage of the President of the Senate and of Senators, \$51,000.
Officers, clerks, etc.	For compensation of officers, clerks, messengers, and others:

OFFICE OF THE VICE PRESIDENT

Salaries. Salaries: Secretary to the Vice President, \$4,620; clerk, \$2,400; assistant clerks—one \$2,280, one \$2,160; in all, \$11,460.

CHAPLAIN

Chaplain. Chaplain of the Senate, \$1,680.

OFFICE OF THE SECRETARY

Salaries. Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$8,000; Chief Clerk, who shall perform the duties of reading clerk, \$5,500 and \$1,500 additional so long as the position is held by the present incumbent; financial clerk, \$5,000; assistant financial clerk, \$4,500; Parliamentarian, \$5,000 and \$1,500 additional so long as the position is held by the present incumbent; Journal Clerk, \$4,000; principal clerk, \$3,780; legislative clerk, \$4,000 and \$1,000 additional so long as the position is held by the present incumbent; enrolling clerk, \$4,000; printing clerk, \$3,540; chief bookkeeper, \$3,600; librarian, \$3,600; assistant Journal Clerk, \$3,360; executive clerk, \$3,180; first assistant librarian, \$3,120; keeper of stationery, \$3,320; clerks—two at \$3,180 each, three at \$2,880 each, three at \$2,640 each, clerk in Disbursing Office, \$2,400, six at \$2,400 each, three at \$1,860 each, three at \$1,740 each; special officer, \$2,460; press relations officers—one at \$2,140, one at \$1,900 in lieu of one of the positions authorized by Senate Resolution Numbered 428, agreed

to February 17, 1931, which position is hereby abolished as of July 1, 1940; messenger, \$1,260; laborers—one at \$1,740, one at \$1,620, five at \$1,380 each, one in Secretary's office, \$1,680, one, \$1,560, one, \$1,260; in all, \$144,540.

#### DOCUMENT ROOM

Salaries: Superintendent, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; first assistant, \$2,640; second assistant, \$2,040; four assistants, at \$2,040 each; skilled laborer, \$1,380; in all, \$19,220.

Salaries.

#### COMMITTEE EMPLOYEES

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$4,800; assistant clerk, \$3,900; three assistant clerks at \$3,000 each; two assistant clerks at \$2,220 each; messenger, \$1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Banking and Currency—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220. Civil Service—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Claims—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks, at \$2,220 each. Commerce—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks, at \$2,220 each. Conference Majority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Conference Minority of the Senate—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. District of Columbia—clerk, \$3,900; two assistant clerks at \$2,880 each; assistant clerk, \$2,220; additional clerk, \$1,800. Education and Labor—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Enrolled Bills—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Expenditures in the Executive Departments—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Finance—clerk, \$4,200; special assistant to the committee, \$3,600; assistant clerk, \$2,880; assistant clerk, \$2,700; assistant clerk, \$2,400; two assistant clerks at \$2,220 each; two experts (one for majority and one for the minority) at \$3,600 each; messenger, \$1,800. Foreign Relations—clerk, \$3,900; assistant clerk, \$2,880 and \$500 additional so long as the position is held by the present incumbent; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800; messenger, \$1,800. Immigration—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Indian Affairs—clerk, \$3,900; assistant clerk, \$3,600, and \$1,400 additional so long as the position is held by the present incumbent; assistant clerk, \$2,880; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Interoceanic Canals—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Interstate Commerce—clerk, \$3,900; assistant clerk, \$3,600; assistant clerk, \$2,880; two assistant clerks at \$2,580 each; assistant clerk, \$2,220. Irrigation and Reclamation—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Judiciary—clerk, \$3,900; assistant clerk, \$2,880; two assistant clerks at \$2,580 each;

Clerks and messengers.

assistant clerk, \$2,220. Library—clerk, \$3,900; two assistant clerks at \$2,400 each; assistant clerk, \$2,220; additional clerk, \$1,800. Manufactures—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Military Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Mines and Mining—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; two additional clerks at \$1,800 each. Naval Affairs—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,400; two assistant clerks at \$2,220 each. Patents—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Pensions—clerk, \$3,900; assistant clerk, \$2,580; four assistant clerks at \$2,220 each. Post Offices and Post Roads—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,520; three assistant clerks at \$2,220 each; additional clerk, \$1,800. Printing—clerk, \$3,900; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Privileges and Elections—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Buildings and Grounds—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Public Lands and Surveys—clerk, \$3,900; assistant clerk, \$2,880; assistant clerk, \$2,580; two assistant clerks at \$2,220 each. Revision of the Laws—clerk, \$3,900; assistant clerk, \$2,400; assistant clerk, \$2,220; additional clerk, \$1,800. Rules—clerk, \$3,900 and \$200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, \$2,880; assistant clerk, \$2,580; assistant clerk, \$2,220; additional clerk, \$1,800. Territories and Insular Affairs—clerk, \$3,900; assistant clerk, \$2,580; two assistant clerks at \$2,220 each; assistant clerk, \$2,000; additional clerk, \$1,800; in all, \$506,260.

Senate Manual.

#### CLERICAL ASSISTANCE TO SENATORS

Clerical assistance to Senators who are not chairmen of the committees specially provided for herein, as follows: Seventy clerks at \$3,900 each; seventy assistant clerks at \$2,400 each; and seventy assistant clerks at \$2,220 each; such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman; seventy additional clerks at \$1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, \$1,800; in all, \$724,200.

Ninety-six additional clerks at \$1,800 per annum each, one for each Senator, \$172,800.

Ninety-six additional clerks at \$1,500 per annum each, one for each Senator, \$144,000.

Twenty-six additional clerks at \$1,500 per annum each, one for each Senator from each State which has a population of three million or more inhabitants, \$39,000.

In all, clerical assistance to Senators, \$1,080,000.

#### OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Salaries: Sergeant at Arms and Doorkeeper, \$8,000; two secretaries (one for the majority and one for the minority), at \$5,400 each and \$1,500 additional each so long as the respective positions are held by the present respective incumbents; two assistant secretaries (one for the majority and one for the minority), at \$4,320 each; Deputy Sergeant at Arms and storekeeper, \$4,800; clerks—one \$3,000, one \$2,100, two at \$2,000 each, one \$1,800, one to the secretary for the majority, \$2,280, one to the secretary of the minority, \$2,280, one

Clerical assistance to Senators not chairmen of specified committees.  
Post, p. 1030.

Additional clerical assistance.

Salaries.

\$1,500; assistant doorkeeper, \$2,880; messengers—three (acting as assistant doorkeepers) at \$2,400 each; thirty (including four for minority) at \$1,740 each; four at \$1,620 each; one at card door, \$2,640, and \$240 additional so long as the position is held by the present incumbent; clerk on Journal work for Congressional Record to be selected by the Official Reporters, \$3,360; upholsterer and locksmith, \$2,600; cabinetmaker, \$2,040; three carpenters at \$2,040 each; janitor, \$2,400; five skilled laborers, \$1,680 each; laborer in charge of private passage, \$1,740; four female attendants in charge of ladies' retiring rooms, at \$1,500 each; three female attendants in charge of ladies' retiring rooms, Senate Office Building, at \$1,500 each; attendant authorized by S. Res. 252, adopted May 13, 1938, \$1,500; telephone operators—chief \$2,460 and \$280 additional so long as the position is held by the present incumbent; fourteen at \$1,620 each; laborer in charge of Senate toilet rooms in old library space, \$1,200; press gallery—superintendent, \$3,660; assistant superintendent, \$2,520; assistant superintendent, \$2,400; messengers for service to press correspondents—four at \$1,440 each; laborers—three at \$1,380 each, thirty at \$1,260 each, three at \$480 each; special employees—seven at \$1,000 each; twenty-one pages for the Senate Chamber, at the rate of \$4 per day each, during the session, \$15,204; in all, \$269,044.

*Post*, p. 1030.

Police force for Senate Office Building under the Sergeant at Arms: Lieutenant, \$1,740; special officer, \$1,740; thirty-one privates at \$1,620 each; in all, \$53,700.

Police force for Senate Office Building.

#### POST OFFICE

Salaries: Postmaster, \$3,600; assistant postmaster, \$2,880; Chief Clerk, \$2,460; wagon master, \$2,280; twenty-six mail carriers, at \$1,620 each; in all, \$53,340.

Salaries.

#### FOLDING ROOM

Salaries: Foreman, \$2,460; assistant, \$2,160; clerk, \$1,740; folders—chief, \$2,040, fourteen at \$1,440 each; in all, \$28,560.

Salaries.

#### CONTINGENT EXPENSES OF THE SENATE

Vice President's automobile: For purchase, exchange, driving, maintenance, and operation of an automobile for the Vice President, \$4,000.

Automobile for Vice President.

Reporting Senate proceedings: For reporting the debates and proceedings of the Senate, payable in equal monthly installments, \$60,340.

Reporting Senate proceedings.

Furniture: For services in cleaning, repairing, and varnishing furniture, \$2,000.

Furniture.

For materials for furniture and repairs of same, exclusive of labor, and for the purchase of furniture, \$8,000.

Inquiries and investigations: For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, \$150,000: *Provided*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

Inquiries and investigations.  
*Post*, p. 628.

*Proviso*.  
Per diem, etc.  
44 Stat. 688.  
5 U. S. C. §§ 821-833.

For expenses of compiling Senate contested election cases as authorized by Senate Resolution Numbered 229, agreed to February 7, 1940, \$2,000 to be immediately available.

Senate contested election cases.

Joint Committee on Internal Revenue Taxation: For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$28,250.

Joint Committee on Internal Revenue Taxation.  
*Post*, p. 470.

Folding documents.	Folding documents: For folding speeches and pamphlets at a rate not exceeding \$1 per thousand, \$18,000. For materials for folding, \$1,500.
Fuel, etc.	Fuel, and so forth: For fuel, oil, cotton waste, and advertising, exclusive of labor, \$2,000.
Senate restaurants. <i>Post</i> , p. 1031.	Senate restaurants: For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building, and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$35,000.
Motor vehicles.	Motor vehicles: For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$8,760.
Miscellaneous items.	Miscellaneous items: For miscellaneous items, exclusive of labor, \$350,000.
Packing boxes.	Packing boxes: For packing boxes, \$970.
Postage stamps.	Postage stamps: For office of Secretary, \$350; office of Sergeant at Arms, \$150; in all, \$500.
Stationery.	Stationery: For stationery for Senators and for the President of the Senate, including \$7,500 for stationery for committees and officers of the Senate, \$19,500.
Rent of warehouse.	Rent: For rent of warehouse for storage of public documents, \$2,000.

## HOUSE OF REPRESENTATIVES

### SALARIES AND MILEAGE OF MEMBERS

Compensation.	For compensation of Members of the House of Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico, \$4,385,000.
Mileage.	For mileage of Representatives, the Delegate from Hawaii, and the Resident Commissioner from Puerto Rico, and for expenses of the Delegate from Alaska, \$171,000.
Officers, clerks, etc.	For compensation of officers, clerks, messengers, and others:

### OFFICE OF THE SPEAKER

Salaries.	Salaries: Secretary to the Speaker, \$4,620; three clerks to the Speaker, at \$2,400 each; messenger to Speaker \$1,680; in all, \$13,500.
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### THE SPEAKER'S TABLE

Salaries.	Salaries: Parliamentarian \$5,000, and \$2,500 additional so long as the position is held by the present incumbent, and for preparing Digest of the Rules, \$1,000 per annum; Assistant Parliamentarian, \$2,760 and \$750 additional so long as the position is held by the present incumbent; messenger to Speaker's Table, \$1,740; in all, \$13,750.
Digest of the Rules.	

### CHAPLAIN

Chaplain.	Chaplain of the House of Representatives, \$1,680.
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### OFFICE OF THE CLERK

Salaries.	Salaries: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$8,000; Journal clerk, two reading clerks, and tally clerk, at \$5,000 each; enrolling clerk, \$4,000; disbursing clerk, \$3,960 and \$1,040 additional so long as the position is held by the present incumbent; file clerk, \$3,780; chief bill clerk, \$3,540; assistant enrolling clerk, \$3,900; assistant to disbursing clerk, \$3,120; stationery clerk, \$2,880; librarian, \$2,760;
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assistant librarian, and assistant file clerk at \$2,520 each; assistant Journal clerk, and assistant librarian, at \$2,460 each; clerks—one at \$2,460, four at \$2,340 each; bookkeeper, and assistant in disbursing office, at \$2,160 each; three assistants to chief bill clerk at \$2,100 each; stenographer to the Clerk, \$2,500; assistant in stationery room, \$1,740; three messengers at \$1,680 each; stenographer to Journal clerk, \$1,560; laborers—three at \$1,440 each, ten at \$1,260 each; telephone operators—assistant chief, \$1,800; twenty-three at \$1,620 each; substitute telephone operator, when required, at \$4 per day, \$1,460; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, \$3,960; two assistant custodians at \$3,360 each; locksmith and typewriter repairer, \$1,860; messenger and clock repairer, \$1,740; operation, maintenance, and repair of motor vehicles, \$1,200; in all, \$173,140.

#### COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Agriculture—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Appropriations—clerk, \$7,000 and \$1,000 additional so long as the position is held by the present incumbent; assistant clerk, \$5,000 and \$2,500 additional so long as the position is held by the present incumbent; assistant clerk, \$3,900, and \$1,100 additional so long as the position is held by the present incumbent; two assistant clerks at \$3,900 each and \$600 each additional so long as the respective positions are held by the present respective incumbents; assistant clerk, \$3,900; assistant clerk, \$3,600 and \$900 additional so long as the position is held by the present incumbent; assistant clerk, \$3,300 and \$600 additional so long as the position is held by the present incumbent; assistant clerk, \$3,300; messenger, \$1,680; page, \$1,260; four clerk-stenographers, at the annual rate of \$1,800 each, one for each subcommittee of the Committee on Appropriations having jurisdiction over a regular annual appropriation bill as shall be designated by the chairman of the Committee on Appropriations and to be appointed by the chairmen of the subcommittees so designated, subject to the approval of the chairman, \$7,200. Banking and Currency—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Census—clerk, \$2,760; janitor, \$1,260. Civil Service—clerk, \$2,760; janitor, \$1,260. Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Coinage, Weights, and Measures—clerk, \$2,760; janitor, \$1,260. Disposition of Executive Papers—clerk, \$2,760. District of Columbia—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Education—clerk, \$2,760; janitor, \$1,260. Election of the President, Vice President, and Representatives in Congress—clerk, \$2,760. Elections Numbered 1—clerk, \$2,760; janitor, \$1,260. Elections Numbered 2—clerk, \$2,760; janitor, \$1,260. Elections Numbered 3—clerk, \$2,760; janitor, \$1,260. Enrolled Bills—clerk, \$2,760; janitor, \$1,260. Expenditures in Executive Departments—clerk, \$3,300; janitor, \$1,260. Flood Control—clerk, \$2,760; janitor, \$1,260. Foreign Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Immigration and Naturalization—clerk, \$3,300; janitor, \$1,260. Indian Affairs—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,260. Insular Affairs—clerk, \$2,760; janitor, \$1,260. Interstate and Foreign Commerce—clerk, \$3,900; additional clerk, \$2,640; assistant clerk, \$2,100; janitor, \$1,560. Irrigation and Reclamation—clerk, \$2,760; janitor, \$1,260. Invalid Pensions—clerk, \$3,300; assistant clerk, \$2,880; expert examiner, \$2,700; stenographer, \$2,640; janitor, \$1,500. Clerks, messengers,  
and janitors.

ary—clerk, \$3,900; assistant clerk, \$2,460; assistant clerk, \$1,980; janitor, \$1,560. Labor—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Library—clerk, \$2,760; janitor, \$1,260. Merchant Marine and Fisheries—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Military Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Mines and Mining—clerk, \$2,760; janitor, \$1,260. Naval Affairs—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Patents—clerk, \$2,760; janitor, \$1,260. Pensions—clerk, \$3,300; assistant clerk, \$2,160; janitor, \$1,260. Post Office and Post Roads—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,560. Printing—clerk, \$2,760; janitor, \$1,560. Public Buildings and Grounds—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Public Lands—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Revision of the Laws—clerk, \$3,300; janitor, \$1,260. Rivers and Harbors—clerk, \$3,300; assistant clerk, \$2,460; janitor, \$1,560. Roads—clerk, \$2,760; assistant clerk, \$1,740; janitor, \$1,260. Rules—clerk, \$3,300; assistant clerk, \$2,100; janitor, \$1,260. Territories—clerk, \$2,760; janitor, \$1,260. War Claims—clerk, \$3,300; assistant clerk, \$1,740; janitor, \$1,260. Ways and Means—clerk, \$4,620; assistant clerk and stenographer, \$2,640; assistant clerk, \$2,580; clerk for minority, \$3,180 and \$420 additional so long as the position is held by the present incumbent; janitors—one, \$1,560; two at \$1,260 each. World War Veterans' Legislation—clerk, \$3,300; assistant clerk, \$2,460; in all, \$320,980.

## OFFICE OF SERGEANT AT ARMS

## Salaries.

Salaries: Sergeant at Arms, \$8,000; Deputy Sergeant at Arms in charge of Mace, \$3,180; cashier, \$6,000; assistant cashier, \$4,000; two bookkeepers, at \$3,360 each; Deputy Sergeant at Arms in charge of pairs, \$3,600, and \$300 additional while the position is held by the present incumbent; pair clerk and messenger, \$2,820; stenographer and typewriter, \$1,800; skilled laborer, \$1,380; hire of automobile, \$600; in all, \$38,400.

## Police force, House Office Building.

Police force, House Office Building, under the Sergeant at Arms: Lieutenant, \$1,740; sergeant, \$1,680; thirty-seven privates at \$1,620 each; in all, \$63,360.

## OFFICE OF DOORKEEPER

## Salaries.

Salaries: Doorkeeper, \$6,000; special employee, \$3,000; superintendent of House Press Gallery, \$3,660; assistants to the superintendent of the House Press Gallery—one at \$2,520 and one at \$2,400; House Radio Press Gallery—superintendent of radio room at \$2,700; messenger at \$1,560; chief janitor, \$2,700; messengers—one chief messenger, \$2,240, sixteen messengers at \$1,740 each, fourteen on soldiers' roll at \$1,740 each; laborers—seventeen at \$1,260 each, two (cloakroom) at \$1,380 each, one (cloakroom), \$1,260, and seven (cloakroom) at \$1,140 each; three female attendants in ladies' retiring rooms at \$1,680 each, attendant for the ladies' reception room, \$1,440; superintendent of folding room, \$3,180; foreman of folding room, \$2,640; chief clerk to superintendent of folding room, \$2,460; three clerks at \$2,160 each; janitor, \$1,260; laborer, \$1,260; thirty-one folders at \$1,440 each; shipping clerk, \$1,740; two drivers at \$1,380 each; two chief pages at \$1,980 each; two telephone pages at \$1,680 each; two floor managers of telephones (one for the minority) at \$3,180 each; two assistant floor managers in charge of telephones (one for the minority) at \$2,100 each; forty-seven pages during the session, including ten pages for duty at the entrances to the Hall of the House, at \$4 per day each, \$34,028; superintendent of document room (Elmer A. Lewis), \$3,960 and \$1,040 additional so long as the posi-

## Document room.

tion is held by the present incumbent; assistant superintendent of document room, \$2,760 and \$420 additional so long as the position is held by the present incumbent; clerk, \$2,320; assistant clerk, \$2,160; eight assistants at \$1,860 each; janitor, \$1,440; messengers to press room (House Press Gallery)—one at \$1,560, one at \$1,440; maintenance and repair of folding room motortruck, \$500; in all, \$269,688.

#### SPECIAL AND MINORITY EMPLOYEES

For the minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931, and Numbered 281 of July 21, 1937: Two at \$5,000 each, one at \$3,000, two at \$2,820 each; one at \$3,600, and \$300 additional while the position is held by the present incumbent (minority pair clerk, House Resolution Numbered 313 of August 7, 1935); in all, \$22,540.

Minority employ-  
ees.

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, \$1,980; laborer, authorized and named in the resolution of April 28, 1914, \$1,380; laborer, \$1,380; in all, \$4,740.

Special employees.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Naming of succes-  
sors.

Office of majority floor leader: Legislative clerk, \$3,110; clerk, \$2,530; two assistant clerks, at \$1,800 each; for official expenses of the majority leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, \$2,000; in all, \$11,240.

Office of majority  
floor leader.

Conference minority: Clerk, \$3,180; legislative clerk, \$3,060; assistant clerk, \$2,100; janitor, \$1,560; in all, \$9,900. The foregoing employees to be appointed by the minority leader.

Conference minor-  
ity.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at \$1,740 each; in all, \$3,480.

Caucus room mes-  
sengers.

#### POST OFFICE

Salaries: Postmaster, \$5,000; assistant postmaster, \$2,880; two registry and money-order clerks, at \$2,100 each; forty messengers (including one to superintend transportation of mails), at \$1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed \$145 per month each, \$1,740; laborer, \$1,260; in all, \$84,680.

Salaries.

Motor vehicles: For the purchase, exchange, maintenance, and repair of motor vehicles for carrying the mails, \$2,500.

Motor vehicles.

#### OFFICIAL REPORTERS OF DEBATES

Salaries: Six official reporters of the proceedings and debates of the House at \$7,500 each; clerk, \$4,000; assistant clerk, \$2,000; six expert transcribers at \$2,000 each; in all, \$63,000.

Salaries.

#### COMMITTEE STENOGRAPHERS

Salaries: Four stenographers to committees, at \$7,000 each and two stenographers to committees, at \$6,000 each; clerk, \$3,360; in all, \$43,360.

Salaries.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-one days from January 1 to June 30, 1941, both inclusive.

"During the session"  
construed.

## CLERK HIRE, MEMBERS, AND DELEGATES

## Clerk hire.

For clerk hire necessarily employed by each Member and Delegate, and the Resident Commissioner from Puerto Rico, in the discharge of his official and representative duties, in accordance with the Act entitled "An Act to fix the compensation of officers and employees of the legislative branch of the Government", approved June 20, 1929, as amended by the Act of July 25, 1939, \$2,847,000.

46 Stat. 38; 53 Stat. 1080.  
2 U. S. C. § 60b;  
Supp. V, § 60b.

## CONTINGENT EXPENSES OF THE HOUSE

## Furniture, etc.

Furniture: For furniture and materials for repairs of the same, including not to exceed \$29,000 for labor, tools, and machinery for furniture repair shops, \$45,000.

Packing boxes.  
*Proviso.*  
Restriction.

Packing boxes: For packing boxes, \$3,000: *Provided*, That no part of this appropriation shall be used to furnish a packing box to any Representative, Delegate, or Resident Commissioner for any session of Congress unless request therefor has been made not later than thirty days after the sine die adjournment of any such session.

## Miscellaneous items.

Miscellaneous items: For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including reimbursement to the official stenographers to committees for the amounts actually paid out by them for transcribing hearings, and including materials for folding, \$97,500.

## Reporting committee hearings.

Reporting committee hearings: For stenographic reports of hearings of committees other than special and select committees, \$25,000.

## Special and select committees.

Special and select committees: For expenses of special and select committees authorized by the House, \$100,000.

## Joint Committee on Internal Revenue Taxation.

Joint Committee on Internal Revenue Taxation: For payment of one-half of the salaries and other expenses of the Joint Committee on Internal Revenue Taxation as authorized by law, \$28,250.

*Ante*, p. 465.

## Funeral expenses.

Funeral expenses: No part of the appropriations contained herein for the contingent expenses of the House of Representatives shall be used to defray the expenses of any committee consisting of more than six persons (not more than four from the House and not more than two from the Senate), nor to defray the expenses of any other person except the Sergeant at Arms of the House or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death is a Representative, a Delegate from a Territory, or a Resident Commissioner from Puerto Rico.

## Telegraph and telephone service.

Telegraph and telephone: For telegraph and telephone service, exclusive of personal services, \$130,000.

## Stationery.

Stationery: For stationery for Representatives, Delegates, and the Resident Commissioner from Puerto Rico, for the first session of the Seventy-seventh Congress, and for stationery for the use of the committees and officers of the House (not to exceed \$5,000), \$92,600.

Attending physician's office.  
*Post*, p. 629.

Attending physician's office: For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of not to exceed \$30 per month each to three assistants as provided by the House resolutions adopted July 1, 1930, and January 20, 1932, \$4,000, of which sum \$500 shall be available immediately.

## Postage stamps.

Postage stamps: Postmaster, \$200; Clerk, \$400; Sergeant at Arms, \$250; Doorkeeper, \$100; in all, \$950.

## Folding documents.

Folding documents: For folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, \$30,000, of which sum \$6,000 shall be available immediately.

Revision of laws.  
45 Stat. 1008.

Revision of laws: For preparation and editing of the laws as authorized, by the Act approved May 29, 1928 (1 U. S. C., 59),

\$6,500, to be expended under the direction of the Committee on Revision of the Laws.

Clerk's office, special assistance: For assistants in compiling lists of reports to be made to Congress by public officials; compiling copy and revising proofs for the House portion of the Official Register; preparing and indexing the statistical reports of the Clerk of the House; compiling the telephone and Members' directories; preparing and indexing the daily calendars of business; preparing the official statement of Members' voting records; preparing lists of congressional nominees and statistical summary of elections; preparing and indexing questions of order printed in the Appendix to the Journal pursuant to House Rule III; for recording and filing statements of political committees and candidates for election to the House of Representatives pursuant to the Federal Corrupt Practices Act, 1925 (2 U. S. C. 241-256); and for such other assistance as the Clerk of the House may deem necessary and proper in the conduct of the business of his office, \$4,500: *Provided*, That no part of this appropriation shall be used to augment the annual salary of any employee of the House of Representatives.

Compiling testimony in contested-election cases: For services in compiling, arranging for the printer, reading proof, indexing testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested-election cases of the Seventy-fifth and Seventy-sixth Congresses, as authorized by the Act entitled "An Act relating to contested elections", approved March 2, 1887 (2 U. S. C. 201-226), \$1,250.

Speaker's automobile: For exchange, driving, maintenance, repair, and operation of an automobile for the Speaker, \$4,000.

Clerk's office, special assistance.

Official Register.

43 Stat. 1070.

*Proviso.*  
Restriction on use of funds.

Contested-election cases.

24 Stat. 445.  
2 U. S. C. § 223.

Automobile for Speaker.

## CAPITOL POLICE

Salaries: Captain, \$2,700; three lieutenants, at \$1,740 each; two special officers, at \$1,740 each; three sergeants, at \$1,680 each; fifty-two privates, at \$1,620 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, \$100,680: *Provided*, That no part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police (including those for the Senate and House Office Buildings) who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided further*, That the Capitol Police Board is hereby authorized to detail police from the House and Senate Office Buildings for police duty on the Capitol Grounds.

General expenses: For purchasing and supplying uniforms, purchase, exchange, maintenance, and repair of motor-propelled passenger-carrying vehicles, contingent expenses, including \$25 per month for extra services performed by a member of such force for the Capitol Police Board, \$9,400.

One-half of the foregoing amounts under "Capitol Police" shall be disbursed by the Secretary of the Senate and one-half by the Clerk of the House.

Salaries.

*Provisos.*  
Standards required.

Details for duty on Capitol Grounds.

General expenses.

Division of disbursements.

## JOINT COMMITTEE ON PRINTING

Salaries: Clerk, \$4,000 and \$800 additional so long as the position is held by the present incumbent; inspector under section 20 of the Act approved January 12, 1895 (44 U. S. C. 49), \$2,820; assistant clerk and stenographer, \$2,640; for expenses of compiling, preparing, and indexing the Congressional Directory, \$1,600; in all, \$11,860, one-

Salaries.

28 Stat. 603.

Congressional Directory.

half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House.

## OFFICE OF LEGISLATIVE COUNSEL

Salaries and expenses.

*Proviso.*  
Salary of Legislative Counsel.

Salaries and expenses: For salaries and expenses of maintenance of the office of Legislative Counsel, as authorized by law, \$77,500, of which \$37,500 shall be disbursed by the Secretary of the Senate and \$40,000 by the Clerk of the House of Representatives: *Provided*, That hereafter the compensation of the Legislative Counsel of the Senate shall be at the rate of \$10,000 per annum so long as the position is held by the present incumbent.

## STATEMENT OF APPROPRIATIONS

Preparation, 2d and 3d sessions, 76th Congress.

For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives of the statements for the second and third sessions of the Seventy-sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills, as required by law \$4,000 to be paid to the persons designated by the chairmen of such committees to do the work.

## ARCHITECT OF THE CAPITOL

### OFFICE OF THE ARCHITECT OF THE CAPITOL

Salaries.

Salaries: For the Architect of the Capitol, Assistant Architect of the Capitol, and other personal services at rates of pay provided by law; and the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect; \$59,100.

Traveling expenses, limitation.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$1,500.

### CAPITOL BUILDINGS AND GROUNDS

Capitol Buildings.  
*Post*, p. 629.

Capitol Buildings: For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special clothing for workmen; waterproof wearing apparel; personal and other services; cleaning and repairing works of art; purchase or exchange (not to exceed \$1,000), maintenance, and driving of motor-propelled passenger-carrying office vehicle; not exceeding \$300 for the purchase of technical and necessary reference books, periodicals, and city directory; \$304,041.

Capitol Grounds.

Capitol Grounds: For care and improvement of grounds surrounding the Capitol, Senate and House Office Buildings; Capitol power plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; purchase of waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without compliance with sections 3709 (41 U. S. C., 5) and 3744 (41 U. S. C., 16) of the Revised Statutes, \$131,991.

*Post*, p. 1109.  
41 U. S. C., Supp.  
V, § 16.  
Legislative garage.

Legislative garage: For maintenance, repairs, alterations, personal and other services, and all necessary incidental expenses, \$11,880.

Subway transportation, Capitol and Senate Office Buildings: For repairs, rebuilding, and maintenance of the subway system connecting the Senate Office Building with the Senate wing of the United States Capitol and for personal and other services, including maintenance of the cars, track, and electrical equipment connected therewith, \$2,000.

Subway transportation, Capitol and Senate Office Buildings.

Senate Office Building: For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; and for personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, including four female attendants in charge of ladies' retiring rooms at \$1,500 each; in all, \$306,745, of which amount not exceeding \$10,000 shall be available for painting office and committee rooms and corridors, and not exceeding \$5,000 for the purchase of rugs and carpets: *Provided*, That structural changes in the Senate Office Building shall only be made with the approval of the Architect of the Capitol.

Senate Office Building. Maintenance, etc. *Post*, p. 1031.

*Proviso.* Restriction on structural changes.

Not to exceed \$3,000 of the unexpended balance on June 30, 1940, of the appropriation for the maintenance of the Senate Office Building carried in the Legislative Branch Appropriation Act, fiscal year 1940, shall continue available until June 30, 1941, for rewiring electrical floor ducts in the Senate Office Building.

Rewiring electrical floor ducts.

53 Stat. 832.

House Office Buildings: For maintenance, including equipment, waterproof wearing apparel, miscellaneous items, and for all necessary services, \$432,200.

House Office Buildings.

Capitol Power Plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and folding and storage rooms of the Senate, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and for light and power therefor whenever available; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the plant, \$554,190.

Capitol Power Plant.

The appropriations under the control of the Architect of the Capitol may be expended without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments.

Expenditures.

36 Stat. 531.

The Government Printing Office and the Washington City post office shall reimburse the Capitol power plant for heat, light, and power whenever any such service is furnished during the fiscal year 1941, and the amounts so reimbursed shall be covered into the Treasury.

Reimbursement for heat, etc., by designated buildings.

LIBRARY BUILDINGS AND GROUNDS

MECHANICAL AND STRUCTURAL MAINTENANCE

Salaries: For chief engineer and all personal services at rates of pay provided by law, \$87,900.

Salaries.

Salaries, Sunday opening: For extra services of employees and additional employees under the Architect of the Capitol to provide for the opening of the Library Buildings on Sundays and on holidays, at rates to be fixed by such Architect, \$6,768.

Salaries, Sunday opening.

General repairs, and so forth: For necessary expenditures for the Library Buildings and Grounds under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, waterproof wearing apparel, material, and appurtenances, and personal and other services in connection

General repairs, etc.

with the mechanical and structural maintenance of such buildings and grounds, \$36,539, of which \$3,649 shall be immediately available.

Furniture, etc.

Furniture, and so forth: For furniture, including partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, \$94,799, of which amount \$58,878 shall be available immediately.

#### BOTANIC GARDEN

Salaries.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Salaries: For personal services (including not exceeding \$3,000 for miscellaneous temporary labor without regard to the Classification Act of 1923, as amended), \$81,662; all under the direction of the Joint Committee on the Library.

Maintenance, operation, repairs, and improvements.

Maintenance, operation, repairs, and improvements: For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden, and the nurseries, buildings, grounds, and equipment pertaining thereto, including procuring fertilizers, soils, tools, trees, shrubs, plants, and seeds; materials and miscellaneous supplies, including rubber boots and aprons when required for use by employees in connection with their work; not to exceed \$25 for emergency medical supplies; disposition of waste; traveling expenses of the Director and his assistants not to exceed \$250; street-car fares not exceeding \$25; office equipment and contingent expenses; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; repair, maintenance, operation, purchase, and exchange of motor-trucks and a passenger motor vehicle (the cost of such passenger vehicle not to exceed \$750, including the amount allowed on any vehicle given in part payment therefor); purchase of botanical books, periodicals, and books of reference, not to exceed \$100; repairs and improvements to Director's residence; and all other necessary expenses; all under the direction of the Joint Committee on the Library, \$23,125.

Traveling expenses.

Vehicles.

Purchase of plants, etc.

Post, p. 1110.  
41 U. S. C., Supp. V, § 5.

The sum of \$300 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5).

Distribution of nursery stock.

No part of the appropriations contained herein for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

Open-market purchase of supplies.

41 U. S. C. §§ 5, 16;  
Supp. V, §§ 5, 16.  
Post, p. 1109.

The purchase of supplies and equipment and the procurement of services at the Botanic Garden may be made in the open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed \$50 in any instance.

#### LIBRARY OF CONGRESS

Salaries.

Salaries, Library, Proper: For the Librarian, the Librarian Emeritus, Chief Assistant Librarian, and other personal services, including special and temporary services and extra special services of regular employees (not exceeding \$2,000) at rates to be fixed by the Librarian, \$1,256,920, of which sum \$8,820 shall be immediately available: *Provided*, That not to exceed \$10,000 of any money accruing from lapses under this appropriation may be transferred in such sums as the Librarian may designate to the appropriations for the Copyright Office Union Catalogs, Distribution of Card Indexes, and Library Buildings; but none of such transferred funds shall be utilized for the employment of additional personnel.

Proviso.  
Transfer of funds.

Restriction.

## COPYRIGHT OFFICE

Salaries: For the Register of Copyrights, assistant register, and other personal services, \$293,240, of which sum \$3,180 shall be immediately available.

Salaries.

## LEGISLATIVE REFERENCE SERVICE

Salaries: To enable the Librarian of Congress to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress, and committees and Members thereof, and for printing and binding the digests of public general bills, and including not to exceed \$5,700 for employees engaged on piece work and work by the day or hour at rates to be fixed by the Librarian, \$122,080: *Provided*, That not more than \$20,000 of this sum shall be used for preparation and reproduction of copies of the Digest of General Public Bills.

Salaries.

Digests of public general bills.

*Proviso.*  
Limitation.

## DISTRIBUTION OF CARD INDEXES

Salaries and expenses: For the distribution of card indexes and other publications of the Library, including personal services, freight charges (not exceeding \$500), expressage, postage, traveling expenses connected with such distribution, expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, and including not to exceed \$76,000 for employees engaged in piece work and work by the day or hour and for extra special services of regular employees at rates to be fixed by the Librarian; in all, \$246,760.

Salaries and expenses.

## INDEX TO STATE LEGISLATION

Salaries and expenses: To enable the Librarian of Congress to prepare an index to the legislation of the several States, together with a supplemental digest of the more important legislation, as authorized and directed by the Act entitled "An Act providing for the preparation of a biennial index to State legislation", approved February 10, 1927 (2 U. S. C. 164, 165), including personal and other services within and without the District of Columbia, including not to exceed \$2,500 for special and temporary services at rates to be fixed by the Librarian, travel, necessary material and apparatus, and for printing and binding the indexes and digests of State legislation for official distribution only, and other printing and binding incident to the work of compilation, stationery, and incidentals, \$32,500.

Salaries and expenses.

44 Stat. 1066.

Temporary services.

Printing and binding.

## SUNDAY OPENING

Salaries: To enable the Library of Congress to be kept open for reference use on Sundays and on holidays within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, at rates to be fixed by the Librarian, \$25,032.

Salaries.

## UNION CATALOGS

Salaries and expenses: To continue the development and maintenance of the Union Catalogs, including personal services within and without the District of Columbia (and not to exceed \$700 for special and temporary services, including extra special services of regular employees, at rates to be fixed by the Librarian), travel, necessary material and apparatus, stationery, photostat supplies, and incidentals, \$26,180.

Salaries and expenses.

## INCREASE OF THE LIBRARY OF CONGRESS

General increase of Library.

**General increase of Library:** For purchase of books, miscellaneous periodicals and newspapers, photo-copying supplies and photo-copying labor, and all other material for the increase of the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses not to exceed \$5,000, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, \$148,000, to continue available during the fiscal year 1942.

Traveling expenses.

Increase of law library.

**Increase of the law library:** For the purchase of books and for legal periodicals for the law library, including payment for legal society publications and for freight, commissions, and all other expenses incidental to the acquisition of lawbooks, and all other material for the increase of the law library, \$85,000, to continue available, during the fiscal year 1942.

Books for the Supreme Court.

**Books for the Supreme Court:** For the purchase of books and periodicals for the Supreme Court, to be a part of the Library of Congress, and purchased by the Marshal of the Supreme Court, under the direction of the Chief Justice, \$10,000.

## BOOKS FOR ADULT BLIND

Books for adult blind.  
Post, pp. 630, 1031.  
46 Stat. 1487.  
2 U. S. C. §§ 135a,  
135b; Supp. V. § 135a.

To enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind", approved March 3, 1931 (2 U. S. C. 135a), as amended, \$275,000, including not exceeding \$16,500 for personal services and not exceeding \$500 for necessary traveling expenses connected with such service and for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian.

## PRINTING AND BINDING

General printing and binding.

**General printing and binding:** For miscellaneous printing and binding for the Library of Congress, including the Copyright Office, and the binding, rebinding, and repairing of library books, and for the Library Buildings, \$400,000.

Catalog of Title Entries of the Copyright Office, etc.

**Printing the Catalog of Title Entries of the Copyright Office:** For the publication of the Catalog of Title Entries of the Copyright Office and the decisions of the United States courts involving copyright, \$59,600.

Catalog cards.

**Printing catalog cards:** For the printing of catalog cards, \$197,500.

## CONTINGENT EXPENSES OF THE LIBRARY

Stationery, office supplies, etc.

**For miscellaneous and contingent expenses, stationery, office supplies, stock, and materials directly purchased, miscellaneous traveling expenses, postage, transportation, incidental expenses connected with the administration of the Library and Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian, \$11,000.**

Attendance at meetings.

Photoduplicating expenses.

**For paper, chemicals, and miscellaneous supplies necessary for the operation of the photoduplicating machines of the Library and the making of photoduplicate prints, \$6,000.**

## LIBRARY BUILDINGS

Salaries: For the superintendent disbursing officer, and other personal services, in accordance with the Classification Act of 1923, as amended, including special and temporary services and special services of regular employees in connection with the custody, care, and maintenance of the Library Buildings, in the discretion of the Librarian (not exceeding \$750), at rates to be fixed by the Librarian, \$287,406.

Salaries.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

For extra services of employees and additional employees under the Librarian to provide for the opening of the Library Buildings on Sundays and on holidays, at rates to be fixed by the Librarian, \$10,880.

Sunday, etc., opening.

For mail, delivery, including purchase or exchange, maintenance, operation, and repair of a motor-propelled passenger-carrying vehicle, and telephone services, rubber boots, rubber coats, and other special clothing for workmen, uniforms for guards and elevator conductors, medical supplies, equipment, and contingent expenses for the emergency room, stationery, miscellaneous supplies, and all other incidental expenses in connection with the custody and maintenance of the Library Buildings, \$16,700.

Incidentals.

## LIBRARY OF CONGRESS TRUST FUND BOARD

For any expense of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$500.

Expenses.

## GOVERNMENT PRINTING OFFICE

## WORKING CAPITAL AND CONGRESSIONAL PRINTING AND BINDING

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting leave to employees with pay, said pay to be at the rate for their regular positions at the time the leave is granted; rental of buildings and equipment, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of motor-propelled passenger-carrying vehicles, and the purchase or exchange of two such passenger vehicles (at a cost, including the allowance on any vehicle given in part payment therefor, of not to exceed \$1,000 and \$750, respectively), for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service, furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding \$500); adding and numbering machines, time stamps, and other machines of similar

Working capital for execution of printing, binding, etc.

Salaries, etc.

Leave to employees with pay.

Vehicles.

Freight, etc.

## Machinery.

character; rubber boots, coats, and gloves; machinery (not exceeding \$300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the Congressional Record under the direction of the Joint Committee on Printing (chief indexer at \$3,480, one cataloger at \$3,180, two catalogers at \$2,460 each, and one cataloger at \$2,100); for the printing and distribution of the Federal Register in accordance with the provisions of the Act approved July 26, 1935; and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work; in all, \$3,820,000; to which sum shall be charged the printing and binding authorized to be done for Congress including supplemental and deficiency estimates of appropriations, the printing, binding, and distribution of the Federal Register (not exceeding \$120,000), the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$2,000) for official use of the Architect of the Capitol upon requisition of the Secretary of the Senate, in all to an amount not exceeding \$2,820,000: *Provided*, That not less than \$1,000,000 of such working capital shall be returned to the Treasury as an unexpended balance not later than six months after the close of the fiscal year 1941.

Indexes, Congressional Record.

Federal Register.

49 Stat. 500.  
44 U. S. C., Supp. V,  
§§ 301-314.

Printing and binding.

*Proviso.*  
Return of unexpended balance.

Printing and binding for Congress.

Printing and binding for Congress chargeable to the foregoing appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

Payment for work ordered by departments, etc.

During the fiscal year 1941 any executive department or independent establishment of the Government ordering printing and binding from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual cost thereof, as the case may be, and bills rendered by the Public Printer in accordance herewith shall not be subject to audit or certification in advance of payment: *Provided*, That proper adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed upon by the Public Printer and the department or establishment concerned. All sums paid to the Public Printer for work that he is authorized by law to do shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and be subject to requisition by the Public Printer.

*Proviso.*  
Adjustments.

Credit of payments to working capital.

Printing and binding estimates, requirements.

All amounts in the Budget for the fiscal year 1942 for printing and binding for any department or establishment, so far as the Bureau of the Budget may deem practicable, shall be incorporated in a single item for printing and binding for such department or establishment and be eliminated as a part of any estimate for any other purpose. And if any amounts for printing and binding, including the total cost of work produced on the multilith, multi-

graph, and other similar equipment are included as a part of any estimates for any other purposes, such amounts shall be set forth in detail in a note immediately following the general estimate for printing and binding: *Provided*, That the foregoing requirements shall not apply to work to be executed at the Bureau of Engraving and Printing.

No part of any money appropriated in this Act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in the executive branch of the public service of the United States unless such detail be authorized by law.

#### OFFICE OF SUPERINTENDENT OF DOCUMENTS

**Salaries:** For the Superintendent of Documents, assistant superintendent, and other personal services in accordance with the Classification Act of 1923, as amended, and compensation of employees paid by the hour who shall be subject to the provisions of the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U. S. C. 40), \$725,000: *Provided*, That for the purpose of conforming to section 3 of this Act this appropriation shall be considered a separate appropriation unit.

**General expenses:** For furniture and fixtures, typewriters, carpets, labor-saving machines and accessories, time stamps, adding and numbering machines, awnings, curtains, books of reference; directories, books, miscellaneous office and desk supplies, paper, twine, glue, envelopes, postage, carfares, soap, towels, disinfectants, and ice; drayage, express, freight, telephone, and telegraph service; traveling expenses (not to exceed \$200); repairs to buildings, elevators, and machinery; rental of equipment; preserving sanitary condition of building; light, heat, and power; stationery and office printing, including blanks, price lists, bibliographies, catalogs, and indexes; for supplying books to depository libraries; in all, \$292,430: *Provided*, That no part of this sum shall be used to supply to depository libraries any documents, books, or other printed matter not requested by such libraries, and the requests therefor shall be subject to approval by the Superintendent of Documents.

In order to keep the expenditures for printing and binding for the fiscal year 1941 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdictions: *Provided*, That where the printing of such reports is discontinued the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Purchases may be made from the foregoing appropriation under the "Government Printing Office", as provided for in the Printing Act approved January 12, 1895, and without reference to section 4 of the Act approved June 17, 1910 (41 U. S. C. 7), concerning purchases for executive departments.

SEC. 2. No part of the funds herein appropriated shall be used for the maintenance or care of private vehicles.

SEC. 3. In expending appropriations or portions of appropriations contained in this Act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in the Botanic Garden, the Library of Congress, or the Government Printing Office, shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position

*Proviso.*  
Exception.

Detailed employees.

Salaries.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

43 Stat. 658.

*Proviso.*  
Item a separate appropriation unit.

General expenses.

*Proviso.*  
Supplying books, etc., to depository libraries.

Annual or special reports of departments, etc.

*Proviso.*  
Originals to be kept on file.

Purchases.

28 Stat. 601.

36 Stat. 531.

Private vehicles.

Salary restriction.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

*Proviso.*  
Restriction not applicable in designated cases.  
42 Stat. 1490.  
5 U. S. C. § 666.

Rate of compensation and designation of positions.  
46 Stat. 32.  
2 U. S. C. § 60a;  
Supp. V, § 60a.

Short title.

is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade, advances may be made to rates higher than the average of the compensation rates of the grade, but not more often than once in any fiscal year, and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service; (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act; (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit; (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law; or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 4. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is specifically appropriated for herein or whenever the rate of compensation or designation of any position specifically appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, specifically appropriated for herein, shall be the permanent law with respect thereto; and the authority for any position specifically established by such Act which is not specifically appropriated for herein shall cease to exist.

SEC. 5. This Act may be cited as the "Legislative Branch Appropriation Act, 1941".

Approved, June 18, 1940.

## [CHAPTER 397]

### AN ACT

To amend the Code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes.

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

#### ARTICLE I—DEFINITIONS

Definitions.

SECTION 1. DEFINITIONS.—In this Act unless the subject matter requires otherwise—

"Association."

(1) "Association" means a group enterprise legally incorporated under this Act, and shall be deemed to be a nonprofit corporation.

"Member."

(2) "Member" means not only a member in a nonshare association but also a member in a share association.

"Net savings."

(3) "Net savings" means the total income of an association minus the costs of operation.

"Savings returns."

(4) "Savings returns" means the amount returned to the patrons in proportion to their patronage or otherwise in accordance with the provisions of section 31 herein.

"Cooperative basis."

(5) "Cooperative basis" as applied to any incorporated or unincorporated group referred to in sections 4 (7), 13, 23, 37, 40, and 41 herein means—

(a) that each member has one vote and only one vote, except as may be altered in the articles or bylaws by provision for voting by member organizations;

(b) that the maximum rate at which any return is paid on share or membership capital is limited to not more than 8 per centum per annum;

(c) that the net savings after payment, if any, of said limited return on capital and after making provision for such separate funds as may be required or specifically permitted by statute, articles, or bylaws, or allocated or distributed to member patrons, or to all patrons, in proportion to their patronage; or retained by the enterprise, for the actual or potential expansion of its services or the reduction of its charges to the patrons, or for other purposes not inconsistent with its nonprofit character.

## ARTICLE II—WHO MAY INCORPORATE; PURPOSES AND POWERS OF ASSOCIATIONS

SEC. 2. WHO MAY INCORPORATE.—Any five or more natural persons or two or more associations may incorporate in the District of Columbia under this Act.

Who may incorporate.

SEC. 3. PURPOSES.—An association may be incorporated under this Act to engage in any one or more lawful mode or modes of acquiring, producing, building, operating, manufacturing, furnishing, exchanging, or distributing any type or types of property, commodities, goods, or services for the primary and mutual benefit of the patrons of the association (or their patrons, if any) as ultimate consumers.

Purposes.

SEC. 4. POWERS.—An association shall have the capacity to act possessed by natural persons and the authority to do anything required or permitted by this Act and also—

Powers.

(1) To continue as a corporation for the time specified in its articles;

(2) To have a corporate seal and to alter the same at pleasure;

(3) To sue and be sued in its corporate name;

(4) To make bylaws for the government and regulation of its affairs;

(5) To acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

(6) To own and hold membership in and share capital of other associations and any other corporations, and any types of bonds or other obligations; and while the owner thereof to exercise all the rights of ownership;

(7) To borrow money, contract debts, and make contracts, including agreements of mutual aid or federation with other associations, other groups organized on a cooperative basis, and other nonprofit groups;

(8) To conduct its affairs within or without the District of Columbia;

(9) To exercise in addition any power granted to ordinary business corporations, save those powers inconsistent with this Act;

(10) To exercise all powers not inconsistent with this Act which may be necessary, convenient, or expedient for the accomplishment of its purposes, and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

## ARTICLE III—ARTICLES OF INCORPORATION

SEC. 5. ARTICLES OF INCORPORATION; CONTENTS.—Articles of incorporation shall be signed by each of the incorporators and acknowledged by at least three of them if natural persons, and by the presidents and secretaries, if associations, before an officer authorized to take acknowledgments.

Articles of incorporation.  
Signing, etc.

## Contents.

Within the limitations of this Act the articles shall contain—

- (1) A statement as to the purpose or purposes for which the association is formed;
- (2) The name of the association which shall include the word "cooperative";
- (3) The term of existence of the association which may be perpetual;
- (4) The location and address of the principal office of the association;
- (5) The names and addresses of the incorporators of the association;
- (6) The names and addresses of the directors who shall manage the affairs of the association for the first year, unless sooner changed by the members;
- (7) A statement of whether the association is organized with or without shares, and the number of shares or memberships subscribed for;
- (8) If organized with shares, a statement of the amount of authorized capital, the number and types of shares and the par value thereof which may be placed at any figure, and the rights, preferences, and restrictions of each type of share;
- (9) The minimum number or value of shares which must be owned in order to qualify for membership; if organized without shares, a statement of whether the property rights of members shall be equal or unequal, and if unequal, the rule by which their rights shall be determined;
- (10) The maximum amount or percentage of capital which may be owned or controlled by any member; including a statement of whether or not each member shall be limited to a single share, and whether such single shares shall be of various par values;
- (11) The method by which any surplus, upon dissolution of the association, shall be distributed, in conformity with the requirements of section 36 herein for division of such surplus.

## Other provisions.

The articles may also contain any other provisions not inconsistent with law or with this Act, for the conduct of the association's affairs.

## SEC. 6. SAME; FILING; RECORDATION; FEES; EFFECT OF CERTIFICATE.—

## Filing; recordation; fees; etc.

The articles shall be delivered to the recorder of deeds. If he finds that the articles conform to law, he shall file the same upon the payment of a fee of \$5, and he shall record the same, upon payment of a fee of \$1. Said fees shall be in lieu of any other fees or payments provided in section 552 of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, or in any other section of the Code of Laws of the District of Columbia, to be paid for at the time of said filing; and the last paragraph of section 552 of such Act of March 3, 1901, shall have no application to associations organized under this Act. After such filing and recording, he shall issue a certificate of incorporation, whereupon the corporate existence shall begin. Such certificate shall be conclusive evidence of the fact that the corporation has been duly incorporated. This shall not preclude the institution of quo warranto proceedings under sections 1538 through 1548, both inclusive, of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901. The filing or recording of the articles or of amendments thereto, or of any other papers pursuant to this Act is required for the purpose of affording all persons the opportunity of acquiring knowledge of the contents thereof, but no person or incorporated or unincorporated group dealing with the association shall be charged with constructive notice of the contents of any such articles or papers by reason of such filing or recording.

31 Stat. 1276.  
10 D. C. Code § 14;  
Supp. V, § 14.

Issuance of certificate of incorporation; effect.

Quo warranto proceedings.

31 Stat. 1419.  
24 D. C. Code §§  
231-241; Supp. V, §§  
231-233.

Constructive notice.

SEC. 7. SAME; AMENDMENTS; FEE.—Amendments to the articles may be proposed by a two-thirds vote of the board of directors, or by petition of 10 per centum of the association's members. Notice of the meeting to consider such amendment shall be sent by the secretary at least thirty days in advance thereof to each member at his last-known address, accompanied by the full text of the proposal and by that part of the articles to be amended. Two-thirds of the members voting may adopt said amendment and when verified by the president and secretary, it shall be filed and recorded with the recorder of deeds within thirty days of its adoption, and a fee of \$1 shall be paid.

Amendments; fee.

If the amendment is to alter the preferences of outstanding shares of any type, or to authorize the issuance of shares having preferences superior to outstanding shares of any type, the vote of two-thirds of the members owning such outstanding shares affected by the change shall also be required for the adoption of the amendment; if the amendment is to alter the rule by which members' property rights in a nonshare association are determined, a vote of two-thirds of the entire membership shall be required.

Alteration of preferences of outstanding shares, etc.

The amount of capital and the number and par value of shares may be diminished or increased by amendment of the Articles, but the capital shall not be diminished below the amount of paid-up capital existing at the time of amendment.

Amount of capital; number and par value of shares.

#### ARTICLE IV—BYLAWS

SEC. 8. ADOPTION, AMENDMENT, OR REPEAL OF BYLAWS.—Bylaws shall be adopted, amended, or repealed by at least a majority vote of the members voting.

Adoption, amendment, or repeal of bylaws.

SEC. 9. CONTENTS OF BYLAWS.—The bylaws may, within the limitations of this Act provide for—

Contents of bylaws.

(1) The method and terms of admission to membership and the disposal of members' interests on cessation of membership for any reason;

(2) The time, place, and manner of calling and conducting meetings;

(3) The number or percentage of the members constituting a quorum;

(4) The number, qualifications, powers, duties, term of office, and manner, time, and vote for election, of directors and officers; and the division or classification, if any, of directors to provide for rotating or overlapping terms;

(5) The compensation, if any, of the directors, and the number of directors necessary to constitute a quorum;

(6) The method of distributing the net savings;

(7) The various discretionary provisions of this Act as well as other provisions incident to the purposes and activities of the association.

#### ARTICLE V—MEETINGS

SEC. 10. REGULAR AND SPECIAL MEETINGS.—Regular meetings of members shall be held as prescribed in the bylaws, but shall be held at least once a year. Special meetings may be demanded by a majority vote of the directors or by written petition of at least one-tenth of the membership, in which case it shall be the duty of the secretary to call such meeting to take place within thirty days after such demand. Regular or special meetings, including meetings by units as hereinafter provided, may be held within or without the District of Columbia as the articles may prescribe.

Regular and special meetings.

SEC. 11. NOTICE OF MEETINGS.—The secretary shall give notice of the time and place of meetings by sending a notice thereof to each

Notice of meetings.

member at his last-known address not less than the number of days in advance of the meeting specified in the bylaws. In case of a special meeting the notice shall specify the purpose for which such meeting is called.

Meetings by units  
of the membership.

**SEC. 12. MEETINGS BY UNITS OF THE MEMBERSHIP.**—The articles or bylaws may provide for the holding of meetings by units of the membership and may provide for a method of transmitting the votes there cast to the central meeting, or for a method of representation by the election of delegates to the central meeting; or for a combination of both such methods.

#### ARTICLE VI—VOTING

One member—one  
vote.

**SEC. 13. ONE MEMBER—ONE VOTE.**—Each member of an association shall have one and only one vote, except that where an association includes among its members any number of other associations or groups organized on a cooperative basis the voting rights of such member associations or groups may be as prescribed in the articles or bylaws.

No voting agreement or other device to evade the one-member-one-vote rule shall be enforceable at law or in equity.

No proxy.

**SEC. 14. NO PROXY.**—No member shall be permitted to vote by proxy.

Voting by mail.

**SEC. 15. VOTING BY MAIL.**—The articles or bylaws may provide for either or both of the following types of voting by mail:

(1) That the secretary shall send to the members a copy of any proposal scheduled to be offered at a meeting, together with the notice of said meeting, and that the mail votes cast by the members shall be counted together with those cast at the meeting if such mail votes are returned to the association within a specified number of days;

(2) That the secretary shall send to any member absent from a meeting an exact copy of the proposal acted upon at the meeting, and that the mail vote of the member upon such proposal, if returned within a specified number of days, shall be counted together with the votes cast at said meeting.

The articles or bylaws may also determine whether and to what extent mail votes shall be counted in computing a quorum.

**SEC. 16. APPLICATION OF VOTING PROVISIONS IN THIS ACT TO VOTING BY MAIL.**—If an association has provided for voting by mail, any provision of this Act referring to votes cast by the members shall be construed to include the votes cast by mail.

Voting by delegates.

**SEC. 17. APPLICATION OF VOTING PROVISIONS IN THIS ACT TO VOTING BY DELEGATES.**—If an association has provided for voting by delegates any provision of this Act referring to votes cast by the members shall apply to votes cast by delegates; but this shall not permit delegates to vote by mail.

#### ARTICLE VII—DIRECTORS AND OFFICERS

Board of directors.

**SEC. 18. DIRECTORS.**—An association shall be managed by a board of not less than five directors, who shall be elected for a term fixed in the bylaws not to exceed three years, by and from the members of the association and shall hold office until their successors are elected, or until removed. Vacancies in the board of directors, otherwise than by removal or expiration of term, shall be filled in such manner as the bylaws may provide.

Vacancies.

Apportionment of  
directors.

The bylaws may provide for a method of apportioning the number of directors among the units into which the association may be divided, and for the election of directors by the respective units to which they are apportioned.

An executive committee of the board of directors may be elected in such manner and with such powers and duties as the articles or bylaws may prescribe.

Executive committee.

Meetings of directors and of the executive committee may be held within or without the District of Columbia.

Meetings.

SEC. 19. OFFICERS.—The officers of an association shall include a president, one or more vice presidents, a secretary and a treasurer, or a secretary-treasurer. The officers shall be elected annually by the directors unless the bylaws otherwise provide. The president and at least one vice president must be directors, but no other officer need be a director.

Officers.

SEC. 20. REMOVAL OF DIRECTORS AND OFFICERS.—A director or officer may be removed with or without cause, by a vote of two-thirds of the members voting at a regular or special meeting. The director or officer involved shall have an opportunity to be heard at said meeting. A vacancy caused by any such removal shall be filled by the vote provided in the bylaws for election of directors.

Removal of directors and officers.

SEC. 21. REFERENDUM.—The articles or bylaws may provide that within a specified period of time any action taken by the directors must be referred to the members for approval or disapproval if demanded by petition of at least 10 per centum of all the members or by vote of at least a majority of the directors: *Provided, however,* That the rights of third parties which have vested between the time of such action and such referendum shall not be impaired thereby.

Referendum.

*Proviso.*  
Rights of third parties.

#### ARTICLE VIII—SHARES AND MEMBERSHIP

SEC. 22. LIMITATIONS UPON THE RETURN ON CAPITAL.—The return upon capital shall not exceed 6 per centum per annum upon the paid-up capital and shall be noncumulative.

Limitations upon return on capital.

Total return upon capital distributed for any single period shall not exceed 50 per centum of the net savings for that period.

SEC. 23. ELIGIBILITY AND ADMISSION TO MEMBERSHIP.—Any natural person, association, incorporated, or unincorporated group organized on a cooperative basis, or any nonprofit group, shall be eligible for membership in an association if it has met the qualifications for eligibility, if any, stated in the articles or bylaws and shall be deemed a member upon payment in full for the par value of the minimum amount of share or membership capital stated in the articles as necessary to qualify for membership.

Eligibility and admission to membership.

SEC. 24. SUBSCRIBERS.—Any natural person or group eligible for membership and legally obligated to purchase a share or shares of, or membership in, an association shall be deemed a subscriber. The articles or bylaws may determine whether, and the conditions under which, any voting rights or other rights of membership shall be granted to subscribers.

Subscribers.

SEC. 25. SHARE AND MEMBERSHIP CERTIFICATES; ISSUANCE AND CONTENTS.—No certificate for share or membership capital shall be issued until the par value thereof has been paid for in full. There shall be printed upon each certificate issued by an association a full or condensed statement of the requirements of sections 13, 14, and 26 herein.

Share and membership certificates; issuance and contents.

SEC. 26. TRANSFER OF SHARES AND MEMBERSHIP; WITHDRAWAL.—If a member desires to withdraw from the association or dispose of any or all of his holdings therein, the directors shall have the power to purchase such holdings by paying him the par value of any or all of the holdings offered. The directors shall then reissue or cancel the same. A vote of the majority of the members voting at a regular or special meeting may order the directors to exercise this power to purchase.

Transfer of shares and membership; withdrawal.

If the association fails, within sixty days of the original offer, to purchase all or any part of the holdings offered, the member may dispose of the unpurchased interest elsewhere, subject to the approval of the transferee by a majority vote of the directors. Any would-be transferee not approved by the directors may appeal to the members at their first regular or special meeting thereafter, and the action of the meeting shall be final. If such transferee is not approved, the directors shall exercise their power to purchase, if and when such purchase can be made without jeopardizing the solvency of the association.

Share and membership certificates; recall.

SEC. 27. SHARE AND MEMBERSHIP CERTIFICATES; RECALL.—The bylaws may give the directors the power to use the reserve funds to recall, at par value, the holdings of any member in excess of the amount requisite for membership; and may also provide that if any member has failed to patronize the association during a period of time specified in the bylaws, the directors may use the reserve funds to recall all his holdings and thereupon he shall cease to be a member of the association. When so recalled, such certificates of share or membership capital shall be either reissued or canceled.

Attachment.

SEC. 28. SHARE AND MEMBERSHIP CERTIFICATES; ATTACHMENT.—The holdings of any member of an association, to the extent of the minimum amount necessary for membership, but not to exceed \$50, shall be exempt from attachment, execution, or garnishment for the debts of the owner. If any holdings in excess of this amount are subjected to such liability, the directors of the association may either admit the purchaser thereof to membership, or may purchase from him such holdings at par value.

Liability of members.

SEC. 29. LIABILITY OF MEMBERS.—Members shall not be jointly or severally liable for any debts of the association, nor shall a subscriber be so liable except to the extent of the unpaid amount on the shares or membership certificate subscribed by him. No subscriber shall be released from such liability by reason of any assignment of his interest in the shares or membership certificate, but shall remain jointly and severally liable with the assignee until the shares or certificates are fully paid up.

Expulsion.

SEC. 30. EXPULSION.—A member may be expelled by the vote of a majority of the members voting at a regular or special meeting. The member against whom the charges are to be preferred shall be informed thereof in writing at least ten days in advance of the meeting, and shall have an opportunity to be heard in person or by counsel at said meeting. On decision of the association to expel a member, the board of directors shall purchase the member's holdings at par value, if and when there are sufficient reserve funds.

#### ARTICLE IX—APPORTIONMENT OF NET SAVINGS

Allocation and distribution of net savings.

SEC. 31. ALLOCATION AND DISTRIBUTION OF NET SAVINGS.—At least once a year the members and/or the directors, as the articles or bylaws may provide, shall apportion the net savings of the association in the following order:

Reserve fund.

(1) Not less than 10 per centum shall be placed in a reserve fund until such time as the fund shall equal at least 50 per centum of the paid-up capital; and such fund may be used in the general conduct of the business. The amounts apportioned to the reserve fund shall be allocated on the books of the association on a patronage basis, or in lieu thereof, the books and records of the association shall afford a means for doing so, in order that upon dissolution or earlier, if deemed advisable, such reserves may be returned to the patrons who have contributed the same, subject to the limitations of section 36 herein;

(2) A return upon capital, within the limitations of section 22, may be paid upon share capital, or, if the bylaws so provide, upon the membership capital certificates of a nonshare association; but such return upon capital may be paid only out of the surplus of the aggregate of the assets over the aggregate of the liabilities (including in the latter the amount of the capital stock) after deducting from such aggregate of the assets the amount by which such aggregate was increased by unrealized appreciation in value or revaluation of fixed assets;

Return upon capital.

(3) A portion of the remainder, as determined by the articles or bylaws, shall be allocated to an educational fund to be used in teaching cooperation, and a portion may also be allocated to funds for the general welfare of the members of the association;

Allocation to special funds.

(4) The remainder shall be allocated at the same uniform rate to all patrons of the association in proportion to their individual patronage: *Provided, That—*

Allocation of remainder.

(a) in the case of a member patron, his proportionate amount of savings returns shall be distributed to him unless he agrees that the association should credit the amount to his account toward the purchase of an additional share or shares, or additional membership capital;

*Provided.*  
Distribution, etc., to member patrons.

(b) in the case of a subscriber patron, his proportionate amount of savings returns may, as the articles or bylaws provide, be distributed to him, or credited to his account until the amount of capital subscribed for has been fully paid;

Distribution, etc., to subscriber patrons.

(c) in the case of a nonmember patron, his proportionate amount of savings returns shall be set aside in a general fund for such patrons and shall be allocated to individual nonmember patrons only upon request and presentation of evidence of the amount of their patronage. Any savings return so allocated shall be credited to such patron toward payment of the minimum amount of share or membership capital necessary for membership. When a sum equal to this amount has accumulated at any time within a period of time specified in the bylaws, such patron shall be deemed and become a member of the association if he so agrees or requests, and complies with any provisions in the bylaws for admission to membership. The certificates of shares or membership to which he is entitled shall then be issued to him.

Allocation to non-member patrons.

(d) if within any periods of time specified in the articles or bylaws, (1) any subscriber has not accumulated and paid in the amount of capital subscribed for; or (2) any nonmember patron has not accumulated in his individual account the sum necessary for membership; or (3) any nonmember patron has accumulated the sum necessary for membership but neither requests nor agrees to become a member, or fails to comply with the provisions of the bylaws, if any, for admission to membership, then the amounts so accumulated or paid in and any part of the general fund for nonmember patrons which has not been allocated to individual nonmember patrons shall go to the educational fund and thereafter no member or other patron shall have any rights in said paid-in capital or accumulated savings returns as such: *Provided further,* That nothing in this section shall prevent an association under this Act which is engaged in rendering services from disposing of the net savings from the rendering of such services in such manner as to lower the fees charged for services or otherwise to further the common benefit of the members: *And provided further,* That nothing in this section shall prevent an association from adopting a system whereby the payment of savings returns which would otherwise be distributed, shall be deferred for a fixed period of

Disposition of funds from subscriptions, etc., not fully paid in.

Use of savings to obtain lower service fees, etc.

Deferring payments of savings returns, etc.

months or years; nor from adopting a system, whereby the savings returns distributed shall be partly in cash, partly in shares, such shares to be retired at a fixed future date, in the order of their serial number or date of issue.

#### ARTICLE X—BONDING; BOOKKEEPING; REPORTS

Bonding.

SEC. 32. BONDING.—Every individual acting as officer or employee of an association and handling funds or securities amounting to \$1,000 or more, in any one year, shall be covered by an adequate bond as determined by the board of directors, and at the expense of the association; and the bylaws may also provide for the bonding of other employees or officers.

Books; auditing.

SEC. 33. BOOKS; AUDITING.—To record its business operation, every association shall keep a set of books, which shall be audited at the end of each fiscal year by an experienced bookkeeper or accountant, who shall not be an officer or director. Where the annual business amounts to less than \$10,000, the audit may be performed by an auditing committee of three, who shall not be directors, officers, or employees. A written report of the audit, including a statement of the amount of business transacted with members, and the amount transacted with nonmembers, the balance sheet, and the income and expenses, shall be submitted to the annual meeting of the association.

Annual report.

SEC. 34. ANNUAL REPORT.—Every association shall annually, within sixty days of the close of its operations for that year, make a report of its condition, sworn to by the president and secretary, which report shall be filed with the recorder of deeds. The report shall state—

(a) The name and principal address of the association.

(b) The names, addresses, occupations, and date of expiration of the terms, of the officers and directors, and their compensation, if any.

(c) The amount and nature of its authorized, subscribed, and paid-in capital, the number of its shareholders, and the number admitted and withdrawn during the year, the par value of its shares and the rate at which any return upon capital has been paid. For nonshare associations the annual report shall state the total number of members, the number admitted or withdrawn during the year, and the amount of membership fees received.

(d) The receipts, expenditures, assets, and liabilities of the association.

Filing of copy.

A copy of this report shall be kept on file at the principal office of the association.

Punishment for false statement.

Any person who shall subscribe or make oath to such report containing a materially false statement, known to such person to be false, shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment of not less than thirty days nor more than one year, or both such fine and imprisonment.

Notice of delinquent reports; mandamus.

SEC. 35. NOTICE OF DELINQUENT REPORTS; MANDAMUS.—If an association fails to make such report within the required period of sixty days, the recorder of deeds shall within sixty days from the expiration of said period send such association a registered letter directed to its principal office, stating the delinquency and its consequences. If the association fails to file the report within sixty days from the mailing of such notice, any member of the association or the United States attorney for the District of Columbia may by petition for mandamus against the association and its proper officers compel such filing to be made, and in such case the court shall require the association or the officers at fault to pay all the expenses of the proceeding including counsel fees.

## ARTICLE XI—DISSOLUTION

SEC. 36. DISSOLUTION.—An association may, at any regular or special meeting legally called, be directed to dissolve by a vote of two-thirds of the entire membership. By a vote of a majority of the members voting three of their number shall be designated as trustees, who shall, on behalf of the association and within a time fixed in their designation or within any extension thereof, liquidate its assets, and shall distribute them in the manner set forth in this section. A suit for involuntary dissolution of an association organized under this Act may be instituted for the causes and prosecuted in the manner set forth in sections 786 through 791, both inclusive, and sections 794 through 797, both inclusive, of the Act entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901: *Provided*, That any distribution of assets shall be in the manner set forth in this section. In case of any dissolution of an association, its assets shall be distributed in the following manner and order: (1) By paying its debts and expenses; (2) by returning to the members the par value of their shares or of their membership certificates, returning to the subscribers the amounts paid on their subscriptions, and returning to the patrons the amount of savings returns credited to their accounts toward the purchase of shares or membership certificates; and (3) by distributing any surplus in either or both of the following ways as the articles may provide—

(a) Among those patrons who have been members or subscribers at any time during the past six years, on the basis of their patronage during that period;

(b) As a gift to any consumers' cooperative association or other nonprofit enterprise which may be designated in the Articles.

## ARTICLE XII—PENALTIES

SEC. 37. USE OF NAME “COOPERATIVE”; PENALTY.—Only (1) associations organized under this Act, (2) groups organized on a cooperative basis under any other law of the District of Columbia, and (3) foreign corporations operating on a cooperative basis and authorized to do business in the District of Columbia under this or any other law of the District of Columbia shall be entitled to use the term “cooperative”, or any abbreviation or derivation thereof, as part of their business name, or to represent themselves, in their advertising or otherwise, as conducting business on a cooperative basis.

Any person, firm, or corporation violating the above provision shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, with an additional fine of not more than \$200 for each month during which a violation occurs after the first month, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment. The district attorney of the United States for the District of Columbia, or any individual, or association, or group organized on a cooperative basis, may sue to enjoin an alleged violation of this section.

Should a court of competent jurisdiction decide that any person, firm, or corporation using the name “cooperative” prior to this Act, and not organized on a cooperative basis, is entitled to continue in such use, any such business shall always place immediately after its name the words “does not comply with the cooperative association law of the District of Columbia” in the same kind of type, and in letters not less than two-thirds as large, as those used in the term “cooperative”.

SEC. 38. PROMOTION EXPENSES; LIMITATIONS; PENALTY.—An association shall not, directly or indirectly, use any of its funds, nor issue

Dissolution.

Involuntary dissolution.

31 Stat. 1319.  
5 D. C. Code §§  
409-414, 416-419.*Proviso.*  
Distribution of assets.

Use of term “cooperative.”

Punishment for violation.

Firm, etc., using name “cooperative” prior to this Act.

Promotion expenses; limitations; penalty.

shares nor incur any indebtedness, for the payment of any compensation for the organization of the association except necessary legal fees; nor for the payment of any promotion expenses in excess of 5 per centum of the amount paid in for the shares or membership certificates involved in the promotion transaction. Any association's officer, director, or agent who gives, or any person, firm, corporation or association which receives such promotion commission in violation of this section shall, upon conviction of such offense, be punished by a fine of not less than \$25, nor more than \$200, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Spreading false reports; penalty.

SEC. 39. SPREADING FALSE REPORTS; PENALTY.—Any person, firm, corporation, or association which maliciously and knowingly spreads false reports about the management or finances of any association shall, upon conviction of such offense, be punished by a fine of not less than \$25 and not more than \$200, or by imprisonment for not less than thirty days nor more than one year, or by both such fine and imprisonment.

### ARTICLE XIII—RELATION TO OTHER LAWS

Existing cooperative groups.

SEC. 40. EXISTING COOPERATIVE GROUPS.—Any group incorporated under another law of the District of Columbia and operating on a cooperative basis or any unincorporated group operating on such a basis in the District of Columbia may elect by a vote of two-thirds of the members voting to secure the benefits of and be bound by this Act, and shall thereupon amend such of its articles and bylaws as are not in conformity with this Act. A certified copy of the amended articles shall be filed and recorded with the recorder of deeds and a fee of \$5 shall be paid.

Foreign corporations and associations.

SEC. 41. FOREIGN CORPORATIONS AND ASSOCIATIONS.—A foreign corporation or association operating on a cooperative basis and complying with the applicable laws of the State wherein it is organized shall be entitled to do business in the District of Columbia as a foreign cooperative corporation or association.

Legality declared; not in restraint of trade.

SEC. 42. LEGALITY DECLARED; NOT IN RESTRAINT OF TRADE.—No association, or method or act thereof which complies with this Act, shall be deemed a conspiracy or combination in restraint of trade or an illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily.

Laws not applicable.

SEC. 43. LAWS NOT APPLICABLE.—No law of the District of Columbia conflicting or inconsistent with any part of this Act shall, to the extent of the conflict or inconsistency, be construed as applicable to associations formed hereunder; nor shall any law of the District of Columbia inappropriate to the purposes of such associations be so construed; nor shall any of the provisions of sections 574 through 797, both inclusive, of the Act entitled "An Act to establish a Code of Law for the District of Columbia", approved March 3, 1901, be construed as applicable to associations formed hereunder, except as expressly stated in this Act.

31 Stat. 1280.  
5 D. C. Code; Supp.  
V.

Annual license fee.

SEC. 44. TAXATION.—Associations formed hereunder, and foreign corporations and associations admitted under section 41 to do business in the District of Columbia and entitled to the benefits of section 37, shall pay an annual license fee of \$10.

Separability; constitutionality.

SEC. 45. SEPARABILITY; CONSTITUTIONALITY.—If any provision of this Act or the application thereof to any person or circumstance shall be held unconstitutional or otherwise invalid for any reason, the validity of the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 46. The Congress reserves the right to alter, amend, or repeal this Act, or any charter or certificate of incorporation made thereunder.

Right reserved.

SEC. 47. SHORT TITLE.—This Act may be cited as the "District of Columbia Cooperative Association Act".

Short title.

Approved, June 19, 1940.

[CHAPTER 398]

AN ACT

To amend an Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective Departments.

June 19, 1940  
[H. R. 7074]  
[Public, No. 643]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, and cannonballs in their respective departments", approved May 22, 1896, as amended, is amended to read as follows:*

Army and Navy  
condemned ordnance,  
etc.

"That the Secretary of War and the Secretary of the Navy are each hereby authorized, in their discretion, to loan or give to soldiers' monument associations, posts of the Grand Army of the Republic, posts of the Veterans of Foreign Wars of the United States, posts of the American Legion, and other recognized war veteran associations, State museums, and incorporated museums operated and maintained for educational purposes only, whose charter denies them the right to operate for profit, municipal corporations, and posts of the Sons of Veterans Reserve, condemned or obsolete ordnance, guns, projectiles, books, manuscripts, works of art, drawings, plans, models, and other condemned or obsolete material which may not be needed in the service of either of said Departments.

29 Stat. 133; 45 Stat.  
773.

50 U. S. C. § 67.  
Loans or gifts to  
certain organizations.

"Such loan or gift shall be made subject to rules and regulations covering the same in each Department, and the Government shall be at no expense in connection with any such loan or gift."

No expense to Gov-  
ernment.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Repeal.

Approved, June 19, 1940.

[CHAPTER 399]

JOINT RESOLUTION

Authorizing the recognition of the two-hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary.

June 20, 1940  
[S. J. Res. 214]  
[Pub. Res., No. 86]

Whereas there are to be held at Philadelphia, Pennsylvania, and at other places during the year 1940 celebrations commemorating the two-hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin, said institution being the first university to be established in what are now the United States; and

University of Penn-  
sylvania bicentennial.  
Preamble.

Whereas, in accordance with resolutions of the president and fellows of the University of Pennsylvania, there will take place in Philadelphia, Pennsylvania, on the 16th, 17th, 18th, 19th, 20th, and 21st of September 1940 formal ceremonies of celebration of the bicentennial, in the presence of the governing boards, faculties, students, and alumni of the university, the delegates of other institutions, distinguished guests, and a large number of friends and benefactors; and

Whereas the Commonwealth of Pennsylvania and the city of Philadelphia will be officially represented at the ceremonies; and Whereas the University of Pennsylvania endeavors to foster and maintain the ideals of truth and freedom so dear to Americans: Therefore be it

Observance of anniversary.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government and people of the United States unite with the University of Pennsylvania in a fitting and appropriate observance of the two-hundredth anniversary of its founding, which marked the formal beginning of university education in the United States (Harvard, William and Mary, and Yale were founded before the University of Pennsylvania, but they were not universities until after the University of Pennsylvania became a university).

Bicentennial Commission, establishment.

SEC. 2. There is hereby established a commission to be known as the United States University of Pennsylvania Bicentennial Commission (hereinafter referred to as the Commission) to be composed of fifteen Commissioners, as follows: The President of the United States and four persons to be appointed by him, the President of the Senate and four Members of the Senate to be appointed by said President of the Senate, and the Speaker of the House of Representatives and four Members of the House to be appointed by said Speaker.

Duties.

SEC. 3. The Commission, on behalf of the United States, shall cooperate with the representatives of the University of Pennsylvania, the Commonwealth of Pennsylvania, and the city of Philadelphia in the appropriate observance of such anniversary, and shall extend appropriate courtesies to the delegates of foreign universities and other foreign learned bodies or individuals attending the celebration as guests of the University of Pennsylvania.

No compensation; chairman; "honorary chairman."

SEC. 4. The members of the Commission shall serve without compensation and shall select a chairman from among their number, but the President of the United States shall be designated as the "honorary chairman" of the Commission.

Appropriation authorized.  
Post, p. 1037.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to be expended by the Commission for expenses, including actual and necessary traveling and subsistence expenses, incurred while discharging its functions under this joint resolution. The Commission shall have power to select, hire, and fix the compensation of such officers and employees as shall be necessary for the performance of its duties without regard to the provisions of other laws applicable to employment or compensation of officers or employees of the United States.

Vacancies.

SEC. 6. Any vacancies occurring in the membership of the Commission shall be filled by the President of the United States.

Approved, June 20, 1940.

[CHAPTER 400]

AN ACT

Providing for the reorganization of the Navy Department, and for other purposes.

June 20, 1940

[S. 4026]

[Public, No. 644]

Reorganization of the Navy Department.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following changes are hereby made in the organization of the Department of the Navy:

Designated Bureau, etc., abolished.

(a) The Bureau of Construction and Repair, the Office of the Chief of the Bureau of Construction and Repair, the Bureau of Engineering, and the Office of the Chief of the Bureau of Engineering are hereby abolished.

(b) The functions of the Bureau of Construction and Repair and the functions of the Bureau of Engineering are hereby transferred to and consolidated under one bureau to be known as the Bureau of Ships, with a Chief of Bureau at the head thereof. The duties of the Bureau of Ships shall be assigned by the Secretary of the Navy and performed under his authority and the orders of the Chief of the Bureau of Ships shall be considered as emanating from the Secretary of the Navy, and shall have full force and effect as such.

Establishment of Bureau of Ships. *Post*, pp. 876, 972.

Duties.

(c) The Chief of the Bureau of Ships shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years, from among the officers of the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture. The Chief of the Bureau of Ships shall have the same rank and shall be entitled to the same pay, allowances, and privileges of retirement as are now or may hereafter be prescribed by or in pursuance of law for other Chiefs of Bureaus in the Navy Department, and shall take precedence ahead of all other officers on duty in the Bureau of Ships.

Appointment of Chief.

Rank, etc.

(d) An officer on the active list of the Navy who is specially qualified and experienced in naval engineering or naval architecture shall be detailed as Assistant Chief of the Bureau of Ships. He shall, while so serving, have the rank of rear admiral and shall receive the highest pay and allowances of that rank: *Provided*, That if the Chief of the Bureau of Ships be specially qualified and experienced in naval engineering, the Assistant Chief of the Bureau of Ships shall be specially qualified and experienced in naval architecture; and if the Chief of the Bureau of Ships be specially qualified and experienced in naval architecture, the Assistant Chief of the Bureau of Ships shall be specially qualified and experienced in naval engineering: *Provided further*, That nothing herein shall operate to deprive the incumbents in office as the Chief of the Bureau of Construction and Repair and the Chief of the Bureau of Engineering on the effective date of this Act of the rank, pay, allowances, or retirement privileges to which they may be entitled under existing law, nor to affect the status of any officer heretofore retired from said offices.

Detail of Naval officer as Assistant Chief.

Rank, etc.

*Proviso*.  
Qualifications.

Rank, pay, etc., of designated officers.

(e) Officers on the active list of the Navy who are specially qualified and experienced in naval engineering or naval architecture shall be detailed as heads of the major divisions in the Bureau of Ships.

Heads of major divisions.

(f) The Assistant Chief of the Bureau of Ships and then the heads of the major divisions of that Bureau shall succeed to the duties of the Chief of Bureau during his absence or disability, or in the event of a temporary vacancy in that office, in such order as may be directed by the Secretary of the Navy.

Succession to duties of Chief.

(g) All records and property (including office equipment) of the Bureau of Engineering and the Bureau of Construction and Repair, and all the personnel used in the administration and functions of such Bureaus are hereby transferred to the Bureau of Ships for use in the administration and functions transferred or provided by this Act: *Provided*, That any civilian personnel transferred by this section found by the Secretary of the Navy to be in excess of the personnel necessary for the administration of the Bureau of Ships shall be retransferred under existing law to other positions in the Government service, or separated from the service in accordance with the applicable provisions of section 10 (a) of the Reorganization Act of 1939.

Transfer of personnel, records, etc.

*Proviso*.  
Civilian personnel in excess of number required.

53 Stat. 563.  
5 U. S. C., Supp. V,  
§ 1331 (a).

Transfer of designated funds.

(h) The unexpended balances of appropriations, allocations, or other funds available for use in connection with the exercise of any

function herein transferred to the Bureau of Ships shall be transferred to that Bureau for use in connection with the exercise of the functions so transferred. All funds available in the appropriations for the fiscal year 1941 under the headings "Salaries, Bureau of Construction and Repair" and "Salaries, Bureau of Engineering" shall be transferred and consolidated into one appropriation account to be entitled "Salaries, Bureau of Ships", and all funds available in the appropriations for the fiscal year 1941 under the headings "Engineering" and "Construction and Repair" shall be similarly transferred and consolidated into another appropriation account to be entitled "Maintenance, Bureau of Ships", and, further, such part of the funds available under the appropriations "Instruments and Supplies", "Maintenance, Supplies, and Accounts", and "Ordnance and Ordnance Stores" for the fiscal year 1941, as relate to the procurement of equipage, supplies, and services necessary to the maintenance and operation of vessels, and repairs to such equipage, but not including technical ordnance equipage and technical supplies, shall be transferred upon approval of the Bureau of the Budget to the appropriation "Maintenance, Bureau of Ships", provided the Secretary of the Navy shall authorize and direct the transfer of cognizance over such equipage, supplies, and services and repairs to equipage to the Bureau of Ships.

Additional duties of Chief of Naval Operations.

SEC. 2. In addition to the duties now prescribed by law the Chief of Naval Operations shall, under the direction of the Secretary of the Navy, be charged with the coordination of the functions of the Naval Establishment afloat, together with the determination of priorities relating to repair and overhaul of ships in commission or about to be commissioned.

Under Secretary, appointment.

SEC. 3. The President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of the Navy to serve during any national emergency declared by him to exist, including the present limited emergency. The Under Secretary of the Navy shall perform such duties as may be prescribed by the Secretary of the Navy or required by law and shall be next in succession to the Secretary of the Navy during his absence or disability or in the event of a temporary vacancy in that office. The compensation of the Under Secretary of the Navy shall be at the rate of \$10,000 per annum. The Assistant Secretary of the Navy, next after the Under Secretary of the Navy, shall hereafter succeed to the duties of the Secretary of the Navy during his absence or disability, or in the event of a temporary vacancy in that office.

Duties; succession to duties of Secretary.

Compensation.

Assistant Secretary, succession to duties of Secretary.

Repeal.

SEC. 4. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Approved, June 20, 1940.

[CHAPTER 407]

AN ACT

To amend the Act approved May 24, 1938, entitled "An Act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama" and for the relief of Jose Antonio Sossa D.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act for the relief of the Comision Mixta Demarcadora de Limites Entre Colombia y Panama", approved May 24, 1938 (52 Stat. 1317, ch. 271), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not

June 20, 1940

[S. 3196]

[Public, No. 645]

Comision Mixta Demarcadora de Limites Entre Colombia y Panama.

Payments to Colombia and Panama.

otherwise appropriated, to the Government of Colombia the sum of \$1,981.30, and to the Government of Panama the sum of \$550.25, amounting in all to \$2,531.55, in full settlement of all claims against the United States by the Government of Colombia, by the Government of Panama, and by the Comision Mixta Demarcadora de Limites Entre Colombia y Panama, an agency now dissolved, heretofore created by and functioning under and on behalf of such governments, for damages to cargo sustained and expenses incurred by said commission as a result of a collision on December 7, 1936, in the Bay of Panama between the motor launch Don Bosco, chartered by the commission, and Panama Railroad barge Numbered 205, operated by the Signal Corps, United States Army."

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jose Antonio Sossa D, owner of the motor launch Don Bosco, the sum of \$1,398.46, in full and final settlement of all claims against the United States for damages, including the cost of repairs to the hull, machinery, and other equipment of the said motor launch Don Bosco, and for other damages sustained by the said owner, resulting from and due to the same collision described in section 1 of this Act: *Provided*, That no part of the amount appropriated in this Act in excess 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 20, 1940.

Jose Antonio Sossa  
D.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 408]

AN ACT

For the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

June 20, 1940  
[H. R. 8096]

[Public, No. 646]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Major Lester L. Boggs, Finance Department, \$148.38; Major George W. Brent, Coast Artillery Corps, \$78.50; Lieutenant Colonel Edward T. Comegys, Finance Department, \$6.08; Major Ray B. Conner, Finance Department, \$162.10; Major George W. Cooke, Finance Department, \$29.90; Lieutenant Colonel Horatio G. Coykendall, Finance Department, \$5.50; Major Frederick E. Coyne, Junior, Finance Department, \$59; Lieutenant Colonel Walter D. Dabney, Finance Department, \$17.86; Major Oliver W. DeGruchy, Finance Department, \$18.57; Captain James H. Dickie, Finance Department, \$53.74; Captain Lemuel E. Edwards, Finance Department, \$50; Lieutenant Colonel Horace G. Foster, Finance Department, \$358.75; Lieutenant Colonel Frank M. Holmes, Finance Department, \$230.75; Captain John S. Knudsen, Finance Department, \$29.39; Captain Ray H. Larkins, Finance Department, \$6; Major Charles Lewis, Finance Department, \$79.27; Lieutenant Colonel James MacKay, Finance Department, \$203.32; Captain Charles K. McAlister, Finance Department, \$30; Major Edmund W. McLarren, Finance Department, \$104.27; Lieutenant Colonel Dana W. Morey, Finance Department, \$208.34; Captain David H. Passell, Finance Reserve, \$19.96; Major

Army.  
Credit in accounts of certain disbursing officers.

Arthur O. Walsh, Finance Department, \$158.32; Major Hugh Whitt, Finance Department, \$6; said amounts being public funds for which they are accountable and which comprise minor errors in computations of pay and allowances due former members of the Civilian Conservation Corps, enlisted men of the Regular Army, members of the Officers' Reserve Corps, members of the citizens' military training camps, civilian employees, and commercial firms or individuals from whom collection of the overpayments cannot be effected, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of these amounts shall be charged against any person or commercial firm other than the payees.

*Proviso.*  
Accounting.

Lt. Col. Horatio G.  
Coykendall.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Horatio G. Coykendall, Finance Department, the sum of \$17.98, public funds for which he is accountable and which were paid to the Christ Overgaard Sawmill for lumber and disallowed by the Comptroller General of the United States.

Maj. Henry M.  
Denning.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major Henry M. Denning, Finance Department, the sum of \$56.68, public funds for which he is accountable, and which were stolen from the office safe of his agent officer at One Hundred and Forty-fifth Company, Civilian Conservation Corps, Plymouth, Vermont, during the night of November 30–December 1, 1937.

Capt. Seward W.  
Hulse.  
Payment to.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Seward W. Hulse, Quartermaster Corps, the amount of \$55.44 in full satisfaction of his claim against the United States for a like amount which was paid by him for advertising for and in the interests of the United States without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324).

Capt. John S. Knud-  
sen.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Captain John S. Knudsen, Finance Department, the amount of \$321.50, public funds for which he is accountable, which were paid to the Hillcrest Water Company for drinking water and disallowed by the Comptroller General of the United States.

Capt. Frederick W.  
Long, Jr.  
Payment to.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain Frederick W. Long, Junior, Infantry Reserve, the sum of \$119, in full satisfaction of his claim against the United States for a like amount which was paid by him to Captain C. R. Mize, Finance Department, finance officer, district C, Fort Oglethorpe, Georgia, as reimbursement for public funds lost when the company safe was stolen from Civilian Conservation Corps Company 4495, Tenn. TVA P-15, Harrison, Tennessee, on the night of October 31–November 1, 1938.

Maj. Arthur O.  
Walsh.

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major Arthur O. Walsh, Finance Department, the amount of \$67.48, public funds for which he is accountable, which amount has been disallowed by the Comptroller General of the United States on account of failure to obtain a cash receipt for a payment made to an enlisted man now deceased.

Certain C. C. C.  
payments validated.

SEC. 8. That payments heretofore made for salaries and travel expenses incident to the attendance of educational advisers, Civilian Conservation Corps, at aquatic schools for the purpose of receiving instruction in lifesaving, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and

directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

SEC. 9. That payments heretofore made for travel allowances to personnel in and under the jurisdiction of the War Department incident to the Ohio-Mississippi flood in 1937 are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to any person a sum equal to the amount collected from such person on account of payments which are herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment.

Certain Ohio-Mississippi flood payments validated.

*Proviso.*  
Refunds.

SEC. 10. That payments heretofore made to Cornelius M. Daly (now lieutenant colonel, Cavalry) for longevity pay increases incident to his service as a cadet, United States Revenue Cutter Service, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

Lt. Col. Cornelius M. Daly.  
Longevity pay increases validated.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of Captain Bigelow B. Barbee, Finance Department, the amount of \$191.73, which amount represents overpayments due to minor errors of computation of pay and allowances due former enrollees of the Civilian Conservation Corps, and was deducted by the Comptroller General of the United States from the amount authorized to be paid to the estate of Captain Barbee by the Act of June 22, 1938 (52 Stat. 1373): *Provided*, That no part of this amount shall be charged against any person other than the person erroneously paid.

Capt. Bigelow B. Barbee.  
Payment to estate of.

*Proviso.*  
Accounting.

SEC. 12. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lieutenant Colonel Walter D. Dabney, Finance Department, the amount of \$30.25, public funds for which he is accountable, which were paid to a former enrollee for final pay, and to a civilian employee for travel allowances, and disallowed by the Comptroller General of the United States.

Lt. Col. Walter D. Dabney.

Approved, June 20, 1940.

[CHAPTER 409]

AN ACT

To provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes.

June 21, 1940  
[H. R. 9381]

[Public, No. 647]

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

DEFINITIONS

SECTION 1. When used in this Act, unless the context indicates otherwise—

The term "alteration" includes changes of any kind, reconstruction, or removal in whole or in part.

The term "bridge" means a lawful bridge over navigable waters of the United States, including approaches, fenders and appurtenances

Alteration of certain bridges, etc.  
Definitions.

thereto, used and operated for the purpose of carrying railroad traffic, or both railroad and highway traffic.

The term "bridge owner" means any corporation, association, partnership, or individual owning any bridge, and, when any bridge shall be in the possession or under the control of any trustee, receiver, trustee in bankruptcy, or lessee, said term shall include both the owner of the legal title and the person or entity in possession or control of such bridge.

The term "bridge owner" shall also mean and include all joint owners, particularly States, counties, municipalities, or other participants in ownership of bridges for both railroad and highway traffic.

The term "Secretary" means the Secretary of War acting directly or through the Chief of Engineers.

The term "United States", when used in a geographical sense, includes the Territories and possessions of the United States.

#### OBSTRUCTION OF NAVIGATION

Obstruction of navigation.

SEC. 2. No bridge shall at any time unreasonably obstruct the free navigation of any navigable waters of the United States.

#### NOTICE, HEARINGS, AND FINDINGS

Notice, hearings, and findings.

SEC. 3. Whenever any bridge shall, in the opinion of the Secretary, at any time unreasonably obstruct such navigation, it shall be the duty of the Secretary, after notice to interested parties, to hold a hearing at which the bridge owner, those interested in water navigation thereunder or therethrough, those interested in either railroad or highway traffic thereover, and any other party or parties in interest shall have full opportunity to offer evidence and be heard as to whether any alteration of such bridge is needed, and if so what alterations are needed, having due regard to the necessity of free and unobstructed water navigation and to the necessities of the rail or highway traffic. If, upon such hearing, the Secretary determines that any alterations of such bridge are necessary in order to render navigation through or under it reasonably free, easy, and unobstructed, having due regard also for the necessities of rail or highway traffic thereover, he shall so find and shall issue and cause to be served upon interested parties an order requiring such alterations of such bridge as he finds to be reasonably necessary for the purposes of navigation.

#### SUBMISSION AND APPROVAL OF GENERAL PLANS AND SPECIFICATIONS

Plans, etc., showing alterations.

SEC. 4. It shall be the duty of the bridge owner to prepare and submit to the Secretary, within ninety days after service of his order, general plans and specifications to provide for the alteration of such bridge in accordance with such order, and for such additional alteration of such bridge as the bridge owner may desire to meet the necessities of railroad or highway traffic, or both. The Secretary may approve or reject such general plans and specifications, in whole or in part, and may require the submission of new or additional plans and specifications, but when the Secretary shall have approved general plans and specifications, they shall be final and binding upon all parties unless changes therein be afterward approved by the Secretary and the bridge owner.

Rejection or approval.

#### CONTRACTS FOR PROJECT; GUARANTY OF COST

Bids.

SEC. 5. After approval of such general plans and specifications by the Secretary, and within ninety days after notification of such

approval, the bridge owner shall, in such manner as the Secretary may prescribe, take bids for the alteration of such bridge in accordance with such general plans and specifications. All bids, including any bid for all or part of the project submitted by the bridge owner, shall be submitted to the Secretary, together with a recommendation by the bridge owner as to the most competent bid or bids, and at the same time the bridge owner shall submit to the Secretary a written guaranty that the total cost of the project, including the cost of such work as is to be performed by the bridge owner and not included in the work to be performed by contract, shall not exceed the sum stated in said guaranty. The Secretary may direct the bridge owner to reject all bids and to take new bids, or may authorize the bridge owner to proceed with the project, by contract, or partly by contract and partly by the bridge owner, or wholly by the bridge owner. Upon such authorization and fixing of the proportionate shares of the cost as provided in section 6, the bridge owner shall, within a reasonable time to be prescribed by the Secretary, proceed with the work of alteration; and the cost thereof shall be borne by the United States and by the bridge owner, as hereinafter provided.

Recommendation of owner.

Written guaranty of cost.

Rejection, etc.

Commencement of work.

#### APPORTIONMENT OF COST

SEC. 6. At the time the Secretary shall authorize the bridge owner to proceed with the project, as provided in section 5, and after an opportunity to the bridge owner to be heard thereon, the Secretary shall determine and issue an order specifying the proportionate shares of the total cost of the project to be borne by the United States and by the bridge owner. Such apportionment shall be made on the following basis: The bridge owner shall bear such part of the cost as is attributable to the direct and special benefits which will accrue to the bridge owner as a result of the alteration, including the expectable savings in repair or maintenance costs; and that part of the cost attributable to the requirements of traffic by railroad or highway, or both, including any expenditure for increased carrying capacity of the bridge, and including such proportion of the actual capital cost of the old bridge or of such part of the old bridge as may be altered or changed or rebuilt, as the used service life of the whole or a part, as the case may be, bears to the total estimated service life of the whole or such part: *Provided*, That the part of the cost of alteration of any bridge for both highway and railroad traffic, attributable to the requirements of traffic by highway, shall be borne by the proprietor of the highway: *Provided further*, That in the event the alteration or relocation of any bridge may be desirable for the reason that the bridge unreasonably obstructs navigation, but also for some other reason, the Secretary may require equitable contribution from any interested person, firm, association, corporation, municipality, county, or State desiring such alteration or relocation for such other reason, as a condition precedent to the making of an order for such alteration or relocation. The United States shall bear the balance of the cost, including that part attributable to the necessities of navigation.

Determination and issuance of order.

Basis for apportionment.  
Bridge owner.

Proviso.  
Proprietor of highway.

Contributions from interested persons, etc.

United States to bear balance of cost.

#### PAYMENT OF SHARE OF THE UNITED STATES

SEC. 7. When the Secretary shall have approved the general plans and specifications for the alteration of such bridge and the guaranty with respect to the cost thereof, and shall have fixed the proportionate shares thereof as between the United States and the bridge owner, he shall furnish to the Secretary of the Treasury a certified copy of his approval of such plans and specifications and guaranty,

Setting aside of U. S. share by Secretary of Treasury.

and of his order fixing the proportionate shares of the United States and of the bridge owner, and the Secretary of the Treasury shall thereupon set aside, out of any appropriation available for such purpose, the share of the United States payable under this Act on account of the project. When the Secretary finds that such project has been completed in accordance with his order, he shall cause to be paid to the bridge owner, out of the funds so set aside, the proportionate share of the total cost of the project allocated to the United States; or he may, in his discretion, from time to time, cause payments to be made on such construction costs as the work progresses. The total payments out of Federal funds shall not exceed the proportionate share of the United States of the total cost of the project paid or incurred by the bridge owner, and, if such total cost exceeds the cost guaranteed by the bridge owner, shall not exceed the proportionate share of the United States of such guaranteed cost, except that if the cost of the work exceeds the guaranteed cost by reason of emergencies, conditions beyond the control of the owner, or unforeseen or undetermined conditions, the Secretary may, after full review of all the circumstances, provide for additional payments by the United States to help defray such excess cost to the extent he deems to be reasonable and proper, and shall certify such additional payments to the Secretary of the Treasury for payment. All payments to any bridge owner herein provided for shall be made by the Secretary of the Treasury through the Division of Disbursement upon certifications of the Secretary of War.

Payment upon completion.

Payments as work progresses.

Limitation on U. S. payments.

Exception.

Payments to bridge owner, requirements.

#### APPROPRIATION AUTHORIZED

Appropriation authorized.  
Post, p. 1047.

**SEC. 8.** There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

#### FAILURE TO COMPLY WITH ORDERS; PENALTIES; REMOVAL OF BRIDGE

Punishment for noncompliance with order.

**SEC. 9.** Any bridge owner who shall willfully fail or refuse to comply with any lawful order of the Secretary, made in accordance with the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding \$5,000, and every month such bridge owner shall remain in default shall be deemed a new offense and subject such bridge owner to additional penalties therefor. In addition to the penalties above prescribed the Secretary may, upon the failure or refusal of any bridge owner to comply with any lawful order issued by the Secretary in regard thereto, cause the removal of any such bridge and accessory works at the expense of the bridge owner; and suit for such expense may be brought in the name of the United States against such bridge owner and recovery had for such expense in any court of competent jurisdiction. The removal of any bridge erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary made in pursuance thereof, and compliance with any order of the Secretary made with respect to any bridge in accordance with the provisions of this Act, may be enforced by injunction, mandamus, or other summary process upon application to the district court of any district in which such bridge may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Secretary.

Removal of bridge at owner's expense.

Suit for such expense.

Removal enforceable by injunction, etc.

## REVIEW OF FINDINGS AND ORDERS

**SEC. 10.** Any order made or issued under section 6 of this Act may be reviewed by the circuit court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order is issued. The judgment of any such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certification or certiorari, in the manner provided in sections 239 and 240 of the Judicial Code, as amended. The review by such Court shall be limited to questions of law, and the findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. Upon such review, such Court shall have power to affirm or, if the order is not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require. Proceedings under this section shall not operate as a stay of any order of the Secretary issued under provisions of this Act other than section 6, or relieve any bridge owner of any liability or penalty under such provisions.

Review of order.  
By circuit court of appeals.

By U. S. Supreme Court.

28 U. S. C. §§ 346, 347; Supp. V, § 347.  
Limitation.

Power of Court.

## REGULATIONS AND ORDERS

**SEC. 11.** The Secretary is authorized to prescribe such rules and regulations, and to make and issue such orders, as may be necessary or appropriate for carrying out the provisions of this Act.

Regulations and orders.

## EXISTING PROVISIONS OF LAW

**SEC. 12. (a)** The first sentence of section 4 of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906 (U. S. C., 1934 edition, title 33, sec. 494), and section 18 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (U. S. C., 1934 edition, title 33, sec. 502), shall be inapplicable with respect to any bridge to which the provisions of this Act are applicable, except to the extent provided in this section.

Inapplicability of certain Acts.

34 Stat. 85.

30 Stat. 1153.

**(b)** Any bridge, the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not completed on such date, and in the case of which no penalties have accrued at the time of the enactment of this Act, shall be constructed, reconstructed, or altered as required by such order, and not in accordance with the provisions of this Act. In the case of any such bridge, however, the Secretary shall apportion the cost of the project between the bridge owner and the United States, and payment of the share of the United States shall be made, in the same manner as if the provisions of this Act applied to such construction, reconstruction, or alteration, subject to the following limitations:

Construction, etc., not completed on July 1, 1939.

Apportionment of cost.

Limitations.

Construction, etc., not begun on or before April 1, 1940.

(1) In case such construction, reconstruction, or alteration has not begun on or before April 1, 1940, such apportionment of cost shall be made only if (A) the construction, reconstruction, or alteration is carried out in accordance with plans and specifications, and pursuant to bids, approved by the Secretary, and (B) the bridge owner has submitted to the Secretary a written guaranty of cost as provided for in section 5.

(2) The Secretary's determination as to such apportionment, and as to such plans and specifications and bids, shall be final.

(3) Such apportionment shall not be made if such construction, reconstruction, or alteration is not completed within the time fixed in

Determination as to apportionment, etc.

Restriction.

such order of the Secretary or within such additional time as the Secretary, for good cause shown, may allow.

(c) Any bridge (except a bridge to which subsection (b) applies) the construction, reconstruction, or alteration of which was required by an order of the Secretary issued prior to July 1, 1939, and was not begun before such date, shall be subject to the provisions of this Act as though such order had not been issued, and compliance with the provisions of this Act and with such orders as may be issued thereunder shall be considered to constitute compliance with such order issued prior to July 1, 1939, and with the provisions of law under which it was issued.

#### RELOCATION OF BRIDGES

SEC. 13. If the owner of any bridge used for railroad traffic and the Secretary shall agree that in order to remove an obstruction to navigation, or for any other purpose, a relocation of such bridge or the construction of a new bridge upon a new location would be preferable to an alteration of the existing bridge, such relocation or new construction may be carried out at such new site and upon such terms as may be acceptable to the bridge owner and the Secretary, and the cost of such relocation or new construction, including also any expense of changes in and additions to rights-of-way, stations, tracks, spurs, sidings, switches, signals, and other railroad facilities and property, and relocation of shippers required for railroad connection with the bridge at the new site, shall be apportioned as between the bridge owner and the United States in the manner which is provided for in section 6 hereof in the case of an alteration and the share of the United States paid from the appropriation authorized in section 8 hereof: *Provided*, That nothing in this section shall be construed as requiring the United States to pay any part of the expense of building any bridge across a navigable stream which the Secretary of War shall not find to be, in fact, a relocation of an existing bridge.

WM B. BANKHEAD

*Speaker of the House of Representatives.*

JNO N GARNER

*Vice President of the United States and*

*President of the Senate.*

IN THE HOUSE OF REPRESENTATIVES, U. S.,

*June 19, 1940.*

The House of Representatives having proceeded to reconsider the bill (H. R. 9381) entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

SOUTH TRIMBLE

*Clerk.*

Certificate of origin.

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE

*Clerk.*

Construction, etc., not begun prior to July 1, 1939; exception.

Relocation, etc., of railroad bridge.

Apportionment of cost.

Proviso. Restriction on payments by U. S.

Certificate of House of Representatives.

## IN THE SENATE OF THE UNITED STATES,

June 21, 1940.

The Senate having proceeded to reconsider the bill (H. R. 9381) entitled "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes", returned by the President of the United States to the House of Representatives, in which it originated, with his objections, and passed by the House on a reconsideration of the same, it was

*Resolved*, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

EDWIN A. HALSEY  
*Secretary.*

Certificate of Senate,

## [CHAPTER 410]

## AN ACT

Authorizing a grant to the city of Fargo, North Dakota, of an easement in connection with the construction of water and sewer systems.

June 24, 1940

[S. 2059]

[Public, No. 648]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Administrator of the Civil Aeronautics Authority is authorized and directed to grant to the city of Fargo, North Dakota, a permanent easement authorizing such city to construct and maintain a system of interceptor or trunk sewer lines and water mains under the west sixty feet of a tract of land owned by the United States and located north of such city of Fargo, in Cass County, North Dakota, such tract of land being now used as the site of an airways radio and range station and is more specifically described as follows: Beginning at the northwest corner southeast quarter of section 30, township 140 north, range 48 west, fifth principal meridian; thence north along the north and south quarter line seventy-five feet to a point; thence east parallel to the east and west quarter line eight hundred and eighty feet to a point; thence south seven hundred and twenty feet to a point; thence west parallel to the east and west quarter line eight hundred and eighty feet to a point on the north and south quarter line; thence north along the north and south quarter line six hundred and forty-five feet to the point of beginning, containing fourteen and fifty-five one-hundredths acres, more or less. The easement authorized to be granted by this Act shall be in lieu of the license revocable at the will of the Secretary of Commerce, granted to such city by a certain instrument dated December 20, 1934, and executed by Ewing Y. Mitchell, Assistant Secretary of Commerce, as amended by a certain instrument dated March 12, 1935, and executed by the said Ewing Y. Mitchell.

Fargo, N. Dak.  
Granting of easement under certain U. S. land.

Description.

Easement to be in lieu of license.

SEC. 2. Such easement shall be granted subject to the following condition:

Conditions.

(1) The grantee shall not use any machines or erect any temporary structures on said land that will extend more than ten feet above the surface of the immediately surrounding area without permission of the operator in charge of the station or erect any permanent structures above the ground;

Restriction on machines and height of structures.

(2) None of the operations of the city in the exercise of any of the privileges granted by this easement shall interfere in any way with any wires, cables, conduits, pipes, sewers, or other structures of any kind or character now installed in or across such tract or hereafter installed in such tract by the Government or by any subsequent owner of any part of the tract;

No interference with installed wires, etc.

## Excavations.

(3) The grantee shall not make any excavations that will prevent or at any time unduly impede ingress and egress to the rest of the tract and, upon making any excavations, shall promptly restore the soil and surface of the land to its former condition;

## Air navigation facilities.

(4) Such other reasonable conditions as the Administrator in the Civil Aeronautics Authority may deem desirable for the purpose of preventing interference with the operation and maintenance of the air navigation facilities now or hereafter located upon such tract of land.

Approved, June 24, 1940.

## [CHAPTER 411]

## AN ACT

Authorizing the purchase of a site and the erection of a building in the State of Massachusetts for use as a radio-monitoring station, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio-monitoring station, or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of goniometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings, and equipment of not to exceed \$30,000.

Approved, June 24, 1940.

## [CHAPTER 412]

## AN ACT

To authorize the sale of lumber and other forest products obtained from the forests on Indian reservations by Indian enterprises.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the lumber and other forest products produced by Indian enterprises from the forests on Indian reservations may be sold under such regulations as the Secretary of the Interior may prescribe, without compliance with section 3709 of the Revised Statutes.

Approved, June 24, 1940.

## [CHAPTER 413]

## AN ACT

Authorizing the transfer of title of the Hayward Indian School to the State of Wisconsin.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to transfer to the State of Wisconsin, upon such terms and in such manner as may be mutually agreed upon, for institutional or other public use, title to all or any part of the property known and designated as the Hayward Indian School, located at Hayward, Wisconsin.

Approved, June 24, 1940.

June 24, 1940  
[S. 2611]  
[Public, No. 649]

Massachusetts.  
Purchase of site, etc.,  
for radio-monitoring  
station.

June 24, 1940  
[S. 2683]  
[Public, No. 650]

Indian reservations.  
Sale of lumber, etc.

41 U. S. C. § 5.

June 24, 1940  
[S. 2684]  
[Public, No. 651]

Hayward Indian  
School, Hayward,  
Wis.  
Transfer of title to  
State.

## [CHAPTER 414]

## AN ACT

To provide for the local delivery rate on certain first-class mail matter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in section 1001 of the Revenue Act of 1932 (relating to postal rates) is amended to read as follows: "Provided, That such additional rate shall not apply to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds one million, provided said county is entirely within a corporate city".*

Approved, June 24, 1940.

June 24, 1940  
[S. 3667]

[Public, No. 652]

Revenue Act of 1932,  
amendment.

48 Stat. 254, § 3.  
39 U. S. C. § 280  
(note); Supp. V, § 280  
(note).

*Proviso.*  
Additional postal  
rate, restriction.

## [CHAPTER 415]

## AN ACT

Making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes, namely:*

June 24, 1940  
[H. R. 8668]

[Public, No. 653]

War Department  
Civil Appropriation  
Act, 1941.  
*Post*, p. 971.

## QUARTERMASTER CORPS

## CEMETERIAL EXPENSES

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land; purchase of tools and materials; purchase and exchange of two passenger-carrying motor vehicles; repair, maintenance, and operation of passenger-carrying motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery, and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and including the burial site of Pushmataha, a Choctaw Indian chief; repair to roadways but not to more than a single approach road to any national cemetery constructed under special Act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (24 U. S. C. 279), February 3, 1879 (24 U. S. C. 280), March 9, 1906 (34 Stat. 56), March 14, 1914 (38 Stat. 768), and February 26, 1929 (24 U. S. C. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under Act approved March 9, 1928 (10 U. S. C. 916); travel allowances of attendants accompanying remains of military personnel and civilian employees; for repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island; and for care and maintenance of

Maintenance, etc.,  
of national cemeteries.  
*Post*, pp. 601, 971.

Arlington National  
Cemetery.

Portion of Congressional  
Cemetery.

Headstones.  
17 Stat. 545; 20 Stat.  
281; 45 Stat. 1307.

Recovery of bodies,  
etc.

45 Stat. 251.  
10 U. S. C., Supp.  
V, § 916.

Confederate ceme-  
teries, etc.

*Provisos.*  
Encroachment prohibited.

Restriction on roadway repairs.

Conveyance to State, etc., of certain roads.

*Provisos.*  
Conditions.

Transfer of jurisdiction.

graves used by the Army for burials in commercial cemeteries, \$1,458,281: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America over the road conveyed, shall cease and determine and shall thereafter vest in the State in which said road is located.

## SIGNAL CORPS

### ALASKA COMMUNICATION SYSTEM

Maintenance, etc.

For operation, maintenance, and improvement of the Alaska Communication System, including travel allowances and travel in kind as authorized by law, and operation and maintenance of passenger-carrying vehicles, \$197,992, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1942: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

*Proviso.*  
Report to Congress.

## CORPS OF ENGINEERS

### RIVERS AND HARBORS AND FLOOD CONTROL

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

### RIVERS AND HARBORS

Maintenance of existing works, etc.  
*Post*, pp. 1046, 1198.

Surveys, etc.

California Débris Commission.  
27 Stat. 507.  
33 U. S. C., Supp. V, § 683.

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893, as amended (33 U. S. C. 661, 678, and 683); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the

Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States, including maintenance of the Hennepin Canal in Illinois; for payment annually of tuition fees of not to exceed fifty student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (10 U. S. C. 535); for examinations, surveys, and contingencies of rivers and harbors; for printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, including such printing as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase (not to exceed \$197,700) of motor-propelled passenger-carrying vehicles and motorboats, for official use: *Provided*, That no part of this appropriation shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, \$67,365,310: *Provided*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board of Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1941 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed \$3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

#### FLOOD CONTROL

Flood control, general: For the construction and maintenance of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended and supplemented, including printing and binding, newspapers, law books, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, the purchase (not to exceed \$59,625) of motor-propelled passenger-carrying vehicles and motorboats for official use, and for preliminary examinations and surveys of flood-control projects authorized by law, \$70,000,000, of which not to exceed \$58,125,780 shall be available for expenditure upon projects on account of which allotments heretofore have been made: *Provided*, That \$2,000,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, including the employment of persons in the District of Columbia and else-

Student officers at civil technical institutions.

41 Stat. 785.

Printing and binding.

*Proviso.*  
Unauthorized surveys, etc.  
Maintenance of harbor channels.

Power-driven boats.

Permanent International Commission of the Congresses of Navigation.

Flood control, general.  
*Post*, p. 1046.

49 Stat. 1570.  
33 U. S. C., Supp.  
V, §§ 701a-707.

*Proviso.*  
Surveys for soil-erosion prevention, etc., on flood-control projects.

- Salmon River, Alaska. Plans, etc., flood-control projects. 52 Stat. 1216. 33 U. S. C., Supp. V, § 701f (note). Expenditure of funds.
- North Little Rock, Ark. 49 Stat. 1570. 33 U. S. C., Supp. V, §§ 701a-707.
- Mississippi River and tributaries. 45 Stat. 534; 49 Stat. 1508. 33 U. S. C., Supp. V, § 702a-1.
- Emergency fund, tributaries of Mississippi River. 49 Stat. 1511. 33 U. S. C., Supp. V, § 702g-1.
- Sacramento River, Calif. 39 Stat. 949; 45 Stat. 539. *Proviso.* John Martin Reservoir Project. 49 Stat. 1570. 33 U. S. C., Supp. V, §§ 701a-707.
- where, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed \$35,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses: *Provided further*, That funds appropriated herein may be used for flood-control work on the Salmon River, Alaska, as authorized by law: *Provided further*, That funds appropriated herein may be used to execute detailed surveys, prepare plans and specifications, and to procure options on land and property necessary for the construction of authorized flood-control projects or for flood-control projects considered for selection in accordance with the provisions of section 4 of the Flood Control Act approved June 28, 1938: *Provided further*, That the expenditure of funds for completing the necessary surveys and securing options shall not be construed as a commitment of the Government to the construction of any project: *Provided further*, That the flood-control project at North Little Rock, in Pulaski County, Arkansas, authorized by the Flood Control Act approved June 22, 1936, shall be constructed in accordance with the revised plans and cost estimates now in the Office of the Chief of Engineers.
- Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved May 15, 1928, as amended (33 U. S. C. 702a), including printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the office of the Chief of Engineers to carry out the purposes of this appropriation, and for the purchase (not to exceed \$40,425) of motor-propelled passenger-carrying vehicles and motorboats for official use, \$30,000,000.
- Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), \$800,000.
- Flood control, Sacramento River, California: For prosecuting work of flood control, Sacramento River, California, in accordance with the provisions of Acts approved March 1, 1917, May 15, 1928, and August 26, 1937 (33 U. S. C. 703, 704; 50 Stat. 849), \$1,242,000: *Provided*, That from and after the approval of this Act, the Caddoa Reservoir project for flood control and water conservation in Colorado and Kansas, authorized by the Flood Control Act approved June 22, 1936, shall be known and designated on the public records as the John Martin Reservoir Project and that the change in the name of such project shall in no wise affect the rights of the State of Colorado or the State of Kansas or any county, municipality, corporation, association, or person, and all records, surveys, maps, and public documents of the United States or of either of said States in which such project is mentioned or referred to under any other name than the John Martin Reservoir Project shall be held to refer to such project under and by the name of John Martin Reservoir Project.

## HYDROELECTRIC POWER

- Fort Peck Dam, Mont. 16 U. S. C., Supp. V, §§ 833-833k.
- Bonneville Dam, Oreg. Post, p. 1047.
- Power plant, Fort Peck Dam, Montana: For continuing the construction of the hydroelectric power plant at Fort Peck Dam, Montana, as authorized by the Act approved May 18, 1938 (52 Stat. 403), \$2,000,000.
- Power plant, Bonneville Dam, Columbia River, Oregon: For continuing the construction of the hydroelectric power plant at Bonne-

ville Dam, Columbia River, Oregon, as authorized by the Acts approved August 30, 1935 (49 Stat. 1038), and August 20, 1937 (50 Stat. 731), \$3,400,000.

16 U. S. C., Supp. V, §§ 832-832i.

#### SURVEYS AND MAPPING

For topographic surveys and mapping as proposed in Senate Document Numbered 54, Seventy-sixth Congress, first session, to be transferred to the Department of the Interior, Geological Survey, and to be applied to the same objects (but not limited to the amounts specified for such objects) authorized in the Interior Department Appropriation Act for the fiscal year ending June 30, 1941, in the first paragraph under the heading "Geological Survey" and in the subitem for "Topographic Surveys", and to the employment of personal services (not to exceed \$30,400) in the District of Columbia, the purchase of office equipment for use in the District of Columbia, field and office stationery, and engraving and printing maps, \$1,210,350, to remain available until June 30, 1942: *Provided*, That this appropriation shall be devoted to mapping in strategic areas, in accordance with priorities to be determined by the Secretary of War.

Topographic surveys, etc.

*Ante*, p. 439.

*Proviso*. Mapping in strategic areas.

#### UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$796,013.

Maintenance, etc.

#### THE PANAMA CANAL

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, and construction of additional facilities, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; lawbooks; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; travel expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; not to exceed \$2,000 for travel and subsistence expenses of members of the police and fire forces of the Panama Canal incident to their special training in the United States;

Maintenance, etc., expenses.

Printing and binding.

Damage claims.

Acquisition of land.

Emergencies.

Purchase, etc., of buildings.	transportation, including insurance, of public funds and securities between the United States and the Canal Zone; purchase, construction, repair, replacement, alteration, or enlargement of buildings, structures, equipment, and other improvements; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:
Accounting.	For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; contingencies of the Governor, to be expended in his discretion, not exceeding \$3,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; and relief payments authorized by the Act approved July 8, 1937 (50 Stat. 478), \$8,011,367; for continuing the construction of special protective works, \$19,000,000; in all, \$27,011,367, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act, and, in addition, the Governor of the Panama Canal may, when authorized by the Secretary of War, enter into contracts prior to July 1, 1941, for or on account of the construction of special protective works, Panama Canal, to an amount not in excess of \$4,500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.
Maintenance and operation.	Construction of additional facilities—Panama Canal: For construction of additional facilities for the improvement and enlargement of the capacity of the Panama Canal, in accordance with the Act approved August 11, 1939 (53 Stat. 1409), including reimbursement to the appropriations "Maintenance and Operation, Panama Canal", "Sanitation, Panama Canal", and "Civil Government, Panama Canal", in such amounts as the Governor of the Panama Canal shall from time to time determine to be additional costs incurred for the objects specified in said appropriations on account of the prosecution of the work; in all, \$15,000,000, and, in addition, the Governor of the Panama Canal may, when authorized by the Secretary of War, make or authorize the making of contracts prior to July 1, 1941, for or on account of the construction of such additional facilities, to an amount not in excess of \$99,000,000.
Payment to alien cripples. 39 Stat. 750. 5 U. S. C., Supp. V, § 793.	For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood from their veins for transfusion to the veins of patients in Panama Canal hospitals: <i>Provided</i> , That expenditures heretofore made to any person within the Government service for blood furnished to patients in Panama Canal hospitals are hereby validated; \$1,045,393.
Relief payments. 48 U. S. C., Supp. V, § 1372. Special protective works.	Contracts authorized. Contracts authorized.
Contracts authorized.	Sanitation, hospitals, etc.
Construction of additional facilities.	Chief quarantine officer.
48 U. S. C., Supp. V, § 1307. Reimbursement to designated appropriations.	Blood transfusion payments.
Contracts authorized.	<i>Proviso.</i> Prior expenditures validated.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, \$1,192,011.

Civil government expenses.

Total, Panama Canal, \$44,248,771, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1941 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, and to remain available until expended, all moneys received by the Panama Canal during the fiscal year 1941 and prior fiscal years (exclusive of net profits for such prior fiscal years) from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

Additional sums appropriated.

There is also appropriated for the fiscal year 1941 for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, to remain available until expended, the necessary portions of such sums as shall be paid during that fiscal year as water rentals or directly by the Government of Panama for such expenses.

Disposition of net profits.

Waterworks, etc., Panama and Colon.

SEC. 2. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone

Personal services, Canal Zone, citizenship requirement; exception.

*Proviso.*  
Employment of Panamanian citizens. 48 U. S. C., Supp. V, § 1307.

Number.

Persons having served 15 years.

Selection of personnel.

Hours of employment; rates of pay.

Section applicable only to certain persons.

directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

Suspension of compliance in time of war, etc.

Administrative promotions.

SEC. 3. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Citizenship requirement.

SEC. 4. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such person is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

Short title.

SEC. 5. This Act may be cited as the "War Department Civil Appropriation Act, 1941".

Approved, June 24, 1940.

[CHAPTER 416]

AN ACT

To amend sections 2803 (c) and 2903 of the Internal Revenue Code.

June 24, 1940

[H. R. 9909]

[Public, No. 654]

Internal Revenue Code, amendments.

Unused stamps; exchange, refund, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 2803 (c), Internal Revenue Code, be amended to read as follows:

"(c) UNUSED STAMPS; EXCHANGE, REFUND, ETC.—The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision."

SEC. 2. Section 2903, Internal Revenue Code, is hereby amended by relettering subsections (e), (f), and (g) as (f), (g), and (h), respectively, and by inserting a new subsection (e) to read as follows:

"(e) UNUSED STAMPS; EXCHANGE, REFUND, ETC.—The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused case stamp, with all coupon strip stamps attached thereto, issued under section 1 of the Act entitled 'An Act to allow the bottling of distilled spirits in bond', approved

48 Stat. 316; 53 Stat. 303.

26 U. S. C., Supp. V, §§ 2803 (b), 2803 (c).

*Provisos.*  
Minimum quantity.  
Time restriction on claims.

Appropriation authorized.

53 Stat. 342.  
26 U. S. C., Supp. V, § 2903.

Unused stamps; exchange, refund, etc.

March 3, 1897 (29 Stat. 626), or under said section 1, as variously amended, and may redeem or make allowance for unused strip stamps issued for bottles of distilled spirits bottled in bond under said section 1, as amended by the Act of July 9, 1937 (50 Stat. 487), or under subsection (d) of this section, by exchanging them for strip stamps for bottled-in-bond spirits, or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of \$5 or more: *And provided further*, That no claim under this subsection for redemption or allowance in respect of case or strip stamps shall be allowed unless presented within two years after the date on which such case or strip stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision."

SEC. 3. Notwithstanding the limitations contained in sections 2803 (c) and 2903 (e), Internal Revenue Code, as amended and inserted, respectively, by this Act, as to the time within which claims under such sections must be presented, claims under such sections for the exchange of or refund for stamps lawfully issued prior to the date of enactment of this Act may be allowed if presented within two years from the date of enactment of this Act.

Approved, June 24, 1940.

26 U. S. C., Supp. V, § 2903.

26 U. S. C., Supp. V, § 2903.

*Provisos.*  
Minimum quantity.

Time restriction on claims.

Appropriation authorized.

Certain claims allowable notwithstanding time limitation.

[CHAPTER 417]

AN ACT

To eliminate the tax on brandy and wine spirits used in the fortification of wine; to increase the tax on wine; to compensate for the loss of revenue occasioned by the elimination of the tax on brandy and wine spirits used in the fortification of wine; and for other purposes.

June 24, 1940  
[H. R. 9117]  
[Public, No. 655]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, effective July 1, 1940, section 3030 (a) (1) (A), Internal Revenue Code, is amended to read as follows:

Internal Revenue Code, amendments. 53 Stat. 347. 26 U. S. C., Supp. V, § 3030 (a) (1) (A). Tax on still wines. Post, p. 525.

"(A) IMPOSITION.—Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold or removed for consumption or sale:

Rates.

Alcoholic strength.

"On wines containing not more than 14 per centum of absolute alcohol, 5 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

"On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 15 cents per wine-gallon;

"On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 25 cents per wine-gallon;

"All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

Higher strength classed as distilled spirits.

"Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

Sale, etc., tax-free in certain cases.

Dealcoholized wines.

Wines for family use of registered producer.

"The taxes imposed by this subparagraph (A) of this paragraph shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume; nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year."

53 Stat. 347.  
26 U. S. C., Supp.  
V, § 3030 (a) (2).

Sparkling wines, liqueurs, and cordials.  
Post, p. 525.

SEC. 2. Effective July 1, 1940, section 3030 (a) (2), Internal Revenue Code, is amended to read as follows:

"(2) SPARKLING WINES, LIQUEURS, AND CORDIALS.—Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940, are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

Rates.

Champagne, etc.

"On each bottle or other container of champagne or sparkling wine, 2½ cents on each one-half pint or fraction thereof;

Artificially carbonated wines.

"On each bottle or other container of artificially carbonated wine, 1¼ cents on each one-half pint or fraction thereof;

Fortified liqueurs, etc.

"On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy, 1¼ cents on each one-half pint or fraction thereof.

Classification as distilled spirits; exceptions.

"Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

Refund of certain taxes on liqueurs, etc.

"The Commissioner, under regulations prescribed by him, with the approval of the Secretary, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to June 26, 1936."

53 Stat. 348.  
26 U. S. C., Supp.  
V, § 3031 (a).

Withdrawal of spirits for fortification.

SEC. 3. Effective July 1, 1940, section 3031 (a), Internal Revenue Code, is amended to read as follows:

"(a) WITHDRAWAL OF SPIRITS FOR FORTIFICATION.—Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this subchapter may withdraw from any fruit distillery or internal revenue bonded warehouse grape brandy (hereafter in this section included in the term 'brandy'), or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, or apple wines (hereafter in this section included in the term 'wines') may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear

brand, or apple brandy (hereafter in this section included in the term 'brandy') for the fortification of wines as set forth in section 3032, Internal Revenue Code, on the premises where actually made. The amounts of tax at the rate imposed by law on such brandy or wine spirits shall be charged immediately upon withdrawal against the producer withdrawing the same: *Provided*, That whenever such brandy or wine spirits shall be lawfully used in the fortification of wines and accounted for in the manner provided by law and regulations, the producer shall be credited in the amount of the internal-revenue tax on so much of the brandy or wine spirits so withdrawn as was so used. Every producer of wines who withdraws such brandy or wine spirits shall give bond to fully cover at all times the payment of the internal-revenue tax at the rate imposed by law due on such brandy or wine spirits, which bond shall be in such form as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe. On and after July 1, 1940, the internal-revenue tax on such brandy or wine spirits shall be assessed against the producer of such wines who has withdrawn brandy or wine spirits for use in the fortification of such wines when such brandy or wine spirits are not lawfully used in the fortification of wines, or when such brandy or wine spirits are not so accounted for in the manner provided by law and regulations as to warrant remission of the tax.

"Nothing contained in this section shall be construed as exempting any wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this subchapter.

"Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

"The taxes imposed by this subchapter shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume."

SEC. 4. Upon the filing of a claim therefor by the proprietor of any bonded winery or bonded storeroom in which there was stored on June 30, 1940, or to which there was in transit on that date, wine lawfully fortified with brandy or wine spirits, and containing more than 14 per centum of absolute alcohol by volume, and not exceeding 24 per centum of absolute alcohol by volume, the Commissioner of Internal Revenue is authorized to issue to such proprietor suitable documents entitling such proprietor to a credit of 5 cents per gallon in respect of each gallon of such fortified wine which the Commissioner shall find was on such proprietor's bonded winery or bonded storeroom premises on June 30, 1940, or in transit thereto. The amount of such credit shall be allowed in whole or in part in the purchase of wine stamps. The claim shall be supported by an inventory, prepared, and filed by the proprietor in such form and manner as the Commissioner of Internal Revenue shall prescribe by regulations, approved by the Secretary of the Treasury, and by such other proof as the Commissioner may from time to time require. The aforesaid credit to the proprietor may be transferred by the proprietor to whom issued to the proprietor of any other bonded winery or bonded storeroom. All claims under this section must be filed on or before October 1, 1940.

SEC. 5. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe and publish all needful rules and regulations for the enforcement of this Act.

Approved, June 24, 1940.

53 Stat. 350.  
26 U. S. C., Supp.  
V, § 3032.  
Tax.

*Proviso.*  
Allowance for spirits  
used in fortifying  
wines.

Bond.

Tax on certain  
brandy or wine spirits.

Wines, cordials, etc.,  
not exempted.

Sale, etc., tax-free in  
certain cases.

Dealcoholized wines  
exempt.

Credits for fortified  
wines in certain cases.

Credit per gallon.

Purchase of wine  
stamps.

Inventory to support  
claim.

Transfer of credits.

Time limitation.

Rules and regula-  
tions.

## [CHAPTER 419]

## AN ACT

June 26, 1940  
[H. R. 10039]  
[Public, No. 656]

To provide for the expenses of national preparedness by raising revenue and issuing bonds, to provide a method for paying for such bonds, and for other purposes.

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

## TITLE I

## SEC. 1. SHORT TITLE.

Revenue Act of  
1940.

This Act may be cited as the Revenue Act of 1940.

## SEC. 2. SURTAX ON INDIVIDUALS.

53 Stat. 5.  
26 U. S. C., Supp.  
V, § 12 (b).  
Rates of surtax.

Section 12 (b) of the Internal Revenue Code is amended to read as follows:

“(b) **RATES OF SURTAX.**—There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual a surtax as follows:

“Upon a surtax net income of \$4,000 there shall be no surtax; upon surtax net incomes in excess of \$4,000 and not in excess of \$6,000, 4 per centum of such excess.

“\$80 upon surtax net incomes of \$6,000; and upon surtax net incomes in excess of \$6,000 and not in excess of \$8,000, 6 per centum in addition of such excess.

“\$200 upon surtax net incomes of \$8,000; and upon surtax net incomes in excess of \$8,000 and not in excess of \$10,000, 8 per centum in addition of such excess.

“\$360 upon surtax net incomes of \$10,000; and upon surtax net incomes in excess of \$10,000 and not in excess of \$12,000, 10 per centum in addition of such excess.

“\$560 upon surtax net incomes of \$12,000; and upon surtax net incomes in excess of \$12,000 and not in excess of \$14,000, 12 per centum in addition of such excess.

“\$800 upon surtax net incomes of \$14,000; and upon surtax net incomes in excess of \$14,000 and not in excess of \$16,000, 15 per centum in addition of such excess.

“\$1,100 upon surtax net incomes of \$16,000; and upon surtax net incomes in excess of \$16,000 and not in excess of \$18,000, 18 per centum in addition of such excess.

“\$1,460 upon surtax net incomes of \$18,000; and upon surtax net incomes in excess of \$18,000 and not in excess of \$20,000, 21 per centum in addition of such excess.

“\$1,880 upon surtax net incomes of \$20,000; and upon surtax net incomes in excess of \$20,000 and not in excess of \$22,000, 24 per centum in addition of such excess.

“\$2,360 upon surtax net incomes of \$22,000; and upon surtax net incomes in excess of \$22,000 and not in excess of \$26,000, 27 per centum in addition of such excess.

“\$3,440 upon surtax net incomes of \$26,000; and upon surtax net incomes in excess of \$26,000 and not in excess of \$32,000, 30 per centum in addition of such excess.

“\$5,240 upon surtax net incomes of \$32,000; and upon surtax net incomes in excess of \$32,000 and not in excess of \$38,000, 33 per centum in addition of such excess.

“\$7,220 upon surtax net incomes of \$38,000; and upon surtax net incomes in excess of \$38,000 and not in excess of \$44,000, 36 per centum in addition of such excess.

“\$9,380 upon surtax net incomes of \$44,000; and upon surtax net incomes in excess of \$44,000 and not in excess of \$50,000, 40 per centum in addition of such excess.

“\$11,780 upon surtax net incomes of \$50,000; and upon surtax net incomes in excess of \$50,000 and not in excess of \$60,000, 44 per centum in addition of such excess.

“\$16,180 upon surtax net incomes of \$60,000; and upon surtax net incomes in excess of \$60,000 and not in excess of \$70,000, 47 per centum in addition of such excess.

“\$20,880 upon surtax net incomes of \$70,000; and upon surtax net incomes in excess of \$70,000 and not in excess of \$80,000, 50 per centum in addition of such excess.

“\$25,880 upon surtax net incomes of \$80,000; and upon surtax net incomes in excess of \$80,000 and not in excess of \$90,000, 53 per centum in addition of such excess.

“\$31,180 upon surtax net incomes of \$90,000; and upon surtax net incomes in excess of \$90,000 and not in excess of \$100,000, 56 per centum in addition of such excess.

“\$36,780 upon surtax net incomes of \$100,000; and upon surtax net incomes in excess of \$100,000 and not in excess of \$150,000, 58 per centum in addition of such excess.

“\$65,780 upon surtax net incomes of \$150,000; and upon surtax net incomes in excess of \$150,000 and not in excess of \$200,000, 60 per centum in addition of such excess.

“\$95,780 upon surtax net incomes of \$200,000; and upon surtax net incomes in excess of \$200,000 and not in excess of \$250,000, 62 per centum in addition of such excess.

“\$126,780 upon surtax net incomes of \$250,000; and upon surtax net incomes in excess of \$250,000 and not in excess of \$300,000, 64 per centum in addition of such excess.

“\$158,780 upon surtax net incomes of \$300,000; and upon surtax net incomes in excess of \$300,000 and not in excess of \$400,000, 66 per centum in addition of such excess.

“\$224,780 upon surtax net incomes of \$400,000; and upon surtax net incomes in excess of \$400,000 and not in excess of \$500,000, 68 per centum in addition of such excess.

“\$292,780 upon surtax net incomes of \$500,000; and upon surtax net incomes in excess of \$500,000 and not in excess of \$750,000, 70 per centum in addition of such excess.

“\$467,780 upon surtax net incomes of \$750,000; and upon surtax net incomes in excess of \$750,000 and not in excess of \$1,000,000, 72 per centum in addition of such excess.

“\$647,780 upon surtax net incomes of \$1,000,000; and upon surtax net incomes in excess of \$1,000,000 and not in excess of \$2,000,000, 73 per centum in addition of such excess.

“\$1,377,780 upon surtax net incomes of \$2,000,000; and upon surtax net incomes in excess of \$2,000,000 and not in excess of \$5,000,000, 74 per centum in addition of such excess.

“\$3,597,780 upon surtax net incomes of \$5,000,000; and upon surtax net incomes in excess of \$5,000,000, 75 per centum in addition of such excess.”

### SEC. 3. CORPORATION TAX.

(a) TAX ON CORPORATIONS IN GENERAL.—Section 13 (b) of the Internal Revenue Code is amended to read as follows:

“(b) IMPOSITION OF TAX.—There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than \$25,000

53 Stat. 7, 863.  
26 U. S. C., Supp.  
V, § 13 (b).  
Foot, p. 974.  
Imposition of tax.

26 U. S. C., Supp. V, §§ 14, 231 (a), 201, 361.

General rule.

(except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

“(1) **GENERAL RULE.**—A tax of 19 per centum of the normal-tax net income; or

Alternative tax.

“(2) **ALTERNATIVE TAX (CORPORATIONS WITH NORMAL-TAX NET INCOME SLIGHTLY MORE THAN \$25,000).**—A tax of \$3,775, plus 33 per centum of the amount of the normal-tax net income in excess of \$25,000.”

53 Stat. 864, Supp. V, § 14 (note).

Corporations with normal-tax net incomes of not more than \$25,000.

(b) **TAX ON SPECIAL CLASSES OF CORPORATIONS.**—Sections 14 (b) and (c) (1) of the Internal Revenue Code are amended to read as follows:

“(b) **CORPORATIONS WITH NORMAL-TAX NET INCOMES OF NOT MORE THAN \$25,000.**—If the normal-tax net income of the corporation is not more than \$25,000, and if the corporation does not come within one of the classes specified in subsection (c), (d), or (e) of this section, the tax shall be as follows:

“Upon normal-tax net incomes not in excess of \$5,000, 13½ per centum.

“\$675 upon normal-tax net incomes of \$5,000, and upon normal-tax net incomes in excess of \$5,000 and not in excess of \$20,000, 15 per centum in addition of such excess.

“\$2,925 upon normal-tax net incomes of \$20,000, and upon normal-tax net incomes in excess of \$20,000, 17 per centum in addition of such excess.

“(c) **FOREIGN CORPORATIONS.**—

Foreign corporations. Post, p. 974.

“(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to 19 per centum of the normal-tax net income, regardless of the amount thereof.”

Nonresident foreign corporations. 53 Stat. 78, 26 U. S. C., Supp. V, § 231 (a).

(c) **TAX ON NONRESIDENT FOREIGN CORPORATIONS.**—Section 231 (a) (1) of the Internal Revenue Code is amended by striking out “except that in the case of dividends the rate shall be 10 per centum, and” and by striking out “of 10 per centum”.

Mutual investment companies. 53 Stat. 99, 26 U. S. C., Supp. V, § 362 (b). Imposition of tax. Post, p. 974.

(d) **TAX ON MUTUAL INVESTMENT COMPANIES.**—Section 362 (b) of the Internal Revenue Code is amended to read as follows:

“(b) **IMPOSITION OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 19 per centum of the amount thereof.”

#### SEC. 4. TAX ON NONRESIDENT ALIEN INDIVIDUALS.

Tax in general. 53 Stat. 75, 26 U. S. C., Supp. V, § 211 (a) (1) (A).

(a) **TAX IN GENERAL.**—Section 211 (a) (1) (A) of the Internal Revenue Code (relating to tax on nonresident alien individuals not engaged in trade or business within the United States and not having an office or place of business therein) is amended by striking out “10 per centum” and inserting in lieu thereof “15 per centum”.

Aggregate receipts more than \$24,000. 53 Stat. 75, 26 U. S. C., Supp. V, § 211 (a) (2).

(b) **AGGREGATE RECEIPTS MORE THAN \$24,000.**—Section 211 (a) (2) of the Internal Revenue Code is amended to read as follows:

“(2) **AGGREGATE MORE THAN \$24,000.**—The tax imposed by paragraph (1) shall not apply to any individual if the aggregate amount received during the taxable year from the sources therein specified is more than \$24,000.”

Gross income of more than \$24,000. 53 Stat. 75, 26 U. S. C., Supp. V, § 211 (c).

(c) **TAX WHERE GROSS INCOME OF MORE THAN \$24,000.**—Section 211 (c) of the Internal Revenue Code (relating to tax on certain nonresident alien individuals) is amended by striking out “\$21,600” wherever occurring therein and inserting in lieu thereof “\$24,000”; and by striking out “10 per centum” and inserting in lieu thereof “15 per centum”.

**SEC. 5. WITHHOLDING OF TAX AT SOURCE.**

(a) Section 143 of the Internal Revenue Code is amended by striking out "10 per centum" wherever occurring therein and inserting in lieu thereof "15 per centum".

Withholding of tax at source.  
53 Stat. 60, 62.  
26 U. S. C., Supp. V, §§ 143, 144.

(b) Section 144 of the Internal Revenue Code is amended by striking out "except that in the case of dividends the rate shall be 10 per centum, and" and by striking out "of 10 per centum".

(c) The amendments made by this section shall take effect on June 26, 1940.

**SEC. 6. PERSONAL EXEMPTION.**

(a) Section 25 (b) (1) of the Internal Revenue Code is amended to read as follows:

Personalexemption.

"(1) **PERSONAL EXEMPTION.**—In the case of a single person or a married person not living with husband or wife, a personal exemption of \$800; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of \$2,000. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be \$2,000. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them."

53 Stat. 18.  
26 U. S. C., Supp. V, § 25 (b) (1).

(b) Section 214 of the Internal Revenue Code (relating to personal exemption of nonresident alien individuals) is amended by striking out "\$1,000" and inserting in lieu thereof "\$800".

53 Stat. 77.  
26 U. S. C., Supp. V, § 214.

(c) Section 251 (f) of the Internal Revenue Code (relating to personal exemption of citizens entitled to benefits of section 251) is amended by striking out "\$1,000" and inserting in lieu thereof "\$800".

53 Stat. 80.  
26 U. S. C., Supp. V, § 251 (f).

**SEC. 7. RETURNS OF INCOME TAX.**

(a) **INDIVIDUAL RETURNS.**—Section 51 (a) of the Internal Revenue Code is amended to read as follows:

Individual returns.  
53 Stat. 27.  
26 U. S. C., Supp. V, § 51 (a).

"(a) **REQUIREMENT.**—The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

Requirement.

"(1) Every individual who is single or who is married but not living with husband or wife, if having a gross income for the taxable year of \$800 or over.

"(2) Every individual who is married and living with husband or wife, if no joint return is made under subsection (b) and if—

"(A) Such individual has for the taxable year a gross income of \$2,000 or over, and the other spouse has no gross income; or

"(B) Such individual and his spouse each has for the taxable year a gross income and the aggregate gross income is \$2,000 or over."

(b) **FIDUCIARY RETURNS.**—Section 142 (a) of the Internal Revenue Code is amended to read as follows:

Fiduciary returns.  
53 Stat. 60.  
26 U. S. C., Supp. V, § 142 (a).

"(a) **REQUIREMENT OF RETURN.**—Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commis-

Requirement.

sioner with the approval of the Secretary may by regulations prescribe—

“(1) Every individual having a gross income for the taxable year of \$800 or over, if single, or if married and not living with husband or wife;

“(2) Every individual having a gross income for the taxable year of \$2,000 or over, if married and living with husband or wife;

“(3) Every estate the gross income of which for the taxable year is \$800 or over;

“(4) Every trust the net income of which for the taxable year is \$100 or over, or the gross income of which for the taxable year is \$800 or over, regardless of the amount of the net income; and

“(5) Every estate or trust of which any beneficiary is a nonresident alien.”

Information re-  
turns.

53 Stat. 64.  
26 U. S. C., Supp.  
V, § 147 (a).

(c) **INFORMATION RETURNS.**—Section 147 (a) of the Internal Revenue Code (relating to information at the source) is amended by striking out “\$1,000” wherever occurring therein and inserting in lieu thereof “\$800”.

#### SEC. 8. TREATY OBLIGATIONS.

Treaty obligations.

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

#### SEC. 9. TAXABLE YEARS TO WHICH APPLICABLE.

Taxable years to  
which applicable.

The amendments made by this title, except the amendments made by section 5, shall be applicable only with respect to taxable years beginning after December 31, 1939.

## TITLE II

### SEC. 201. INCOME TAX.

53 Stat. 8.  
26 U. S. C., Supp.  
V, § 14.

Chapter 1 of the Internal Revenue Code is amended by inserting after section 14 the following new section:

#### “SEC. 15. DEFENSE TAX FOR FIVE YEARS.

Defense tax.  
Post, p. 974.

“In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be 10 per centum greater than the amount of tax computed without regard to this section. In no case shall the effect of this section be to increase the tax computed without regard to this section by more than 10 per centum of the amount by which the net income exceeds such tax. For the purposes of this section, the tax computed without regard to this section shall be such tax before the application of the credit provided in section 31 (‘foreign tax credit’), and the credit provided in section 32 (taxes withheld at the source).”

#### SEC. 202. RATES OF WITHHOLDING.

53 Stat. 60.  
26 U. S. C., Supp.  
V, § 143.  
Rates until January  
1945.

Section 143 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

“(h) **RATES UNTIL JANUARY 1945.**—For the period after June 25, 1940, and before January 1, 1945, the rate provided in this section and section 144, of 15 per centum shall be 16½ per centum. This subsection or section 15 shall not apply in any case where its operation would be contrary to any treaty obligation of the United States,

nor to a resident of, or a corporation organized under the laws of, a contiguous country so long as there is in effect with such country a treaty, ratified prior to August 26, 1937, relating to rates of income tax."

### SEC. 203. PERSONAL HOLDING COMPANIES.

Section 500 of the Internal Revenue Code is amended by inserting "(a) GENERAL RULE.—" before the first paragraph and inserting at the end thereof the following new subsection:

"(b) DEFENSE TAX FOR FIVE YEARS.—In the case of every personal holding company, the amount of surtax under this subchapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be 10 per centum greater than the amount of surtax computed without regard to this subsection."

53 Stat. 104,  
26 U. S. C., Supp.  
V, § 500.  
General rule.

Defense tax.

### SEC. 204. EXCESS-PROFITS TAX.

Section 600 of the Internal Revenue Code is amended by inserting "(a) GENERAL RULE.—" before the first paragraph and by inserting at the end of such section the following new subsection:

"(b) DEFENSE TAX FOR FIVE YEARS.—In the case of any taxpayer, the amount of tax payable under this section for any income-tax taxable year ending after June 30, 1940, and before July 1, 1945, shall be 10 per centum greater than the amount of tax which would be payable if computed without regard to this subsection."

53 Stat. 111,  
26 U. S. C., Supp.  
V, § 600.  
General rule.

Defense tax.

### SEC. 205. CAPITAL STOCK TAX.

Section 1200 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

"(c) DEFENSE TAX FOR FIVE YEARS.—For the year ending June 30, 1940, and for the four succeeding years ending June 30, the rates provided in subsections (a) and (b) shall be \$1.10 in lieu of \$1."

53 Stat. 169,  
26 U. S. C., Supp.  
V, § 1200.  
Defense tax.

### SEC. 206. ESTATE TAX.

Chapter 3 of the Internal Revenue Code is amended by inserting at the end thereof the following new subchapter:

#### "Subchapter C—Defense Tax for Five Years

##### "SEC. 951. DEFENSE TAX FOR FIVE YEARS.

"In the case of a decedent dying after the date of the enactment of the Revenue Act of 1940 and before the expiration of five years after such date, the total amount of tax payable under this chapter shall be 10 per centum greater than the amount of tax which would be payable if computed without regard to this section. For the purposes of this section, the tax computed without regard to this section shall be such tax after the application of the credits provided for in section 813 and section 936."

Defense tax.

### SEC. 207. GIFT TAX.

Section 1001 of the Internal Revenue Code is amended by adding at the end thereof the following new subsection:

"(d) DEFENSE TAX FOR 1940-1945.—Despite the provisions of subsection (a)—

"(1) The tax for each of the calendar years 1941 to 1945, both inclusive, shall be an amount equal to the excess of—

"(A) 110 per centum of a tax, computed in accordance with the Rate Schedule hereinbefore set forth, on the aggregate sum

53 Stat. 144,  
26 U. S. C., Supp.  
V, § 1001.  
Defense tax for 1940-  
1945.

Calendar years 1941-  
1945.

of the net gifts for such calendar year and for each of the preceding calendar years, over

“(B) 110 per centum of a tax, computed in accordance with the said Rate Schedule, on the aggregate sum of the net gifts for each of the preceding calendar years.

Calendar year 1940.

“(2) The tax for the calendar year 1940 shall be the sum of (A) the tax computed under subsection (a), plus (B) an amount which bears the same ratio to 10 per centum of the tax so computed as the amount of gifts made after the date of the enactment of the Revenue Act of 1940 bears to the total amount of gifts made during the year. For the purposes of this paragraph, the term ‘gifts’ does not include gifts which, under section 1003 (b) (2), are not to be included in computing the total amount of gifts made during the calendar year 1940, or gifts which, in the case of a citizen or resident, are allowed as a deduction by section 1004 (a) (2), or gifts which, in the case of a nonresident not a citizen of the United States, are allowed as a deduction by section 1004 (b).”

#### SEC. 208. TAX ON TRANSFERS TO AVOID INCOME TAX.

53 Stat. 172.  
26 U. S. C., Supp.  
V, § 1250.  
General rule.  
Defense tax.

Section 1250 of the Internal Revenue Code is amended by inserting “(a) GENERAL RULE.—” before the first paragraph and inserting at the end thereof the following new subsection:

“(b) DEFENSE TAX FOR FIVE YEARS.—In the case of any transfer during the period after the date of the enactment of the Revenue Act of 1940 and before July 1, 1945, the rate provided in subsection (a) shall be 27½ per centum in lieu of 25 per centum.”

#### SEC. 209. CONTINUATION OF EXCISE TAXES.

Continuation of excise taxes.  
53 Stat. 195, 196, 411,  
420, 421, 422, 425.  
26 U. S. C., Supp. V.

Sections 1801, 1802, 3403 (f) (1), 3452, 3460 (a), 3465, 3481 (b), and 3482 of the Internal Revenue Code are amended by striking out “1941” wherever appearing therein and inserting in lieu thereof “1945”.

#### SEC. 210. MISCELLANEOUS EXCISES.

53 Stat. 175.  
26 U. S. C., Supp. V,  
§ 1400.

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

### “CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

#### “SEC. 1650. DEFENSE TAX FOR FIVE YEARS.

Defense tax.

“(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading ‘Defense-Tax Rate’:

"Section	Description of tax	Old rate	Defense-tax rate
1700 (b)-----	Box seats-----	10 percent--	11 percent.
1700 (c)-----	Sales outside box office-----	10 percent--	11 percent.
1700 (e)-----	Cabaret-----	1½ cents--	2 cents.
1710 (a) (1)-----	Dues-----	10 percent--	11 percent.
1710 (a) (2)-----	Initiation fees-----	10 percent--	11 percent.
1801-----	Corporate securities-----	10 cents--	11 cents.
1802 (a)-----	Capital stock issues-----	10 cents--	11 cents.
1802 (a)-----	Capital stock issues-----	2 cents--	3 cents.
1802 (b)-----	Capital stock transfers-----	4 cents--	5 cents.
1802 (b)-----	Capital stock transfers-----	5 cents--	6 cents.
1804-----	Insurance policies-----	3 cents--	4 cents.
1806-----	Passage tickets-----	\$1-----	\$1.10.
1806-----	Passage tickets-----	\$3-----	\$3.30.
1806-----	Passage tickets-----	\$5-----	\$5.50.
1850 (a)-----	Safe-deposit boxes-----	10 percent--	11 percent.
2700 (a)-----	Pistols and revolvers-----	10 percent--	11 percent.
3250 (a) (1)-----	Wholesalers in liquor-----	\$100-----	\$110.
3250 (b)-----	Retailers in liquor-----	\$25-----	\$27.50.
3250 (c)-----	Brewers-----	\$100-----	\$110.
3250 (c)-----	Brewers-----	\$50-----	\$55.
3250 (d)-----	Wholesalers in malt liquors-----	\$50-----	\$55.
3250 (e)-----	Retailers-----	\$20-----	\$22.
3250 (e) (3)-----	Special cases-----	\$2-----	\$2.20.
3250 (f) (1)-----	Rectifiers-----	\$200-----	\$220.
3250 (f) (1)-----	Rectifiers-----	\$100-----	\$110.
3250 (j)-----	Still-----	\$50-----	\$55.
3250 (j)-----	Still-----	\$20-----	\$22.
3400 (1)-----	Tires-----	2¼ cents--	2½ cents.
3400 (2)-----	Tubes-----	4 cents--	4½ cents.
3401-----	Toilet preparations-----	10 percent--	11 percent.
3403 (a)-----	Automobile truck chassis, etc-----	2 percent--	2½ percent.
3403 (b)-----	Automobiles, etc-----	3 percent--	3½ percent.
3403 (c)-----	Parts-----	2 percent--	2½ percent.
3404-----	Radios-----	5 percent--	5½ percent.
3405-----	Mechanical refrigerators-----	5 percent--	5½ percent.
3407-----	Firearms-----	10 percent--	11 percent.
3409-----	Matches-----	5 cents--	5½ cents.
3411-----	Electrical energy-----	3 percent--	3½ percent.
3412-----	Gasoline-----	1 cent--	1½ cents.
3413-----	Lubricating oils-----	4 cents--	4½ cents.
3460 (a) (1), (2), and (3).-----	Transportation of oil-----	4 percent--	4½ percent.
3481 (a)-----	Transfer of bonds-----	4 cents--	5 cents.
3482-----	Conveyances-----	50 cents--	55 cents.

"(b) In the application of section 3441 (c) to the articles with respect to which the rate of tax is increased by this section, where the lease, contract of sale, or conditional sale, and delivery thereunder, was made before July 1, 1940, the total tax referred to in such section shall be the tax at the rate in force on June 30, 1940, and not at the increased rate."

53 Stat. 416.  
26 U. S. C., Supp.  
V, § 3441 (c).

#### SEC. 211. ADMISSIONS TAX.

Section 1700 (a) (1) of the Internal Revenue Code is amended by striking out "until July 1, 1941, is less than 41 cents" and inserting in lieu thereof "until July 1, 1940, is less than 41 cents, and after June 30, 1940, and before July 1, 1945, is less than 21 cents" and by striking out "is less than 41 cents, until July 1, 1941" and inserting in lieu thereof "is less than 41 cents until July 1, 1940, and is less than 21 cents after June 30, 1940, and before July 1, 1945".

Admissions tax.  
53 Stat. 189.  
26 U. S. C., Supp.  
V, § 1700 (a) (1).

**SEC. 212. CIGARETTES.**

Cigarettes.  
53 Stat. 219,  
26 U. S. C., Supp.  
V, § 2000.

Subchapter A of chapter 15 of the Internal Revenue Code is amended by inserting at the end thereof the following new sections:

**"SEC. 2004. DEFENSE TAX FOR FIVE YEARS.**

Defense tax.

"In lieu of the rates of tax specified in section 2000 (c) (2), the rates of tax for the period after June 30, 1940, and before July 1, 1945, shall be \$3.25 and \$7.80, respectively.

**"SEC. 2005. FLOOR STOCKS TAX.**

Floor stocks tax.

"(a) **FLOOR STOCKS TAX.**—Upon cigarettes subject to tax under section 2000 (c) (2) which on July 1, 1940, are held by any person for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by section 2004.

Returns.

"(b) **RETURNS.**—Every person required by this section to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax, except that in the case of articles held by manufacturers and importers the Commissioner may collect the tax with respect to all or part of such articles by means of stamp rather than return, and in such case may make an assessment against such manufacturer or importer having tobacco tax stamps on hand July 1, 1940, for the difference between the amount paid for such stamps and the increased rates specified in section 2004.

Laws applicable.

"(c) **LAWS APPLICABLE.**—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 2000 shall, insofar as applicable and not inconsistent with this section, be applicable with respect to the floor stocks tax imposed by subsection (a)."

**SEC. 213. DISTILLED SPIRITS.**

53 Stat. 298,  
26 U. S. C., Supp.  
V, § 2800.  
Defense tax.

(a) Section 2800 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsections:

"(g) **DEFENSE TAX FOR FIVE YEARS.**—In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading 'Defense-Tax Rate':

"Section	Description of tax	Old rate	Defense-tax rate
2800 (a) (1)-----	Distilled spirits generally-----	\$2.25-----	\$3.
2800 (a) (1)-----	Brandy-----	\$2-----	\$2.75.
2800 (a) (3)-----	Imported perfumes-----	\$2.25-----	\$3.

Floor stocks tax.

"(h) **FLOOR STOCKS TAX.**

"(1) Upon all distilled spirits produced in or imported into the United States upon which the internal-revenue tax imposed by law has been paid, and which on July 1, 1940, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of 75 cents on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon. The tax imposed by this subsection shall not apply to one hundred wine gallons of the retail stocks of distilled spirits held by a person on premises as to which such person has incurred occupational tax as a retail dealer in liquors for the period begin-

Limited exemp-  
tion of retailer.

ning on July 1, 1940, and as to which no other occupational tax with respect to dealing in distilled spirits has been incurred by such person for a period beginning on such date.

“(2) Every person required by this subsection to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than February 1, 1941, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe. Every retail dealer in liquors (even though not liable to pay such tax) shall make the return required by this paragraph.

Returns.

Extension of payment; bond.

“(3) All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder.”

Laws applicable.

(b) The third paragraph of section 2887 of the Internal Revenue Code (relating to drawback on distilled spirits) is amended by striking out “but shall not exceed a rate of \$2.25 (or, in the case of brandy, \$2)” and inserting in lieu thereof “but shall not exceed a rate of \$3 (or, in the case of brandy, \$2.75)”.

Drawback on distilled spirits.  
53 Stat. 359.  
26 U. S. C., Supp. V, § 2887.

**SEC. 214. WINES AND FERMENTED MALT LIQUORS.**

Chapter 26 of the Internal Revenue Code is amended by inserting at the end thereof the following new subchapter :

53 Stat. 298.  
26 U. S. C., Supp. V, § 2800.

**“Subchapter F—Defense Tax for Five Years**

**“SEC. 3190. DEFENSE TAX FOR FIVE YEARS.**

“In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading ‘Defense-tax Rate’:

Defense tax.  
*Ante*, pp. 513, 514.

“Section	Description of tax	Old rate	Defense-tax rate
3030 (a) (1) (A)...	Still wines.....	5 cents.....	6 cents.
3030 (a) (1) (A)...	Still wines.....	15 cents.....	18 cents.
3030 (a) (1) (A)...	Still wines.....	25 cents.....	30 cents.
3030 (a) (2).....	Sparkling wines.....	2½ cents.....	3 cents.
3030 (a) (2).....	Sparkling wines.....	1¼ cents.....	1¼ cents.
3030 (a) (2).....	Liqueurs, cordials, etc.....	1¼ cents.....	1¼ cents.
3150 (a).....	Fermented malt liquors.....	\$5.....	\$6.

**“SEC. 3191. FLOOR STOCKS TAX ON FERMENTED MALT LIQUORS.**

“(a) FLOOR STOCKS TAX.—Upon all fermented malt liquors upon which the internal-revenue tax imposed by law has been paid, and which on July 1, 1940, are held by any person and intended for sale there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by section 3190. The tax imposed by this subsection shall not apply to the retail stocks of fermented malt liquors held by a person on premises as to which such person has incurred occupational tax as a retail dealer in liquors or a retail dealer in malt liquors for the period beginning on July 1, 1940, and as to which no other occupational tax with respect to dealing in distilled spirits, wines, or malt liquors, has been incurred by such person for a period beginning on such date.

Floor stocks tax.

Exemption of certain retail stocks.

## Returns.

“(b) RETURNS.—Every person required by subsection (a) to pay any floor stocks tax shall, on or before August 1, 1940, under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than February 1, 1941, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

## Extension of payment; bond.

Laws applicable.  
53 Stat. 365.  
26 U. S. C., Supp.  
V, § 3150.

“(c) LAWS APPLICABLE.—All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3150 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a).”

## SEC. 215. PLAYING CARDS.

53 Stat. 199.  
26 U. S. C., Supp.  
V, § 1807.  
General rule.

Section 1807 of the Internal Revenue Code is amended by inserting “(a) GENERAL RULE.—” before the first paragraph and inserting at the end thereof the following new subsection:

## Defense tax.

“(b) DEFENSE TAX FOR FIVE YEARS.—In lieu of the rate of tax specified in subsection (a), the rate of tax for the period after June 30, 1940, and before July 1, 1945, shall be 11 cents.”

## SEC. 216. CREDITS ON TAX ON AUTOMOBILES, ETC.

Credits on tax on automobiles, etc.  
53 Stat. 410.  
26 U. S. C., Supp.  
V, § 3406 (e).

Section 3403 (e) of the Internal Revenue Code is amended by adding at the end thereof the following new sentence: “With respect to the period after June 30, 1940, and before July 1, 1945, the rates of the credits above provided shall, in lieu of 2 per centum and 3 per centum, be 2½ per centum and 3½ per centum, respectively.”

## TITLE III

## Special fund for retirement of certain obligations.

53 Stat. 189.  
26 U. S. C., Supp.  
V, § 1700 (a) (1).

## Infra.

SEC. 301. The Secretary of the Treasury shall, as soon as practicable after the end of each quarter, determine the additional amount of taxes collected attributable to the increases in taxes made, and to the floor stocks taxes imposed, by the amendments to the Internal Revenue Code in title II of this Act (not including the amount of taxes attributable solely to section 209 and not including any amount collected under section 1700 (a) (1) of the Internal Revenue Code attributable to a basic admission charge of more than 40 cents), and the amounts so determined shall be set aside as a special fund which shall be available only for the retirement of any of the obligations issued pursuant to the authority contained in section 21 (b) of the Second Liberty Bond Act, as amended. If at any time the amounts in the fund are not sufficient for such purpose, the Secretary of the Treasury is authorized and directed to transfer to the fund moneys out of the general fund of the Treasury. Any amounts in the special fund not necessary for the retirement of such obligations shall be deposited in the general fund of the Treasury.

52 Stat. 447.  
31 U. S. C., Supp.  
V, § 757b.

## Issuance of additional obligations for national defense expenditures.

SEC. 302. Section 21 of the Second Liberty Bond Act, as amended, is hereby further amended by inserting “(a)” after “21.” and by adding at the end of such section a new paragraph as follows:

“(b) In addition to the amount authorized by the preceding paragraph of this section, any obligations authorized by sections 5 and 18 of this Act, as amended, not to exceed in the aggregate \$4,000,000,000 outstanding at any one time, less any retirements made from the special fund made available under section 301 of the Revenue Act of 1940, may be issued under said sections to provide the Treasury with funds to meet any expenditures made, after June 30, 1940, for the national defense, or to reimburse the general fund of the Treasury therefor. Any such obligations so issued shall be designated ‘National Defense Series.’”

## “National Defense Series.”

## TITLE IV

SEC. 401. Section 205 of the Public Salary Tax Act of 1939 is amended by adding at the end thereof a new sentence to read as follows: "If the amount of the deficiency in income tax for any taxable year beginning before January 1, 1939, attributable to compensation paid indirectly by the United States, or any agency or instrumentality thereof, for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any of the foregoing, is paid on or before March 15, 1941, then with respect to failure to pay such amount or make return of such compensation: (a) No criminal penalty shall apply; and (b) the additions to tax provided in sections 291 and 293 of the Internal Revenue Code shall not apply."

Approved, June 25, 1940, 11:45 a. m., E. S. T.

Deficiency in income tax.  
53 Stat. 576.  
26 U. S. C., Supp. V, § 22 (note).

53 Stat. 88.  
26 U. S. C., Supp. V, §§ 291, 293.

[CHAPTER 420]

### AN ACT

To transfer the active list of the Construction Corps to the line of the Navy, and for other purposes.

June 25, 1940  
[S. 4027]

[Public, No. 657]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Construction Corps of the Navy is hereby abolished, but nothing herein shall affect the status, rights, or obligations of any officer now on the retired list of the Construction Corps.

Construction Corps of the Navy, abolishment.  
Retired officers not affected.

#### NAVAL CONSTRUCTORS TRANSFERRED TO THE LINE: STATUS UPON TRANSFER

SEC. 2. Officers now on the active list of the Construction Corps are hereby transferred to the line of the Navy, and shall be commissioned accordingly. Each officer so transferred shall—

Transfer of officers on active list to the line

Designation, rank, etc.

- (a) Be designated for engineering duty only.
- (b) Occupy the rank and grade corresponding to those held by him in the Construction Corps.
- (c) Continue amenable to disciplinary action to the same extent in all respects as if not transferred.
- (d) Be an additional number in the grade to which transferred and in any grade to which he may thereafter be promoted.
- (e) Have the lineal position and precedence in the line which a board of naval officers finds that he would have had if he had remained in the line or if his original appointment had been in the line, and the finding of such board when approved by the Secretary of the Navy shall be conclusive for all purposes: *Provided*, That the existing relative rank, precedence, or seniority among themselves of officers transferred by this Act shall not be altered by such transfer.
- (f) Except as herein otherwise provided, be governed by the provisions of existing laws and of laws hereafter enacted relating to line officers assigned to engineering duty only.

#### ADJUSTMENT OF STATUS

SEC. 3. For the purpose of adjusting the status in the line of the officers transferred thereto by this Act, the following shall govern with respect to such officers:

Adjustment of status in the line.

- (a) Each officer shall become eligible for consideration by a line selection board as of the date the next junior line officer becomes eligible therefor, subject to the provisions of section 7 (a) of this Act, and the same eligibility rule shall apply to all other officers designated for engineering duty only.

Eligibility for consideration by line selection board.

Officers passed over.

(b) Each officer who at the time of transfer has been passed over one or more times in the rank in which transferred shall be regarded as having failed of selection as best fitted once only.

Precedence, etc., of promoted captains.

(c) Each captain whose date of commission in such rank is earlier than February 2, 1932, shall, if promoted pursuant to the recommendation of the first line selection board convened for his rank after the date of this Act, have the date of commission and the precedence which the Secretary of the Navy finds that he would have had if he had remained in the line or if his original appointment had been in the line: *Provided*, That his existing relative rank, precedence, or seniority shall not be altered thereby with reference to other such officers advanced to the rank of rear admiral pursuant to the recommendation of the same or an earlier selection board.

*Proviso.*  
Existing relative precedence, etc.

Precedence, etc., of promoted commanders and lieutenant commanders.

(d) Commanders and lieutenant commanders who, while in the rank in which transferred, have been considered by staff selection boards shall, if promoted pursuant to the recommendation of the first line selection board convened for their rank after the date of approval of this Act, have the date of commission and the precedence which the Secretary of the Navy finds that they would have had if such promotion had occurred prior to their transfer.

ADDITIONAL OFFICERS TO BE DESIGNATED FOR ENGINEERING DUTY ONLY: STATUS AND DUTIES

Officers on aeronautical-engineering duty, designation.

SEC. 4. (a) Officers heretofore appointed or designated for the performance of aeronautical-engineering duty only in accordance with the Act of June 5, 1935 (49 Stat. 323; U. S. C., Supp. V, title 34, sec. 71a), are hereby designated for engineering duty only and no further appointments or designations shall be made under that Act, which is hereby repealed.

Repeal.

Assignment of officers to engineering duty only.

(b) The provision of the Act approved August 29, 1916 (39 Stat. 580; U. S. C., title 34, sec. 71), which authorizes the assignment of officers "not below the grade of lieutenant" to engineering duty only is hereby amended by deleting the word "lieutenant" and inserting in lieu thereof the words "lieutenant (junior grade)".

Additional numbers in grade, etc.

(c) Officers designated for engineering duty only shall be additional numbers in grade and shall not succeed to command except on shore and then only as authorized by the Secretary of the Navy.

Number of rear admirals for engineering duty only.

SEC. 5. (a) The number of rear admirals designated for engineering duty only shall be reduced to six, as provided in this section, and thereafter that number shall be the permanent authorized number of such officers. In the meantime, only the first and each alternate succeeding separation of such officers from the active list shall be deemed to create a vacancy, and if more than one vacancy should result in any fiscal year the excess shall not be filled, but the next succeeding separation from the active list shall be regarded as the alternate succeeding separation within the meaning of this section: *Provided*, That the line selection boards convened in the fiscal years 1941 and 1942 to recommend captains for promotion to the grade of rear admiral shall be furnished by the Secretary of the Navy with an estimated number of vacancies in that grade for officers designated for engineering duty only, which number shall be four and two, respectively, regardless of the number of officers separated from the active list.

Vacancies.

*Proviso.*  
Information to be furnished line selection boards.

(b) Officers transferred to the line of the Navy pursuant to the provisions of section 2 of this Act who, at the time of transfer, have been recommended for advancement to the rank of rear admiral, and those who may be so recommended in the report of the selection

Advancement to rank of rear admiral. Number of vacancies.

board convened next subsequent to the date of approval of this Act shall be eligible for promotion on January 2, 1941, upon which date there shall be deemed to have been created a number of vacancies equal to the number of such officers recommended for promotion. Except as above provided, each captain designated for engineering duty only on the promotion list for the grade of rear admiral shall be promoted to rank from the date stated in or in due course to be stated in, the commission in that grade of the next junior officer on the promotion list who is not designated for engineering duty only.

Date of promotion.

#### INFORMATION TO BE FURNISHED SELECTION BOARDS

SEC. 6. (a) The estimate furnished by the Secretary of the Navy to line selection boards convened for the consideration of captains, pursuant to section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294), shall show separately the number of vacancies existing in the grade of rear admiral among officers designated for engineering duty only and among officers not so designated, and the number of such vacancies estimated to occur before the end of the next succeeding fiscal year, in excess of the number of officers of each group then on the promotion list.

Vacancies in grade of rear admiral.

(b) The statement furnished line selection boards pursuant to section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294), shall include the percentage of engineering duty only officers adjudged fitted for promotion which shall be continued on the active list to meet the immediate requirements of the Navy.

Officers adjudged fitted for promotion, continuance on active list.

(c) Each line selection board convened for the consideration of captains shall be furnished with the names of all captains eligible for consideration to be designated for retention or continuance on the active list pursuant to this Act, in addition to the names of captains eligible for consideration for promotion required to be furnished such board by section 8 (a) of the Act approved June 23, 1938 (52 Stat. 946; U. S. C., Supp. V, title 34, sec. 294).

Captains eligible for consideration.

#### DUTIES OF SELECTION BOARDS

SEC. 7. (a) The recommendations of selection boards in the case of officers who are now or may hereafter be designated for engineering duty only shall be based upon their comparative fitness for the duties prescribed for them by law: *Provided*, That no captain designated for engineering duty only shall be eligible for consideration by a selection board for promotion unless the estimate of vacancies furnished that board by the Secretary of the Navy in compliance with section 6 (a) of this Act shows one or more vacancies existing or estimated to occur in the grade of rear admiral among officers designated for engineering duty only, but any such captain who is promoted pursuant to the recommendations of the first selection board by which he was considered shall be given in his new commission the same date of rank which has been or in due course will be stated in the commission in such rank of the senior officer below him who was recommended for promotion by the approved report of a selection board which did not consider him because of this proviso: *Provided further*, That no captain so promoted shall be entitled to increased pay or allowances prior to the date of the vacancy to which promoted.

Recommendations based upon comparative fitness.

*Proviso.* Promotion of captains.

Pay or allowances.

(b) Officers designated for engineering duty only may be recommended by a line selection board as best fitted for promotion to grades below rear admiral, pursuant to section 9 (a) of the Act of

Promotion of certain officers to grades below rear admiral.

June 23, 1938 (52 Stat. 947; U. S. C., Supp. V, title 34, sec. 297a), in addition to the number of estimated vacancies certified to the board by the Secretary of the Navy.

SEC. 8. Each selection board considering captains designated for engineering duty only shall—

Retention of captains on active list.

(a) From among such captains who have twice failed of selection as best fitted designate by name for retention on the active list in the grade of captain until not later than the end of the next succeeding fiscal year those officers whose fitness, in the opinion of at least six of the members, warrants their retention. Captains so retained shall be ineligible for consideration for recommendation for promotion by subsequent selection boards, but shall be eligible for consideration by such boards for retention on the active list. If not again designated for retention on the active list they shall be placed on the retired list as provided in section 9 of this Act.

Ineligibility for promotion.

Retirement.

Involuntary retirements in excess of four.

(b) When the number of involuntary retirements in any fiscal year pursuant to section 9 (c) of this Act would otherwise exceed four, designate by name such excess of officers for continuance on the active list until the end of the next fiscal year: *Provided*, That such officers shall be ineligible for consideration for recommendation for promotion by subsequent selection boards, but shall be eligible for consideration for continuance on the active list. If not again designated for continuance on the active list, they shall be placed on the retired list as provided in section 9 of this Act.

*Proviso.*  
Ineligibility for promotion, etc.

#### RETIREMENT

Retirement of certain captains on active list.

SEC. 9. (a) Except as provided in subsection (c) of this section, each officer in the grade of captain designated for retention on the active list pursuant to section 8 (a) of this Act shall be transferred to the retired list on June 30 of the next succeeding fiscal year or on the 1st day of the month following that in which he attains the age of sixty-one years, whichever shall occur first.

Retirement of captains not designated for retention.

(b) Except as provided in subsection (c) of this section, each officer described in section 8 (a) of this Act who is not designated pursuant thereto for retention on the active list shall be transferred to the retired list on June 30 of the fiscal year in which he fails of such designation or on the 1st day of the month following that in which he attains the age of sixty-one years, whichever shall occur first.

Limitation on retirement of captains.

(c) No officer transferred to the grade of captain by section 2 of this Act shall be retired pursuant to subsection (a) or (b) of this section earlier than four years after the date of approval of this Act, nor shall more than four such captains thereafter be so retired in any one fiscal year. Such officers who are considered for retention or continuance on the active list pursuant to the provisions of section 8 of this Act, and are not designated therefor, shall be placed on the retired list on June 30 of the fiscal year in which they fail of such designation.

Retirement of commanders.

SEC. 10. Officers transferred by this Act to the grade of commander of the line whose names are not placed upon the promotion list, shall be placed on the retired list on June 30 of the fiscal year in which they fail of selection as best fitted the second time or in which they complete twenty-eight years of commissioned service computed as provided in section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., title 34, sec. 286a), whichever date shall be later: *Provided*, That any officer retained on the active list pursuant to this section shall be ineligible for consideration for promotion by subsequent selection boards.

34 U. S. C., Supp. V, § 286a.  
*Proviso.*  
Ineligibility for promotion.

SEC. 11. Officers transferred by this Act to the grade of lieutenant commander or lieutenant of the line shall, at their own request, in lieu of the honorable discharge provided in section 12 (c) of the Act approved June 23, 1938 (52 Stat. 948; U. S. C., title 34, sec. 404 (c)), be retired on June 30 of the fiscal year in which they fail of selection as best fitted the second time or in which they complete twenty-one and fourteen years, respectively, of commissioned service computed as provided in section 3 of the Act of March 3, 1931 (46 Stat. 1483; U. S. C., title 34, sec. 286a), whichever date shall be later: *Provided*, That any officer retained on the active list pursuant to this section shall be ineligible for consideration for promotion by subsequent selection boards.

Retirement of lieutenants and lieutenant commanders.  
52 Stat. 949.  
34 U. S. C., Supp. V, § 404 (c).

34 U. S. C., Supp. V, § 286a.  
*Proviso.*  
Ineligibility for promotion.

SEC. 12. No officer transferred by this Act to the grade of commander or lieutenant commander of the line shall be retired pursuant to section 12 (f) of the Act of June 23, 1938 (52 Stat. 950; U. S. C., Supp. V, title 34, sec. 40 (f)), prior to June 30 of the fiscal year in which he completes thirty or twenty-five years, respectively, of active commissioned service in the Navy.

Limitation on retirements.  
34 U. S. C., Supp. V, § 404 (f).

SEC. 13. Officers transferred to the retired list in conformity with this Act shall be entitled to retired pay computed as prescribed in section 12 (b) of the Act of June 23, 1938 (52 Stat. 949; U. S. C., title 34, sec. 404 (b)).

Retired pay.

34 U. S. C., Supp. V, § 404 (b).

#### MISCELLANEOUS PROVISIONS

SEC. 14. Nothing herein shall be construed to interfere with the promotion of officers who have been recommended for advancement on the effective date of this Act, except that the provisions of section 11 (b) of the Act approved June 23, 1938 (52 Stat. 948; U. S. C., title 34, sec. 300 (b)) shall be applicable in the cases of such officers. When promoted, such officers shall have the date of commission and the precedence which the Secretary of the Navy finds they would have had if such promotion had occurred prior to their transfer.

Promotion recommended prior to transfer.

34 U. S. C., Supp. V, § 300 (b).

SEC. 15. Nothing in this Act shall operate to reduce the pay and allowances of officers hereby transferred to the line of the Navy below that now authorized for officers of the Staff Corps with corresponding rank and service.

No reduction in pay, etc.

SEC. 16. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this Act are hereby repealed.

Repeal of inconsistent laws.

SEC. 17. The Secretary of the Navy is hereby authorized and directed to appoint a board of officers of the Navy to investigate and report upon all matters concerning the status of line officers designated for specialized duty. The board shall make specific recommendations as to the advisability of establishing a technical staff corps as an adjunct to the line of the Navy, but separate therefrom, such recommendations to include proposed permanent legislation deemed necessary to give effect thereto. The Secretary of the Navy is further directed to cause the report of the board herein authorized to be transmitted to the Congress within ten days of the beginning of the session of the Seventy-seventh Congress, commencing on or about January 3, 1941.

Board of officers.

Recommendations.

Report to Congress.

Approved, June 25, 1940.

## [CHAPTER 421]

## AN ACT

Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture for the fiscal year ending June 30, 1941, namely:

## OFFICE OF THE SECRETARY

## SALARIES

## Salaries.

For the Secretary of Agriculture, Under Secretary of Agriculture, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, \$597,620: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act as amended and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided further*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this Act shall be available for such purposes: *Provided further*, That the Secretary of Agriculture is authorized to expend from appropriations available for the purchase of lands not to exceed \$1 for each option to purchase any particular tract or tracts of land: *Provided further*, That not to exceed \$25,000 of the appropriations available for salaries and expenses of officers and employees of the Department of Agriculture permanently stationed in foreign countries may be used for payment of allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a): *Provided further*, That with the approval of the Secretary of Agriculture employees of the Department of Agriculture stationed abroad may enter into leases for official quarters, for periods not exceeding one year, and

*Provisos.*  
Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-  
674; Supp. V, §§ 673,  
673c.

Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

Stenographic reporting services.

Options to purchase lands.

Allowances for living quarters abroad.

46 Stat. 818.  
Employees stationed abroad.  
Payments for rent, etc., in advance.

June 25, 1940  
[H. R. 8202]  
[Public, No. 658]

Department of Agriculture Appropriation Act, 1941.

may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance: *Provided further*, That no part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of cotton or the trend of same: *Provided further*, That no part of the funds appropriated by this Act shall be used for laboratory investigations to determine the possibly harmful effects on human beings of spray insecticides on fruits and vegetables.

Employees predicting, etc., future prices of cotton.

Laboratory investigations.

#### MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE

For stationery, supplies, materials, and equipment, freight, express, and drayage charges, advertising and press clippings, communication service, postage, washing towels, repairs, and alterations; for the maintenance, repair, and operation of one motorcycle and not to exceed three motor-propelled passenger-carrying vehicles (including one for the Secretary of Agriculture, one for general utility needs of the entire Department, and one for the Forest Service) and purchase of one motor-propelled passenger-carrying vehicle at not to exceed \$1,800, including the exchange value of one such vehicle, for official purposes only; for official travel expenses, including examination of estimates for appropriations in the field for any bureau, office, or service of the Department; and for other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, which are authorized by such officer as the Secretary may designate, \$105,000: *Provided*, That this appropriation shall be available for the payment of salaries of employees engaged in the maintenance, repair, and operation of motor-transport vehicles, and that this appropriation shall be reimbursed from the appropriation made for any bureau or office for which such service is performed, in accordance with the provisions of the Act of May 11, 1922 (5 U. S. C. 543): *Provided further*, That the Secretary of Agriculture, during the fiscal year for which this appropriation is made, may maintain stocks of stationery, supplies, equipment, and miscellaneous materials sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, but not to exceed in the aggregate \$200,000 in value at the close of the fiscal year, and the appropriations of such bureaus, offices, and agencies available for the purchase of stationery, supplies, equipment, and miscellaneous materials shall be available to reimburse the appropriation for miscellaneous expenses current at the time supplies are allotted, assigned, or issued, or when payment is received; for transfer for the purchase of inventory; and for transfer pursuant to the provisions of section 601 of the Act approved June 30, 1932 (31 U. S. C. 686): *Provided further*, That the appropriations made hereunder shall be available for the payment of salaries and expenses for purchasing, storing, handling, packing, or shipping supplies and blank forms, and there shall be charged proportionately as a part of the cost of supplies issued an amount to cover such salaries and expenses, and in the case of blank forms and supplies not purchased from this appropriation an amount to cover such salaries and expenses shall be charged proportionately to the proper appropria-

Miscellaneous expenses.

Provisos. Maintenance, etc., of vehicles; reimbursement.

42 Stat. 508. Maintenance of stationery, etc., stocks.

Maximum value. Reimbursement.

47 Stat. 417. 31 U. S. C., Supp. V, § 686. Purchasing, etc., supplies.

Use of central storehouse.

Segregation of transactions.

Purchase of designated twine.

tion: *Provided further*, That the facilities of the central storehouse of the Department shall to the fullest extent practicable be used to make unnecessary the maintenance of separate bureau storehouse activities in the Department: *Provided further*, That a separate schedule of expenditures, transfers of funds, or other transactions hereunder shall be included in the annual Budget: *Provided further*, That, except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

#### RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA

Rent of buildings, D. C.

For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$165,502.

Total, Office of the Secretary, \$368,122.

#### OFFICE OF THE SOLICITOR

Salaries and expenses.

Salaries and expenses: For the employment of personal services in the District of Columbia and elsewhere, and for other necessary expenses, \$268,280, of which not to exceed \$223,581 may be expended for personal services in the District of Columbia.

#### OFFICE OF INFORMATION

##### SALARIES AND EXPENSES

Salaries and expenses.

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; travel expenses; electrotypes, illustrations, and other expenses not otherwise provided for, \$350,000, of which not to exceed \$332,020 may be used for personal services in the District of Columbia.

Personal services.

##### PRINTING AND BINDING

Printing and binding.  
*Post*, p. 567.

Annual Report of Secretary.  
28 Stat. 601.  
44 U. S. C., Supp. V, §§ 215, 215a.  
38 Stat. 1110; 49 Stat. 1550.  
5 U. S. C., Supp. V, § 108.  
34 Stat. 825.  
Farmers' bulletins.

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$1,637,435, including the purchase of reprints of scientific and technical articles published in periodicals and journals; the Annual Report of the Secretary of Agriculture, as required by the Acts of January 12, 1895 (44 U. S. C. 111, 212-220, 222, 241, 244), March 4, 1915 (7 U. S. C. 418), and June 20, 1936 (5 U. S. C. 108), and in pursuance of the Act approved March 30, 1906 (44 U. S. C. 214, 224), and also including not to exceed \$250,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct, but not including work done at the field printing plants of the Weather Bureau and of the Forest Service authorized by the Joint Committee on Printing, in accordance with the Act approved March 1, 1919

(44 U. S. C. 111, 220): *Provided*, That the Secretary of Agriculture may transfer to this appropriation from the appropriation made for "Conservation and Use of Agricultural Land Resources" such sums as may be necessary for printing and binding in connection with marketing quotas under the Agricultural Adjustment Act of 1938, and from funds appropriated to carry into effect the terms of section 32 of the Act of August 24, 1935 (7 U. S. C. 612c), as amended, such sums as may be necessary for printing and binding in connection with the activities under said section 32, and from funds appropriated for parity payments under section 303 of the Agricultural Adjustment Act of 1938, such sums as may be necessary for printing and binding in connection with such payments: *Provided further*, That the total amount that may be transferred under the authority granted in the preceding proviso shall not exceed \$600,000.

Total, Office of Information, \$1,987,435.

*Provisos.*  
Transfer of funds;  
marketing quotas, etc.

52 Stat. 31,  
7 U. S. C., Supp. V,  
ch. 35.  
49 Stat. 774,  
7 U. S. C., Supp. V,  
§ 612c.

52 Stat. 45,  
7 U. S. C., Supp. V,  
§ 1303.  
Maximum amount.

## LIBRARY, DEPARTMENT OF AGRICULTURE

Salaries and expenses: For purchase and exchange of books of reference, law books, technical and scientific books, periodicals, and for expenses incurred in completing imperfect series; not to exceed \$1,200 for newspapers; for dues, when authorized by the Secretary of Agriculture, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; for salaries in the city of Washington and elsewhere; for official travel expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, \$105,000, of which amount not to exceed \$75,250 may be expended for personal services in the District of Columbia.

Salaries and ex-  
penses.

Personal services.

## OFFICE OF EXPERIMENT STATIONS

### PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO FOR AGRICULTURAL EXPERIMENT STATIONS

Hatch Act: To carry into effect the provisions of an Act approved March 2, 1887 (7 U. S. C. 362, 363, 365, 368, 377-379), entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July 2, 1862 (7 U. S. C. 301-308), and of the Acts supplementary thereto", the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

Support of stations.  
24 Stat. 440,  
7 U. S. C., Supp. V,  
§ 363.

12 Stat. 503.

Adams Act: To carry into effect the provisions of an Act approved March 16, 1906 (7 U. S. C. 369), entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", and Acts supplementary thereto, the sums apportioned to the several States to be paid quarterly in advance, \$720,000.

Increased allotments.  
34 Stat. 63,  
7 U. S. C., Supp. V,  
§ 369.

Purnell Act: To carry into effect the provisions of an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations", approved February 24, 1925 (7 U. S. C. 361, 366, 370, 371, 373-376, 380, 382), \$2,880,000.

Further allotments.  
43 Stat. 970.

Hawaii: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of certain Acts of Congress to the Territory of Hawaii", approved May 16, 1928 (7 U. S. C. 386-386b), \$67,500.

Hawaii.  
45 Stat. 571.

Alaska: To carry into effect the provisions of an Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929

Alaska.  
45 Stat. 1256.

(7 U. S. C. 386c), \$15,000; and the provisions of section 2 of the Act entitled "An Act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes", approved June 20, 1936 (7 U. S. C. 369a), \$10,000; in all, for Alaska, \$25,000.

Puerto Rico: To carry into effect the provisions of an Act entitled "An Act to coordinate the agricultural experiment station work and to extend the benefits of certain Acts of Congress to the Territory of Puerto Rico", approved March 4, 1931 (7 U. S. C. 386d-386f), \$50,000.

Title I, Bankhead-Jones Act: For payments to States, Hawaii, Alaska, and Puerto Rico, pursuant to authorizations contained in title I of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427-427g), \$2,400,000.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural experiment stations, \$6,862,500.

#### SALARIES AND EXPENSES

Administration of grants to States, etc.

24 Stat. 440; 34 Stat. 63; 43 Stat. 970; 45 Stat. 542, 1256; 46 Stat. 1520; 49 Stat. 1553.  
7 U. S. C., Supp. V, §§ 361-382.  
Puerto Rico station.

Form of annual financial statement, etc.

Insular experiment stations.

*Proviso.*  
Transfer of equipment.

45 Stat. 571.  
Sale of products.

Personal services.

Vehicles.

Administration of grants to States and coordination of research: To enable the Secretary of Agriculture to enforce the provisions of the Acts approved March 2, 1887, March 16, 1906, February 24, 1925, May 16, 1928, February 23, 1929, March 4, 1931, and June 20, 1936, and Acts amendatory or supplementary thereto (7 U. S. C. 361-386f), relative to their administration and for the administration of an agricultural experiment station in Puerto Rico, including the employment of persons and means in the city of Washington and elsewhere, \$161,735; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above Acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the Department of Agriculture and coordinate the research work of the Department with that of the State agricultural colleges and experiment stations in the lines authorized in said Acts, and make report thereon to Congress.

Insular experiment stations: To enable the Secretary of Agriculture to establish and maintain an agricultural experiment station in Puerto Rico, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, \$83,000: *Provided*, That the Secretary of Agriculture may, at his discretion, transfer such property and equipment, including the library, of the Hawaii Experiment Station, formerly maintained by the Department of Agriculture, as he may deem necessary and advisable to the experiment station of the University of Hawaii, which has been conducted jointly and in collaboration with the former Federal station under the Act of May 16, 1928 (7 U. S. C. 386-386b); and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment station in Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts.

In all, salaries and expenses, \$244,735.

Total, Office of Experiment Stations, \$7,107,235, of which amount not to exceed \$150,105 may be expended for personal services in the District of Columbia, and not to exceed \$750 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

## SPECIAL RESEARCH FUND, DEPARTMENT OF AGRICULTURE

For enabling the Secretary of Agriculture to carry into effect the provisions of an Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 427, 427b, 427c, 427f); for administration of the provisions of section 5 of the said Act, and for special research work, including the planning, programming, coordination, and printing the results of such research, to be conducted by such agencies of the Department of Agriculture as the Secretary of Agriculture may designate or establish, and to which he may make allotments from this fund, including the employment of persons and means in the District of Columbia and elsewhere, and the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, \$1,400,000.

Administrative expenses.

49 Stat. 436.  
7 U. S. C., Supp. V,  
§§ 427-427f.

### EXTENSION SERVICE

#### PAYMENTS TO STATES, HAWAII, ALASKA, AND PUERTO RICO

Copper-Ketcham extension work: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts', approved July 2, 1862 (7 U. S. C. 301-308), and all Acts supplementary thereto, and the United States Department of Agriculture", approved May 22, 1928 (7 U. S. C. 343a, 343b), \$1,480,000.

Further cooperation with State colleges.

12 Stat. 503.

45 Stat. 711.  
7 U. S. C., Supp. V,  
§§ 343a, 343b.

Extension work, Act of April 24, 1939: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to provide for the further development of cooperative agricultural extension work", approved April 24, 1939 (53 Stat. 589), \$203,000.

Cooperative extension work.

7 U. S. C., Supp. V,  
§ 343c-1.

Extension work, section 21, Bankhead-Jones Act: To enable the Secretary of Agriculture to carry into effect the provisions of section 21, title II, of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (7 U. S. C. 343c), \$12,000,000.

Cooperative State agricultural extension work.

49 Stat. 438.  
7 U. S. C., Supp. V,  
§ 343c.

Alaska: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska", approved February 23, 1929 (7 U. S. C. 386c), \$13,918; and the provisions of section 3 of the Act entitled "An Act to extend the benefits of the Adams Act, the Purnell Act, and the Copper-Ketcham Act to the Territory of Alaska, and for other purposes", approved June 20, 1936 (7 U. S. C. 343e), \$10,000; in all, for Alaska, \$23,918.

Alaska.

45 Stat. 1256.

49 Stat. 1554.  
7 U. S. C., Supp. V,  
§ 343e.

Puerto Rico.

Puerto Rico: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to extend the benefits of section 21 of the Bankhead-Jones Act to Puerto Rico", approved August 28, 1937 (7 U. S. C. 343f-343g), \$90,000.

50 Stat. 861.  
7 U. S. C., Supp. V,  
§§ 343f, 343g.

In all, payments to States, Hawaii, Alaska, and Puerto Rico for agricultural extension work, \$13,796,918.

## SALARIES AND EXPENSES

Administration and coordination of extension work.

38 Stat. 372.

Extension information. Exhibits, motion pictures, etc.

Cooperation with other bureaus, etc.

Personal services.

Administration and coordination of extension work: For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary of Agriculture to administer the provisions of the Smith-Lever Act, approved May 8, 1914 (7 U. S. C. 341-348), and Acts amendatory or supplementary thereto, and to coordinate the extension work of the Department and the several States, Territories, and insular possessions, \$550,000.

Extension information: For the employment of persons and means in the District of Columbia and elsewhere for the development, preparation, distribution, and display by the Extension Service of exhibits, motion pictures, sound recordings, and other educational and informational media and for the dissemination of information, designed to increase the effectiveness of the cooperative extension work of the Department and the land-grant colleges in agriculture and home economics; and to cooperate with other bureaus and offices of the Department of Agriculture and with Federal, State, county, municipal, and other agencies, including State, interstate, international, and other fairs held within the United States, in such development, preparation, distribution, and display of such educational and informational material, \$240,000.

In all, salaries and expenses, \$790,000, of which amount not to exceed \$667,756 may be expended for personal services in the District of Columbia.

Total, Extension Service, \$14,586,918.

## OFFICE OF FOREIGN AGRICULTURAL RELATIONS

Salaries and expenses. 46 Stat. 497. Cooperation with other agencies, etc.

Cooperation with American republics.

22 U. S. C., Supp. V, §§ 249, 249a.

Salaries and expenses: For carrying out the functions of the Secretary of Agriculture under the Act of June 5, 1930 (7 U. S. C., 541-545), independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products; to enable the Secretary of Agriculture to cooperate with American republics, as provided for by the Act approved August 9, 1939 (53 Stat. 1290), and including the employment of persons and means in the District of Columbia and elsewhere, and the purchase of such books and periodicals and not to exceed \$500 for newspapers as may be necessary in connection with this work, \$196,396.

Grand total, Office of the Secretary of Agriculture, \$26,519,386.

## WEATHER BUREAU

## SALARIES AND EXPENSES

Salaries and expenses. Post, p. 641.

26 Stat. 653. 15 U. S. C., Supp. V, § 313.

52 Stat. 1014. 49 U. S. C., Supp. V, § 603.

For the employment of persons and means required for carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska the provisions of an Act approved October 1, 1890 (15 U. S. C. 311-313, 317), so far as they relate to the weather service transferred thereby to the Department of Agriculture, and section 803 of the Civil Aeronautics Act of 1938 (49 U. S. C. 603); for repair, alterations, and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets, abutting Weather Bureau grounds; for the erection of temporary buildings for living quarters of

observers; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreement with the companies performing the service; for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gaging and measuring of the flow of rivers and the issuing of river forecasts and warnings; for observations and reports relating to crops; for promoting the safety and efficiency of aircraft, as provided by section 803 of the Civil Aeronautics Act of 1938, and for observing, measuring, and investigating atmospheric phenomena; and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning as follows:

**General administrative expenses:** For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$145,000.

**Observations, warnings, and general weather service:** For necessary expenses incident to collecting and disseminating meteorological, aerological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District of Columbia and elsewhere, \$6,173,870, of which not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Meteorological Committee, and not to exceed \$10,000 may be expended for the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications: *Provided*, That no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said Bureau.

**Total, salaries and expenses, Weather Bureau, \$6,318,870, of which amount not to exceed \$732,342 may be expended for departmental personal services in the District of Columbia:** *Provided*, That Weather Bureau part-time employees, appointed by designation or otherwise, under regulations of the Civil Service Commission, for observational work, may perform odd jobs in the installation, repair, improvement, alteration, cleaning, or removal of Government property and receive compensation therefor at rates of pay to be fixed by the Secretary of Agriculture.

## BUREAU OF ANIMAL INDUSTRY

### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere for carrying out the provisions of the Act, as amended, establishing a Bureau of Animal Industry, and related Acts; and the Secretary of Agriculture, upon application of any exporter, importer, packer, owner, agent of, or dealer, in livestock, hides, skins, meat, or other animal products, may, in his discretion, make inspections and examinations at places other than the headquarters of inspectors for the convenience of said applicants and charge the applicants for the expenses of travel and subsistence incurred for such inspections and examinations, the funds derived from such charges to be deposited in the Treasury of the United States to the credit of the appropriation from which the expenses are paid; collect and disseminate information concerning livestock and animal products; prepare and disseminate reports on animal industry; purchase in the open market samples of all tuberculin,

Telegraphing, etc.

Issuance of forecasts and warnings.

Promoting safety, etc., of aircraft.  
52 Stat. 1014.  
49 U. S. C., Supp. V, § 603.

Administrative expenses.

Observations, warnings, and general weather service.  
*Post*, p. 1040.

International Meteorological Committee.

Printing office.

*Proviso*.  
Restriction.

Total; personal services.

*Proviso*.  
Part-time employees.

Salaries and expenses.  
23 Stat. 31.  
7 U. S. C. § 391.

Inspection at other than headquarters.

Preparation, etc., of reports.

serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best, and purchase and destroy diseased or exposed animals, including poultry, or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, contagious poultry diseases, or other diseases of animals from one State to another, as follows:

Purchase and destruction of diseased, etc., animals.

Administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$170,120.

Animal husbandry.

Animal husbandry: For investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations and other agencies, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, \$824,380, including \$12,500 for livestock experiments and demonstrations at Big Spring or elsewhere in Texas, to be available only when the State of Texas, or other cooperating agency in Texas, shall have appropriated an equal amount or, in the opinion of the Secretary of Agriculture, shall have furnished its equivalent in value in cooperation for the same purpose during the fiscal year for which appropriations are herein made: *Provided*, That of the sum thus appropriated \$243,957 may be used for experiments in poultry feeding and breeding, of which amount \$45,000 may be used in cooperation with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries.

Demonstrations in Texas.

*Proviso.*  
Experiments in poultry feeding and breeding.

Diseases of animals.  
Beltsville, Md., station.

Diseases of animals: For scientific investigations of diseases of animals, including the construction of necessary buildings at Beltsville, Maryland, and necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, \$462,000: *Provided*, That of said sum \$78,182 may be used for researches concerning the cause, modes of spread, and methods of treatment and prevention of the disease of contagious abortion of animals.

*Proviso.*  
Contagious abortion of animals.

Tuberculosis and Bang's disease.

Eradicating tuberculosis and Bang's disease: For the control and eradication of the diseases of tuberculosis and paratuberculosis of animals, avian tuberculosis, and Bang's disease of cattle, \$4,300,000, together with the unobligated balances of the funds reappropriated under this head for the fiscal year 1940 by the Agricultural Appropriation Act for that year from unobligated balances of funds made available by the Act of May 25, 1934 (48 Stat. 805), and section 37 of the Act of August 24, 1935 (7 U. S. C. 612b): *Provided*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to condemn and destroy tuberculous or paratuberculous cattle, or cattle reacting to the test for Bang's disease, and if such animals have been destroyed, condemned, or die after condemnation, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere such sums as he shall determine to be necessary for the payment of indemnities to owners of such animals but, except as hereinafter provided, no part of the money hereby appropriated shall be used in compensating owners of such cattle except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such cattle shall take place, nor shall any payment be made hereunder as compensation for or on account of any such animal if at the time of inspection or test, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person,

Reappropriation.  
53 Stat. 949.

49 Stat. 775.  
7 U. S. C., Supp. V,  
§ 612b.

*Provisos.*  
Indemnities for destroyed animals.

State, etc., cooperation.

firm, or corporation to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any cattle condemned for slaughter shall exceed one-third of the difference between the appraised value of such cattle and the value of the salvage thereof; that no payment hereunder shall exceed the amount paid or to be paid by the State, Territory, county, and municipality where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any purebred animal: *Provided further*, That not to exceed \$195,000 of the amount herein made available may be used for continuation of scientific experimentation in diseases of livestock as authorized by section 37 of the Act of August 24, 1935 (7 U. S. C. 612b).

Limitation on amount of compensation.

Experimentation.

49 Stat. 775.  
7 U. S. C., Supp. V, § 612b.

Cattle ticks.

Provisos.  
Purchase of animals.  
Purchase of materials for dipping vats.

Eradicating cattle ticks: For the eradication of southern cattle ticks, \$325,000: *Provided*, That, except upon the written order of the Secretary of Agriculture, no part of this appropriation shall be used for the purchase of animals or in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry: *Provided further*, That not to exceed \$5,000 of the amount herein made available may be used to purchase and supply beef to the Seminole Indians of the Big Cypress Swamp area, Hendry County, Florida, during the time that deer infested with cattle ticks are being removed from said area and until such area is restocked with deer.

Purchase of beef for Seminole Indians, Fla.

Hog-cholera control: For the control and eradication of hog cholera and related swine diseases, by such means as may be necessary, including demonstrations, the formation of organizations, and other methods, either independently or in cooperation with farmers' associations, State or county authorities, \$112,728.

Hog-cholera control.

Inspection and quarantine: For inspection and quarantine work, including the eradication of scabies in sheep and cattle and dourine in horses, the inspection of southern cattle, the supervision of the transportation of livestock, and the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, \$603,500.

Inspection and quarantine.

Meat inspection: For expenses in carrying out the provisions of the Meat Inspection Act of June 30, 1906, as amended by the Act of March 4, 1907, as extended to equine meat by the Act of July 24, 1919 (21 U. S. C. 71-96), as authorized by section 2 (a) of the Act of June 26, 1934 (31 U. S. C. 725a), and as further amended by the Act of June 29, 1938 (21 U. S. C. 91), including the purchase of printed tags, labels, stamps, and certificates without regard to existing laws applicable to public printing, \$5,433,000.

Meat inspection.  
34 Stat. 674, 1260; 41 Stat. 241; 48 Stat. 1225; 52 Stat. 1235.  
21 U. S. C., Supp. V, § 91.

Virus Serum Toxin Act: For carrying out the provisions of the Act approved March 4, 1913 (21 U. S. C. 151-158), regulating the preparation, sale, barter, exchange, or shipment of any virus, serum, toxin, or analogous product manufactured in the United States and the importation of such products intended for use in the treatment of domestic animals, \$218,712.

Virus Serum Toxin Act.  
37 Stat. 832.

Marketing agreements, hog cholera virus and serum.  
43 Stat. 33.  
7 U. S. C. § 612; Supp. V, § 612.

49 Stat. 781.  
7 U. S. C., Supp. V, §§ 851-855.

Marketing agreements with respect to hog cholera virus and serum: The sum of \$30,000 of the appropriation made by section 12 (a) of the Agricultural Adjustment Act, approved May 12, 1933, is hereby made available during the fiscal year for which appropriations are herein made to carry into effect sections 56 to 60 inclusive, of the Act approved August 24, 1935 (7 U. S. C. 851-855), entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", including the employment of persons and means in the District of Columbia and elsewhere.

In all, salaries and expenses, Bureau of Animal Industry, \$12,449,440.

#### ERADICATION OF FOOT-AND-MOUTH AND OTHER CONTAGIOUS DISEASES OF ANIMALS

Emergency eradication of foot-and-mouth, etc., diseases.

Funds available.

Payment of claims.

Provisos.  
Basis of appraisements.

Eradication of European fowl pest, etc.

43 Stat. 682.

Total; personal services, etc.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, which, in the opinion of the Secretary of Agriculture, threatens the livestock industry of the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animals shall not exceed one-half of any such appraisements: *Provided further*, That the sum of \$5,000 of the unexpended balance of the appropriation of \$3,500,000 contained in the Second Deficiency Appropriation Act, fiscal year 1924, approved December 5, 1924, for the eradication of the foot-and-mouth disease and other contagious or infectious diseases of animals, is hereby made available during the fiscal year for which appropriations are herein made to enable the Secretary of Agriculture to control and eradicate the European fowl pest and similar diseases in poultry.

Total, Bureau of Animal Industry, \$12,449,440, of which amount not to exceed \$685,702 may be expended for departmental personal services in the District of Columbia, and not to exceed \$100,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

#### BUREAU OF DAIRY INDUSTRY

##### SALARIES AND EXPENSES

43 Stat. 243.

For carrying out the provisions of the Act approved May 29, 1924 (7 U. S. C. 401-404), establishing a Bureau of Dairying, for salaries in the city of Washington and elsewhere, and for all other necessary expenses, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief of Bureau and other personal services in the District of Columbia, \$75,500.

Administrative expenses.

Dairy investigations: For conducting investigations, experiments, and demonstrations in dairy industry, cooperative investigations of the dairy industry in the various States, and inspection of renovated-butter factories, including repairs to buildings, not to exceed \$5,000 for the construction of buildings, \$655,905.

Dairy investigations.

Total, salaries and expenses, Bureau of Dairy Industry, \$731,405, of which amount not to exceed \$353,580 may be expended for personal services in the District of Columbia.

Total; personal services.

## BUREAU OF PLANT INDUSTRY

### SALARIES AND EXPENSES

For the investigation of fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, and of soils and soil-plant relationships, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; for the erection of necessary farm buildings: *Provided*, That the cost of any building erected, except head houses connecting greenhouses, shall not exceed \$2,500; and for the employment of persons and means in the city of Washington and elsewhere required for the investigations, experiments, and demonstrations herein authorized, as follows:

Investigation of fruits, etc.

Farm buildings.

*Proviso.*  
Limitation on cost; exception.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of bureau and other personal services in the District of Columbia, \$209,942.

Administrative expenses.

Arlington Farm: For continuing the necessary improvements to establish and maintain a general experiment farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April 18, 1900 (31 Stat. 135, 136), \$49,414.

Arlington Farm.

Botany: For investigation, improvement, and utilization of wild plants and grazing lands, and for determining the distribution of weeds and means of their control, \$76,635, of which \$40,000 shall be expended for scientific investigation concerning control and eradication of whitetop, bind weed, and other noxious weeds.

Wild plants and grazing lands; weeds.

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, \$500,000.

Cereal crops and diseases.

Cotton and other fiber crops and diseases: For investigation of the production of cotton and other fiber crops, including the improvement by cultural methods, breeding, and selection, fiber yield and quality, and the control of diseases, \$408,345, of which sum not less than \$14,700 shall be used for experimenting in Sea Island cotton, including its hybridization with other varieties.

Cotton and other fiber crops and diseases.

Sea Island cotton.

Drug and related plants: For the investigation, testing, and improvement of plants yielding drugs, spices, poisons, oils, and related products and byproducts, \$43,500.

Drug and related plants.

Dry-land agriculture: For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, \$226,828: *Provided*, That no part of this appropriation shall be used for the establishment of any new field station.

Dry-land agriculture.

*Proviso.*  
Restriction.

Experimental green-  
house maintenance.

**Experimental greenhouse maintenance:** For maintenance and operation of experimental greenhouses and adjacent experimental grounds and plots, \$77,372.

Fertilizer investiga-  
tions.

**Fertilizer investigations:** For investigations within the United States of fertilizers, fertilizer ingredients, including phosphoric acid and potash, and other soil amendments and their suitability for agricultural use, \$240,000.

Forage crops and  
diseases.

**Forage crops and diseases:** For the investigation and improvement of forage crops, including grasses, alfalfas, clovers, soybeans, lespedezas, vetches, cowpeas, field peas, and miscellaneous legumes; for the investigation of green-manure crops and cover crops; for investigations looking to the improvement of pastures; and for the investigation of forage-crop diseases and methods of control, \$300,000.

Forest pathology.

**Forest pathology:** For the investigation of diseases of forest and ornamental trees and shrubs, including a study of the nature and habits of the parasitic fungi causing the chestnut-tree bark disease, the white-pine blister rust, and other epidemic tree diseases, for the purpose of discovering new methods of control and applying methods of eradication or control already discovered, and including \$110,969 for investigations of diseases of forest trees and forest products, under section 3 of the Act approved May 22, 1928 (16 U. S. C. 581b), \$245,000.

45 Stat. 701.

Fruit and vegetable  
crops and diseases.

**Fruit and vegetable crops and diseases:** For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, \$1,300,000.

Genetics and bio-  
physics.

**Genetics and biophysics:** For biophysical investigations in connection with the various lines of work herein authorized, \$25,000.

Irrigation agricul-  
ture.  
*Post*, p. 639.

**Irrigation agriculture:** For investigations of crop production on irrigable lands, the quality of irrigation water and its use by crops, and methods for improving and maintaining the productivity of irrigated soils, \$133,500.

Mycology and dis-  
ease survey.

**Mycology and disease survey:** For mycological collections and the maintenance of a plant-disease survey, \$45,818.

National Arbore-  
tum.

**National Arboretum:** For the maintenance and development of the National Arboretum established under the provisions of the Act entitled "An Act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes", approved March 4, 1927 (20 U. S. C. 191-194), erection of buildings, employment of persons and means in the city of Washington and elsewhere, and traveling expenses of employees and advisory council, \$54,587, of which such amounts as may be necessary may be expended by contract or otherwise for the services of consulting landscape architects without reference to the Classification Act of 1923, as amended, or civil-service rules.

44 Stat. 1422.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Nematology.

**Nematology:** For crop technological investigations, including the study of plant-infesting nematodes, \$48,961.

Plant exploration  
and introduction.

**Plant exploration and introduction:** For investigations in seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, for experiments with reference to their introduction and cultivation in this country, and for investigation of their diseases, \$224,533.

Soil chemical and physical investigations: For chemical, physical, and physical-chemical investigations of soil types, soil composition, and soil minerals, the soil solution, solubility of soil, and all chemical and physical properties of soils in their relation to soil formation, soil texture, erodibility, and soil productivity, \$70,000.

Soil chemical, etc., investigations.

Soil-fertility investigations: For soil investigations into causes of infertility; maintenance of productivity; effects of soil composition, cultural methods, and fertilizers on yield and quality of crops; and the properties, composition, formation, and transformation of soil organic matter, \$121,622.

Soil-fertility investigations.

Soil microbiology investigations: For investigations of the micro-organisms of the soil and their activities, including the testing of samples procured in the open market, of cultures for inoculating legumes, other crops, or soil, and the publication of results, and if any such samples are found to be impure, nonviable, or misbranded, the results of the tests may be published, together with the names of the manufacturers and of the persons by whom the cultures were offered for sale, \$39,854.

Soil-microbiology investigations.

Publication of results.

Soil survey: For the investigation of soils and their origin, for survey of the extent of classes and types, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations and surveys, \$275,000.

Soil survey.

Sugar-plant investigations: For sugar-plant investigations, including studies of diseases and the improvement of sugar beets and sugar-beet seed, \$315,000.

Sugar-plant investigations.

Tobacco investigations: For the investigation and improvement of tobacco and the methods of tobacco production and handling, \$140,544.

Tobacco investigations.

Total, salaries and expenses, Bureau of Plant Industry, \$5,171,455, of which amount not to exceed \$1,655,147 may be expended for departmental personal services in the District of Columbia and not to exceed \$12,520 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Total; personal services.

Vehicles.

## FOREST SERVICE

### SALARIES AND EXPENSES

For the employment of persons and means in the District of Columbia and elsewhere to enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed \$7,500, with the exception that any building erected, purchased, or acquired, the cost of which was \$7,500 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount not to exceed 2 per centum of the cost of such building

Experiments and investigations on forestry, etc.

Restriction.

*Proviso.*  
Limitation on cost of buildings; exception.

Protection, etc., of national forests. as certified by the Secretary of Agriculture; to protect, administer, and improve the national forests, including tree planting and other measures to prevent erosion, drift, surface wash, soil waste, and the formation of floods, and to conserve water and including the payment of rewards under regulations of the Secretary of Agriculture for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property; to ascertain the natural conditions upon and utilize the national forests, to transport and care for fish and game supplied to stock the national forests or the waters therein; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase lawbooks, reference and technical books, and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service: *Provided further*, That the appropriations for the work of the Forest Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, equipment, and materials stored therein for distribution to projects under the supervision of the Forest Service and for sale and distribution to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies and materials are procured for warehouse stocks: *Provided further*, That the Forest Service may rent equipment to other Federal agencies at rates sufficient to reimburse the appropriations of the Forest Service that would otherwise be chargeable with the cost of the repair, maintenance, and depreciation of such equipment, as follows:

Care of fish and game.

Medical supplies, etc.

Warehouse maintenance, etc.

Rent of equipment to other Federal agencies, etc.

Administrative expenses.

36 Stat. 963.

National forest protection and management.

Aerial fire control.

Maintenance of roads and trails.

*Proviso.* Direct purchases, etc.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief Forester, for the necessary expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U. S. C. 514), and for other personal services in the District of Columbia, \$600,000.

National forest protection and management: For the administration, protection, use, maintenance, improvement, and development of the national forests, including the establishment and maintenance of forest tree nurseries, including the procurement of tree seed and nursery stock by purchase, production, or otherwise, seeding and tree planting and the care of plantations and young growth; the maintenance and operation of aerial fire control by contract or otherwise; the maintenance of roads and trails and the construction and maintenance of all other improvements necessary for the proper and economical administration, protection, development, and use of the national forests, including experimental areas under Forest Service administration: *Provided*, That where, in the opinion of the Secretary of Agriculture, direct purchases will be more economical than construction, improvements may be purchased; the construction, equipment, and maintenance of sanitary, fire preventive, and recreational facilities; control of destructive forest tree diseases and insects; timber cultural operations; development and application of fish and game management plans; propagation and transplanting of plants suitable for planting on semiarid portions of the national forests; estimating and appraising of timber and other resources and develop-

ment and application of plans for their effective management, sale, and use; examination, classification, surveying, and appraisal of land incident to effecting exchanges authorized by law and of lands within the boundaries of the national forests that may be opened to homestead settlement and entry under the Act of June 11, 1906, and the Act of August 10, 1912 (16 U. S. C. 506-509), as provided by the Act of March 4, 1913 (16 U. S. C. 512); and all expenses necessary for the use, maintenance, improvement, protection, and general administration of the national forests, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under the Act of March 1, 1911 (16 U. S. C. 521), and the Act of June 7, 1924 (16 U. S. C. 471, 499, 505, 564-570), lands transferred by authority of the Secretary of Agriculture from the Resettlement Administration to the Forest Service, and lands transferred to the Forest Service under authority of the Bankhead-Jones Farm Tenant Act, \$11,500,000: *Provided*, That \$200 of this appropriation shall be available for the expenses of properly caring for the graves of fire fighters buried at Wallace, Idaho; Newport, Washington; and Saint Maries, Idaho: *Provided further*, That in sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by the Act of May 23, 1908 (16 U. S. C. 500), and the Act of March 4, 1913 (16 U. S. C. 501), shall be based upon the stumpage value of the timber: *Provided further*, That there is hereby reappropriated for the fiscal year ending June 30, 1941, for the same purpose as originally appropriated any balance of the appropriation "National Forest Protection and Management" contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, Numbered 7, Seventy-sixth Congress), which remains unobligated on June 30, 1940.

**Water rights:** For the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests, \$20,000.

**Fighting forest fires:** For fighting and preventing forest fires on or threatening the national forests and unappropriated public forest lands, \$100,000, which amount shall be immediately available.

**Private forestry cooperation:** For cooperation with and advice to timberland owners and associations, wood-using industries or other appropriate agencies in the application of forest management principles to Federally-owned lands leased to States and to private forest lands, so as to attain sustained yield management, the conservation of the timber resource, the productivity of forest lands, and the stabilization of employment and economic continuance of forest industries, \$100,000.

**Forest research:** For forest research in accordance with the provisions of sections 1, 2, 7, 8, 9, and 10 of the Act entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", approved May 22, 1928, as amended (16 U. S. C. 581, 581a, 581f-581i), as follows:

**Forest management:** Fire, silvicultural, and other forest investigations and experiments under section 2, as amended, at forest experiment stations or elsewhere, \$605,000.

34 Stat. 233; 37 Stat. 287, 842.

Maintenance, etc., of national forests.

36 Stat. 963; 43 Stat. 653.

50 Stat. 522.  
7 U. S. C., Supp. V, ch. 33.

*Provisions.*  
Care of graves of fire fighters.

Sale of forest products.

35 Stat. 260; 37 Stat. 843.  
16 U. S. C., Supp. V, § 601a.  
Reappropriation.

53 Stat. 513.

Water rights.

Fighting forest fires.

Private forestry cooperation.

Forest research.

45 Stat. 699.  
16 U. S. C., Supp. V, § 581a.

Forest management.  
16 U. S. C. § 581a;  
Supp. V, § 581a.

Range investigations.  
16 U. S. C. § 581f.

Range investigations: Investigations and experiments to develop improved methods of management of forest and other ranges under section 7, at forest or range experiment stations or elsewhere, \$270,935.

Forest products.  
16 U. S. C. § 581g.

Forest products: Experiments, investigations, and tests of forest products under section 8, at the Forest Products Laboratory, or elsewhere, \$632,500.

Forest survey.  
16 U. S. C. § 581h.

Forest survey: A comprehensive forest survey under section 9, \$250,000.

Forest economics.  
16 U. S. C. § 581i.

Forest economics: Investigations in forest economics under section 10, \$140,000.

Forest influences.

Forest influences: For investigations and experiments at forest experiment stations or elsewhere for determining and demonstrating the influence of natural vegetative cover characteristic of forest, range, or other wild land on water conservation, flood control, stream-flow regulation, erosion, climate, and maintenance of soil productivity, and for developing preventive and control measures therefor, \$135,000.

Total; additional from contributions.

In all, salaries and expenses, \$14,353,435; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the Act approved March 3, 1925 (16 U. S. C. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the Act of June 30, 1914 (16 U. S. C. 498): *Provided*, That not to exceed \$859,319 may be expended for departmental personal services in the District of Columbia: *Provided further*, That not to exceed \$1,500 may be expended for the contribution of the United States to the cost of the office of the secretariat of the International Union of Forest Research Stations and of the Department of Timber Utilization of the Comité International du Bois.

43 Stat. 1132.

38 Stat. 430.

Proviso.  
Personal services.

Contributions to designated organizations.

#### FOREST-FIRE COOPERATION

Cooperation with States, etc.

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor", approved June 7, 1924, as amended (16 U. S. C. 564-570), including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said Act, \$2,200,000, of which not to exceed \$65,540 shall be available for departmental personal services in the District of Columbia and not to exceed \$2,500 for the purchase of supplies and equipment required for the purposes of said Act in the District of Columbia.

43 Stat. 653.

Study of tax laws, etc.

Personal services.

#### NEW ENGLAND HURRICANE DAMAGE

Completion of Federal undertaking.

Forest-fire suppression, etc.

For completion of the Federal undertaking: For reduction of the extreme forest-fire hazard, for intensification of forest-fire patrol and forest-fire suppression on State, county, municipal, and private forest lands in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, resulting from or made necessary by the New England hurricane of September 1938, including the employment of persons and means in the District of Columbia, and elsewhere, printing and binding, purchase, exchange, operation, and maintenance of passenger-carrying vehicles, and other necessary expenses, \$300,000, together with any balance of the appropriation "New England Hurricane Damage" contained in the First

Reappropriation.  
53 Stat. 513.

Deficiency Appropriation Act, fiscal year 1939 (Public, Numbered 7, Seventy-sixth Congress), which remains unobligated on June 30, 1940: *Provided*, That section 3709, Revised Statutes (41 U. S. C. 5), shall not apply in the case of any expenditure hereunder where the aggregate amount involved does not exceed \$300: *Provided further*, That of the amount herein appropriated, the Federal Government shall not expend in any State an amount in excess of the amount heretofore or hereafter made available by said State, or the political subdivisions thereof, for the purposes contained in this paragraph.

*Provisos.*  
Minor purchases.

State, etc., contributions.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS

For the acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U. S. C. 513-519, 521), under sound commercial title satisfactory to the Attorney General as provided in said Act, including the transfer to the Office of the Solicitor of such funds for the employment by that office of persons and means in the District of Columbia and elsewhere as may be necessary in connection with the acquisition of such lands, \$1,000,000: *Provided*, That not to exceed \$80,000 of the sum appropriated in this paragraph may be expended for departmental personal services in the District of Columbia.

Acquisition of forest lands.  
36 Stat. 961.

*Proviso.*  
Personal services.

For the acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts: Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), \$40,000; Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), \$6,000; San Bernardino and Cleveland National Forests in Riverside County, California, Act of June 15, 1938 (52 Stat. 699), \$15,000; Nevada and Toiyabe National Forests, Nevada, Act of June 25, 1938 (52 Stat. 1205), \$10,000; in all, \$71,000.

Control of soil erosion and flood damage.

*Ante*, p. 298.

Total, Forest Service, \$17,924,435, of which amount not to exceed \$61,628 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia, and in addition thereto there is authorized for expenditure from funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), not to exceed \$9,755 for the purchase of motor-propelled passenger-carrying vehicles for use by the Forest Service in the construction and maintenance of national-forest roads.

Total.  
Vehicles.

42 Stat. 217.

#### FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), including not to exceed \$59,500 for departmental personal services in the District of Columbia, \$9,000,000, which sum consists of the balance of the amount authorized to be appropriated for the fiscal year 1940 and \$2,000,000 of the amount authorized to be appropriated for the fiscal year 1941 by the Act approved June 8, 1938 (52 Stat. 635), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$7,500.

Development, etc.  
42 Stat. 218.  
23 U. S. C., Supp. V,  
§ 23a.

53 Stat. 977.

*Proviso.*  
Buildings for storage of equipment, etc.

Limitation on cost.

## BUREAU OF AGRICULTURAL CHEMISTRY AND ENGINEERING

### SALARIES AND EXPENSES

#### Investigations, etc.

For investigations, experiments, and demonstrations hereinafter authorized, independently or in cooperation with other branches of the Department of Agriculture, other departments or agencies of the Federal Government, States, State agricultural experiment stations, universities, and other State agencies and institutions, counties, municipalities, business, farm, or other organizations and corporations, individuals, associations, and scientific societies, including the employment of necessary persons and means in the city of Washington and elsewhere; and for erection, alteration, and repair of buildings outside the District of Columbia at a total cost not to exceed \$15,000, as follows:

#### Administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$105,300.

#### Agricultural chemical investigations. 12 Stat. 387.

Agricultural chemical investigations: For conducting the investigations contemplated by the Act of May 15, 1862 (5 U. S. C. 511, 512), relating to the application of chemistry to agriculture; for the biological, chemical, physical, microscopical, and technological investigation of foods, feeds, drugs, plant and animal products, and substances used in the manufacture thereof; for investigations of the physiological effects and for the pharmacological testing of such products and of insecticides; for the investigation and development of methods for the manufacture of sugars, sugar sirups, and starches and the utilization of new agricultural materials for such purposes; for the technological investigation of the utilization of fruits and vegetables and for frozen pack investigations; for the investigation of chemicals for the control of noxious weeds and plants; and to cooperate with associations and scientific societies in the development of methods of analysis, \$379,606.

#### Cooperation with scientific societies, etc.

#### Industrial utilization of farm products, etc.

Industrial utilization of farm products and byproducts: For the investigation, development, experimental demonstration, and application of methods for the industrial utilization of agricultural products, waste, and byproducts, and products made therefrom, except as otherwise provided for in this Act, by the application of chemical, physical, and technological methods, including the changes produced by microorganisms such as yeasts, bacteria, molds, and fungi, the utilization for color, medicinal, and technical purposes of substances grown or produced in the United States, \$22,550.

#### Agricultural engineering investigations.

Agricultural engineering investigations: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture for the investigation, development, experimental demonstration, for investigating and reporting upon the different kinds of farm power and appliances; upon farm domestic water supply and sewage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment and rural electrification, upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the Act approved April 19, 1930 (7 U. S. C., 424, 425); for giving expert advice and assistance in agricultural and chemical

#### Cotton ginning. 46 Stat. 248.

engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing, and distributing bulletins, plans, and reports, \$304,469.

Naval-stores investigations: For the investigation of naval stores (turpentine and rosin) and their components; the investigation and experimental demonstration of improved equipment, methods, or processes of preparing naval stores; the weighing, storing, handling, transportation, and utilization of naval stores; and for the assembling and compilation of data on production, distribution, and consumption of turpentine and rosin, pursuant to the Act of August 15, 1935 (5 U. S. C. 556b), \$93,400.

Total, salaries and expenses, Bureau of Agricultural Chemistry and Engineering, \$905,325, of which amount not to exceed \$457,602 may be expended for personal services in the District of Columbia, and not to exceed \$3,725 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

Naval-stores investigations.

49 Stat. 653.  
5 U. S. C., Supp. V,  
§ 556b.

Total; personal services.

Vehicles.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### SALARIES AND EXPENSES

For necessary expenses connected with investigations, experiments, and demonstrations for the promotion of economic entomology, for investigating and ascertaining the best means of destroying insects and related pests injurious to agriculture, for investigating and importing useful and beneficial insects and bacterial, fungal, and other diseases of insects and related pests, for investigating and ascertaining the best means of destroying insects affecting man and animals, to enable the Secretary of Agriculture to carry into effect the provisions of the Plant Quarantine Act of August 20, 1912, as amended, to conduct other activities hereinafter authorized, and for the eradication, control, and prevention of spread of injurious insects and plant pests, independently or in cooperation with other branches of the Federal Government, States, counties, municipalities, corporations, agencies, individuals, or with foreign governments; including the employment of necessary persons and means in the District of Columbia and elsewhere, rent, construction, or repair of necessary buildings outside the District of Columbia: *Provided*, That, unless otherwise specifically provided, the cost for the construction of any building shall not exceed \$1,500 and the total amount expended for such construction in any one year shall not exceed \$7,000, as follows:

Investigations, etc.

Plant Quarantine Act.  
37 Stat. 315.  
7 U. S. C., ch. 8;  
Supp. V, ch. 8.

*Proviso.*  
Cost of buildings.

General administrative expenses: For general administrative purposes, including the salary of Chief of Bureau and other personal services, \$166,280.

Administrative expenses.

Fruit insects: For insects affecting fruits, grapes, and nuts, \$424,600.

Fruit insects.

Japanese beetle control: For the control and prevention of spread of the Japanese beetle, \$395,000.

Japanese beetle control.  
*Post*, p. 640.

Sweetpotato weevil control: For the determination and application of such methods of control for sweetpotato weevils as, in the judgment of the Secretary of Agriculture, may be necessary, \$70,000: *Provided*, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for the control of sweetpotato weevil in any State until such State has provided cooperation necessary to accomplish this purpose: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

Sweetpotato weevil control.

*Provisos.*  
State cooperation.

No indemnities.

Mexican fruitfly control.

**Mexican fruitfly control:** For the control and prevention of spread of the Mexican fruitfly, including necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$167,960.

Citrus canker eradication.

**Citrus canker eradication:** For determining and applying such methods of eradication or control of the disease of citrus trees known as "citrus canker" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, \$13,485: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

*Proviso.*  
No indemnities.

Gypsy, etc., moth control.

**Gypsy and brown-tail moth control:** For the control and prevention of spread of the gypsy and brown-tail moths, \$375,000.

Dutch elm disease eradication.

**Dutch elm disease eradication:** For determining and applying methods of eradication, control, and prevention of spread of the disease of elm trees known as "Dutch elm disease" and of a virus disease of elm trees prevalent in the Ohio Valley, \$400,000, to be immediately available: *Provided*, That, in the discretion of the Secretary of Agriculture, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

*Proviso.*  
State, etc., contributions.

No indemnities.

Phony peach, etc., eradication.

**Phony peach and peach mosaic eradication:** For determining and applying such methods of eradication, control, and prevention of spread of the diseases of peach trees known as "phony peach" and "peach mosaic" as in the judgment of the Secretary of Agriculture may be necessary, including cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, including the certification of products out of the infested areas to meet the requirements of State quarantines, \$89,800: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

*Proviso.*  
No indemnities.

Forest insects.  
45 Stat. 701.

**Forest insects:** For insects affecting forests and forest products, under section 4 of the Act approved May 22, 1928 (16 U. S. C. 581c), entitled "An Act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects", and for insects affecting ornamental trees and shrubs, \$212,500.

Blister rust control.

**Blister rust control:** For applying such methods of eradication, control, and prevention of spread of the white pine blister rust as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations concerned, \$400,000: *Provided*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

State, etc., contributions.

*Proviso.*  
No indemnities.

Truck crop and garden insects: For insects affecting truck crops, ornamental and garden plants, including tobacco, sugar beets, and greenhouse and bulbous crops, \$366,580.

Truck crop and garden insects.

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, \$379,500.

Cereal and forage insects.

European corn borer control: For the control and prevention of spread of the European corn borer and for the certification of products out of the infested areas to meet the requirements of State quarantines on account of the European corn borer, \$27,939.

European corn borer control.

Barberry eradication: For the eradication of the common barberry and for applying such other methods of eradication, control, and prevention of spread of cereal rusts as in the judgment of the Secretary of Agriculture may be necessary to accomplish such purposes, \$162,500: *Provided*, That, in the discretion of the Secretary of Agriculture, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided further*, That no part of the money herein appropriated shall be used to pay the cost or value of property injured or destroyed.

Barberry eradication.

*Provisos.*  
State, etc., contributions.

No indemnities.

Cotton insects.

Cotton insects: For insects affecting cotton, \$144,544.

Pink bollworm and Thurberia weevil control.

Pink bollworm and Thurberia weevil control: For the control and prevention of spread of the Thurberia weevil and the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, \$526,800.

Cooperation with Mexico.

Bee culture.

Bee culture: For bee culture and apiary management, \$83,000.

Insects affecting man and animals.

Insects affecting man and animals: For insects affecting man, household possessions, and animals, \$181,500.

Insect-pest survey and identification.

Insect-pest survey and identification: For the identification and classification of insects, including taxonomic, morphological, and related phases of insect-pest control and the maintenance of an insect-pest survey for the collection and dissemination of information to Federal, State, and other agencies concerned with insect-pest control, \$154,790.

Foreign parasites.

Foreign parasites: For administrative expenses in connection with the introduction of natural enemies of injurious insects and related pests and for the exchange with other countries of useful and beneficial insects and other arthropods, \$38,000.

Control investigations.

Control investigations: For developing equipment or apparatus to aid in enforcing plant quarantines, eradication and control of plant pests, determining methods of disinfecting plants and plant products to eliminate injurious pests, determining the toxicity of insecticides, and related phases of insect-pest control, \$72,518, of which not less than \$10,000 shall be used for methyl bromide investigations.

Insecticide and fungicide investigations.

Insecticide and fungicide investigations: For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, \$125,000.

Transit inspection.  
37 Stat. 315.

Transit inspection: For the inspection in transit or otherwise of articles quarantined under the Act of August 20, 1912 (7 U. S. C. 161, 164a), as amended, and for the interception and disposition of materials found to have been transported interstate in violation of quarantines promulgated thereunder, \$44,059.

Foreign plant quarantines.  
Mexican cotton and cottonseed.

Foreign plant quarantines: For enforcement of foreign plant quarantines, at the port of entry and port of export, and to prevent the movement of cotton and cottonseed from Mexico into the United

Railway cars, etc.; inspection.	States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, including construction and repair of necessary buildings, plants, and equipment, for the fumigation, disinfection, or cleaning of products, railway cars, or other vehicles entering the United States from Mexico, \$680,000: <i>Provided</i> , That any moneys received in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.
<i>Proviso.</i> Receipts.	
Certification of ex- ports.	Certification of exports: For the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, \$31,862: <i>Provided</i> , That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts.
<i>Proviso.</i> Receipts.	
Total; personal serv- ices.	Total, salaries and expenses, Bureau of Entomology and Plant Quarantine, \$5,733,217, of which amount not to exceed \$868,458 may be expended for personal services in the District of Columbia, and not to exceed \$40,900 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.
Vehicles.	

## BUREAU OF AGRICULTURAL ECONOMICS

### SALARIES AND EXPENSES

Salaries and ex- penses.	For the employment of such persons and means in the city of Washington and elsewhere as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:
Administrative ex- penses.	General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, \$88,900.
Economic investiga- tions.	Economic investigations: For acquiring and diffusing useful information among the people of the United States, and for aiding in formulating programs for authorized activities of the Department of Agriculture, relative to agricultural production, distribution, land utilization, and conservation in their broadest aspects, including farm management and practice, utilization of farm and food products, purchasing of farm supplies, farm population and rural life, farm labor, farm finance, insurance and taxation, adjustments in production to probable demand for the different farm and food products; land ownership and values, costs, prices and income in their relation to agriculture, including causes for their variations and trends, \$775,000: <i>Provided</i> , That the Secretary may transfer to this appropriation from the funds available for authorized activities of the Department of Agriculture, such sums as may be necessary for aiding in formulating programs for such authorized activities, including expenditures for employment of persons and means in the District of Columbia and elsewhere.
<i>Proviso.</i> Transfer of funds.	
Total; personal serv- ices.	Total, salaries and expenses, Bureau of Agricultural Economics, \$863,900, of which amount not to exceed \$823,358 may be expended for personal services in the District of Columbia.

## AGRICULTURAL MARKETING SERVICE

### SALARIES AND EXPENSES

For the employment of such persons and means in the city of Washington and elsewhere as may be necessary in conducting investigations, experiments, and demonstrations, either independently or in cooperation with public or private agencies, organizations, or individuals, as follows:

General administrative expenses: For necessary expenses for general administrative purposes, including personal services in the District of Columbia, \$157,306.

Marketing farm products: For acquiring and diffusing among the people of the United States useful information relative to the standardization, classification, grading, preparation for market, handling, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world, \$400,000: *Provided*, That samples, illustrations, practical forms, or sets of the grades recommended or promulgated by the Secretary of Agriculture for farm or food products may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Crop and livestock estimates: For collecting, compiling, abstracting, analyzing, summarizing, interpreting, and publishing data relating to agriculture, including crop and livestock estimates, acreage, yield, grades, staples of cotton, stocks, and value of farm crops and numbers, grades, and value of livestock and livestock products on farms, in cooperation with the Extension Service and other Federal, State, and local agencies, and for the collection and publication of statistics of peanuts as provided by the Act approved June 24, 1936, as amended May 12, 1938 (7 U. S. C. 951-957), \$725,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to ascertaining, collating, or publishing a report stating the intention of farmers as to the acreage to be planted in cotton: *Provided further*, That estimates of apple production shall be confined to the commercial crop.

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, \$459,000.

Salaries and expenses.

Administrative expenses.

Marketing farm products.

*Proviso.*  
Sale of samples, etc.

Crop and livestock estimates.

Peanut statistics.  
49 Stat. 1898; 52 Stat. 348.  
7 U. S. C., Supp. V, §§ 951-957.  
*Provisos.*  
Cotton acreage.

Apple production.

Market inspection of farm products.

*Proviso.*  
Certificates as prima facie evidence.

Tobacco Inspection,  
etc., Acts.

49 Stat. 731.  
7 U. S. C., Supp. V,  
§§ 511-511q.

45 Stat. 1079.  
7 U. S. C., Supp. V,  
§§ 501, 502, 505.

Market news serv-  
ice.

New Orleans, La.

Perishable Agricul-  
tural Commodities  
and Produce Agency  
Acts.

46 Stat. 531.  
7 U. S. C., Supp. V,  
ch. 20A.

44 Stat. 1355.  
7 U. S. C., Supp. V,  
§ 492.  
Standard Container  
Acts.

39 Stat. 673.

45 Stat. 635.

Cotton quality sta-  
tistics and classing  
Acts.

44 Stat. 1372; 50  
Stat. 62.  
7 U. S. C., Supp. V,  
§§ 473a-473c.

Cotton Futures Act.  
39 Stat. 476; 40 Stat.  
1351.

Cotton Standards  
Act.  
42 Stat. 1517.

Tobacco Inspection and Tobacco Stocks and Standards Acts: To enable the Secretary of Agriculture to carry into effect the provisions of an Act entitled "An Act to establish and promote the use of standards of classification for tobacco, to provide and maintain an official tobacco-inspection service, and for other purposes", approved August 23, 1935 (7 U. S. C. 511-511q), and an Act entitled "An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture", approved January 14, 1929 (7 U. S. C. 501-508), as amended, \$433,000.

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, cottonseed, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, \$1,125,000, of which \$5,000 shall be available for the maintenance of a market news service at New Orleans, Louisiana.

Perishable Agricultural Commodities and Produce Agency Acts: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce", as amended (7 U. S. C. 499a-499r), and the Act entitled "An Act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them", approved March 3, 1927 (7 U. S. C. 491-497), \$152,000.

Standard Container Acts: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes", approved August 31, 1916 (15 U. S. C. 251-256), and the Act entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes", approved May 21, 1928 (15 U. S. C. 257-257i), \$10,000.

Cotton quality statistics and classing Acts: To enable the Secretary of Agriculture to carry into effect the Act entitled "An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927, as amended by the Act entitled "An Act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes", approved April 13, 1937 (7 U. S. C. 471-476), \$465,000.

United States Cotton Futures and United States Cotton Standards Acts: To enable the Secretary of Agriculture to perform the duties imposed upon him by the United States Cotton Futures Act, as amended March 4, 1919 (26 U. S. C. 1090-1106), and to carry into effect the provisions of the United States Cotton Standards Act, approved March 4, 1923 (7 U. S. C. 51-65), including such means as may be necessary for effectuating agreements heretofore or hereafter made with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for the adoption, use, and

observance of universal standards of cotton classification, for the arbitration or settlement of disputes with respect thereto, and for the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements, \$490,000.

United States Grain Standards Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Grain Standards Act, \$723,941.

United States Warehouse Act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States Warehouse Act, \$450,000.

Federal Seed Act: To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to regulate interstate and foreign commerce in seeds; to require labeling and to prevent misrepresentation of seeds in interstate commerce; to require certain standards with respect to certain imported seeds; and for other purposes", approved August 9, 1939 (53 Stat. 1275-1290), \$85,000: *Provided*, That not to exceed \$250 of this amount may be used for meeting the share of the United States in the expenses of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analysis or other subjects which the Congress may determine to be necessary in the interest of international seed trade.

Packers and Stockyards Act: For carrying out the provisions of the Packers and Stockyards Act, approved August 15, 1921, as amended by the Act of August 14, 1935 (7 U. S. C. 181-229), \$381,879: *Provided*, That the Secretary of Agriculture may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary of Agriculture or a court of competent jurisdiction: *Provided further*, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said Act for the purpose of determining the ownership of such livestock: *Provided further*, That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the Board of Livestock Commissioners, or duly organized livestock association of the States from which such livestock have originated or been shipped to market.

Total, salaries and expenses, Agricultural Marketing Service, \$6,057,126, of which amount not to exceed \$1,531,578 may be expended for personal services in the District of Columbia, and not to exceed \$40,100 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

## BUREAU OF HOME ECONOMICS

### SALARIES AND EXPENSES

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of Chief of Bureau and other personal services in the District of Columbia, \$31,735.

Home economics investigations: For conducting either independently or in cooperation with other agencies, investigations of the

Universal standards  
of cotton classification.

Grain Standards  
Act.  
39 Stat. 482.  
7 U. S. C. §§ 71-87.

Warehouse Act.  
39 Stat. 486.  
7 U. S. C. §§ 241-273.

Federal Seed Act.

7 U. S. C., Supp. V.  
§§ 1551, 1561-1610.  
*Proviso.*  
International Seed  
Testing Congress.

Packers and Stock-  
yards Act.  
42 Stat. 159; 49 Stat.  
648.  
7 U. S. C., Supp. V.  
§§ 218-218d.  
*Proviso.*  
Bonds from agencies  
and dealers.

Suspension.

Inspection fee.

When imposed.

Total; personal serv-  
ices.

Vehicles.

Administrative ex-  
penses.

Home economics in-  
vestigations.

relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes, and such economic investigations, including housing and household buying, as have for their purpose the improvement of the rural home, and for disseminating useful information on this subject, including the employment of persons and means in the District of Columbia and elsewhere, \$291,310.

Total; personal services.

Total, salaries and expenses, Bureau of Home Economics, \$323,045, of which amount not to exceed \$286,599 may be expended for personal services in the District of Columbia.

## ENFORCEMENT OF THE COMMODITY EXCHANGE ACT

49 Stat. 1491.  
7 U. S. C., Supp. V,  
§§ 1-17a.

To enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C. 1-17a), \$575,000, of which amount not to exceed \$207,840 may be expended for personal services in the District of Columbia.

## FOOD AND DRUG ADMINISTRATION

### SALARIES AND EXPENSES

Salaries and expenses.

For all necessary expenses, for chemical apparatus, chemicals, and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, for the employment of such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, in the city of Washington and elsewhere, in conducting investigations; collecting, reporting, and illustrating the results of such investigations; and for rent outside the District of Columbia for carrying out the investigations and work herein authorized, as follows:

Administrative expenses.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of chief of administration and other personal services in the District of Columbia, \$100,802.

Federal Food, Drug,  
and Cosmetic Act.  
52 Stat. 1040.  
21 U. S. C., Supp.  
V, §§ 301-392.

Enforcement of the Federal Food, Drug, and Cosmetic Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of June 25, 1938, entitled "An Act to prohibit the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics, and for other purposes", as amended (21 U. S. C. 301-392); to cooperate with associations and scientific societies in the revision of the United States Pharmacopoeia and development of methods of analysis, and for investigating the character of the chemical and physical tests which are applied to American food products in foreign countries, and for inspecting the same before shipment when desired by the shippers or owners of these products intended for countries where chemical and physical tests are required before the said products are allowed to be sold therein, \$2,328,080: *Provided*, That not more than \$4,280 shall be used for travel outside the United States.

Revision of U. S.  
Pharmacopoeia.

*Proviso*.  
Travel outside U. S.

Naval Stores Act.  
42 Stat. 1435.

Naval Stores Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Naval Stores Act of March 3, 1923 (7 U. S. C. 91-99), \$34,700.

Insecticide Act.  
36 Stat. 331.

Enforcement of the Insecticide Act: For enabling the Secretary of Agriculture to carry into effect the provisions of the Act of April 26, 1910 (7 U. S. C. 121-134), entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded

paris greens, lead arsenates, other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes", \$193,180.

**Enforcement of the Milk Importation Act:** For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved February 15, 1927 (21 U. S. C. 141-149), entitled "An Act to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health", \$19,241.

**Enforcement of the Caustic Poison Act:** For enabling the Secretary of Agriculture to carry into effect the provisions of an Act approved March 4, 1927 (15 U. S. C. 401-411), entitled "An Act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce", \$24,741.

**Enforcement of the Filled Milk Act:** For enabling the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to prohibit the shipment of filled milk in interstate or foreign commerce", approved March 4, 1923, as amended by the Act of August 27, 1935 (21 U. S. C. 61-64), \$10,000.

**Enforcement of the Sea Food Inspectors Act:** For personal services of sea food inspectors designated to examine and inspect sea food and the production, packing, and labeling thereof upon the application of any packer of any sea food for shipment or sale within the jurisdiction of the Federal Food and Drugs Act, in accordance with the provisions of an Act entitled "An Act to amend section 10A of the Federal Food and Drugs Act of June 30, 1906, as amended", approved August 27, 1935 (21 U. S. C. 14a), \$40,000.

Total, salaries and expenses, Food and Drug Administration, \$2,750,744, of which amount not to exceed \$832,198 may be expended for personal services in the District of Columbia, and not to exceed \$27,375 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

## SOIL CONSERVATION SERVICE

### SALARIES AND EXPENSES

To carry out the provisions of an Act entitled "An Act to provide for the protection of land resources against soil erosion, and for other purposes", approved April 27, 1935 (16 U. S. C. 590a-590f), which provides for a national program of erosion control and soil and moisture conservation to be carried out directly and in cooperation with other agencies; including the employment of persons and means in the District of Columbia and elsewhere, purchase of books and periodicals, maintenance, repair, and operation of one passenger-carrying automobile in the District of Columbia, furnishing of subsistence to employees, training of employees, and the purchase and erection of permanent buildings: *Provided*, That the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed \$2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for ten buildings to be constructed at a cost not to exceed \$15,000 per building: *Provided further*, That no money appropriated in this Act shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That during the fiscal year for which appropriations are herein made the appropriations for the work of the Soil

Milk Importation Act.  
44 Stat. 1101.

Caustic Poison Act.  
44 Stat. 1406.

Filled Milk Act.  
42 Stat. 1486; 49 Stat. 885.  
21 U. S. C., Supp. V, § 64.

Sea Food Inspectors Act.  
34 Stat. 768; 49 Stat. 871.  
21 U. S. C., §§ 1-5, 7-15; Supp. V, § 14a.

Total; personal services.

Vehicles.

Salaries and expenses.

49 Stat. 163.  
16 U. S. C., Supp. V, §§ 590a-590f.

Provision.  
Cost of buildings.

Construction on nongovernmental land, restriction.

Warehouse maintenance, etc.

Conservation Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Soil Conservation Service and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling), to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized work of the Soil Conservation Service may be furnished at the cost of reproduction to Federal, State, county, or municipal agencies requesting such reproductions, the money received from such sales to be deposited in the Treasury to the credit of this appropriation; as follows:

Reproduction of aerial photographs, etc.

Administrative expenses.

*Proviso.*  
Restriction.

General administrative expenses: For necessary expenses for general administrative purposes, including the salary of the Chief of the Soil Conservation Service and other personal services in the District of Columbia, \$550,000: *Provided*, That no part of the money appropriated in this paragraph shall be available for expenditure if any emergency appropriations are made available for administrative expenses in administering the funds provided in regular appropriations to the Soil Conservation Service.

Soil and moisture conservation and land-use investigations, etc.

Soil and moisture conservation and land-use investigations: For research and investigations into the character, cause, extent, history, and effects of erosion, soil and moisture depletion and methods of soil and moisture conservation (including the construction and hydrologic phases of farm irrigation and land drainage); and for construction, operation, and maintenance of experimental watersheds, stations, laboratories, plots, and installations, \$1,500,000.

Soil and moisture conservation and land-use operations, demonstrations, and information: For carrying out preventive measures to conserve soil and moisture, including such special measures as may be necessary to prevent floods and the siltation of reservoirs, and including the improvement of farm irrigation and land drainage, the establishment and operation of erosion nurseries, the making of conservation plans and surveys, and the dissemination of information, \$18,965,750: *Provided*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years.

*Proviso.*  
Nursery stock, funds available.

Emergency erosion control, Everglades region, Fla.

Emergency erosion control, Everglades region, Florida: For research and demonstration work in soil conservation fire control measures, including research and demonstration work in fire control and irrigation construction work to eliminate fire hazards, in the Everglades region of Florida, \$75,000: *Provided*, That no expenditures shall be made for these purposes until a sum at least equal to such expenditures shall have been made available by the State of Florida, or a political subdivision thereof, for the same purposes.

*Proviso.*  
State, etc., contribution.

Total; personal services.

Vehicles.

Total, salaries and expenses, Soil Conservation Service, \$21,090,750, of which not to exceed \$1,724,174 may be expended for personal services in the District of Columbia, and not to exceed \$200,000 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

## CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES, DEPARTMENT OF AGRICULTURE

To enable the Secretary of Agriculture to carry into effect the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U. S. C. 590g-590q), and the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1407) (except the making of payments pursuant to sections 303 and 381 and the provisions of titles IV and V), including the employment of persons and means in the District of Columbia and elsewhere; rent in the District of Columbia; not to exceed \$50,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States; purchase of law books, books of reference, periodicals, newspapers, \$438,560,000, together with not to exceed \$60,000,000 of the unobligated balances of the appropriations made under this head by the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939 (53 Stat. 939), and by the First Deficiency Appropriation Act, fiscal year 1940, to remain available until June 30, 1942, for compliances under said Act of February 29, 1936, as amended, pursuant to the provisions of the 1940 programs carried out during the period September 1, 1939, to December 31, 1940, inclusive: *Provided*, That no part of such amount shall be available for carrying out the provisions of section 202 (f) of the Agricultural Adjustment Act of 1938, and not to exceed \$3,000,000 shall be available under the provisions of section 202 (a) to 202 (e), inclusive, of said Act, including research on food products of farm commodities: *Provided further*, That not to exceed \$4,985,600 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the District of Columbia, including regional offices, and not to exceed \$9,971,200 of such amount may be expended in the fiscal year ending June 30, 1941, for administrative expenses in the several States (not including expenses of county and local committees): *Provided further*, That no part of such amount shall be available after June 30, 1941, for salaries and other administrative expenses except for payment of obligations therefor incurred prior to July 1, 1941: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1941 programs or plans now or hereafter authorized under section 7 or 8, or both, of said Act of February 29, 1936, or under said provisions of the Agricultural Adjustment Act of 1938: *Provided further*, That the Secretary of Agriculture may, in his discretion, from time to time transfer to the General Accounting Office such sums as may be necessary to pay administrative expenses of the General Accounting Office in auditing payments under this item: *Provided further*, That such amount shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming materials, or any soil terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary of Agriculture in the 1940 and 1941 programs under said Act of February 29, 1936, as amended; for the reimbursement of the Tennessee Valley Authority or any other Government agency for fertilizers, seeds, lime, trees, or other farming materials, or any soil terracing services, furnished by such agency; and for the payment of all expenses necessary in making such grants including all or part of the costs incident to the delivery thereof: *And provided further*, That the funds provided by section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act and for other purposes", approved August

Soil conservation, etc.

49 Stat. 1148.  
16 U. S. C., Supp. V, §§ 590g-590q.  
52 Stat. 31.  
7 U. S. C., Supp. V, ch. 35.

Exhibits at fairs.

Reappropriation.

53 Stat. 975.  
*Ante*, p. 86.

*Provisos.*  
Restriction on use of funds.  
52 Stat. 37.  
7 U. S. C., Supp. V, § 1292.

Administrative expenses.

Nonavailability of funds for salaries, etc., after June 30, 1941; exception.

Availability for 1941 programs.  
49 Stat. 1148, 1149; 52 Stat. 31.  
16 U. S. C., Supp. V, §§ 590g-590h; 7 U. S. C., Supp. V, ch. 35.

Transfer of funds.

Purchase of seeds, etc.

Tennessee Valley Authority.

Funds for administrative expenses.  
49 Stat. 774.  
7 U. S. C., Supp. V, § 612c.

24, 1935 (7 U. S. C. 612c), shall be available during the fiscal year 1941 for administrative expenses, in accordance with the provisions of section 392 of the Agricultural Adjustment Act of 1938, in carrying out the provisions of said section 32, including the employment of persons and means in the District of Columbia and elsewhere, in accordance with the provisions of law applicable to the employment of persons and means by the Agricultural Adjustment Administration, except that within the total of limitations imposed by section 392 (b) of said Act for administrative expenses in the District of Columbia, regional offices, and in the several States, such limitations may, in connection with the activities of the Marketing and Marketing Agreements Division of the Agricultural Adjustment Administration and the Federal Surplus Commodities Corporation, be interchanged, in whole or in part, during the current fiscal year, between the District of Columbia, regional offices, and the several States: *Provided further*, That the funds appropriated under the head "Parity payments, Department of Agriculture", for the fiscal year 1940 shall remain available until June 30, 1942: *Provided further*, That notwithstanding any other provision of law, persons who in 1938 and 1939 carried out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who complied with the terms and conditions of the 1938 and 1939 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers.

### COMMODITY CREDIT CORPORATION

Salaries and administrative expenses: Not to exceed \$2,000,000 of the funds of the Commodity Credit Corporation, established as an agency of the Government by Executive Order Numbered 6340, dated October 16, 1933, and continued as such agency to June 30, 1941, by the Act of March 4, 1939 (53 Stat. 510), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; lawbooks and books of reference; not to exceed \$250 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That the Secretary of Agriculture may make allotments from this appropriation, subject to the approval of the Director of the Bureau of the Budget, to the offices and divisions of the office of the Secretary for the performance of departmental services for the Commodity Credit Corporation: *Provided further*, That none of the fund made available by this paragraph shall be obligated or expended unless and until an appropriate appropriation account shall have been established there-

52 Stat. 69.  
7 U. S. C., Supp. V,  
§ 1392.

Exception.

Parity payments.  
53 Stat. 974.

Payments to tenants  
and sharecroppers.

49 Stat. 1148.  
16 U. S. C., Supp. V,  
§§ 690g-690q.

Salaries and admin-  
istrative expenses.

15 U. S. C., Supp. V,  
§ 713.

Travel expenses.  
44 Stat. 688.

*Provisos.*  
Nonadministrative  
expenses.

Allotments.

Accounting.

for pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act of 1921, as amended.

42 Stat. 20.  
31 U. S. C., ch. 1;  
Supp. V, ch. 1.

### THE SUGAR ACT OF 1937

To enable the Secretary of Agriculture to carry into effect the provisions, other than those specifically relating to the Philippine Islands, of the Sugar Act of 1937, approved September 1, 1937 (7 U. S. C. 1100-1183), and the employment of persons and means, in the District of Columbia and elsewhere, as authorized by said Act, \$46,675,000, together with \$1,300,000 of the unobligated balance of the appropriation provided under this head by the Second Deficiency Appropriation Act, fiscal year 1939, approved May 2, 1939 (53 Stat. 626), in all not to exceed \$47,975,000, to remain available until June 30, 1942: *Provided*, That conditional payments in connection with the 1940 sugar program shall not be made if, by proclamation under section 509 of said Act, title II or title III shall have been suspended and shall remain suspended until July 1, 1940.

Sugar Act of 1937.  
50 Stat. 903.  
7 U. S. C., Supp. V,  
§§ 1100-1183.

Reappropriation.

*Proviso.*  
Conditional pay-  
ments.  
50 Stat. 916.  
7 U. S. C., Supp. V,  
§ 1179.

### PARITY PAYMENTS

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, \$212,000,000: *Provided*, That such payments with respect to any such commodity shall be made with respect to a farm only in the event that the acreage planted to the commodity for harvest on the farm in 1941 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program.

Parity payments.  
52 Stat. 45.  
7 U. S. C., Supp. V,  
§ 1303.

*Proviso.*  
Condition.

### DISPOSAL OF SURPLUS COMMODITIES

To enable the Secretary of Agriculture to further carry out the provisions of section 32, as amended, of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, and subject to all provisions of law relating to the expenditure of funds appropriated by such section, \$85,000,000. Such sum shall be immediately available and shall be in addition to, and not in substitution for, other appropriations made by such section or for the purpose of such section: *Provided*, That not in excess of 25 per centum of the funds herein made available may be devoted to any one agricultural commodity: *Provided further*, That said 25 per centum provision and the like provision in said section 32, as amended, shall not apply to amounts devoted to a stamp plan for the removal of surplus agricultural commodities from funds made available hereby and by said section 32, and, notwithstanding expenditures under such stamp plan, the 25 per centum provision shall continue to be calculated on the aggregate amount available hereunder and under said section 32.

Funds for adminis-  
trative expenses.  
49 Stat. 774.  
7 U. S. C., Supp. V,  
§ 612c.

*Proviso.*  
Restriction on use  
of funds.  
Stamp plan.

### INTERNATIONAL PRODUCTION CONTROL COMMITTEES

During the fiscal year 1941 the Secretary of Agriculture may expend not to exceed \$17,500 from the funds available to the Agricultural Adjustment Administration for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned

Share of U. S. for  
membership expenses.

with the reduction of agricultural surpluses or with other objectives of the Agricultural Adjustment Administration, together with traveling and other necessary expenses relating thereto.

## FEDERAL CROP INSURANCE ACT

Administrative, etc., expenses.  
52 Stat. 72.  
7 U. S. C., Supp. V, §§ 1501-1518.  
Reappropriation.  
53 Stat. 975.

52 Stat. 77.  
7 U. S. C., Supp. V, § 1516.  
52 Stat. 74.  
7 U. S. C., Supp. V, § 1507 (d).

Administrative and operating expenses: For operating and administrative expenses under the Federal Crop Insurance Act, approved February 16, 1938, as amended (7 U. S. C. 1501-1518), \$5,423,200, together with a reappropriation of not to exceed \$100,000 of the unexpended balance of the funds available for this purpose for the fiscal year 1940, to be allotted by the Secretary of Agriculture (a) to the Federal Crop Insurance Corporation, as authorized by section 516 (a) of such Act, and (b) to bureaus and offices of the Department of Agriculture or for transfer to other agencies of State and Federal Governments, as authorized by section 507 (d) of such Act; and such part as the Secretary allots under clause (b) hereof shall be available for the employment of persons and means in the District of Columbia and elsewhere, rent in the District of Columbia, purchase of law books, books of reference, periodicals, and newspapers.

## FARM TENANT ACT

### FARM TENANCY

Farm tenancy.  
50 Stat. 522.  
7 U. S. C., Supp. V, §§ 1000-1006.

Salaries and expenses.

Reappropriation.

Loans.

Restriction on use of funds.

Authorization of R. F. C. to lend sum to Secretary of Agriculture.

Provision.  
Amount loaned, limitation.

Repayment.

To enable the Secretary of Agriculture to carry into effect the provisions of title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), as follows:

Salaries and expenses: For administrative expenses in connection with the making of loans under title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), and the collection of moneys due the United States on account of loans heretofore made under the provisions of said Act, including the employment of persons and means in the District of Columbia, and elsewhere, exclusive of printing and binding as authorized by said Act, \$2,500,000, together with the unexpended balance of such part of the appropriation made under said Act for the fiscal year 1940 (53 Stat. 976) available for such administrative expenses.

Loans: For loans in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1000-1006), \$50,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation at an interest rate of 3 per centum per annum and which sum shall not be used for making loans under the terms of said Act for the purchase of farms of greater value than the average farm unit of thirty acres and more in the county, parish, or locality in which such purchase may be made, which value shall be determined solely according to statistics of the farm census of 1940 after such statistics become available, but prior to that time may be determined in accordance with such regulations as may be promulgated by the Secretary of Agriculture; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary of Agriculture upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (7 U. S. C. 1000-1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *Provided further*, That the Secretary may utilize proceeds from payments of principal and interest on any loans

made under such title I to repay the Reconstruction Finance Corporation the amount borrowed therefrom under the authority of this paragraph: *Provided further*, That the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

Increase of outstanding obligations of R. F. C.

#### LIQUIDATION AND MANAGEMENT OF RESETTLEMENT PROJECTS

To enable the Secretary of Agriculture to carry out the provisions of section 43 of title IV of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1014-1029), including the employment of persons and means, in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$1,500,000.

Resettlement projects.  
50 Stat. 530.  
7 U. S. C., Supp. V, § 1017.

#### LAND UTILIZATION AND RETIREMENT OF SUBMARGINAL LAND

To enable the Secretary of Agriculture to carry out the provisions of title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U. S. C. 1010-1013), including the employment of persons and means in the District of Columbia and elsewhere, exclusive of printing and binding, as authorized by said Act, \$2,100,000, together with the unexpended balances of the appropriations made pursuant to said Act for the fiscal year 1940.

Land utilization, etc.  
50 Stat. 525.  
7 U. S. C., Supp. V, §§ 1010-1013.

Reappropriation.  
53 Stat. 976.

Total, Farm Tenant Act, \$6,100,000.

#### WATER FACILITIES, ARID AND SEMIARID AREAS

To enable the Secretary of Agriculture to carry into effect the provisions of the Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (16 U. S. C. 590r-590x), including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; the purchase, exchange, operation, and maintenance of passenger-carrying vehicles; and rent in the District of Columbia and elsewhere, \$500,000, of which not to exceed \$25,000 may be expended for personal services in the District of Columbia: *Provided*, That not to exceed \$50,000 of this appropriation shall be available for expenditure for any one project designed in whole or in part to benefit lands by the irrigation thereof, and all project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project, and the authority contained in said Act shall not be deemed to authorize the construction of any project not in accord with this limitation.

Development, etc.

50 Stat. 869.  
16 U. S. C., Supp. V, §§ 590r-590x.

Protec.  
Restriction on use of funds.

#### COOPERATIVE FARM FORESTRY

To enable the Secretary of Agriculture to carry into effect the provisions of the Cooperative Farm Forestry Act, approved May 18, 1937 (16 U. S. C. 568b) (not to exceed \$300,000), and the provisions of sections 4 (not to exceed \$100,000) and 5 (not to exceed \$77,898) of the Act entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor",

Development, etc.

50 Stat. 188.  
16 U. S. C., Supp. V, § 568b.

43 Stat. 654.  
16 U. S. C., Supp.  
V, §§ 567a-568b.

*Provisos.*  
State, etc., contribu-  
tion.

Procurement of  
nursery stock.

Restriction on es-  
tablishment of new  
nurseries, etc.

approved June 7, 1924 (16 U. S. C. 567-568), and Acts supplementary thereto, including the employment of persons and means in the District of Columbia and elsewhere; printing and binding; not to exceed \$7,700 for the purchase of passenger-carrying vehicles; the purchase of reference books and technical journals; not to exceed \$30,000 for the construction or purchase of necessary buildings, and other improvements; in all, not to exceed \$400,000: *Provided*, That no part of this appropriation shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted by the Government or make contributions other than money deemed by the Secretary of Agriculture to be the value equivalent thereof: *Provided further*, That any part of this appropriation allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating states for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years: *Provided further*, That in carrying into effect the provisions of the Cooperative Farm Forestry Act, no part of this appropriation shall be used to establish new nurseries or to acquire land for the establishment of such new nurseries.

## RURAL ELECTRIFICATION ADMINISTRATION

49 Stat. 1363.  
7 U. S. C., Supp. V,  
§§ 901-914.

Salaries and ex-  
penses.

*Provisos.*  
Salary restriction;  
exception.

Minor purchases.

Allotments.

Loans and purchase  
of property.  
7 U. S. C., Supp. V,  
§§ 903-905, 907.

To enable the Secretary of Agriculture to carry into effect the provisions of the Rural Electrification Act of 1936, approved May 20, 1936, as amended (7 U. S. C. 901-914), as follows:

Salaries and expenses: For administrative expenses and expenses of studies, investigations, publications, and reports including the salary of the Administrator, Rural Electrification Administration, and other personal services in the District of Columbia and elsewhere; rentals, including buildings and parts of buildings and garages, in the District of Columbia and elsewhere; purchase and exchange of books, law books, books of reference, directories, and periodicals; not to exceed \$200 for newspapers and press clippings; financial and credit reports; and all other expenses necessary to administer said Act, \$3,075,000, of which amount not to exceed \$1,350 shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary in the conduct of work in the District of Columbia and elsewhere: *Provided*, That no part of this appropriation shall be used to pay the salary of any person who received as many as three steps of administrative within-grade promotion, or the equivalent thereof, in all positions occupied by such person during the fiscal year 1939, at a rate of pay in excess of the salary resulting from the first two steps of such promotion or its equivalent; but this proviso shall not preclude the payment of the minimum salary of the grade to any person transferred, under standard regulations, to such grade: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Rural Electrification Administration when the aggregate amount involved does not exceed \$100: *Provided further*, That the Secretary of Agriculture may make allotments from this appropriation, subject to the approval of the Director of the Bureau of the Budget, to the offices and divisions of the Office of the Secretary for the performance of departmental services for the Rural Electrification Administration.

Loans: For loans in accordance with sections 3, 4, and 5, and the purchase of property in accordance with section 7 of the Rural Electrification Act of May 20, 1936, as amended (7 U. S. C. 901-

914), \$100,000,000, which sum shall be borrowed from the Reconstruction Finance Corporation in accordance with the provisions of section 3 (a) of said Act and shall be considered as made available thereunder; and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum in addition to the amounts heretofore authorized under said section 3 (a) and without regard to the limitation in respect of time contained in section 3 (e) of said Act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof: *Provided*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated for an additional amount for salaries and expenses of the Rural Electrification Administration, to be immediately available, including the objects specified in the foregoing paragraph and subject to the limitations therein, \$600,000, of which amount not to exceed \$23,000 may be transferred to the appropriation "Printing and Binding, Department of Agriculture, 1941".

Total, Rural Electrification Administration, \$3,075,000.

Authorization of R. F. C. to lend sum, etc.

*Proviso.* Additional appropriation for salaries, etc.

*Ante*, p. 53A.

### BELTSVILLE RESEARCH CENTER

For general administrative purposes, including maintenance, operation, repairs, and other expenses, \$86,620; and, in addition thereto, this appropriation may be augmented, by transfer of funds or by reimbursement, from applicable appropriations, to cover the cost, including handling and other related charges, of services and supplies, equipment and materials furnished, stores of which may be maintained at the Center, and to cover the cost of building construction, alteration, and repair performed by the Center in carrying out the purposes of such applicable appropriations and the applicable appropriations may also be charged their proportionate share of the necessary general expenses of the Center not covered by this appropriation.

Administrative expenses.

### INTERCHANGE OF APPROPRIATIONS

Not to exceed 5 per centum of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 5 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency.

Limitation.

### WORK FOR OTHER DEPARTMENTS

During the fiscal year for which appropriations are herein made the head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary of Agriculture transfer to the Department of Agriculture for direct expenditure such sums as may be necessary for the performance of such work.

Work for other departments.

## PASSENGER-CARRYING VEHICLES

Purchase of passenger-carrying vehicles.

*Provisos.*  
Limitation on use.

Interchangeability.

Maintenance, etc.

Exchanges.

Use of A. A. A. funds.

Within the limitations specified under the several headings the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motortrucks in the District of Columbia: *Provided further*, That the limitation on expenditures for purchase of passenger-carrying vehicles in the field service shall be interchangeable between the various bureaus and offices of the Department, to such extent as the exigencies of the service may require: *Provided further*, That appropriations contained in this Act shall be available for the maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles: *Provided further*, That the Secretary of Agriculture may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats purchased by him: *Provided further*, That the funds available to the Agricultural Adjustment Administration may be used during the fiscal year for which appropriations are herein made for the maintenance, repair, and operation of one passenger-carrying vehicle for official purposes in the District of Columbia.

## FARM CREDIT ADMINISTRATION

## SALARIES AND EXPENSES

Salaries and expenses.

Minor purchases.

For salaries and expenses of the Farm Credit Administration in the District of Columbia and the field; traveling expenses of officers and employees including not to exceed \$5,000 for travel incurred under proper authority attending meetings or conventions of members of organizations at which matters of importance to the work of the Farm Credit Administration are to be discussed or transacted; printing and binding; contingent and miscellaneous expenses, including law books, books of reference, and not to exceed \$1,000 for periodicals, newspapers, and maps; contract stenographic reporting services, and expert services for the preparation of amortization tables; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; purchase of manuscripts, data, and special reports by personal service without regard to the provisions of any other Act; procurement of supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$50; purchase, exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles and motortrucks to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; garage rental in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Farm Credit Administration; employment of persons, firms, and others for the performance of special services, includ-

ing legal services, and other miscellaneous expenses; necessary administrative expenses in connection with the making of loans under the provisions of the Act of January 29, 1937 (50 Stat. 5), and the collection of moneys due the United States on account of loans made under the provisions of the Acts of March 3, 1921 (41 Stat. 1347), March 20, 1922 (42 Stat. 467), April 26, 1924 (43 Stat. 110), February 28, 1927 (44 Stat. 1251), February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3), March 3, 1930 (46 Stat. 78, 79), December 20, 1930 (46 Stat. 1032), February 14, 1931 (46 Stat. 1160), and February 23, 1931 (46 Stat. 1276); January 22, 1932 (47 Stat. 5), February 4, 1933 (47 Stat. 795), March 4, 1933 (47 Stat. 1547), February 23, 1934 (48 Stat. 354), March 10, 1934 (48 Stat. 402), June 19, 1934 (48 Stat. 1021), February 20, 1935 (49 Stat. 28), March 21, 1935 (49 Stat. 49), April 8, 1935 (49 Stat. 115), January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and Executive Order Numbered 7305, dated February 28, 1936; examination of corporations, banks, associations, credit unions, and institutions operated, supervised, or regulated by the Farm Credit Administration: *Provided*, That the expenses and salaries of employees engaged in such examinations shall be assessed against the said corporations, banks, or institutions in accordance with the provisions of existing laws; in all, \$3,770,000, together with not to exceed \$3,900,000 from the funds made available to the Farm Credit Administration under the Acts of January 29, 1937 (50 Stat. 5), February 9, 1937 (50 Stat. 8, 11), February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159).

Farmers' crop production and harvesting loans: For loans to farmers under the Act of January 29, 1937 (50 Stat. 5), as amended by the Act of February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159), the unobligated balance (exclusive of the amount of such balance made available for "Salaries and expenses, Farm Credit Administration, 1941") of the appropriation "Crop production and harvesting loans" as made in the First Deficiency Appropriation Act, fiscal year 1937 (50 Stat. 8, 11), and as continued available by the Act of February 4, 1938 (52 Stat. 26), and June 30, 1939 (Public, No. 159), together with all collections of principal and interest on loans heretofore or hereafter made under said Act of January 29, 1937 (50 Stat. 5): *Provided*, That no employee of the United States on whose certificate or approval loans under said Act of January 29, 1937, as amended, or other acts of the same general character, are or have been made, shall be held personally liable for any loss or deficiency occasioned by the fraud or misrepresentation of applicants or borrowers, if the Governor of the Farm Credit Administration shall determine that such employee has exercised reasonable care in the circumstances, and has complied with the regulations of the Farm Credit Administration in executing such certificate or giving such approval. Notwithstanding any such determination by the Governor of the Farm Credit Administration, this provision shall not be construed to prevent any criminal process against any person who was a party to or had guilty knowledge of such fraud or misrepresentation.

#### FEDERAL FARM MORTGAGE CORPORATION

Not to exceed \$7,000,000 of the funds of the Federal Farm Mortgage Corporation, established by the Act of January 31, 1934 (48 Stat. 344), shall be available during the fiscal year 1941 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses of officers and employees of the Corporation, in accordance with the Stand-

Collection of loans under designated Acts.

Examination of banks, etc.

*Proviso.*  
Assessments.

Total; additional.

12 U. S. C., Supp. V, §§ 1020i-1020o.

53 Stat. 979.

Farmers' crop production, etc., loans.

53 Stat. 979.

53 Stat. 979.

*Proviso.*  
Liability of U. S. employees for fraud of borrowers, etc.

Administrative expenses.  
12 U. S. C., §§ 1020-1020h; Supp. V, §§ 1020-1020d.

*Post*, p. 640.

Travel expenses.

44 Stat. 688.

ardized Government Travel Regulations and the Act of June 3, 1926, as amended (5 U. S. C. 821-833); printing and binding; law books, books of reference, and not to exceed \$250 for periodicals and newspapers; contract stenographic reporting services; procurement of supplies, equipment, and services; purchase (at not to exceed \$750 each), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles, to be used only for official purposes; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Corporation; employment on a contract or fee basis of persons, firms, and corporations for the performance of special services, including legal services; use of the services and facilities of Federal land banks, national farm loan associations, Federal Reserve banks, and agencies of the Government as authorized by said Act of January 31, 1934; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the operation, maintenance, improvement, or disposition of real or personal property of the Corporation shall be considered as non-administrative expenses for the purposes hereof: *Provided further*, That except for the limitations in amounts hereinbefore specified, and the restrictions in respect to travel expenses, the administrative expenses and other obligations of the Corporation shall be incurred, allowed, and paid in accordance with the provisions of said Act of January 31, 1934, as amended (12 U. S. C. 1016-1020 (h)).

Special services.

*Proviso.*  
Nonadministrative expenses.

Payment of administrative expenses, etc.

Administrative promotions.

Short title.

SEC. 2. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

This Act may be cited as the "Department of Agriculture Appropriation Act, 1941".

Approved, June 25, 1940.

## [CHAPTER 422]

## AN ACT

June 25, 1940

[S. 3018]

[Public, No. 659]

To amend section 210 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1073; 47 U. S. C. 210), so as to permit communication utilities to contribute free services to the national defense.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 210 of the Communications Act of 1934, approved June 19, 1934 (48 Stat. 1073; 47 U. S. C. 210), is hereby amended by inserting after the words "Sec. 210" the letter "(a)" and by adding at the end of the section the following subsection:

"(b) Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from rendering to any agency of the Government free service in connection with the preparation for the national defense: *Provided*, That such free service may be rendered only in accordance with such rules and regulations as the Commission may prescribe therefor."

Approved, June 25, 1940.

Communications Act of 1934, amendment.

Common carriers. Free service to Government agencies for national defense.

*Proviso.* Rules and regulations.

## [CHAPTER 423]

## AN ACT

To amend section 301 (a) of the Sugar Act of 1937.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (a) of section 301 of the Sugar Act of 1937 is amended by adding at the end thereof the following: "The Secretary is authorized to make payments, notwithstanding a failure to comply with the conditions provided in this subsection, but the payments made with respect to any crop shall be subject to a deduction of \$10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the foregoing provisions of this subsection, in the 1937, 1938, and 1939 crops."

Approved, June 25, 1940.

June 25, 1940  
[S. 3237]  
[Public, No. 680]

Sugar Act of 1937, amendment.  
50 Stat. 909.  
7 U. S. C., Supp. V, § 1131 (a).  
Child labor.  
Payments authorized subject to deductions.

## [CHAPTER 424]

## AN ACT

To authorize the Secretary of the Treasury to grant to the Road Department of the State of Florida an easement for a road right-of-way over the Coast Guard Reservation at Flagler Beach, Florida.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized to grant to the Road Department of the State of Florida an easement to construct and maintain a highway across such of the lands constituting a part of the Coast Guard Reservation at Flagler Beach, Florida, as the Secretary may designate. Such easement shall be granted subject to such reasonable conditions as the Secretary may deem desirable to be included therein for the purpose of enabling the United States to use the reservation in such manner as the Government's interests may require.

Approved, June 25, 1940.

June 25, 1940  
[S. 3958]  
[Public, No. 661]

Coast Guard Reservation, Flagler Beach, Fla.  
Easement across, for highway.

Conditions.

## [CHAPTER 425]

## AN ACT

To allow moving expenses to employees in the Railway Mail Service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter officers and regular clerks in the Railway Mail Service, when arbitrarily transferred under orders of the Department from one official station to another for permanent duty, and who actually have to change their residence, may be allowed their actual and necessary transportation expenses for moving their household goods, including packing and drayage, not in excess of three thousand five hundred pounds.

Approved, June 25, 1940.

June 25, 1940  
[H. R. 1827]  
[Public, No. 662]

Railway Mail Service.  
Transportation expenses for moving household goods of employees.

## [CHAPTER 426]

## AN ACT

For the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by Act of Congress, and providing penalties for the violation thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the manufacture, sale or purchase for resale, either separately or appended to, or to be appended to, or the reproduction on any article of merchandise manufactured or sold, of the badge, medal, emblem, or other

June 25, 1940  
[H. R. 5982]  
[Public, No. 663]

Unlawful use of insignia, etc., of incorporated veterans' organizations.

insignia or any colorable imitation thereof, or the reproduction thereof for commercial purposes, of any veterans' organization incorporated by Act of Congress, or the printing, lithographing, engraving or other like reproduction on any poster, circular, periodical, magazine, newspaper, or other publication, or the circulation or distribution of any such printed matter bearing a reproduction of such badge, medal, emblem, or other insignia or any colorable imitation thereof, of any such veterans' organization, is prohibited except when authorized under such rules and regulations as may be prescribed by such organization so incorporated. Any person who knowingly offends against any provision of this Act shall on conviction be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Penalty.

Approved, June 25, 1940.

[CHAPTER 427]

AN ACT

To authorize the purchase by the Reconstruction Finance Corporation of stock of Federal home-loan banks; to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 304 of the Act entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes", approved March 9, 1933, as amended (U. S. C., 1934 edition, title 12, sec. 51d; Supp. V, title 12, sec. 51d), is hereby amended by adding at the end thereof the following new paragraph:

National banking system.  
48 Stat. 6.

Purchase by R. F. C. of U. S. owned Federal home-loan bank stock.

Conditions under which held.

Reconstruction Finance Corporation Act, amendments.  
47 Stat. 5,  
15 U. S. C., Supp. V, §602.  
Partial retirement of capital stock, etc.

Increase of outstanding obligations authorized.

12 U. S. C., Supp. V, § 51d.  
*Supra.*

Retirement of capital stock; dividends.  
Purchase of stock of Federal home-loan banks.

"The Reconstruction Finance Corporation is authorized to purchase at par any part of the stock of any Federal home-loan bank owned by the United States, as evidenced by certificates, receipts, or otherwise, in amounts to be determined by the Corporation, with the approval of the Federal Loan Administrator; and the Secretary of the Treasury is authorized on behalf of the United States to sell such stock to the Corporation. Any such stock so purchased by the Corporation shall be held subject to the same conditions, requirements, rights, and privileges (including all dividend and retirement provisions) as are provided by law for or in connection with the ownership of such stock by the United States."

SEC. 2. Section 2 of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, title 15, sec. 602), is hereby amended by adding at the end thereof the following new paragraphs:

"The Corporation is authorized to make payments from time to time to the Secretary of the Treasury in amounts to be determined by the Corporation, with the approval of the Federal Loan Administrator, for the partial retirement of its capital stock at par and in payment of dividends from earnings. The aggregate amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under the provisions of law in force on the date this paragraph takes effect shall not be decreased by reason of any retirement of capital stock under this paragraph, and such aggregate amount is hereby increased by an amount sufficient to carry out the provisions of this paragraph and of the second paragraph of section 304 of the Act of March 9, 1933, as amended.

"The Corporation, on or before June 30, 1941, may retire its capital stock and pay dividends under the preceding paragraph of this section, and may purchase stock of the Federal home-loan banks

under section 304 of the Act of March 9, 1933, as amended, in an aggregate amount of not to exceed \$300,000,000 to be determined by the Secretary of the Treasury; but the Corporation, with the approval of the Federal Loan Administrator, shall determine that portion of such aggregate amount which may be used for the retirement of the capital stock of the Corporation, the payment of dividends, and the purchase of such stock of the Federal home-loan banks."

SEC. 3. (a) The third paragraph of section 5 of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, title 15, sec. 605; Supp. V, title 15, sec. 605), is hereby amended by striking out "\$350,000,000" and inserting in lieu thereof "\$500,000,000".

(b) The first sentence of section 3 of the Act entitled "An Act to extend the functions of the Reconstruction Finance Corporation for two years, and for other purposes", approved January 31, 1935, as amended (U. S. C., 1934 edition, Supp. V, title 15, sec. 605m), is hereby amended by striking out "January 31, 1945" and inserting in lieu thereof "January 31, 1955".

SEC. 4. Section 3 of the Federal Farm Mortgage Corporation Act (U. S. C., 1934 edition, title 12, sec. 1020b) is hereby amended by adding at the end thereof the following new sentences: "The Federal Farm Mortgage Corporation is authorized to repay on or before June 30, 1941, to the Secretary of the Treasury on behalf of the United States, all amounts in excess of \$100,000,000 theretofore subscribed to the capital stock of the corporation. The proceeds of such repayment shall be held in the Treasury of the United States as a fund available for subscription, by the Governor on behalf of the United States with the approval of the Secretary of the Treasury, to the capital of the corporation when, in the judgment of the directors of the corporation, additional subscriptions to its capital are necessary."

SEC. 5. Section 5d of the Reconstruction Finance Corporation Act, as amended (U. S. C., 1934 edition, Supp. V, title 15, sec. 606b), is hereby amended by adding at the end thereof the following new paragraphs:

"In order to aid the Government of the United States in its national-defense program, the Corporation is authorized—

"(1) To make loans to, or, when requested by the Federal Loan Administrator with the approval of the President, purchase the capital stock of, any corporation (a) for the purpose of producing, acquiring, and carrying strategic and critical materials as defined by the President, and (b) for plant construction, expansion and equipment, and working capital, to be used by the corporation in the manufacture of equipment and supplies necessary to the national defense, on such terms and conditions and with such maturities as the Corporation may determine; and

"(2) When requested by the Federal Loan Administrator, with the approval of the President, to create or to organize a corporation or corporations, with power (a) to produce, acquire, and carry strategic and critical materials as defined by the President, (b) to purchase and lease land, to purchase, lease, build, and expand plants, and to purchase and produce equipment, supplies, and machinery, for the manufacture of arms, ammunition, and implements of war, (c) to lease such plants to private corporations to engage in such manufacture, and (d) if the President finds that it is necessary for a Government agency to engage in such manufacture, to engage in such manufacture itself. The Corporation may make loans to, or purchase the capital stock of, any such corporation for any purpose

Apportionment.

Reconstruction Finance Corporation Act, amendment.  
47 Stat. 7; 49 Stat. 3.

49 Stat. 2.

Federal Farm Mortgage Corporation Act, amendment.  
48 Stat. 345.  
12 U. S. C., Supp. V, § 1020b.  
Repayment of excess capital stock subscriptions.

Use of proceeds.

Reconstruction Finance Corporation Act, amendment.  
52 Stat. 212.  
Post, pp. 961, 962.

National-defense program.

Loans; capital stock purchases.

Strategic, etc., materials.

Plant construction, etc., for manufacture of equipment and supplies.

Creation of corporations; powers.

Strategic, etc., materials.  
Plants for manufacture of arms, etc.

Lease of plants.

Manufacture by Government agency.

Loans; capital stock purchases; terms and conditions.

within the powers of the corporation as above set forth related to the national-defense program, on such terms and conditions as the Corporation may determine.

Strategic, etc., materials.  
Payments in advance of delivery.

“Any corporation created or organized by the Corporation under the preceding paragraph is also authorized, with the approval of the President, to make payments against the purchase price to be paid for strategic and critical materials in advance of the delivery of such materials. Whenever practicable, the Corporation may require the payments so made to be used for purchases of raw or manufactured agricultural commodities to be exported from the United States.”

Use of payments.

50 Stat. 5; 53 Stat. 510.  
15 U. S. C., Supp. V, § 613c.

R. F. C. Act, amendments.  
47 Stat. 6.

47 Stat. 10.

SEC. 6. That (a) section 1 of the Act approved January 26, 1937 (U. S. C., 1934 edition, Supp. IV, title 15, sec. 613c), as amended, is hereby amended by striking out “June 30, 1941” and inserting in lieu thereof “January 22, 1947”; (b) the first sentence of section 4 of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, title 15, sec. 604), as amended, and the first sentence of section 14 of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, title 15, sec. 614), as amended, are hereby amended by striking out the word “ten” and inserting in lieu thereof the word “fifteen”; (c) the second paragraph of section 5d of the Reconstruction Finance Corporation Act (U. S. C., 1934 edition, Supp. IV, title 15, sec. 606b), as amended, is hereby amended by striking out “June 30, 1939” wherever it appears therein and inserting in lieu thereof “January 22, 1947”.

Approved, June 25, 1940.

52 Stat. 212.  
15 U. S. C., Supp. V, § 606b.

## [CHAPTER 428]

### AN ACT

Making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, and for other purposes.

June 26, 1940  
[H. R. 9007]  
[Public, No. 665]

Labor-Federal Security Appropriation Act, 1941.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1941, namely:

Department of Labor Appropriation Act, 1941.

## TITLE I—DEPARTMENT OF LABOR

### OFFICE OF THE SECRETARY

Salaries.

Salaries: Secretary of Labor, Assistant Secretary, Second Assistant Secretary, and other personal services in the District of Columbia, \$374,000.

Salaries: Office of the Solicitor, \$90,000.

Contingent expenses.  
Post, pp. 646, 647, 648, 1043.

Contingent expenses: For contingent and miscellaneous expenses of the offices and bureaus of the Department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloths, file cases, towels, ice, brooms, soap, sponges, laundry, not exceeding \$1,400 for streetcar fares; purchase, exchange, maintenance, and repair of motorcycles and motortrucks; maintenance, operation, and repair of three motor-propelled passenger-carrying vehicles, to be used only for official purposes; freight and express charges; commercial and labor-reporting services; newspaper clippings not to exceed \$1,400, postage to foreign countries, telegraph

and telephone service, typewriters, adding machines, and other labor-saving devices; purchase and exchange of lawbooks, books of reference, newspapers, and periodicals, and, when authorized by the Secretary of Labor, dues for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members, not exceeding \$5,300; contract stenographic services; teletype service and tolls (not to exceed \$1,100); rent and maintenance of buildings in the District of Columbia; all other necessary miscellaneous expenses not included in the foregoing; and not to exceed \$25,000 for purchase of certain supplies for the Immigration and Naturalization Service; in all, \$347,500: *Provided*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of \$100.

**Traveling expenses:** For all traveling expenses, except traveling expenses incident to the deportation of aliens, under the Department of Labor, including all bureaus and divisions thereunder, \$1,628,000.

**Printing and binding:** For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, \$459,000: *Provided*, That notwithstanding any other provision of law, the publication entitled "Our Constitution and Government—Federal Text Book on Citizenship" may be sold by the Superintendent of Documents, Government Printing Office, in quantities of ten or more copies at the rate of 25 cents per copy.

**Salaries and expenses, Division of Labor Standards:** For salaries and expenses, including purchase and distribution of reports, and of material for informational exhibits, in connection with the promotion of health, safety, employment, stabilization, and amicable industrial relations for labor and industry, \$225,000, of which amount not to exceed \$162,000 may be expended for personal services in the District of Columbia.

The appropriation under this title for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the work of the Division of Labor Standards when called by the Division of Labor Standards with the written approval of the Secretary of Labor, and shall be available also in an amount not to exceed \$2,000 for expenses of attendance at meetings related to the work of the Division of Labor Standards when incurred on the written authority of the Secretary of Labor.

**Commissioners of conciliation:** To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the Act creating the Department of Labor (5 U. S. C. 611) and to appoint commissioners of conciliation, telegraph and telephone service, supplies for field offices, newspapers, books of reference and periodicals; and not to exceed \$71,000 for personal services in the District of Columbia, \$383,400: *Provided*, That persons now employed in such conciliation work pursuant to authority contained under this head in the Second Deficiency Appropriation Act, fiscal year 1935, may be continued in such employment and paid from the amount herein appropriated.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$2,000 for expenses of attendance at meetings, conferences or conventions concerned with labor and industrial relations when incurred on the written authority of the Secretary of Labor.

*Proviso.*  
Minor purchases.

Traveling expenses.  
*Post*, pp. 646, 647,  
648, 1043.

Printing and binding.  
*Post*, pp. 646, 647,  
648, 1043.

*Proviso.*  
Sale of designated  
publication.

Division of Labor  
Standards.  
Salaries and ex-  
penses.  
*Post*, pp. 647, 1043.

Attendance at con-  
ferences.

Meetings.

Commissioners of  
conciliation.

37 Stat. 738.  
5 U. S. C. § 619.

*Proviso.*  
Retention of certain  
employees.

49 Stat. 587.

Attendance at meet-  
ings.

Liaison with International Labor Organization, Geneva, Switzerland.  
Salaries and expenses.

Liaison with the International Labor Organization, Geneva, Switzerland, salaries and expenses: For a United States Labor Commissioner and other personal services in Geneva, Switzerland; compensation of interpreters, translators, and porters; transportation of employees, their families, and effects, in going to and returning from foreign posts; rent, heat, light, and fuel; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; purchase and exchange of foreign and domestic books, periodicals, and newspapers; purchase of furniture, stationery, and supplies; printing and binding; postage; telephone and other similar expenses, for which payment may be made in advance; necessary technical or special investigations in connection with matters falling within the scope of the International Labor Organization; allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any person, and contingent and such other expenses in the United States and elsewhere as the Secretary of Labor may deem necessary, \$20,000.

Living quarters.

46 Stat. 818.

Division of Public Contracts.  
Salaries and expenses.

Division of Public Contracts, salaries and expenses: For personal services in the District of Columbia and elsewhere, in performing the duties imposed by the "Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (41 U. S. C. 38), and for other necessary expenses in the field, including contract stenographic reporting services, \$319,100.

49 Stat. 2036.  
41 U. S. C., Supp.  
V, §§ 35-45.

#### BUREAU OF LABOR STATISTICS

Salaries and expenses.  
Post, pp. 648, 1043.

Salaries and expenses: For personal services including temporary statistical clerks, stenographers, and typists in the District of Columbia, and including also experts and temporary assistants for field service outside of the District of Columbia; purchase of periodicals, documents, envelopes, price quotations, and reports and materials for reports and bulletins of said Bureau, \$962,580, of which amount not to exceed \$860,000 may be expended for the salary of the Commissioner and other personal services in the District of Columbia.

Attendance at meetings.

The appropriation in this title for traveling expenses shall be available, in an amount not to exceed \$2,000, for expenses of attendance at meetings concerned with the work of the Bureau of Labor Statistics when incurred on the written authority of the Secretary of Labor.

#### IMMIGRATION AND NATURALIZATION SERVICE

Salaries, Departmental.  
Post, p. 645.

Salaries, Office of Commissioner: Departmental salaries: For the Commissioner and other personal services in the District of Columbia, \$570,500.

Salaries, field service.  
Post, p. 646.

Salaries, field service: For salaries of field personnel of the Immigration and Naturalization Service, including the personnel of the Immigration Border Patrol and the services of persons authorized by law to be detailed to the District of Columbia for duty, \$7,979,110: *Provided*, That not to exceed \$36,000 of the total amount herein appropriated shall be available for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), not to exceed \$1,700 for any person: *Provided further*, That \$130,000 of the amount herein appropriated shall be available only for the payment of extra compensation for overtime services of inspectors and employees of the Immigration and Naturalization Service for which the United States receives reimbursement in accordance with the provisions of the Act of March 2,

Provisos.  
Living quarters.

46 Stat. 818.

Overtime pay.

46 Stat. 1467.

1931 (8 U. S. C. 109a-109b): *Provided further*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts: *Provided further*, That notwithstanding the provisions of the Act of February 5, 1917 (8 U. S. C. 109), authorizing the Secretary of Labor to draw annually from the appropriations for the enforcement of the laws regulating the immigration of aliens into the United States, \$200,000, or so much thereof as may be necessary, to enforce the law excluding contract laborers and induced and assisted immigrants, not to exceed \$40,000 of the sum herein appropriated may be expended for such purposes, and such expenditure shall be made in strict compliance with the provisions of the Act of July 11, 1919 (18 U. S. C. 201).

General expenses (other than salaries): For all expenses of the Immigration and Naturalization Service, including the Immigration Border Patrol, incurred in the enforcement of the laws regulating the immigration to, the residence in, and the exclusion and deportation from the United States of aliens and persons subject to the Chinese exclusion laws; for enforcement of the laws authorizing a uniform rule for the naturalization of aliens; expenses of officers, clerks, and other employees appointed to enforce said laws; care, detention, maintenance, transportation, and traveling expenses incident to the deportation and removal of aliens and persons subject to the Chinese exclusion laws, as authorized by law, in the United States, and to, through, or in foreign countries; purchase of supplies and equipment, including alterations and repairs; purchase, exchange, operation, maintenance, and repair of motor-propelled vehicles, including passenger-carrying vehicles for official use in field work; arms, ammunition, and accessories; cost of reports of decisions of the Federal courts and digests thereof, books of reference, and foreign language textbooks for official use; verifications of legal papers; refunding of head tax, maintenance bills, and immigration fines, upon presentation of evidence showing conclusively that collection and deposit was made through error; mileage and fees to witnesses subpoenaed on behalf of the United States, and for all other expenses necessary to enforce said laws, \$1,200,000: *Provided*, That not to exceed \$45,000 of the sum herein appropriated shall be available for the purchase, including exchange, of motor-propelled passenger-carrying vehicles: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, may contract with officers and employees stationed outside of the District of Columbia, whose salaries are payable from the appropriation for field salaries of the Immigration and Naturalization Service, for the use, on official business outside of the District of Columbia, of privately owned horses, and the consideration agreed upon shall be payable from the funds herein appropriated: *Provided further*, That not to exceed \$10,000 of the sum herein appropriated may be expended for payment of rewards, when specifically authorized by the Secretary of Labor, for information leading to the detection, arrest, or conviction of persons violating the immigration or naturalization laws.

Immigration stations: For remodeling, repairing (including repairs to the ferryboat, Ellis Island), renovating buildings, and purchase of equipment, \$53,000.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$400 for expenses of attendance at meetings concerned with the work of the Immigration and Naturalization Service when incurred on the written authority of the Secretary of Labor.

Restriction on use of funds.

Contract laborers.  
39 Stat. 893.

41 Stat. 68.

General expenses.  
Post, p. 646.  
Enforcement of immigration, etc., laws.

Purchase of supplies, equipment, etc.

Proviso.  
Purchase of vehicles.

Privately owned horses.

Payment of rewards.

Immigration stations; repairs, etc.

Attendance at meetings.

## CHILDREN'S BUREAU

Salaries and expenses.

Salaries and expenses: For expenses of investigating and reporting upon matters pertaining to the welfare of children and child life, and especially to investigate the questions of infant mortality; personal services, including experts and temporary assistants; purchase of reports and material for the publications of the Children's Bureau and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, and other necessary expenses, \$364,500, of which amount not to exceed \$318,000 may be expended for personal services in the District of Columbia.

Fair Labor Standards Act.  
Child labor provisions, expenses.

Salaries and expenses, child labor provisions, Fair Labor Standards Act: For all authorized and necessary expenses of the Children's Bureau in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including personal services in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings; and reimbursement to State and local agencies and their employees for services rendered, as authorized by section 11 of said Act, \$288,000.

52 Stat. 1060.  
29 U. S. C., Supp.  
V, §§ 201-219.

## MATERNAL AND CHILD WELFARE

Maternal and child welfare.  
Salaries and expenses.

Salaries and expenses, maternal and child welfare: For all authorized and necessary administrative expenses of the Children's Bureau in performing the duties imposed upon it by title V of the Social Security Act, approved August 14, 1935, as amended, including personal services, in the District of Columbia and elsewhere; supplies; services; equipment; newspapers, books of reference, periodicals, and press clippings, \$364,000.

49 Stat. 629.  
42 U. S. C., Supp.  
V, §§ 701-731.

## GRANTS TO STATES FOR MATERNAL AND CHILD HEALTH SERVICES

Maternal and child health services.

Grants to States for maternal and child health services: For grants to States for the purpose of enabling each State to extend and improve services for promoting the health of mothers and children, as authorized in title V, part 1, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 701), as amended, \$5,820,000: *Provided*, That any allotment to a State pursuant to section 502 (b) shall not be included in computing for the purposes of subsections (a) and (b) of section 504 an amount expended or estimated to be expended by the State.

*Proviso.*  
Allotments excluded.  
49 Stat. 629, 630.  
42 U. S. C., Supp.  
V, §§ 702, 704.

## GRANTS TO STATES FOR SERVICES FOR CRIPPLED CHILDREN

Services for crippled children.

Grants to States for services for crippled children: For the purpose of enabling each State to extend and improve services for crippled children, as authorized in title V, part 2, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 711) as amended, \$3,870,000.

49 Stat. 631.  
42 U. S. C., Supp.  
V, §§ 711-715.

## GRANTS TO STATES FOR CHILD-WELFARE SERVICES

Child-welfare services.

Grants to States for child-welfare services: For grants to States for the purpose of enabling the United States, through the Children's Bureau, to cooperate with State public-welfare agencies in establishing, extending, and strengthening public-welfare services for the care of homeless or neglected children, or children in danger of becoming delinquent, as authorized in title V, part 3, of the Social Security Act, approved August 14, 1935 (42 U. S. C. 721) as amended, \$1,510,000.

49 Stat. 633.  
42 U. S. C., Supp.  
V, § 721.

In the administration of title V of the Social Security Act, as amended, for the fiscal year 1941, payments to the States for any quarter of the fiscal year 1941 under parts 1, 2, and 3 may be made with respect to any State plan approved under such respective parts by the Chief of the Children's Bureau prior to or during such quarter, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan is submitted to the Chief of the Children's Bureau for approval.

The appropriation in this title for traveling expenses shall be available for expenses of attendance of cooperating officials and consultants at conferences concerned with the administration of work of the Children's Bureau under the Fair Labor Standards Act and under title V, parts 1, 2, and 3, of the Social Security Act, as amended, when called by the Children's Bureau with the written approval of the Secretary of Labor, and shall be available also, in an amount not to exceed \$7,000, for expenses of attendance at meetings related to the work of the Children's Bureau when incurred on the written authority of the Secretary of Labor.

#### WOMEN'S BUREAU

Salaries and expenses: For carrying out the provisions of the Act entitled "An Act to establish in the Department of Labor a bureau to be known as the Women's Bureau", approved June 5, 1920 (29 U. S. C. 11-16), including personal services in the District of Columbia, not to exceed \$152,420; purchase of material for reports and educational exhibits, \$154,700.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$2,500 for expenses of attendance at meetings concerned with the work of the Women's Bureau when incurred on the written authority of the Secretary of Labor.

#### WAGE AND HOUR DIVISION

Salaries: For all personal services for the Wage and Hour Division necessary in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including reimbursement to State, Federal, and local agencies and their employees for services rendered, \$5,430,000, of which amount not to exceed \$1,427,000 (exclusive of pay of members of industry committees) may be expended for personal services in the District of Columbia.

Miscellaneous expenses (other than salaries): For all authorized and necessary expenses, other than salaries, of the Wage and Hour Division in performing the duties imposed upon it by the Fair Labor Standards Act of 1938, including contract stenographic reporting services, purchase (not to exceed \$2,250), maintenance, repair, and operation outside the District of Columbia of motor-propelled passenger-carrying vehicles, lawbooks, books of reference, periodicals, manuscripts and special reports, newspapers and press clippings, supplies, office equipment, advertising, postage, telephone and telegraph service, reimbursement to State, Federal, and local agencies and their employees for services rendered, \$302,000.

The Secretary of Labor may allot or transfer, with the approval of the Director of the Bureau of the Budget, funds from the foregoing appropriations for the Wage and Hour Division to any other bureau or office of the Department of Labor to enable such bureau or office to perform services for the Wage and Hour Division.

The appropriation in this title for traveling expenses shall be available in an amount not to exceed \$4,750 for expenses of attend-

Payments with respect to State plans.  
49 Stat. 629.  
42 U. S. C., Supp. V, §§ 701-721.

Attendance at conferences and meetings.

52 Stat. 1060.  
29 U. S. C., Supp. V, §§ 201-219.  
49 Stat. 629.  
42 U. S. C., Supp. V, §§ 701-721.

Salaries and expenses.

41 Stat. 987.

Attendance at meetings.

Salaries.

52 Stat. 1060.  
29 U. S. C., Supp. V, §§ 201-219.

Miscellaneous expenses.

Transfer, etc., of funds.

Attendance at meetings.

ance at meetings concerned with the work of the Wage and Hour Division when incurred on the written authority of the Secretary of Labor.

Citation of title.

This title may be cited as the "Department of Labor Appropriation Act, 1941".

Federal Security Agency Appropriation Act, 1941.

## TITLE II—FEDERAL SECURITY AGENCY

### OFFICE OF THE ADMINISTRATOR

Salaries.  
53 Stat. 1424, 1434, 561.  
5 U. S. C., Supp. V, §§ 133-133t.  
*Proviso.*  
Temporary services.

Salaries: For salaries of the Office of the Administrator in performing the duties imposed by the provisions of Reorganization Plans Numbered I and II, under authority of the Reorganization Act of 1939, in the District of Columbia and elsewhere: *Provided*, That of the sum herein appropriated the Administrator may expend not to exceed \$2,500 for temporary employment of persons, by contract or otherwise, for special services determined necessary by the Administrator, without regard to section 3709 of the Revised Statutes, and the civil-service and classification laws, as follows:

41 U. S. C. § 5.

For the immediate office of the Administrator, \$113,940.

For the Division of Personnel Supervision and Management, \$427,520.

For the Chief Clerk's Division, \$248,200.

For the Office of the General Counsel, \$539,940.

Total, personal services, Office of the Administrator, \$1,329,600.

Miscellaneous expenses.

Miscellaneous expenses: For contingent and miscellaneous expenses of the Office of the Administrator in the District of Columbia and elsewhere; travel expenses, including not to exceed \$1,500 for expenses of attendance at meetings concerned with the work of the Agency when specifically authorized by the Administrator; not to exceed \$1,000 for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation, in an advisory capacity to the Federal Security Administrator; purchase and exchange of lawbooks, other books of reference, periodicals, and newspapers; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; rent in the District of Columbia or elsewhere; and purchase (including exchange), operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, \$102,300.

Transfer of funds.  
53 Stat. 1424, 561.  
5 U. S. C., Supp. V, §§ 133-133t.

In order that the Administrator may effectuate part 2 of Reorganization Plan Numbered I, submitted and approved pursuant to the Reorganization Act of 1939, he may transfer to the foregoing appropriations under this title from funds available for administrative expenses of the constituent units of the Federal Security Agency such sums as represent a consolidation in the Office of the Administrator of any of the administrative functions of said constituent units: *Provided*, That no such transfer of funds shall be made unless the consolidation of administrative functions will result in a reduction of administrative salary and other expenses and such reduction is accompanied by savings in funds appropriated to the Federal Security Agency, which savings shall not be expended for any other purpose but shall be impounded and returned to the Treasury.

*Proviso.*  
Conditions.

Printing and binding.

Printing and binding: For printing and binding for the Federal Security Agency, \$1,133,000.

## AMERICAN PRINTING HOUSE FOR THE BLIND

To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the Act approved February 8, 1927 (20 U. S. C. 101), \$115,000.

Expenses.

44 Stat. 1060.  
20 U. S. C. § 101;  
Supp. V, § 101.

## CIVILIAN CONSERVATION CORPS

For all authorized and necessary expenses to carry into effect the provisions of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended, including personal services in the District of Columbia and elsewhere; the purchase and exchange of lawbooks, books of reference, periodicals, and newspapers; rents in the District of Columbia and elsewhere; the purchase (including exchange), operation, maintenance and repair of motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes; hire, with or without personal services, of work animals, animal-drawn and motor-propelled vehicles, and watercraft; printing and binding; travel expenses, including not to exceed \$2,000 for expenses of attendance at meetings concerned with the work of the corps when specifically authorized by the Director; construction, improvement, repair, and maintenance of buildings, but the cost of any building erected hereunder shall not exceed \$25,000; and all other necessary expenses; of which \$176,880,000 shall be available only for pay, subsistence, clothing (and repair thereof), transportation, and hospitalization of enrollees; and \$325,000 may be expended in the District of Columbia for salaries and expenses of the office of the Director; \$280,000,000: *Provided*, That an enrollee in the Civilian Conservation Corps, or member, or former member of the Military Establishment, who shall furnish blood from his or her veins for transfusion to the veins of an enrollee or discharged enrollee of the Civilian Conservation Corps undergoing treatment in a Government or civilian hospital authorized to treat such patient, shall be entitled to be paid therefor a reasonable sum not to exceed \$50 for each of such transfusions undergone: *Provided further*, That the Director may authorize the exchange of motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats which the corps has acquired: *Provided further*, That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 per centum the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, such amounts to be amended to reflect any proportionate change which each should bear in connection with the total amount appropriated herein, and any such excess up to 10 per centum must be approved in writing by the Federal Security Administrator in such amounts as he shall designate: *Provided further*, That the foregoing proviso shall not apply, to whatever extent the President shall direct, in the event of an emergency declared, by the President, to exist.

Expenses.  
*Post*, p. 625.

50 Stat. 319.  
16 U. S. C., Supp.  
V, §§ 584-584g.

Construction, etc.,  
of buildings.

Pay, etc., of en-  
rollees.  
*Post*, p. 1033.

*Provisos*.  
Payment for blood  
transfusion.

Exchange of vehi-  
cles, etc.

Limitation on ex-  
penditures.  
*Post*, p. 1033.

Emergencies ex-  
cepted.

## OFFICE OF EDUCATION

Salaries: For the Commissioner of Education and other personal services in the District of Columbia, \$282,100.

Salaries.

**General expenses.**

**General expenses:** For general expenses of the Office of Education, including lawbooks, books of reference and periodicals; streetcar fares; traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, and not to exceed \$3,000 for the expenses of persons attending conferences called to meet in the District of Columbia and elsewhere; for compensation, not to exceed \$500, of employees in field service; for purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same; exchange as part payment for office equipment and other expenses not herein provided for, \$26,500.

**Library service.**

**Library service:** For making surveys, studies, investigations, and reports regarding public, school, college, university, and other libraries; fostering coordination of public and school library service; coordinating library service on the national level with other forms of adult education; developing library participation in Federal projects; fostering Nation-wide coordination of research materials among the more scholarly libraries, inter-State library cooperation, and the development of public, school, and other library service throughout the country, and for the administrative expenses incident to performing these duties, including salaries of such assistants, experts, clerks, and other employees in the District of Columbia and elsewhere, as the Commissioner of Education may deem necessary, necessary traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, purchase of miscellaneous supplies, equipment, stationery, typewriters, and exchange thereof, postage on foreign mail, purchase of books of reference, lawbooks, and periodicals, printing and binding, and all other necessary expenses, \$24,500.

**Study of higher education for Negroes.**

**Study of higher education for Negroes:** For all expenses, including personal services in the District of Columbia and elsewhere, purchase and rental of equipment, purchase of supplies, traveling expenses, including attendance at meetings of educational associations, societies, and other organizations, printing and binding, and all other incidental expenses not included in the foregoing, to enable the Office of Education, at a total cost of not to exceed \$40,000, to make a study of higher education for Negroes to determine first, the higher education needs of Negroes, and second, the areas of educational concentration or specialization upon which the various colleges should embark, \$15,000: *Provided*, That specialists and experts for temporary service in this study may be employed at rates to be fixed by the Administrator of the Federal Security Agency to correspond to those established by the Classification Act of 1923, as amended, and without reference to the Civil Service Act of January 16, 1883.

**Proviso.  
Employment of specialists, etc.**

42 Stat. 1488.  
5 U. S. C. §§ 661-674,  
631-652; Supp. V,  
§§ 673, 673c.  
22 Stat. 403.  
Further endowment  
of designated colleges.

49 Stat. 439.  
7 U. S. C., Supp. V,  
§ 343d.

**Further endowment of colleges of agriculture and the mechanic arts:** For carrying out the provisions of section 22 of the Act entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges", approved June 29, 1935 (49 Stat. 436), \$2,480,000.

**OFFICE OF EDUCATION—VOCATIONAL EDUCATION****Salaries and expenses.**

**Salaries and expenses:** For carrying out the provisions of section 7 of the Act entitled "An Act to provide for the promotion of voca-

tional education, and so forth", approved February 23, 1917, as amended by the Act of October 6, 1917 (20 U. S. C. 15), and of section 4 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488), \$421,900.

Further development of vocational education: For carrying out the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936 (49 Stat. 1488-1490), \$12,750,000: *Provided*, That the apportionment to the States shall be computed on the basis of not to exceed \$14,483,000 for the fiscal year 1941, as authorized by the Act approved June 8, 1936.

For extending to the Territory of Hawaii the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", approved February 23, 1917 (20 U. S. C. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (20 U. S. C. 29), \$30,000.

For extending to Puerto Rico the benefits of the Act entitled "An Act to provide for the promotion of vocational education, and so forth", approved February 23, 1917 (20 U. S. C. 11-18), in accordance with the provisions of the Act entitled "An Act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Puerto Rico", approved March 3, 1931 (20 U. S. C. 11-18; 29 U. S. C. 31-35; 20 U. S. C. 30), \$105,000.

Cooperative vocational rehabilitation of persons disabled in industry: For carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920 (29 U. S. C. 35), as amended by the Act of June 5, 1924 (29 U. S. C. 31), and the Acts of June 9, 1930, and June 30, 1932 (29 U. S. C. 31-40), section 531 (a) of the Act of August 14, 1935 (49 Stat. 620) and section 508 (a) of the Act approved August 10, 1939 (53 Stat. 1381), \$2,000,000: *Provided*, That the apportionment to the States shall be computed in accordance with the Acts approved June 2, 1920, June 5, 1924, June 9, 1930, June 30, 1932, August 14, 1935, and August 10, 1939, on the basis of not to exceed \$3,000,000 for the fiscal year 1941.

Salaries and expenses, vocational rehabilitation: For carrying out the provisions of section 6 of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry, and so forth", approved June 2, 1920 (29 U. S. C. 35), and the Acts of June 5, 1924 (29 U. S. C. 31), June 9, 1930, and June 30, 1932 (29 U. S. C. 31, 40), August 14, 1935 (49 Stat. 620), and August 10, 1939 (53 Stat. 1381), and for carrying out the provisions of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes", approved June 20, 1936 (49 Stat. 1559, 1560), including not to exceed \$2,000 for expenses of persons attending conferences called to meet in the District of Columbia and elsewhere, \$113,000.

Cooperative vocational rehabilitation of disabled residents of the District of Columbia: For personal services, printing and binding, travel and subsistence, and payment of expenses of training, placement, and other phases of rehabilitating disabled residents of the District of Columbia under the provisions of the Act entitled "An Act to provide for the vocational rehabilitation of disabled residents

39 Stat. 933; 40 Stat. 345.

20 U. S. C., Supp. V, § 15k.

Further development of vocational education.  
*Post*, p. 1035.

20 U. S. C., Supp. V, §§ 15h-15j.  
*Proviso*.  
Apportionment.

Extension of benefits to Hawaii.

39 Stat. 929; 43 Stat. 18.  
20 U. S. C., Supp. V, §§ 15d-17.

Extension of benefits to Puerto Rico.

39 Stat. 929.

46 Stat. 1489.  
20 U. S. C. § 30; 29 U. S. C. § 45a.

Persons disabled in industry.  
*Post*, p. 1035.

41 Stat. 735; 43 Stat. 430; 46 Stat. 524; 47 Stat. 448.  
29 U. S. C., Supp. V, § 45b.

*Proviso*.  
Basis of apportionment.

Vocational rehabilitation.  
Salaries and expenses.

Vending stands for blind.

20 U. S. C., Supp. V, §§ 107-107f.

Disabled residents of D. C.

7 D. C. Code, §§ 201-207; Supp. V, § 206.

of the District of Columbia”, approved February 23, 1929 (45 Stat. 1260), as amended by the Act approved April 17, 1937 (50 Stat. 69), \$25,000.

Extension of benefits to Hawaii.

Promotion of vocational rehabilitation of persons disabled in industry in Hawaii: For extending to the Territory of Hawaii the benefits of the Act entitled “An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry”, approved June 2, 1920, as amended (29 U. S. C. 31-44), in accordance with the provisions of the Act entitled “An Act to extend the provisions of certain laws to the Territory of Hawaii”, approved March 10, 1924 (29 U. S. C. 45), \$5,000.

41 Stat. 735.

43 Stat. 18.

Attendance at meetings.

Not to exceed an aggregate of \$4,000 of appropriations available to the Office of Education for salaries and expenses for vocational education may be used for expenses of attendance at meetings of educational associations and other organizations concerned with vocational education.

Exclusive use of designated funds.

All appropriations for vocational education under the Office of Education in this Act shall be used exclusively for vocational education purposes.

Ante, p. 314.

PUBLIC HEALTH SERVICE

Salaries, Office of Surgeon General.

Salaries, Office of Surgeon General: For personal services in the District of Columbia, \$285,400.

Miscellaneous and contingent expenses. Post, p. 1033.

Miscellaneous and contingent expenses: For miscellaneous and contingent expenses necessary for the work of the Public Health Service, including exchange of motortrucks; operation, maintenance, and repair of passenger-carrying automobiles; exchange of typewriters and other labor-saving office equipment; contract stenographic reporting services; not to exceed \$1,000 for the preparation of Public Health exhibits, including personal services and the cost of acquiring, transporting, and displaying exhibit materials; packing, crating, drayage, and transportation of personal effects of commissioned officers and other personnel on transfer from one official station to another in the public interest when authorized by the Surgeon General in the order directing such transfer; not to exceed \$500 for lawbooks, books of reference, and periodicals for the Office of the Surgeon General; newspaper clippings; streetcar fares; transportation and traveling expenses, including payment of actual transportation expenses and not to exceed \$10 per day in lieu of subsistence to any person invited by the Surgeon General to the city of Washington or elsewhere for conference and advisory purposes, and expenses, except membership fees, of officers when officially detailed to attend meetings for the promotion of public health; and allowances for living quarters (not exceeding \$1,700 for any one person) including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a); \$56,000: *Provided*, That funds of the Public Health Service expendable for transportation and traveling expenses may also be used for preparation for shipment and transportation to their former homes of remains of officers who die in line of duty.

Exhibits.

Living quarters.

46 Stat. 818.

Proviso. Transportation of remains of officers.

Commissioned officers, pay, and so forth: For pay, allowance, and commutation of quarters for not to exceed 457 regular active commissioned officers (including the Surgeon General, Assistant to the Surgeon General and assistant surgeons general) and for pay of regular commissioned officers on waiting orders, \$2,035,300: *Provided*, That the above limitation on the number of regular active commissioned officers may be exceeded by the number (not in excess of thirty) of regular active commissioned officers assigned to Federal penal and correctional institutions.

Commissioned officers, pay, etc.; limitation on number. Ante, p. 205; post, p. 1033.

Proviso. Exceeding of number, limitation.

Acting assistant surgeons, pay: For pay of acting assistant surgeons (noncommissioned medical officers), \$323,300.

Pay of other employees: For pay of all other employees (attendants, and so forth), \$1,021,500.

National Institute of Health, maintenance: For maintaining the National Institute of Health, \$141,000.

Pay of personnel and maintenance of hospitals: For medical examinations, including the amount necessary for the medical inspection of aliens, as required by section 16 of the Act of February 5, 1917 (8 U. S. C. 152), medical, surgical, and hospital services and supplies, including prosthetic and orthopedic supplies to be furnished under regulations approved by the Administrator of the Federal Security Agency for beneficiaries (other than patients of the Veterans' Administration) of the Public Health Service and persons detained in hospitals of the Public Health Service under the quarantine or immigration laws and regulations, including necessary personnel and reserve commissioned officers of the Public Health Service, personal services in the District of Columbia and elsewhere, including the furnishing and laundering of white duck coats, trousers, smocks, aprons, and caps to employees whose duties make necessary the wearing of same, reasonable fees (not to exceed \$50 for each blood donation) to Government employees and others for services as donors of blood to be used in transfusions, maintenance, minor repairs, equipment, leases, fuel, lights, water, freight, transportation and travel, the maintenance, exchange, and operation of motortrucks and passenger motor vehicles for official use in field work (including not to exceed \$3,000 for the purchase of motor-propelled passenger-carrying vehicles) and one for use in connection with the administrative work of the Public Health Service in the District of Columbia, purchase of ambulances, transportation, care, maintenance, and treatment of lepers, including transportation to their homes in the continental United States of recovered indigent leper patients, court costs, and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$7,362,000: *Provided*, That the Immigration Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That no part of this sum shall be used for the quarantine service (except for persons detained in hospitals of the Public Health Service at points where no quarantine hospital facilities are available), the prevention of epidemics, or scientific work of the character provided for under the appropriations which follow.

Quarantine service: For maintenance and ordinary expenses, exclusive of pay of officers and employees of United States quarantine stations, including the exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use in field work and not to exceed \$5,000 for the purchase of motor-propelled passenger-carrying vehicles, \$280,000.

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of infectious or contagious disease,

Acting assistant surgeons, pay.

Pay of other employees.

National Institute of Health, maintenance.

Pay of personnel and maintenance of hospitals.

*Post*, p. 1033.  
39 Stat. 885.

Vehicles.

Lepers, insane, etc.

*Provided*.  
Use of Ellis Island hospitals.

Restriction on use of funds.

Quarantine service.

Prevention of epidemics.

to aid State and local boards or otherwise in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, \$380,700, including the purchase of newspapers and clippings from newspapers containing information relating to the prevalence of disease and the public health.

Interstate quarantine service.

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, including the purchase and exchange, not to exceed \$1,300, and maintenance, repair, and operation of passenger-carrying automobiles, \$35,800.

Biologic products.

Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, including arsphenamine, for the preparation of curative and diagnostic biologic products, including personal services of Reserve commissioned officers and other personnel, \$52,500.

Division of Venereal Diseases.

40 Stat. 886.  
42 U. S. C., Supp.  
V, § 25.  
42 U. S. C., Supp.  
V, §§ 25a-25e.

Division of Venereal Diseases: For the maintenance and expenses of the Division of Venereal Diseases, established by sections 3 and 4, chapter XV, of the Act approved July 9, 1918 (42 U. S. C. 24, 25), and for the purpose of carrying out the provisions of the Act of May 24, 1938 (52 Stat. 439-440), including rent and personnel and other services in the District of Columbia and elsewhere; items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses for the Federal Security Agency and Public Health Service; purchase of reports, documents, and other material for publication and of reprints from State, city, and private publications; purchase, including exchange (not to exceed \$1,500), maintenance, repair, and operation of passenger-carrying automobiles for official use in field work; transportation; traveling expenses, including attendance at public meetings when directed by the Surgeon General; and the packing, crating, drayage, and transportation of personal effects of commissioned officers and other personnel of the Public Health Service upon permanent change of station, \$6,200,000, of which not to exceed \$98,000 may be transferred, with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay, and so forth, commissioned officers, Public Health Service".

Vehicles.

Transfer of funds.

Division of Mental Hygiene.  
46 Stat. 596.  
Lexington, Ky., and  
Fort Worth, Tex.,  
hospitals.

45 Stat. 1085.

Personal services.

Division of Mental Hygiene: For carrying out the provisions of section 4 of the Act of June 14, 1930 (21 U. S. C. 196, 225); for maintenance and operation of the United States Public Health Service Hospital, Lexington, Kentucky, and the United States Public Health Service Hospital of Fort Worth, Texas, in accordance with the provisions of the Act of January 19, 1929 (21 U. S. C. 221-237), including personal services in the District of Columbia (not to exceed \$34,820) and elsewhere; traveling expenses; firearms and ammunition; necessary supplies and equipment; reimbursement to the working capital fund for articles or services furnished by the industrial activities; subsistence and care of inmates; expenses incurred in pursuing and identifying escaped inmates, including rewards for their capture; expenses of interment or transporting remains of deceased inmates including the remains of persons voluntarily admitted; purchase and exchange of farm products and livestock; law books, books of reference, newspapers, and periodicals; furnishing and laundering of uniforms and other distinctive wearing apparel necessary for employees in the performance of their official duties; transportation and subsistence allowance when necessary, within continental United States and under regulations approved by the Administrator of the Federal Security Agency, of persons voluntarily admitted and discharged as cured; tobacco for inmates; purchase and exchange (not

Vehicles.

to exceed \$2,100), and maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, \$1,438,500, and the Surgeon General is authorized to utilize Government-owned automotive equipment in transporting to and from school, children of Public Health Service personnel on duty at the Public Health Service hospitals at Fort Worth, Texas, and Lexington, Kentucky, who have quarters for themselves and their families on the station reservations.

Grants to States for public-health work: For the purpose of assisting States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public-health services, including the training of personnel for State and local health work, as authorized in sections 601 and 602, title VI, of the Social Security Act, approved August 14, 1935, as amended (49 Stat. 634), \$11,000,000.

Disease and sanitation investigations: For carrying out the provisions of section 603 of the Social Security Act, approved August 14, 1935, and section 1 of the Act of August 14, 1912, including rent and personnel and other services in the District of Columbia and elsewhere and items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses for the Federal Security Agency and Public Health Service, the provisions of section 6, Act of August 23, 1912 (31 U. S. C. 669), to the contrary notwithstanding, the packing, crating, drayage, and transportation of the personal effects of commissioned officers, and other personnel of the Public Health Service upon permanent change of station, and including the purchase (not to exceed \$2,500), exchange, maintenance, repair, and operation of passenger-carrying automobiles for official use in field work, \$1,625,000, of which not to exceed \$215,790 may be transferred, with the approval of the Director of the Bureau of the Budget, to the appropriation "Pay, and so forth, commissioned officers, Public Health Service".

National Cancer Institute: For carrying into effect the provisions of section 7 (b) of the National Cancer Institute Act, approved August 5, 1937, \$570,000.

#### SOCIAL SECURITY BOARD

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it by law, including three Board members, an executive director at a salary of \$9,500 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed \$10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman and not to exceed \$5,000 for travel in foreign countries; not to exceed \$10,000 for payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; expenses of packing, crating, drayage, and transportation of household goods and other personal effects (not to exceed in any case five thousand pounds) of officers and employees when transferred from one official station to another for permanent duty (including employees transferred from duty at Baltimore, Maryland, to duty at Washington, District of Columbia) when specifically authorized by the Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph; newspapers and press

Public-health work.

42 U. S. C., Supp.  
V, §§ 801, 802.

Disease and sanitation  
investigations.  
49 Stat. 635.  
42 U. S. C., Supp.  
V, § 803.  
37 Stat. 309.  
42 U. S. C. §1.

37 Stat. 414.

Transfer of funds.

National Cancer In-  
stitute.  
50 Stat. 562.  
42 U. S. C., Supp.  
V, § 1371 (b).

Salaries and  
expenses.

Travel expenses.

Transportation, etc.,  
of household goods.

Supplies, etc.

clippings (not to exceed \$1,500), periodicals, manuscripts and special reports, purchase and exchange of lawbooks and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; expenses incident to moving offices of the Board from one building to another in Washington and from Baltimore to Washington; purchase and exchange, not to exceed \$5,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, \$27,219,500:

*Provided*, That the Board may expend, of the sum herein appropriated, not to exceed \$100,000 for the procurement of information relating to the death of individuals entitled to benefits, receiving benefits, or upon whose death some other individual may become entitled to benefits, under title II of the Social Security Act, as amended, from proper State and local officials, including officials of the District of Columbia, Alaska, and Hawaii and for personal services in connection with the procurement of such information, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5), and the provisions of other laws applicable to the employment and compensation of officers and employees of the United States: *Provided further*, That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended for similar services: *Provided further*, That this latter proviso shall not apply to the salaries of the Board members: *Provided further*, That employees of the Bureau of Old-Age and Survivors' Insurance when engaged in the investigation of claims or the furnishing or securing of information concerning claims or wage records under title II of the Social Security Act, as amended, may be reimbursed for official travel performed by them in privately owned automobiles within the corporate limits of their official stations at a rate not to exceed 3 cents per mile: *Provided further*, That expenditures under the several classes of objects of expenditure for which this appropriation is available shall not exceed by more than 10 per centum the amounts estimated for such objects of expenditure by classes, in the schedule for the fiscal year 1941 appearing in the Budget for such fiscal year under this head, and any such excess must be approved in writing by the Federal Security Administrator in such amounts as he shall designate.

Grants to States for old-age assistance: For grants to States for assistance to aged needy individuals, as authorized in title I of the Social Security Act, approved August 14, 1935, as amended, \$245,000,000, of which sum such amount as may be necessary shall be available for grants under such title I for any period in the fiscal year 1940 subsequent to March 31, 1940: *Provided*, That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title I may be made with respect to any State plan approved under such title I by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.

Grants to States for unemployment compensation administration: For grants to States for unemployment compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, as amended, including rentals in the District of

**Vehicles.**

**Proviso.**  
Information relating to death of beneficiaries.

53 Stat. 1362.  
42 U. S. C., Supp. V, §§ 401-410a.

**Salary limitation.**  
42 Stat. 1488.  
5 U. S. C., §§ 661-674; Supp. V, §§ 673, 673c.  
**Exceptions.**

**Official travel in privately owned automobiles.**

**Restriction on expenditures.**

**Old-age assistance.**

49 Stat. 620.  
42 U. S. C., Supp. V, §§ 301-303.

**Proviso.**  
Payments with respect to State plans.

**Unemployment compensation administration.**  
49 Stat. 626.  
42 U. S. C., Supp. V, §§ 501-503.

Columbia and elsewhere, \$61,000,000: *Provided*, That the Social Security Board is hereby authorized to certify to the Secretary of the Treasury for payment to the Postmaster General for postage, out of the amount herein appropriated, such amounts as may be necessary and at such intervals as shall be determined by the Board, under a procedure to be prescribed and agreed upon by and between the Board and the Postmaster General, for the transmission of official mail matter heretofore transmitted free pursuant to the provisions of section 13 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U. S. C. 491) and for the transmission of official mail matter in connection with the unemployment compensation administration of States receiving grants out of the funds herein appropriated; the Postmaster General is hereby authorized and directed to extend to the States receiving such grants the privilege of transmission without prepayment of postage of official mail of the class upon which the Board is hereinabove authorized to certify amounts for payment of postage.

*Proviso.*  
Payment for postage.

48 Stat. 117.  
29 U. S. C. § 491.

Grants to States for aid to dependent children: For grants to States for the purpose of enabling each State to furnish financial assistance to needy dependent children, as authorized in title IV of the Social Security Act, approved August 14, 1935, as amended, \$75,000,000, of which sum such amount as may be necessary shall be available for grants under such title IV for any period in the fiscal year 1940 subsequent to March 31, 1940: *Provided*, That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title IV may be made with respect to any State plan approved under such title IV by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.

Aid to dependent children.

49 Stat. 627.  
42 U. S. C., Supp.  
V, §§ 601-606.

*Proviso.*  
Payments with respect to State plans.

Grants to States for aid to the blind: For grants to States for the purpose of enabling each State to furnish financial assistance to needy individuals who are blind, as authorized in title X of the Social Security Act, approved August 14, 1935, as amended, \$10,000,000, of which sum such amount as may be necessary shall be available for grants under such title X for any period in the fiscal year 1940 subsequent to March 31, 1940: *Provided*, That payments to States for the fourth quarter of the fiscal year 1940 and for any quarter in the fiscal year 1941 under such title X may be made with respect to any State plan approved under such title X by the Social Security Board prior to or during such period, but no such payment shall be made with respect to any plan for any period prior to the quarter in which such plan was submitted to the Board for approval.

Aid to the blind.

49 Stat. 645.  
42 U. S. C., Supp.  
V, §§ 1201-1206.

*Proviso.*  
Payments with respect to State plans.

Grants to States for public employment offices: For payment to the several States in accordance with the provisions of the Act of June 6, 1933 (29 U. S. C. 49-491), as amended, \$3,000,000: *Provided*, That apportionments for the fiscal year 1941 shall be on the basis of a total apportionment to all States of \$3,000,000: *Provided further*, That the unused balances of amounts apportioned to the several States for the fiscal year 1939 for establishing and maintaining public employment offices shall be reapportioned among all the States, in accordance with such Act of June 6, 1933, as amended, without regard to the sufficiency thereof of the fund established under this head for payment to States by the Department of Labor Appropriation Act, 1939.

Public employment offices.

48 Stat. 113.  
29 U. S. C., Supp.  
V, § 49d.

*Provisos.*  
Apportionments.  
Reapportionment of unused balances.

52 Stat. 289.

Funds interchangeable.

The appropriations herein made for "Grants to States for old-age assistance", "Grants to States for aid to dependent children", and

"Grants to States for aid to the blind", shall be available interchangeably for transfer of appropriations, but no such transfer shall be made except upon approval of the Director of the Bureau of the Budget.

The appropriations made in the Independent Offices Appropriation Act, 1939, for "Grants to States for old-age assistance", "Grants to States for aid to dependent children", and "Grants to States for aid to the blind" shall be considered to have been available for such grants made to States during the fiscal year 1939 with respect to the first quarter of the fiscal year 1940.

Availability of designated appropriations.  
52 Stat. 426.

National Youth Administration Appropriation Act, 1941.

Extension to June 30, 1941.

Post, p. 1035.

Types of programs.

Schools, colleges, etc., part-time employment of students.

Employment, etc., on designated types of public projects.

Post, p. 1035.

#### NATIONAL YOUTH ADMINISTRATION

PAR. 1. Part-time youth work and student aid: To enable the National Youth Administration, which is hereby extended to and including June 30, 1941, under the supervision and direction of the Federal Security Agency, to engage in the following types of programs for assistance to needy young persons, \$95,984,000, namely:

(a) To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

(b) To provide employment and training for unemployed young persons on public projects of the following types:

(I) The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets, and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities including cooperative associations receiving financial assistance from the Rural Electrification Administration or other public agencies;

(II) The construction, improvement, and repair of buildings or other facilities of Federal agencies;

(III) The production, repair, and renovation of goods, articles, and foodstuffs for needy individuals and for public institutions providing that products so produced do not replace normal purchases of such individuals or institutions;

(IV) Professional, clerical, and other nonconstruction services in the fields of education, recreation, research, professional, cultural, and clerical activities for the benefit of public and nonprofit organizations;

(V) The prosecution of work of the types enumerated above which involve the maintenance of young persons in camps, institutions, and other resident facilities.

PAR. 2. Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference, directories, and periodicals, newspapers, and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraph 1, \$6,100,000:

*Provided*, That the National Youth Administration may transfer from the above sum to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided further*, That there may be transferred from the above sum of

Salaries and other administrative expenses.

Post, p. 1035.

*Proviso.*

Transfer of funds.

Reimbursement to certain appropriations.

\$6,100,000 to appropriations of the Treasury Department such amounts, not to exceed in the aggregate the sum of \$783,000, as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

PAR. 3. Printing and binding: For printing and binding for the National Youth Administration, \$75,000.

PAR. 4. The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1941 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1940: *Provided*, That the National Youth Administrator shall so distribute funds among the several States for the operation of the projects specified in paragraph 1 (b) of this title that the amount made available during the fiscal year for the operation of such projects for the benefit of the young people of each individual State shall bear the same ratio to the total funds made available for this purpose in all States as the youth population of that State bears to the total youth population of the United States.

PAR. 5. Funds appropriated under paragraph 1 shall be so apportioned and distributed over the period ending June 30, 1941, and shall be so administered during such period as to constitute the total amount that will be furnished during such period for the purposes set forth in paragraph 1.

PAR. 6. No non-Federal construction project costing in excess of \$5,000 shall be undertaken or prosecuted under paragraph 1 unless and until the cosponsor has made a written agreement to finance such part of the entire cost thereof as the Federal Security Administrator determines, under the circumstances, is an adequate contribution taking into consideration the financial ability of the cosponsor. The National Youth Administrator, subject to the approval of the Federal Security Administrator, shall prescribe rules and regulations relating to the valuation of contributions in kind by cosponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the cosponsors on account of National Youth Administration projects.

PAR. 7. The National Youth Administration is authorized to receive from cosponsors of non-Federal projects contributions in services, materials, or money, any money so received to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the cosponsor and the National Youth Administrator.

PAR. 8. All receipts and collections by reason of operations authorized in paragraph 1, except cash contributions of cosponsors of projects, shall be covered into the Treasury as miscellaneous receipts.

PAR. 9. In considering employment of persons upon work projects prosecuted under the appropriation in paragraph 1, the National Youth Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any

Printing and binding.

*Post*, p. 1035.

Monthly earnings and hours of work.

*Proviso.*  
Distribution of funds; ratio.

Apportionment, etc., of designated funds.

Non-Federal construction projects.  
Cosponsor contributions.

Valuation of contributions in kind.

Credits.

Cosponsor contributions; deposit; utilization.

Receipts, etc., to be covered into Treasury; exception.

Qualifications for employment.

such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

Restriction on employment of aliens.

PAR. 10. No alien shall be given employment or continued in employment on any work project prosecuted under the appropriation in paragraph 1 and no part of the money appropriated in paragraph 1 or paragraph 2 shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

Refusal of private employment offer.

PAR. 11. No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on out-of-school work projects under the funds appropriated in paragraph 1 for the period such private employment continues available.

Oath of office required.

PAR. 12. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

Administration of oath.

The National Youth Administrator shall designate administrative and supervisory employees to administer such oath, but no fee shall be charged therefor.

Persons advocating overthrow of U. S. Government.

PAR. 13. No portion of the appropriation in paragraph 1 or paragraph 2 shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

Inapplicability of Executive Order No. 7916.

PAR. 14. The provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from the appropriations in paragraphs 1 and 2 and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

Acceptance of uncompensated services.

PAR. 15. In carrying out the purposes of the appropriation in paragraph 2, the National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to accept and utilize voluntary and uncompensated services, to appoint and compensate, without regard to civil-service laws or the Classification Act of 1923, as amended, officers and employees, and to utilize, with the consent of the head of the Federal agency by which they are employed, Federal officers and employees, and with the consent of the State or local government, State and local officers and employees at such compensation (without regard to the Classification Act of 1923, as amended) as shall be determined by the National Youth Administrator to be necessary, and to prescribe their authorities, duties, responsibilities, and tenure.

42 Stat. 1488.

5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Utilization of Federal, State, and local employees.

PAR. 16. Appointments in any State to Federal positions of an administrative or advisory capacity under the appropriation in paragraph 2 shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

Appointments to Federal administrative positions in States.

PAR. 17. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of paragraph 2, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers and sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

Separations.

*Proviso.*  
Preferential status of soldiers, etc.

PAR. 18. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to persons receiving compensation from the appropriation in paragraph 1 for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further,* That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of \$90,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes.

Disability or death compensation, etc.  
5 U. S. C. § 796.

*Provisos.*  
Exceptions.

Funds available.  
Post, p. 1035.

PAR. 19. The National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in paragraph 1 any claim arising out of operations thereunder accruing after June 30, 1940, on account of damage to, or loss of, privately owned property caused by the negligence of any employee of the National Youth Administration, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

Settlement of private damage claims.

Limitation.

Acceptance.

PAR. 20. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project authorized in paragraph 1, or diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of the appropriation in paragraph 1, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives, or attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under such appropriation, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this paragraph shall be in addition to, and not in substitution for, any other provisions of existing law.

False statements with intent to defraud, etc.

Penalty.

Citation of paragraphs.

PAR. 21. The paragraphs herein under the National Youth Administration may be cited as the "National Youth Administration Appropriation Act, 1941".

Minor purchases.  
*Post*, p. 1109.

Section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase with funds appropriated under this title when the aggregate amount involved in such purchase does not exceed the sum of \$100.

Citation of title.

This title may be cited as the "Federal Security Agency Appropriation Act, 1941".

Employees' Compensation Commission Appropriation Act, 1941.  
Salaries and expenses.  
*Ante*, p. 310.

### TITLE III—EMPLOYEES' COMPENSATION COMMISSION

Salaries and expenses: For three Commissioners and other personal services in the District of Columbia, including not to exceed \$1,000 for temporary experts and assistants in the District of Columbia and elsewhere, to be paid at a rate not exceeding \$8 per day, and for personal services in the field; for furniture and other equipment and repairs thereto; lawbooks, books of reference, periodicals; stationery and supplies; traveling expenses; fees and mileage of witnesses; contract stenographic reporting services; rent at the seat of government and elsewhere; and miscellaneous items; \$495,000.

Printing and binding.  
*Ante*, p. 310.

For all printing and binding for the Employees' Compensation Commission, \$8,000.

Employees' compensation fund.

Employees' compensation fund: For the payment of compensation provided by "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (5 U. S. C. 785), including medical examinations, traveling and other expenses, and loss of wages payable to employees under sections 21 and 22; all services, appliances, and supplies provided by section 9 as amended, including payments to Army, Navy, and Veterans' Administration hospitals; the transportation and burial expenses provided by sections 9 and 11; and advancement of costs for the enforcement of recoveries provided in sections 26 and 27 where necessary, accruing during the fiscal year 1941 or in prior fiscal years, \$4,600,000.

39 Stat. 742.  
5 U. S. C. §§ 751-796;  
Supp. V, §§ 756-797.

#### EMPLOYEES' COMPENSATION FUND, CIVIL WORKS

Administrative expenses and compensation payments.

For administrative expenses (not to exceed \$6,800) and payment of compensation in connection with the administration of the benefits for employees of the Civil Works Administration in accordance with the provisions of the Act entitled "An Act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes", approved February 15, 1934 (48 Stat. 352), and in connection with the administration of the benefits authorized by title V of the Act entitled "An Act to liberalize the provisions of Public Law Numbered 484, Seventy-third Congress, to effect uniform provisions in laws administered by the Veterans' Administration, to extend the Employees' Compensation Act with limitations to certain World War veterans and other persons, and for other purposes", approved June 29, 1936 (49 Stat. 2035), \$193,200 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act of February 15, 1934, shall be available for expenditure during the fiscal year 1941.

5 U. S. C. § 796.

#### EMPLOYEES' COMPENSATION FUND, EMERGENCY CONSERVATION WORK

Administrative expenses and compensation payments.

For administrative expenses (not to exceed \$33,000) and payment of compensation in connection with the administration of the benefits

for enrollees of the Civilian Conservation Corps in accordance with the provisions of the Act entitled "Emergency Appropriation Act, fiscal year 1935", approved June 19, 1934 (48 Stat., p. 1057), \$675,600 of the special fund set up on the books of the Treasury pursuant to the provisions of said Act shall be available for expenditure during the fiscal year 1941.

#### EMPLOYEES' COMPENSATION FUND, EMERGENCY RELIEF

For administrative expenses (not to exceed \$680,250, of which not to exceed \$75,000 may be added to the appropriation in this Act for the salaries and expenses of the Employees' Compensation Commission and be available for the purposes thereof) and for the payment of compensation, including payments to Federal agencies for medical and hospital services, in connection with the administration of the benefits authorized by the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, \$5,425,000 of the special funds set up on the books of the Treasury pursuant to the provisions of the said Acts shall be available for expenditure during the fiscal year 1941.

This title may be cited as the "Employees' Compensation Commission Appropriation Act, 1941".

Administrative expenses and compensation payments.

49 Stat. 115, 1608; 50 Stat. 352; 52 Stat. 809; 53 Stat. 927.

Citation of title.

#### TITLE IV—NATIONAL LABOR RELATIONS BOARD

**Salaries:** For three Board members of the National Labor Relations Board and other personnel services of the Board in the District of Columbia and elsewhere necessary in performing the duties imposed by law or in pursuance of law, \$2,072,000.

**Miscellaneous expenses (other than salaries):** For all authorized and necessary expenditures, other than salaries, of the National Labor Relations Board in performing duties imposed by law or in pursuance of law, including rent in the District of Columbia and elsewhere; repairs and alterations; communication services; contract stenographic reporting services; lawbooks; books of reference; newspapers; periodicals; and operation, maintenance, and repair of one automobile, \$621,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount involved does not exceed \$100.

**Printing and binding:** For all printing and binding for the National Labor Relations Board in Washington and elsewhere, \$125,000.

All expenditures under this title shall be made in strict compliance with the provisions of the Act of July 11, 1919 (18 U. S. C. 201).

This title may be cited as the "National Labor Relations Board Appropriation Act, 1941".

National Labor Relations Board Appropriation Act, 1941.

Salaries.  
*Post*, p. 1037.

Miscellaneous expenses.

*Proviso*.  
Minor purchases.

Printing and binding.  
*Post*, p. 1037.

41 Stat. 68.

Citation of title.

#### TITLE V—NATIONAL MEDIATION BOARD

**Salaries and expenses:** For three members of the Board, and for other authorized expenditures of the National Mediation Board in performing the duties imposed by law, including contract stenographic reporting services; supplies and equipment; not to exceed \$200 for newspapers, books of reference, and periodicals, \$148,700, of which amount not to exceed \$115,000 may be expended for personal services in the District of Columbia.

**Arbitration boards:** To enable the National Mediation Board to pay necessary expenses of arbitration boards, including compensation

National Mediation Board Appropriation Act, 1941.

Salaries and expenses.

Arbitration boards.

of members and employees of such boards, together with their necessary traveling expenses and expenses actually incurred for subsistence while so employed, and printing of awards, together with proceedings and testimony relating thereto, as authorized by the Railway Labor Act, including also contract stenographic reporting service, and rent of quarters when suitable quarters cannot be supplied in any Federal building, the unexpended balance of previous appropriations for this purpose shall be available.

Emergency boards.

Emergency boards: For expenses of emergency boards appointed by the President to investigate and report respecting disputes between carriers and their employees, as authorized by section 10, Railway Labor Act, approved May 20, 1926 (45 U. S. C. 160), the unexpended balance of previous appropriations for this purpose shall be available.

For all printing and binding for the National Mediation Board, \$2,300.

NATIONAL RAILROAD ADJUSTMENT BOARD

Expenses.

For authorized expenditures of the National Railroad Adjustment Board, in performing the duties imposed by law, including contract stenographic reporting services and supplies and equipment, \$188,900, of which \$35,000 shall be available only for services of referees at a rate of compensation not in excess of \$50 per day and not more than \$108,500 may be expended for other personal services.

For all printing and binding for the National Railroad Adjustment Board, \$28,000.

This title may be cited as the "National Mediation Board Appropriation Act, 1941".

Printing and binding.

Citation of title.

Railroad Retirement Board Appropriation Act, 1941.  
Salaries.

TITLE VI—RAILROAD RETIREMENT BOARD

Salaries: For three members of the Railroad Retirement Board and other personnel services of the Board in the District of Columbia and elsewhere necessary in performing the duties imposed by law or in pursuance of law, \$1,930,000.

Miscellaneous expenses.

Miscellaneous expenses (other than salaries): For all authorized and necessary expenditures, other than salaries, of the Railroad Retirement Board in performing the duties imposed by law or in pursuance of law, including rent in the District of Columbia and elsewhere; traveling expenses, including not to exceed \$1,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the Board; not to exceed \$2,500 for payment of actual transportation expenses, and per diem (not to exceed \$10) in lieu of subsistence and other expenses, of persons serving while away from their homes without other compensation in an advisory capacity to the Railroad Retirement Board; repairs and alterations; contract stenographic reporting services; office appliances and labor-saving devices; supplies and equipment (including photographic equipment); not to exceed \$5,000 for law-books, books of reference, newspapers, press clippings, periodicals, and for payment in advance when authorized by the Board for library membership in organizations which issue publications to members only or to members at a price lower than to the general public; operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and elsewhere; and expenses incident to moving the office of the Board from one building to another; \$558,000: *Provided*, That the Board may procure supplies and services without regard to section 3709 of the Revised Statutes (41 U. S. C. 5) when the aggregate amount does not exceed \$50.

*Proviso.*  
Minor purchases.

44 Stat. 577.  
45 U. S. C. §§ 151-164; Supp. V, §§ 181-188.

44 Stat. 586.  
45 U. S. C. § 160.

Railroad retirement account: For an amount sufficient as an annual premium for the payments required under the Railroad Retirement Act, approved August 29, 1935, and the Railroad Retirement Act, approved June 24, 1937, and authorized to be appropriated to the railroad retirement account established under section 15 (a) of the latter Act, \$122,600,000: *Provided*, That such amount shall be available until expended for making payments required under said retirement Acts, and the amount not required for current payments shall be invested by the Secretary of the Treasury in accordance with the provisions of said Railroad Retirement Act of June 24, 1937.

For printing and binding for the Railroad Retirement Board, \$48,000.

This title may be cited as the "Railroad Retirement Board Appropriation Act, 1941".

Railroad retirement account.  
Post, p. 1090.  
49 Stat. 967; 50 Stat. 316.  
45 U. S. C., Supp. V, §§ 215-228r.

*Proviso.*  
Availability.

Printing and binding.

Citation of title.

## TITLE VII—GENERAL PROVISIONS

SEC. 701. In expending appropriations or portions of appropriations, contained in this Act, for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary and the Second Assistant Secretary of Labor, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 702. None of the funds appropriated in this Act shall be used to pay the salary of any person appointed to a non-civil-service position, under the appropriations in the respective titles in this Act, if the effect of such appointment is to increase the number of non-civil-service employees from the State of residence of any such non-civil-service appointee beyond the number of non-civil-service employees to which such State is entitled, under the appropriations in the respective titles of this Act, on a basis of population: *Provided*, That this section shall not apply to any position, the appointment of which is made by the President: *Provided further*, That this section shall not apply to positions in the Civilian Conservation Corps outside the District of Columbia.

SEC. 703. No part of any appropriation in this Act shall be used to pay the salary of any person who received as many as three steps of administrative within-grade promotion in all positions occupied

Salary restriction.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

*Proviso.*  
Restriction not applicable in designated cases.

5 U. S. C. § 666.

Non-civil-service positions.  
Restriction on use of funds.

*Provisos.*  
Presidential appointments.  
Civilian Conservation Corps.  
Post, p. 1033.

Administrative promotions, restriction on use of funds.

by such person during the fiscal year 1939, at a rate of pay in excess of the salary resulting from the first two steps of such promotion; but this section shall not preclude the payment of the minimum salary of the grade to any person transferred, under standard regulations, to such grade.

Nominees not approved by Senate.

SEC. 704. No part of any appropriation contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve of the nomination of said person.

Citizenship requirement.

SEC. 705. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of any agency the majority of the stock of which is owned by the Government of the United States, whose post of duty is in continental United States unless such officer or employee is a citizen of the United States or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship has filed a declaration of intention to become a citizen or who owes allegiance to the United States: *Provided*, That this section shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent employees and such temporary employees as are required from time to time) where competent citizen interpreters are not available.

*Proviso.*  
Interpreters in Immigration and Naturalization Service.

Limitation on funds for administrative promotions.

SEC. 706. The total amount used on an annual basis for administrative within-grade promotions for officers and employees under any appropriation or other fund made available in this Act shall not exceed the amount determined by the Bureau of the Budget to be available for such purpose on the basis of the Budget estimate for such appropriation or fund exclusive of new money in any such Budget estimate for such administrative promotions.

Short title.

SEC. 707. This Act may be cited as the "Labor-Federal Security Appropriation Act, 1941".

Approved, June 26, 1940.

[CHAPTER 429]

AN ACT

June 26, 1940

[H. R. 9296]

[Public, No. 666]

To authorize the attendance of the Marine Band at the convention of the Grand Army of the Republic to be held at Springfield, Illinois, September 8 to 13, inclusive, 1940.

Marine Band.  
Attendance at  
G. A. R. convention.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized to permit the band of the United States Marine Corps to attend and give concerts at the convention of the Grand Army of the Republic to be held at Springfield, Illinois, from September 8 to 13, inclusive, 1940.

Appropriation authorized.  
Post, p. 648.

SEC. 2. For the purpose of defraying the expenses of such band in attending and giving concerts at such convention, there is authorized to be appropriated the sum of \$7,655.25, or so much thereof as may be necessary, to carry out the provisions of this Act: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for additional living expenses while on duty, and that the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station.

*Proviso.*  
Expenses.

Approved, June 26, 1940.

## [CHAPTER 430]

## AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

June 26, 1940  
[H. R. 10055]  
[Public, No. 667]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

First Supplemental National Defense Appropriation Act, 1941.

## TITLE I—CIVIL NATIONAL DEFENSE ACTIVITIES

## INDEPENDENT AGENCIES

## CIVIL AERONAUTICS AUTHORITY

Civilian pilot training: For an additional amount, fiscal year 1941, for civilian pilot training, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$32,000,000, to be immediately available; and the limitation on the amount available for the purchase and exchange of automobiles being hereby increased from \$5,000 to \$25,000 and the limitation on the amount available for transfer to the appropriation "Safety Regulation, Civil Aeronautics Authority", being hereby increased from \$117,800 to \$700,000.

Civilian pilot training.

*Ante*, p. 115.

*Ante*, pp. 115, 116.

## COUNCIL OF NATIONAL DEFENSE

For expenses of experimental work, investigations, and coordination undertaken through the Council of National Defense, by the Advisory Commission or subordinate bodies, including employment of experts, special advisers, and other personal services in the District of Columbia and elsewhere, actual and necessary transportation, subsistence, and other expenses of members of the Council, of the Advisory Commission, or subordinate bodies going to and attending meetings of the Commission or subordinate bodies, lawbooks, books of reference, and periodicals, and rent in the District of Columbia, \$1,000,000, to be immediately available and to be expended in accordance with the provisions of section 2 of the Act of August 29, 1916 (39 Stat. 649): *Provided*, That until such time as the President shall declare the present emergency at an end the head of any department or independent establishment of the Government, notwithstanding the provisions of existing law, may employ, with the approval of the President, any person of outstanding experience and ability at a compensation of \$1 per annum.

Council of National Defense.  
*Post*, p. 1032.  
General expenses.

50 U. S. C. §§ 1-5.

*Proviso*.  
Employment of persons at \$1 per annum.

## FEDERAL WORKS AGENCY

## PUBLIC BUILDINGS ADMINISTRATION

Navy Department and Munitions Buildings, Washington, District of Columbia: For the construction of an additional story on each of six wings of the Navy Department Building and on each of seven wings of the Munitions Building, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, \$1,605,000.

Additions to Navy Department and Munitions Buildings.  
*Post*, p. 1036.

44 Stat. 630.  
40 U. S. C. §§ 341-347; Supp. V, §§ 341-346.

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Airplane engine research laboratory: For construction and equipment, on a site to be selected by the Advisory Committee for Aero-

Airplane engine research laboratory.

nautics, of an airplane engine research laboratory, including acquisition of land, rights-of-way, and connections to public utilities, installation of power lines, expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, fiscal year 1941, \$2,000,000, to be immediately available and to remain available until expended; and the National Advisory Committee for Aeronautics is authorized to enter into a contract or contracts for the construction and equipment of such buildings and facilities, including the purchase of land and rights-of-way, at a total cost of not to exceed \$8,400,000.

Contracts authorized.

Langley Field, Va.  
Generating power plant.

For construction and equipment at Langley Field, Virginia, of a generating power plant, including installation of power and fuel pipe lines, and expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, fiscal year 1941, \$1,200,000, to be immediately available.

## DEPARTMENT OF JUSTICE

### FEDERAL BUREAU OF INVESTIGATION

Detection and prosecution of crimes.

Salaries and expenses, detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses, during the limited national emergency, in the detection and prosecution of crimes against the United States, and so forth, fiscal year 1941, including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, \$3,358,800, to be available immediately, of which amount not to exceed \$382,000 may be expended for personal services in the District of Columbia and \$150,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles.

*Ante*, p. 201.  
*Post*, p. 644.

## TREASURY DEPARTMENT

### COAST GUARD

Salaries, Office of Commandant.

Salaries, Office of Commandant, Coast Guard: For an additional amount for personal services in the District of Columbia, fiscal year 1941, \$50,000.

Pay and allowances.

Pay and allowances, Coast Guard: For an additional amount for pay and allowances, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$2,356,000, to be immediately available; and the limitation of \$32,000 under this head in such appropriation Act on the amount which may be expended for recreation, education, and so forth, of enlisted men is hereby increased to \$39,375.

*Ante*, p. 64.

*Post*, p. 1045.

General expenses.

General expenses, Coast Guard: For an additional amount for general expenses, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$8,361,040, to be immediately available.

*Ante*, p. 64.

### PROCUREMENT DIVISION

Strategic and critical materials.

53 Stat. 811.  
50 U. S. C., Supp.  
V, §§ 98-98f.

*Ante*, p. 70.

*Proviso*.  
Purchases.

Strategic and critical materials: For an additional amount for all necessary expenses for the acquisition of strategic and critical materials in accordance with the Act of June 7, 1939, fiscal year 1941, including the objects and limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$47,500,000, to be immediately available: *Provided*, That any purchase from this appropriation and the appropriation for this purpose in the Treasury

Department Appropriation Act, 1941, may be made, with the approval of the Secretary of the Treasury, without reference to section 3709 of the Revised Statutes (41 U. S. C. 5).

## WAR DEPARTMENT—CIVIL FUNCTIONS

### QUARTERMASTER CORPS

Cemeterial expenses: For an additional amount for cemeterial expenses, fiscal year 1941, to be immediately available, and to be supplemental and in addition to the appropriation contained under this head in the War Department Civil Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein, \$71,090.

Cemeterial ex-  
penses.

*Ante*, p. 505; *post*, p.  
971.

SEC. 101. This title may be cited as the "Civil Activities National Defense Appropriation Act, 1941".

Citation of title.

## TITLE II—WAR DEPARTMENT—MILITARY ACTIVITIES

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be immediately available and to be supplemental and in addition to the appropriations under the same heads in the Military Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, as follows:

Title II, Military  
Appropriation Act,  
1941.

*Ante*, pp. 350, 352.  
Additional appro-  
priations.

*Ante*, p. 350.

### GENERAL STAFF CORPS

Special field exercises, \$5,700,000.

*Ante*, p. 353.

### ADJUTANT GENERAL'S DEPARTMENT

Welfare of enlisted men, \$128,250.

*Ante*, p. 354.

### FINANCE DEPARTMENT

Pay of the Army, irrespective of any limitations as to the enlisted strength of the Regular Army and as to the number of retired officers who may be called to active duty, \$53,224,276: *Provided*, That the number of enlisted men of the Regular Army as fixed by section 2 of the National Defense Act, approved June 4, 1920, shall not be increased under the appropriations and authority in this Act by more than ninety-five thousand.

*Ante*, p. 354.

Pay of the Army.

*Proviso*.  
Enlisted strength of  
Regular Army, limita-  
tion.  
41 Stat. 759.  
10 U. S. C. § 602.

Travel of the Army, \$3,149,432.

Expenses of courts martial, \$16,000.

Apprehension of deserters, and so forth, \$5,000.

Finance Service, Army, \$420,240.

*Ante*, p. 357.

### QUARTERMASTER CORPS

Subsistence of the Army, \$18,869,520.

Regular supplies of the Army, \$3,878,576.

Clothing and equipage, \$27,599,715.

Incidental expenses of the Army, \$3,648,500.

Army transportation, \$25,997,167, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats.

Horses, draft and pack animals, \$247,180.

Military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, \$74,321,546.

Acquisition of land: For the acquisition of land as authorized by the Act of July 2, 1917, as amended (50 U. S. C. 171), and by the Act of August 12, 1935 (10 U. S. C. 1343a), including land for radio facilities for military purposes, \$654,000.

Barracks and quarters, \$7,101,168.

Construction and repair of hospitals, \$382,620.

40 Stat. 241.  
49 Stat. 610.  
10 U. S. C., Supp. V,  
§§ 1343a-1343d.

*Ante*, p. 363.

#### SIGNAL CORPS

Signal Service of the Army, \$20,749,023; and, in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,831,644, for the procurement of Signal Corps equipment.

*Ante*, p. 364.

#### AIR CORPS

Air Corps, Army, \$293,330,282; and, in addition, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$109,259,597, for the procurement of new airplanes, equipment, spare parts, and accessories.

*Ante*, p. 366.

#### MEDICAL DEPARTMENT

Medical and Hospital Department, Army, \$7,599,609.

*Ante*, p. 367.

#### CORPS OF ENGINEERS

Engineer Service, Army, \$3,931,500; and, in addition, the Chief of Engineers, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,000,000, for the procurement of Engineer equipment.

*Ante*, p. 367.

#### ORDNANCE DEPARTMENT

Ordnance service and supplies, Army, \$103,829,565; and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$90,085,520, for the procurement or production of ordnance matériel, machinery, and supplies.

*Ante*, p. 368.

#### CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army, \$948,384.

*Ante*, p. 369.

#### SEACOAST DEFENSES

Seacoast defenses, \$3,040,000, of which sum \$1,354,750 shall remain available until expended.

*Ante*, p. 373.

#### ORGANIZED RESERVES

Organized Reserves, \$11,063,626.

*Post*, pp. 874, 970.

#### EXPEDITING PRODUCTION

To enable the Secretary of War, upon the recommendation of the Council of National Defense and the Advisory Commission thereof, and with the approval of the President, and without reference to

Equipment, etc., for  
Army for emergency  
national defense.

section 3709, Revised Statutes, to expedite the production of equipment and supplies for the Army for emergency national defense purposes, including all of the objects and purposes specified under each of the appropriations available to the War Department during the fiscal year 1941, for procurement or production of equipment or supplies, for erection of structures, or for acquisition of land; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel in connection with the production of equipment and material and the use and operation thereof; and for any other purposes which in the discretion of the Secretary of War are desirable in expediting production for military purposes and are recommended by the Council of National Defense and the Advisory Commission thereof, and approved by the President, \$150,000,000, to be immediately available, of which \$2,000,000 may be made available to the Bureau of Mines, Department of the Interior, for the erection, equipment, and operation of a pilot plant or plants for the beneficiation of manganese ores and the production of metallic manganese therefrom by the electrolytic or other process, including personal services and other expenses in the District of Columbia and elsewhere for the preparation of plans and specifications, advertising, and supervision of construction; and for all expenditures requisite for and incident to the exploration of manganese deposits in accordance with Public Act Numbered 117, approved June 7, 1939; and, in addition, the Secretary of War, upon the recommendation of the Council of National Defense and the Advisory Commission thereof, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$50,000,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder and a report thereon shall be submitted to Congress on or before July 1, 1941.

41 U. S. C. § 5.

Erection, etc., of manganese plants.

53 Stat. 811.  
50 U. S. C., Supp. V, §§ 98-98f.  
Contracts authorized.

*Proviso*,  
Accounting; report to Congress.

## SALARIES, WAR DEPARTMENT

*Ante*, p. 350.

Office of Secretary of War, \$23,120.  
Office of Chief of Staff, \$14,400.  
Adjutant General's Office, \$280,520.  
Office of the Judge Advocate General, \$13,920.  
Office of the Chief of Finance, \$155,040.  
Office of the Quartermaster General, \$82,740.  
Office of the Chief Signal Officer, \$52,340.  
Office of the Chief of the Air Corps, \$126,000.  
Office of the Surgeon General, \$91,620.  
In all, salaries, War Department, \$839,700.

## OFFICE OF THE SECRETARY

*Ante*, p. 352.

Contingent Expenses, War Department, \$98,300.  
Printing and Binding, War Department, \$228,868.

SEC. 201. From the appropriations for "Regular Supplies of the Army", "Clothing and Equipage", "Army Transportation", "Signal Service of the Army", "Air Corps, Army", "Medical and Hospital Department", "Engineer Service, Army", "Ordnance Service and Supplies", "Chemical Warfare Service", and "Seacoast Defenses", for the fiscal year 1941, not to exceed a total of \$2,658,967 may be applied to the employment of persons and the procurement of supplies and services and printing and binding at the seat of Government, and to pay of employees of the Finance Department in the field, under the following heads and within the respective limitations specified, as follows:

Use of funds from designated appropriations.  
*Ante*, pp. 358, 359, 363, 364, 366, 367, 368, 369.

*Ante*, p. 350.

## SALARIES, WAR DEPARTMENT

For temporary personal services:  
 Office of the Secretary of War, \$617,110;  
 Office of Chief of Staff, \$96,980;  
 Adjutant General's Office, \$158,700;  
 Office of the Judge Advocate General, \$13,920;  
 Office of the Chief of Finance, \$60,120;  
 Office of the Quartermaster General, \$78,960;  
 Office of the Chief Signal Officer, \$67,490;  
 Office of the Chief of Air Corps, \$40,760;  
 Office of Chief of Engineers, \$130,260;  
 Office of Chief of Ordnance, \$719,740;  
 Office of Chief of Chemical Warfare Service, \$46,380;  
 Office of Chief of Infantry, \$2,880;  
 Office of Chief of Cavalry, \$2,880;  
 Office of Chief of Field Artillery, \$4,320;  
 Office of Chief of Coast Artillery, \$5,760;  
 Office of Chief of Chaplains, \$1,440;  
 National Guard Bureau, War Department, \$10,000;  
 In all, salaries, War Department, \$2,057,700.

*Ante*, p. 352.

## OFFICE OF THE SECRETARY

Contingent expenses, War Department, \$216,772.  
 Printing and binding, War Department, \$177,995.

*Ante*, pp. 352, 357.

## MILITARY ACTIVITIES

Finance Service, \$206,500.  
 SEC. 202. This title may be cited as "Title II, Military Appropriation Act, 1941".

Citation of title.

## TITLE III—NAVY DEPARTMENT

Title III of the  
 Naval Appropriation  
 Act for the Fiscal Year  
 1941.

Additional appro-  
 priations.

*Ante*, p. 265.

For additional amounts for appropriations for the Navy Department and the Naval Service, fiscal year 1941, to be immediately available and to be supplemental and in addition to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, as follows:

## NAVAL ESTABLISHMENT

*Ante*, p. 265.

## OFFICE OF THE SECRETARY

Miscellaneous expenses, \$100,000, for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

*Ante*, p. 267.

## BUREAU OF NAVIGATION

Fleet training, \$50,000.  
 Instruments and supplies, \$689,000.

Naval Reserve.

Naval Reserve, including additional training for Naval Reserves, without regard to limitations, specified under this head in the Naval Appropriation Act for the fiscal year 1941, and for training exercises of the Naval Reserve during the fiscal year 1941 and for each and every object connected therewith at the discretion of the Secretary of the Navy, including rental of civilian craft and hire of personal and other services, \$7,500,000: *Provided*, That the first two provisos of the paragraph under the heading "Naval Reserve" contained in title I

*Proviso.*  
 Provisions repealed.  
*Ante*, p. 270.

of the Act making appropriations for the Navy Department and the Naval Service, fiscal year 1941, are hereby repealed.

BUREAU OF ENGINEERING

*Ante*, p. 272.

Engineering, including the necessary tools, equipment, and facilities in naval establishments or private plants for expediting construction and delivery of engineering material, \$25,200,000, of which not to exceed 7 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF CONSTRUCTION AND REPAIR

*Ante*, p. 272.

Construction and repair, including the necessary tools, equipment, and facilities in naval establishments or private plants for expediting the construction and delivery of hull and other material, \$21,400,000, of which not to exceed 7 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

BUREAU OF ORDNANCE

*Ante*, p. 273.

Ordnance and ordnance stores, Navy, including increased facilities at Indianhead, Maryland, for the manufacture and storage of powder, additional equipment, tools, and facilities at ordnance stations or private plants for production, handling, and storage of ordnance material and ammunition, acquisition or construction of one ferry boat for the Naval Torpedo Station, Newport, Rhode Island, and not to exceed \$25,000 for the acquisition of land, \$72,528,370; and in addition, the Secretary of the Navy may, prior to July 1, 1941, enter into contracts for ordnance and ordnance materials, including ammunition, to an amount not in excess of \$28,560,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

Ferry boat for Naval Torpedo Station, Newport, R. I.

Contracts authorized.

*Provido*. Group IV (b), etc., employees.

BUREAU OF SUPPLIES AND ACCOUNTS

*Ante*, p. 274.

Maintenance, Bureau of Supplies and Accounts, \$3,831,600, of which not to exceed \$1,000,000 shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

Clothing and small stores fund, \$6,000,000.

Naval supply account fund, \$6,000,000; and the capital of the naval supply account fund is hereby further increased by \$9,265,160 by transfer, hereby authorized and directed to be made, of unobligated balances aggregating such sum of naval appropriations for the fiscal year 1939 and prior fiscal years remaining to the credit of such appropriations on the date of the approval of this Act.

Fuel and transportation, \$5,000,000.

Reserve material, Navy, for the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1940, and including storage facilities, \$10,000,000, to remain available until expended.

*Post*, p. 972.

53 Stat. 770.

*Ante*, p. 278.

## BUREAU OF MEDICINE AND SURGERY

Medical Department, \$2,000,000, of which not to exceed 5 per centum shall be available for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department.

*Ante*, p. 279.

## BUREAU OF YARDS AND DOCKS

Maintenance, Bureau of Yards and Docks: Funds appropriated under the heading of "Maintenance, Bureau of Yards and Docks", for the fiscal year 1941 shall be available for the purchase of additional motor-propelled passenger-carrying vehicles as follows: One to cost not to exceed \$1,600 and twenty-five to cost not to exceed \$600 each.

*Ante*, p. 280.

## PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$102,200,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Boston, Mass.

Navy Yard, Boston, Massachusetts: Additional improvement of power plant and distributing systems, \$385,000; extension of steel storage, \$50,000; heavy materials storage buildings and accessories, \$90,000; additional toilets and washrooms for building ways, \$30,000; additional weight-handling equipment, \$95,000; fitting-out crane, \$50,000;

Charleston, S. C.

Navy Yard, Charleston, South Carolina: Extension of pipe shop, \$175,000;

Mare Island, Calif.

Navy Yard, Mare Island, California: Weight-handling and transportation equipment, \$65,000; extension of subassembly facilities, building numbered 382, \$200,000; additional improvements and extension of administration building, \$250,000; electric shop, \$400,000; submarine storage and service building, \$80,000; extension of quay wall, \$850,000;

New York, N. Y.

Navy Yard, New York, New York: Extension of storehouse and accessories, \$2,000,000; additional improvement of cranes, \$65,000; subassembly shop and facilities, \$820,000; additional improvements of shop buildings, \$800,000; additional facilities for fabrication of armored decks, \$125,000; additional improvement of power plant, \$250,000; extension and improvement of steel storage runways, \$200,000;

Norfolk, Va.

Navy Yard, Norfolk, Virginia: Additional extension of machine-shop building, \$300,000; additions and repairs to shop cranes, \$25,000; additional weight-handling and transportation equipment, \$100,000; improvements to power distribution and lighting in shops, \$35,000; mold loft over building numbered 51, \$15,000; shipbuilding dock and accessories building and services, \$8,500,000; improvement of water supply, \$150,000;

Philadelphia, Pa.

Navy Yard, Philadelphia, Pennsylvania: Additional improvements of power plant and distributing systems, \$450,000; additional extension to yard dispensary, \$50,000; extension of additional pier, \$150,000; additional weight-handling and transportation equipment, \$115,000; improvement of shipbuilding ways numbered 1, \$125,000; addition to shipfitters' shop, \$300,000; electric shop, \$255,000; shipbuilding dock, \$10,000,000;

Navy Yard, Portsmouth, New Hampshire: Additional extension of industrial office building, \$90,000; conversion of building numbered 81 to mock up and ship construction office, \$28,000; conversion of buildings numbered 89 and 115 to storage for submarine engines and new ship material, \$50,000; overhaul shop cranes, \$36,000; extension of field office building, \$55,000; new shipway, \$295,000;	Portsmouth, N. H.
Navy Yard, Puget Sound, Washington: Equipment storage buildings, \$30,000; structural assembly and welding shop building and accessories, \$500,000; transportation building, \$150,000;	Puget Sound, Wash.
Naval Proving Ground, Dahlgren, Virginia: Hangar, \$140,000; extend runways, \$60,000;	Dahlgren, Va.
Navy Yard, Washington, District of Columbia: Additional improvement of pneumatic system, \$50,000; additional improvement of steam distribution system, \$50,000; additional extension of buffing shop, \$50,000; extension of general utility shop, \$50,000; extend oil house, \$50,000;	Washington, D. C.
Navy Yard, Washington (Bellevue), District of Columbia: Extension of storage buildings and accessories, \$50,000;	Washington, D. C.
Naval Torpedo Station, Newport, Rhode Island: Addition to explosive manufacturing building and accessories, \$50,000; extension of storehouse and accessories, \$335,000;	Newport, R. I.
Naval Ammunition Depot, Iona Island, New York: Improvement of power plant, \$210,000; replace filling house numbered 307, \$30,000; replace tank repair house numbered 405, \$32,000;	Iona Island, N. Y.
Naval Ammunition Depot, Fort Mifflin, Pennsylvania: Replace projectile loading plant, \$45,000;	Fort Mifflin, Pa.
Naval Torpedo Station, Keyport, Washington: Building for overhaul and storage of exploders, \$45,000; igniter building and accessories, \$45,000; extension of overhaul shop, \$85,000;	Keyport, Wash.
Naval Ammunition Depot, Hingham, Massachusetts: New boiler, \$20,000;	Hingham, Mass.
Miscellaneous ship-building facilities, \$669,000;	Miscellaneous.
Naval Air Station, Norfolk, Virginia: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$12,000,000;	Norfolk, Va.
Naval Air Station, San Juan, Puerto Rico: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$2,300,000;	San Juan, P. R.
Naval Air Station, Coco Solo, Canal Zone: Additional aviation shore facilities, including buildings and accessories, \$8,000,000;	Coco Solo, C. Z.
Naval Air Station, Seattle, Washington: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$4,000,000;	Seattle, Wash.
Naval Air Station, Kodiak, Alaska: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$2,000,000;	Kodiak, Alaska.
Aviation activities, Hawaiian Islands: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$6,500,000;	Hawaiian Islands.
Naval Air Station, Midway Island: Additional aviation shore facilities, including buildings and accessories, \$1,900,000;	Midway Island.
Naval Air Station, Wake Island: Aviation shore facilities, including buildings and accessories and defense facilities, \$7,600,000;	Wake Island.
Naval Air Station, Johnston Island: Additional aviation shore facilities, including buildings and accessories, \$500,000;	Johnston Island.
Naval Air Station, Quonset Point, Rhode Island: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$24,204,000;	Quonset Point, R. I.
Marine Corps Flying Field, Quantico, Virginia: Additional aviation shore facilities, including buildings and accessories, \$1,000,000;	Quantico, Va.

Guantanamo, Cuba.	Naval Air Station, Guantanamo, Cuba: Additional aviation shore facilities, including buildings and accessories, \$2,900,000;
Charlotte Amalie, V. I.	Marine aviation facilities, Charlotte Amalie, Virgin Islands: Additional aviation shore facilities, including buildings and accessories, \$1,500,000;
San Diego, Calif.	Naval Air Station, San Diego, California: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$5,600,000;
Alameda, Calif.	Naval Air Station, Alameda, California: Additional aviation shore facilities, including buildings and accessories and acquisition of land, \$6,900,000;
Unalaska, Alaska.	Naval Air Station, Unalaska, Alaska: Aviation shore facilities, including buildings and accessories and acquisition of land, \$2,900,000;
Tongue Point, Oreg.	Naval Air Station, Tongue Point, Oregon: Additional aviation shore facilities, including buildings, accessories, and acquisition of land, \$2,000,000;
Naval Reserve bases.	Naval Reserve bases: Aviation shore facilities, including acquisition of existing facilities and land, \$10,000,000;
Auxiliary aviation bases.	Auxiliary aviation bases: Development of additional auxiliary aviation bases, including acquisition of land, \$10,000,000;
Naval training stations.	Naval training stations: Additional housing for four thousand men, \$3,000,000;
San Pedro area, Calif.	Fleet Operating Base, San Pedro area, California: Development of fleet operating facilities, including docking, buildings and accessories, and breakwater and dredging, including acquisition of land, \$19,750,000;
Fuel-storage facilities.	Fuel-storage facilities: Fuel oil, Diesel oil, and gasoline storage at various locations, including acquisition of land, \$10,500,000;
Key West, Fla.	Naval Station, Key West, Florida: Development of water supply, including pipe line and acquisition of land, \$2,000,000: <i>Provided</i> , That said pipe line may be built in cooperation with an agency of the State of Florida;
Naval Radio Stations, Mare Island and Pearl Harbor.	Naval Radio Stations, Mare Island and Pearl Harbor: Radio facilities, including buildings and accessories and acquisition of land, \$2,000,000;
Aviation-storage facilities.	Aviation-storage facilities: Aviation storehouses and accessories at various locations, including acquisition of land, \$6,000,000;
Housing and recreation facilities.	Housing and recreation facilities: Development of housing and recreation facilities at various locations, including acquisition of land, \$6,000,000;
Annapolis, Md.	Naval Academy, Annapolis, Maryland: Additional buildings and accessories, \$2,000,000;
Ammunition-storage facilities.	Ammunition-storage facilities: Additional ammunition storage facilities at various locations, including acquisition of land, \$5,000,000;
Bellevue, D. C.	Naval Research Laboratory, Bellevue, District of Columbia: Barracks building and accessories, \$250,000;
New London, Conn.	Submarine Base, New London, Connecticut: Additional facilities, including buildings and marine railway, \$1,000,000;
Floating drydock, type D.	Floating drydock, type D, including accessories, \$1,750,000;
Balboa, C. Z.	Fifteenth Naval District, Balboa, Canal Zone: Administration building and storage facilities, \$750,000.
Contracts on a cost-plus-a-fixed-fee basis.	The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: <i>Provided</i> , That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above-mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.
Provisos.	
Fixed-fee limitation.	

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act and in the Naval Appropriation Act for the fiscal year 1941, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

No part of the appropriation under this heading nor any other amount in this title for temporary housing shall be available for erecting, including utilities, upon any site however acquired subsequent to the calendar year 1938, married officers' quarters at a unit cost of more than \$8,500, nor bachelor officers' quarters at a unit cost of more than \$1,750, nor student flyers' quarters at a unit cost of more than \$550; nor barracks for enlisted men at a unit cost of more than \$350: *Provided further*, That no part of the appropriation under this heading, nor of any other amount in this title for temporary housing, shall be available for erecting buildings upon any site acquired subsequent to the calendar year 1938, except of a distinctly temporary character, unless structures (such as hospitals, hangars, and storage facilities for inflammable or explosive materials) of a more substantial type are essential to the purpose.

Limitation on variation of limit of cost.

*Ante*, p. 265.

Construction of officers', etc., quarters, limitation.

Restriction on use of funds.

#### BUREAU OF AERONAUTICS

*Ante*, p. 282.

Aviation, Navy: For maintenance, repair, and operation of aircraft factory, air stations, and so forth, \$1,170,400; and for new construction and procurement of aircraft and equipment, spare parts and accessories, \$21,714,600; in all, \$22,885,000: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed \$120,000.

#### MARINE CORPS

*Ante*, p. 283.

General expenses, Marine Corps, \$2,000,000.

#### ALTERATIONS TO NAVAL VESSELS

*Ante*, p. 286.

Alterations to naval vessels, including the provision of anti-aircraft defense and the construction or acquisition and conversion of vessels for naval auxiliaries of all kinds, \$24,360,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for the employment of classified personal services in the Navy Department and in the field service to be engaged upon such work shall not exceed 7 per centum.

#### REPLACEMENT OF NAVAL VESSELS

*Ante*, p. 286.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part) and for additional small craft and auxiliaries, including boom tenders, including the necessary machine tools and other equipment in naval establishments and Government equipment in private plants required for prosecuting shipbuilding, and for the commencement of six cruisers, twenty-two destroyers, and eight submarines, authorized by the Act approved March 27, 1934 (48 Stat. 501); and for the commencement of two cruisers and eight destroyers authorized by the Act of May 17, 1938 (52 Stat. 401-403); and for the commencement of three aircraft carriers, five cruisers, and fourteen submarines, authorized by H. R. 8026 (Public, Numbered 629,

Construction and machinery.

48 Stat. 503.  
34 U. S. C. §§ 494-497; Supp. V, § 496.  
34 U. S. C., Supp. V, §§ 498-498k.

*Ante*, p. 394.

*Proviso.*  
Group IV (b), etc.,  
employees.

Seventy-sixth Congress), \$144,000,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

Armor, armament,  
and ammunition.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and Machinery", and including the necessary tools, equipment, and facilities at naval establishments or private plants required for expediting shipbuilding, \$78,400,000, to remain available until expended: *Provided*, That the sum to be paid out of this appropriation for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed 7 per centum.

*Proviso.*  
Group IV (b), etc.,  
employees.

#### NAVY DEPARTMENT

*Ante*, pp. 238, 239.

#### SALARIES AND CONTINGENT EXPENSES

For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, including salary of the Under Secretary at \$10,000 per annum, \$10,000.

Office of the Chief of Naval Operations, \$20,000.

Bureau of Navigation, \$35,000.

Hydrographic Office, \$25,000.

Naval Observatory, \$3,000.

Bureau of Supplies and Accounts, \$16,200.

Contingent expenses, \$20,000.

#### EMERGENCY FUND

Naval auxiliaries  
and patrol craft.  
41 U. S. C. § 5.  
*Post*, p. 1109.

To enable the Secretary of the Navy, with the approval of the President, without reference to section 3709 of the Revised Statutes, to rent and convert, or construct or acquire and convert vessels to naval auxiliaries and patrol craft of all kinds, \$25,000,000.

Repairs, etc., to  
vessels.

SEC. 301. The Secretary of the Navy is authorized, where necessary, to exceed the statutory limit on repairs and alterations to vessels during the fiscal year 1941.

*Ante*, p. 296.

SEC. 302. The second proviso under the heading "Naval Personnel" contained in title II of the Act making appropriations for the Navy Department and the Naval Service for the fiscal year 1941 is hereby amended to read as follows: "*Provided further*, That to the extent that naval reservists are not available the Secretary of the Navy may recruit regular enlisted men in the Navy".

Recruiting of en-  
listed men.

SEC. 303. Enlisted men of the Navy may be detailed to the Office of Naval Intelligence during the fiscal year 1941.

Detailing of enlisted  
men.

SEC. 304. This title may be cited as "Title III of the Naval Appropriation Act for the Fiscal Year 1941".

Citation of title.

#### TITLE IV—GENERAL PROVISIONS

Short title.

SEC. 401. This Act may be cited as the "First Supplemental National Defense Appropriation Act, 1941".

Approved, June 26, 1940.

## [CHAPTER 431]

## JOINT RESOLUTION

To amend section 4 of Public Resolution Numbered 54, approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests."

June 26, 1940  
[S. J. Res. 279]  
[Pub. Res., No. 87]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4 of Public Resolution Numbered 54, approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests" be, and is hereby, amended to read as follows:

Neutrality Act of 1939, amendment. *Ante*, p. 7; *post*, p. 866.  
22 U. S. C., Supp. V, § 245j-3.

"SEC. 4. The provisions of section 2 (a) shall not prohibit the transportation by vessels, unarmed and not under convoy, under charter or other direction and control of the American Red Cross of officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering: *Provided*, That where permission has not been given by the blockading power, no American Red Cross vessel shall enter a port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction of vessels, or into a port of any country where such blockade of the whole country is being so attempted: *Provided further*, That such American Red Cross vessel shall be on a mission of mercy only and carrying only Red Cross materials and personnel."

American Red Cross vessels.

*Provisos.*  
Blockaded ports.

Mission; materials and personnel.

Approved, June 26, 1940.

## [CHAPTER 432]

## JOINT RESOLUTION

Making appropriations for work relief and relief, for the fiscal year ending June 30, 1941.

June 26, 1940  
[H. J. Res. 544]  
[Pub. Res., No. 88]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That this joint resolution may be cited as the "Emergency Relief Appropriation Act, fiscal year 1941".

Emergency Relief Appropriation Act, fiscal year 1941.

## WORK PROJECTS ADMINISTRATION

SECTION 1. (a) In order to continue to provide work for needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$975,650,000, together with all balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act of 1939, which remain unobligated on June 30, 1940, including such unobligated balances of funds transferred to other Federal agencies for nonconstruction projects under the provisions of section 11 (a) of such Act of 1939, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Acts of 1938 and 1939 shall remain available until June 30, 1941, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation: *Provided further*, That the funds appropriated by this section may be apportioned for a lesser period than the twelve months of the fiscal year 1941, but not for less than eight months, as determined by the President, if in his judgment such action is

Continuation of work relief.

53 Stat. 927.  
15 U. S. C., Supp. V, ch. 16 (note).

*Provisos.*  
Completion of Federal construction projects, funds available.  
52 Stat. 809; 53 Stat. 927.  
15 U. S. C., Supp. V, ch. 16 (note).

Apportionment during 1941.

required to meet unemployment conditions during such lesser period, but the funds so appropriated shall be so administered during such period as to constitute the total amount that will be furnished to such Administration during such period.

(b) The funds provided in this section shall be available for (1) administration; (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1937, 1938, and 1939; and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply, and purification systems; airports and other transportation facilities; flood control; drainage; irrigation, including projects sponsored by community ditch organizations; water conservation; soil conservation, including projects sponsored by soil conservation districts and other bodies duly organized under State law for soil erosion control and soil conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income; forestation, reforestation, and other improvements of forest areas, including the establishment of fire lanes; fish, game, and other wildlife conservation; eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for nursing and for domestic service; aid to self-help and cooperative associations for the benefit of needy persons; and miscellaneous projects: *Provided*, That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1941, of \$6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the "Commissioner") may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above \$6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed \$7: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive: *Provided further*, That not to exceed \$25,000,000 of funds herein appropriated to the Work Projects Administration may be used by the Commissioner to supplement the amounts so authorized for other than labor costs in any State, Territory, possession, or the District of Columbia in connection with the prosecution of projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

Funds available for administration and designated projects.  
*Post*, p. 634.

50 Stat. 352; 52 Stat. 809; 53 Stat. 927.  
15 U. S. C., Supp. V, ch. 16 (note).

*Post*, p. 634.

*Proviso*.  
Employment on nearest project.

Limitation on use of funds for other than labor costs.

Increases allowed.

*Provisos*.  
Restriction on purchase of construction equipment, etc.

Use of funds for projects of military or naval importance.

(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects approved after January 1, 1940, to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be: *Provided*, That the provisions of this subsection shall not apply to projects (1) which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes, or (2) which authorize necessary temporary measures to avert danger to life, property, or health in the event of disaster or grave emergency caused by flood, storm, fire, earthquake, drought, or similar cause. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

Non-Federal projects.  
Allocation of cost.

*Proviso.*  
Projects excepted.

(e) The funds appropriated in section 1 (a) hereof shall be available to provide, under regulations to be prescribed by the Commissioner, for medical and hospital facilities for work camp project employees and burial expenses of deceased work camp project employees, including the transportation of remains to place of burial: *Provided*, That deductions shall be made from the earnings of all project employees quartered in such camps in an amount sufficient to offset the estimated cost to the United States for furnishing the foregoing.

Medical, etc., facilities;  
burial expenses.

*Proviso.*  
Costs borne by project employees.

(f) When it is found that as a result of bad faith, fraud, or misrepresentation on the part of the sponsor, any land, building, structure, facility, or other project, or any part thereof, upon which funds appropriated in this joint resolution have been expended, is used, transferred, or disposed of without retention and control for public use, the sponsor of the project and the person or organization to which the land, building, structure, facility, or project has been sold, leased, or given, shall be liable, jointly and severally, upon demand of the Commissioner or his duly authorized representative, to pay over to the United States an amount equal to the amount of Federal funds expended on such land, building, structure, facility, or project.

Fraud, etc., on part  
of sponsor.

Liability of persons  
concerned.

(g) The amount which may be obligated for administrative expenses of the Work Projects Administration in the District of Columbia and in the field shall not exceed in the aggregate the sum of \$41,534,000 during the fiscal year 1941, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$34,105,000; communication service, \$612,750; travel, \$3,610,000; and printing and binding, \$437,000: *Provided*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the Director of the Bureau of the Budget shall apportion the amounts which may be obligated for administrative expenses for such period, but if the period determined is an eight months' period there may be obligated for administrative expenses not to exceed \$30,875,000, of which sum not to exceed \$25,626,250 shall be available for salaries; \$418,000 for communication service; \$2,536,500 for travel; and \$323,000 for printing and binding.

Administrative expenses, maximum.

Designated purposes.

*Proviso.*  
Apportionment during 1941.

(h) The Commissioner shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the

Statements of personnel, etc., to Congress.

rate of \$1,200 per annum or more. For the purposes of this subsection, the term "State" shall include the Territories, possessions, and the District of Columbia.

Work Projects Administration.  
Extension to June 30, 1941.

(i) The functions heretofore vested in the Works Progress Administration and the Work Projects Administration are authorized to be carried out until June 30, 1941, by the Work Projects Administration subject to the provisions of this joint resolution and such latter Administration is hereby extended until such date to carry out the purposes of this section.

Detail of Army officer as Commissioner of Work Projects.

(j) The President may detail a commissioned officer on the active list of the United States Army to perform the functions of the office of Commissioner of Work Projects, without loss of or prejudice to his status as such officer. Any commissioned officer so detailed shall receive, in addition to his pay and allowances as such officer, an amount sufficient to make his total compensation \$10,000 per annum while he is so detailed.

Compensation.

#### DEPARTMENT OF AGRICULTURE

Rural rehabilitation and relief.

SEC. 2. (a) In order to continue to provide assistance through rural rehabilitation and relief to needy farmers and relief to other needy persons in the United States, its Territories and possessions, there is hereby appropriated to the Department of Agriculture, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$59,000,000, together with the balance of the appropriation under section 3 of the Emergency Relief Appropriation Act of 1939 which remains unobligated on June 30, 1940.

53 Stat. 929.  
15 U. S. C., Supp. V, ch. 16 (note).  
Availability of funds.

(b) The funds appropriated by subsection (a) of this section shall be available for (1) administration (not to exceed \$7,500,000); (2) farm debt adjustment service and making and servicing of loans and relief under this section and prior law; (3) loans; (4) relief; (5) the prosecution of projects approved by the President for the Farm Security Administration under the Emergency Relief Appropriation Acts of 1938 and 1939; and (6) the following types of useful public projects, Federal and non-Federal, subject to the approval of the President: (a) Projects involving provision of additional water facilities, (b) projects involving construction and operation of migratory labor camps, and (c) projects involving land development (to provide work relief for homesteaders) on rural rehabilitation projects.

52 Stat. 809; 53 Stat. 927.  
15 U. S. C., Supp. V, ch. 16 (note).

Advances from R. F. C., maximum.

(c) In order to furnish the Secretary of Agriculture with additional funds for the purpose of making rural rehabilitation loans to needy farmers, the Reconstruction Finance Corporation is authorized and directed, until June 30, 1941, to make advances to the Secretary of Agriculture upon his request in an aggregate amount of not to exceed \$125,000,000. Such advances shall be made: (1) With interest at the rate of 3 per centum per annum payable semiannually; (2) upon the security of obligations acceptable to the Corporation heretofore or hereafter acquired by the Secretary pursuant to law; (3) in amounts which shall not exceed 75 per centum of the then unpaid principal amount of the obligations securing such advances; and (4) upon such other terms and conditions, and with such maturities, as the Corporation may determine. The Secretary of Agriculture shall pay to the Corporation, currently as received by him, all moneys collected as payments of principal and interest on the loans made from the amounts so advanced, or collected upon any obligations held by the Corporation as security for such advances, until such amounts are fully repaid. The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under

Conditions.

Payments to R. F. C.

Increase of R. F. C. notes, etc., authorized.

the provisions of law in force on the date this subsection takes effect is hereby increased by an amount sufficient to carry out the provisions of this subsection.

(d) In making any relief payments under this section, the Secretary of Agriculture is authorized to require of employable recipients of such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of section 23 of this joint resolution, relating to disability or death compensation and benefits, shall apply to such recipients while performing such work.

Disability or death compensation and benefits.

(e) The proceeds of each loan made under this section shall be impressed with a trust for the purposes for which such loan is made, and such proceeds may be used only for such purposes, and shall continue subject to such trust and shall be free from garnishment attachment, levy, or seizure by or under any legal or equitable process whatever until used by the borrower for such purposes. It shall be unlawful for any borrower to use the proceeds of any loan made to him for any purpose other than those stated in his loan application, except with the written permission of the Secretary of Agriculture or his duly authorized representative. Any person who willfully violates any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or both.

Proceeds of loan impressed with a trust.

Unlawful use of proceeds.

Penalty.

No loan shall be made under this section to any person to enable him to subscribe or pay for stock or membership in any cooperative association or branch thereof not organized or in existence on the date of enactment of this joint resolution.

Cooperative associations.

(f) The Farm Security Administration within the Department of Agriculture is hereby extended until June 30, 1941, to carry out the purposes of this section.

Farm Security Administration, extension.

#### PUERTO RICO RECONSTRUCTION ADMINISTRATION

SEC. 3. (a) In order to continue rural rehabilitation for needy persons in Puerto Rico and for other projects described in this section, there is hereby appropriated to the Puerto Rico Reconstruction Administration, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$4,000,000, together with the balance of the appropriation under section 4 of the Emergency Relief Appropriation Act of 1939, and the balance in the special fund created under the Act of February 11, 1936 (49 Stat. 1135), which remain unobligated on June 30, 1940.

Continuation of rural rehabilitation, etc.

53 Stat. 930.  
15 U. S. C., Supp.  
V, ch. 16 (note).

(b) The funds provided in this section shall be available for (1) administration; (2) loans; (3) the prosecution of projects approved by the President for the Puerto Rico Reconstruction Administration under the provisions of the Emergency Relief Appropriation Acts of 1935 and 1938; and (4) subject to the approval of the President, for projects involving rural rehabilitation of needy persons: *Provided*, That the cost (including all overhead expenses) of any dwelling or any other building the construction of which is hereafter undertaken in connection with such rural rehabilitation shall not exceed \$750 and \$400, respectively.

Availability of funds.

49 Stat. 115; 52 Stat. 809.  
15 U. S. C., Supp.  
V, ch. 16 (note).

*Proviso.*  
Limitation on cost of buildings.

(c) That section 5 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

Fair Labor Standards Act of 1938, amendment.

“(e) No industry committee appointed under subsection (a) of this section shall have any power to recommend the minimum rate or rates of wages to be paid under section 6 to any employees in Puerto Rico or in the Virgin Islands. Notwithstanding any other

52 Stat. 1062.  
29 U. S. C., Supp.  
V, § 205.

Minimum rates of wages of employees in Puerto Rico and the Virgin Islands.

provision of this Act, the Administrator may appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to all employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce, or the Administrator may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees and the Administrator shall be subject to the provisions of section 8 and no such committee shall recommend, nor shall the Administrator approve, a minimum wage rate which will give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands."

Nonapplication of prior wage orders.

(d) No wage orders issued by the Administrator pursuant to the recommendations of an industry committee made prior to the enactment of this joint resolution pursuant to section 8 of the Fair Labor Standards Act of 1938 shall after such enactment be applicable with respect to any employees engaged in commerce or in the production of goods for commerce in Puerto Rico or the Virgin Islands.

52 Stat. 1062.  
29 U. S. C., Supp.  
V, § 206.

Superseding of certain minimum wage provisions; condition.

(e) Section 6 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(c) The provisions of paragraphs (1), (2), and (3) of subsection (a) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce only for so long as and insofar as such employee is covered by a wage order issued by the Administrator pursuant to the recommendations of a special industry committee appointed pursuant to section 5 (e)."

52 Stat. 1062.  
29 U. S. C., Supp.  
V, § 206 (a).

Minimum piece rates for home workers.

(f) Section 6 (a) of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(5) if such employee is a home worker in Puerto Rico or the Virgin Islands, not less than the minimum piece rate prescribed by regulation or order; or, if no such minimum piece rate is in effect, any piece rate adopted by such employer which shall yield, to the proportion or class of employees prescribed by regulation or order, not less than the applicable minimum hourly wage rate. Such minimum piece rates or employer piece rates shall be commensurate with, and shall be paid in lieu of, the minimum hourly wage rate applicable under the provisions of this section. The Administrator, or his authorized representative, shall have power to make such regulations or orders as are necessary or appropriate to carry out any of the provisions of this paragraph, including the power without limiting the generality of the foregoing, to define any operation or occupation which is performed by such home work employees in Puerto Rico or the Virgin Islands; to establish minimum piece rates for any operation or occupation so defined; to prescribe the method and procedure for ascertaining and promulgating minimum piece rates; to prescribe standards for employer piece rates, including the proportion or class of employees who shall receive not less than the minimum hourly wage rate; to define the term 'home worker'; and to prescribe the conditions under which employers, agents, contractors, and subcontractors shall cause goods to be produced by home workers."

Regulations or orders.

## INDIAN SERVICE

SEC. 4. (a) In order to continue to provide relief and rural rehabilitation for needy Indians in the United States, there is hereby appropriated to the Bureau of Indian Affairs, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, \$1,700,000.

(b) The funds provided in this section shall be available for (1) administration, not to exceed \$80,000; (2) loans; (3) relief; (4) the prosecution of projects approved by the President for the Farm Security Administration for the benefit of Indians under the provisions of the Emergency Relief Appropriation Act of 1938; and (5) subject to the approval of the President for projects involving rural rehabilitation of needy Indians.

Continuation of relief and rural rehabilitation.

Availability of funds.

52 Stat. 809,  
15 U. S. C., Supp.  
V, ch. 16 (note).

## ADMINISTRATIVE AGENCIES

SEC. 5. (a) In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, there is hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941: (1) General Accounting Office, \$5,600,000; (2) Treasury Department: (a) Procurement Division, \$3,400,000; (b) Division of Disbursement, \$1,954,516; (c) Office of the Treasurer, \$490,000; (d) Secret Service Division, \$163,000; (e) Office of Commissioner of Accounts and Deposits and Division of Bookkeeping and Warrants, \$4,628,841, for administrative accounting; total, Treasury Department, \$10,636,357: *Provided*, That no part of the sum herein appropriated shall be used to defray the expenses of transferring or maintaining the performance of any of the functions appropriated for in (a), (b), and (e) of subdivision (2) of this subsection at points other than in the States where any of such functions are now performed; (3) Public Health Service of the Federal Security Agency, \$200,000; and (4) Civil Aeronautics Authority, \$175,000: *Provided*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the appropriations made by this section shall be apportioned by the Director of the Bureau of the Budget for a lesser period than the fiscal year but not for less than eight months.

Administrative expenses of designated agencies.

*Provisos.*  
Restriction on use of funds.

Apportionment.

Persons employed upon regular work.

(b) The appropriations in subdivisions (2), (3), and (4) of subsection (a) of this section shall not be used to pay the compensation of persons employed entirely upon the regular work (as distinguished from emergency work under appropriations in this section) of any department or agency, nor to pay the compensation of employees engaged partially upon such regular work unless, in the determination of the head of such department or agency (which determination shall be conclusive), offsetting employment upon such emergency work of such department or agency is performed by employees paid from the regular funds thereof.

## UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SEC. 6. (a) In order to carry out the provisions of section 23 hereof, there is hereby made available to the United States Employees' Compensation Commission for the fiscal year ending June 30, 1941, \$3,100,000 of the special funds set up on the books of the Treasury pursuant to the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939: *Provided*, That the amount in this section shall be available for payment of such com-

Funds available.

15 U. S. C., Supp.  
V, ch. 16 (note).  
*Provisos.*  
Payments.

## Apportionment.

and for administrative expenses: *Provided further*, That if the President shall determine under section 1 (a) that the appropriation made by such section shall be apportioned for a period less than the entire fiscal year, the amount made available by this section shall be apportioned by the Director of the Bureau of the Budget for a lesser period than the fiscal year but not for less than eight months.

## Medical and hospital services.

(b) The funds made available in this section, together with the balance of funds heretofore appropriated or allocated to such Commission under prior emergency relief appropriation Acts, shall be available for payments to Federal agencies for medical and hospital services supplied by such departments and establishments in accordance with regulations of the Commission for injured persons entitled to benefits under section 23 hereof.

## EXECUTIVE OFFICE OF THE PRESIDENT

Office of Government Reports.  
Administrative expenses.

SEC. 7. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for all necessary administrative expenses to enable the Office of Government Reports, Executive Office of the President, to perform the functions of the National Emergency Council, transferred to and consolidated in the Executive Office of the President on July 1, 1939, by Reorganization Plan Numbered II, \$750,000.

53 Stat. 1431.

## GENERAL AND SPECIAL PROVISIONS

## Apportionment and distribution of funds.

SEC. 8. Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1941, except where a different apportionment is specifically permitted by this joint resolution, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth.

## Restriction on use of funds.

SEC. 9. The funds made available by this joint resolution shall be used only for work relief or relief for persons in need except as otherwise specifically provided herein.

## Allocation of funds to other Federal agencies.

SEC. 10. (a) The Commissioner is authorized to allocate not to exceed \$40,000,000 to other Federal agencies for the operation, under such rules and regulations as the Commissioner may prescribe, of projects of the type specified in subsection (b) of section 1 which are within the scope of the functions usually carried out by such agencies, including administrative expenses of such agencies incident to such operation: *Provided*, That not to exceed 4 per centum of the total amount so allocated to any such agency shall be used for such administrative expenses: *Provided further*, That no project shall be prosecuted under any allocation under this subsection upon which the percentage of nonrelief persons employed exceeds 10 per centum of the total number of persons employed.

Provisos.  
Limitation on administrative expenses.

## Employment of non-relief persons restricted.

## Allocations sufficient for completion of projects; exception.

(b) No Federal construction project, except flood control and water conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

## Non-Federal projects, requirement.

(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution (except under section 3) unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the head of the agency, if the agency administers sponsored projects, determines under the circumstances is an adequate contribution taking into

consideration the financial ability of the sponsor. The head of the agency shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall represent an actual cash value, and such rules and regulations shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the sponsors on account of Work Projects Administration projects, or other sponsored projects.

Rules and regulations.

SEC. 11. None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds \$100,000, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds \$100,000, unless the building is one (a) for which the project has been approved by the President on or prior to May 15, 1940, or for which an issue of bonds has been approved at an election held on or prior to such date, or for which a State legislature has made an appropriation on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts: *Provided*, That the provisions of this section shall not apply to any projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

Construction of buildings.  
Restriction on use of funds.

*Provido.*  
Projects of military or naval importance.

SEC. 12. (a) The various agencies for which appropriations are made in this joint resolution are authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and such agencies.

Contributions from sponsors of non-Federal projects.

(b) All receipts and collections of Federal agencies by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts.

Disposition of receipts and collections.

(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency. No such allocation shall be made for the exercise of the functions of the Radio Division or the United States Film Service transferred to the Office of Education of the Federal Security Agency.

Restriction on allocation of funds.

SEC. 13. Agencies receiving appropriations under this joint resolution are authorized to prescribe such rules and regulations as may be necessary to carry out the purposes for which such appropriations are made.

Rules and regulations.

SEC. 14. (a) The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. Such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced,

Monthly earning schedule.

Differentials, restriction.

Hours of work.

and (2) not exceed eight hours in any day and (3) not exceed forty hours in any week.

**Exemptions.**

(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work on projects certified as hereinbefore provided as being important for military or naval purposes; to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare; and in the case of supervisory personnel employed on work projects.

**Preference in employment.**

SEC. 15. (a) In employing or retaining in employment on Work Projects Administration work projects, preference shall be determined, as far as practicable, on the basis of relative needs and shall, where the relative needs are found to be the same, be given in the following order: (1) Veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration except that discharged draft enrollees other than those with service-connected disability shall not be considered as veterans for the purposes of this subsection) and unmarried widows of such veterans and the wives of such veterans as are unemployable who are in need and are American citizens; and (2) other American citizens, Indians, and other persons owing allegiance to the United States who are in need.

**Removal after 18 months; exceptions.**

(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, unmarried widows of such veterans and wives of such veterans as are unemployable, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be

**Restoration.**

(a) the expiration of thirty days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects.

**Qualifications for employment.**

(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the agency providing the employment shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

**Removal or nonemployment of uncertified relief workers.**

(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and, except as provided in section 16 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

**Employment of blind persons.**

(e) No blind person receiving aid under the Social Security Act, as amended, shall be prohibited from temporarily relinquishing such aid to accept employment on a Work Projects Administration project.

**Restriction on employment of aliens, Communists, or Nazi Bund Organization members.**

(f) No alien, no Communist, and no member of any Nazi Bund Organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi Bund Organization, such affidavit to be considered

prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi Bund Organization.

(g) The Commissioner shall cause a periodic investigation to be made of the rolls of relief employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated at least once in every twelve months.

Periodic investigations of relief rolls; eliminations.

SEC. 16. (a) No person in need who refuses a bona fide offer of private or other public employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private or other public employment would be available.

Refusal of private, etc., employment offer.

(b) Any person who takes such employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status with the Work Projects Administration if he is still in need and if he has lost such employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment and which are available to him.

Restoration of employment status with W. P. A.

SEC. 17. (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person has previously subscribed or before engaging in such employment subscribes to the following oath:

Oath of office.

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

(b) No portion of the appropriation made under this joint resolution shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States.

Persons advocating overthrow of U. S. Government.

(c) The Commissioner and the head of any other agency receiving an appropriation hereunder is authorized to designate employees, administrative and supervisory, as he may deem necessary to administer such oaths as are required by this joint resolution and such other oaths as may be required or necessary in the operation of the Work Projects Administration or other agency, which oaths shall be administered without charge or fee; such oaths shall have the same force and effect as oaths administered by notaries, justices of the peace, and other Federal and non-Federal officers qualified to administer oaths.

Designation of employees to administer oaths.

SEC. 18. In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds for any agency receiving an appropriation under this joint resolution, in the nature of revolving funds for use, until June 30, 1941, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

Establishment of special funds for purchase of supplies, etc.

SEC. 19. The provision of section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than \$300.

Minor purchases.

Administrative expenses.

SEC. 20. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, newspapers and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

Nonapplication of Executive Order No. 7916.

SEC. 21. (a) The provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from appropriations contained in this joint resolution, and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

Acceptance of uncompensated services.

(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations herein or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

Appointments.

Utilization of Federal, State, and local employees.

(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Appointments to Federal administrative, etc., positions in States.

Separations and furloughs.

SEC. 22. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

Proviso.  
Preferential status of soldiers, etc.

Disability or death compensation, etc.  
5 U. S. C. § 796.

Employees excepted.

SEC. 23. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession,

Proviso.  
Nonapplication of section in designated cases.

or in which the claimant has received or is entitled to receive similar benefits for injury or death.

SEC. 24. None of the funds made available by this joint resolution shall be used (a) for the operation of any theater project, (b) for the operation of any project sponsored solely by the Work Projects Administration, or (c) for radio broadcasting in an amount exceeding \$100,000 or for the acquisition, rental, or distribution of motion-picture films.

Restriction on use of funds.

SEC. 25. The Commissioner is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 hereof any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

Settlement of private damage claims.

Limitation.

Acceptance.

SEC. 26. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

State, etc., cooperation in meeting unemployment problem.

SEC. 27. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations (except as provided in section 15 (f)), or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

False statements with intent to defraud, etc.

Race, etc., discrimination.

15 U. S. C., Supp. V, ch. 16 (note).  
Penalty.

SEC. 28. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

Solicitation of contributions for campaign expenses.

(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

Penalty.

SEC. 29. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration,

Promise of benefit as reward for political activity, etc.

favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

Depriving persons of employment on account of race, etc.

(b) Except as may be required by the provisions of section 15 (f) and section 30 hereof, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

Penalty.

(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of law, or of this joint resolution.

Use of administrative authority to interfere with an election, etc.

SEC. 30. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

Active participation in political campaigns, etc.

Penalty.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

Candidate for State, etc., office; campaign manager.

SEC. 31. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

Reports of operations to Congress.

SEC. 32. Reports of the operations under the appropriations in this joint resolution and the appropriations in the Emergency Relief Appropriation Act of 1939, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 31st of January in each of the next two regular sessions of Congress: *Provided*, That such reports shall be in lieu of the reports required by section 33 of such Act.

53 Stat. 927.  
15 U. S. C., Supp.  
V, ch. 16.

*Proviso.*  
Reports to be in lieu, etc.

Competition with existing industries, restriction.

SEC. 33. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, stores, or plants which would manufacture, handle, process, or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes and naval stores products) in competition with existing industries.

Restriction on use of funds for naval or military purposes.

SEC. 34. None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or author-

ized shall be diverted or allocated to any other department or bureau for such purpose.

SEC. 35. No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

Restriction on construction, etc., of penal institutions.

Exception.

Salary restriction.

SEC. 36. In expending appropriations or portions of appropriations, contained in this joint resolution, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any appropriation unit herein shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated, the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

42 Stat. 1458.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

*Proviso.*  
Restriction not applicable in designated cases.

42 Stat. 1490.  
5 U. S. C. § 666.

SEC. 37. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

Appointment of designated administrators; requirements.

*Proviso.*  
Recess appointees; salary status.  
5 U. S. C. § 66.

SEC. 38. Notwithstanding the provisions of any other law, the President is authorized, in his discretion, and under such regulations as he may prescribe, to provide within the Civilian Conservation Corps such training of enrollees therein in noncombatant subjects essential to the operations of the military and naval establishments as he considers may contribute materially to the interests of the national defense. Such subjects may include, but are not restricted to, cooking, baking, first aid to the injured, operation and maintenance of motor vehicles, road and bridge construction and maintenance, photography, signal communications, and other matters incident to the successful conduct of military and naval activities: *Provided*, That the appropriations under the heading "Civilian Conservation Corps" contained in the Federal Security Agency Appropriation Act, 1941, shall be available for carrying out the purposes of this

Civilian Conservation Corps.  
Training of enrollees in noncombatant subjects.

*Provisos.*  
Availability of funds.  
*Ante*, p. 581.

No exclusion be-  
cause of race, etc.

Tennessee Valley  
Authority Act of 1933,  
amendment.  
48 Stat. 66.  
16 U. S. C. § 831.  
Payments to certain  
States and counties  
therein.

"Gross proceeds"  
defined.

Payments in lieu of  
taxation.

Apportionment of  
payment among  
States.

Proviso.  
Minimum annual  
payments to each  
State.

Minimum to be not  
less than \$10,000.

Payments to coun-  
ties; deduction from  
payment otherwise  
due State.

section, and the limitations and conditions on the expenditure of such funds are hereby waived to the extent necessary to accomplish the purposes of this section: *Provided further*, That no person shall be excluded from the training program authorized by this section on account of race, color, or creed.

SEC. 39. Section 13 of the Tennessee Valley Authority Act of 1933 is hereby amended to read as follows:

"SEC. 13. In order to render financial assistance to those States and local governments in which the power operations of the Corporation are carried on and in which the Corporation has acquired properties previously subject to State and local taxation, the board is authorized and directed to pay to said States, and the counties therein, for each fiscal year, beginning July 1, 1940, the following percentages of the gross proceeds derived from the sale of power by the Corporation for the preceding fiscal year as hereinafter provided, together with such additional amounts as may be payable pursuant to the provisions hereinafter set forth, said payments to constitute a charge against the power operations of the Corporation: For the fiscal year (beginning July 1) 1940, 10 per centum; 1941, 9 per centum; 1942, 8 per centum; 1943, 7½ per centum; 1944, 7 per centum; 1945, 6½ per centum; 1946, 6 per centum; 1947, 5½ per centum; 1948 and each fiscal year thereafter, 5 per centum. 'Gross proceeds', as used in this section, is defined as the total gross proceeds derived by the Corporation from the sale of power for the preceding fiscal year, excluding power used by the Corporation or sold or delivered to any other department or agency of the Government of the United States for any purpose other than the resale thereof. The payments herein authorized are in lieu of taxation, and the Corporation, its property, franchises and income, are hereby expressly exempted from taxation in any manner or form by any State, county, municipality, or any subdivision or district thereof.

"The payment for each fiscal year shall be apportioned among said States in the following manner: One-half of said payment shall be apportioned by paying to each State the percentage thereof which the gross proceeds of the power sales by the Corporation within said State during the preceding fiscal year bears to the total gross proceeds from all power sales by the Corporation during the preceding fiscal year; the remaining one-half of said payment shall be apportioned by paying to each State the percentage thereof which the book value of the power property held by the Corporation within said State at the end of the preceding fiscal year bears to the total book value of all such property held by the Corporation on the same date. The book value of power property shall include that portion of the investment allocated or estimated to be allocable to power: *Provided*, That the minimum annual payment to each State (including payments to counties therein) shall not be less than an amount equal to the two-year average of the State and local ad valorem property taxes levied against power property purchased and operated by the Corporation in said State and against that portion of reservoir lands related to dams constructed by or on behalf of the United States Government and held or operated by the Corporation and allocated or estimated to be allocable to power. The said two-year average shall be calculated for the last two tax years during which said property was privately owned and operated or said land was privately owned: *Provided further*, That the minimum annual payment to each State in which the Corporation owns and operates power property (including payments to counties therein) shall not be less than \$10,000 in any case: *Provided further*, That the corporation shall pay directly to the respective counties the two-year average of county ad valorem property taxes (including taxes levied by

taxing districts within the respective counties) upon power property and reservoir lands allocable to power, determined as above provided, and all payments to any such county within a State shall be deducted from the payment otherwise due to such State under the provisions of this section. The determination of the board of the amounts due hereunder to the respective States and counties shall be final.

"The payments above provided shall in each case be made to the State or county in equal monthly installments beginning not later than July 31, 1940.

"Nothing herein shall be construed to limit the authority of the Corporation in its contracts for the sale of power to municipalities, to permit or provide for the resale of power at rates which may include an amount to cover tax-equivalent payments to the municipality in lieu of State, county, and municipal taxes upon any distribution system or property owned by the municipality, or any agency thereof, conditioned upon a proper distribution by the municipality of any amounts collected by it in lieu of State or county taxes upon any such distribution system or property; it being the intention of Congress that either the municipality or the State in which the municipality is situated shall provide for the proper distribution to the State and county of any portion of tax equivalent so collected by the municipality in lieu of State or county taxes upon any such distribution system or property.

"The Corporation shall, not later than January 1, 1945, submit to the Congress a report on the operation of the provisions of this section, including a statement of the distribution to the various States and counties hereunder; the effect of the operation of the provisions of this section on State and local finances; an appraisal of the benefits of the program of the Corporation to the States and counties receiving payments hereunder, and the effect of such benefits in increasing taxable values within such States and counties; and such other data, information, and recommendations as may be pertinent to future legislation."

SEC. 40. (a) The President is hereby authorized through such agency or agencies as he may designate to purchase exclusively in the United States and to transport, and to distribute as hereinafter provided, agricultural, medical, and other supplies for the relief of refugee men, women, and children, who have been driven from their homes or otherwise rendered destitute by hostilities or invasion. When so purchased, such materials and supplies are hereby authorized to be distributed by the President through the American Red Cross or such governmental or other agencies as he may designate.

(b) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000,000, to be available until June 30, 1941, for carrying out the purposes of this section, including the cost of such purchases, the transportation to point of distribution, and distribution, administrative and other costs, but not including any administrative expense incurred by any non-governmental agency.

(c) Any governmental agency so designated to aid in the purchase, transportation or distribution of any such materials and supplies may expend any sums allocated to it for such designated purposes without regard to the provisions of any other Act.

(d) On or before June 30, 1941, the President shall submit to the Congress an itemized and detailed report of the expenditures and activities made and conducted under the authority contained in this section.

SEC. 41. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1941, the sum of \$50,000,000, to be used by the Secretary of Agriculture for

Payments in equal monthly installments.

Contracts with municipalities for sale of power.  
Resale of power; rates.

Intention of Congress.

Report to Congress.

Purchase of agricultural, etc., supplies for relief of refugees.

Distribution.

Appropriation.

Expenditures.

Report to Congress.

Additional appropriation to encourage exportation and domestic consumption of agricultural products.

the purpose of effectuating the provisions of section 32 of the Act entitled "An Act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, as amended, such sum to be in addition to any funds appropriated by such section 32 and to be subject to all the provisions of law relating to the expenditure of such funds.

Approved, June 26, 1940.

[CHAPTER 437]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1940, and June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1940, and June 30, 1941, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Ernest W. Gibson.  
Payment to daughter.  
Pages.

For payment to Doris Gibson, daughter of Ernest W. Gibson, late a Senator from the State of Vermont, \$10,000.

For the payment of twenty-one pages for the Senate at \$4 per day each, for the period commencing July 1, 1940, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the third session thereof, so much as may be necessary.

Inquiries and investigations.  
*Ante*, p. 465.

The unobligated balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1940, is reappropriated and made available for the fiscal year 1941.

Folding pamphlets, etc.

The unobligated balance of the appropriation for folding speeches and pamphlets at a rate not exceeding \$1 per thousand, contingent fund of the Senate, for the fiscal year 1939, is reappropriated and made available for the fiscal year 1940.

HOUSE OF REPRESENTATIVES

Clyde H. Smith.  
Payment to widow.  
Pages.

For payment to the widow of Clyde H. Smith, late a Representative from the State of Maine, \$10,000, to be disbursed by the Sergeant at Arms of the House.

For the payment of forty-seven pages for the House of Representatives, at \$4 per day each, for the period commencing July 1, 1940, and ending with the last day of the month in which the Seventy-sixth Congress adjourns sine die at the third session thereof, so much as may be necessary.

Contingent expenses.  
53 Stat. 830.  
Expenses of special and select committees.  
*Ante*, p. 470.

Contingent expenses: For telegraph and telephone service, exclusive of personal services, fiscal year 1940, \$40,000.

For expenses of special and select committees authorized by the House, fiscal year 1940, \$75,000, to remain available for the fiscal year 1941.

49 Stat. 774.  
7 U. S. C., Supp. V,  
§ 612c.

June 27, 1940  
[H. R. 10104]  
[Public, No. 668]

Second Deficiency  
Appropriation Act,  
1940.

For an additional amount under the appropriation "Contingent Expenses, House of Representatives, Attending Physician, 1941", \$1,500, to be paid to the Attending Physician in equal monthly installments and such installment rate shall be payable so long as the present incumbent serves on such detail.

Attending Physician.  
*Ante*, p. 470.

Contested election expenses: For payment to Vincent F. Harrington, contestee, for expenses incurred in the contested election case of Swanson versus Harrington, as audited and recommended by the Committee on Elections Numbered 3, \$2,000, to be disbursed by the Clerk of the House of Representatives.

Contested election expenses.  
Payment to Vincent F. Harrington.

Committee on Revision of the Laws: For preparing and editing a new edition of the Code of Laws of the United States of America, as authorized and directed by law (U. S. C., title I, ch. 3), to be expended under the direction of the Committee on Revision of the Laws, fiscal year 1940, \$40,000, to remain available until June 30, 1941.

Preparation, etc., of new edition of U. S. Code.

45 Stat. 1541.  
1 U. S. C. § 52 (d).

#### JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1941

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, January 20, 1941, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for extra police, fiscal year 1941, \$35,000.

Expenses of inaugural ceremonies.

*Post*, p. 1402.

#### OFFICE OF ARCHITECT OF CAPITOL

Capitol Building: For the reconstruction of the roofs and skylights over the Senate and House wings of the United States Capitol, including repairs, alterations, and improvements in the sections of the building affected, \$585,000, to remain available until June 30, 1942, and to be expended by the Architect of the Capitol without compliance with sections 3709 and 3744 of the Revised Statutes of the United States; and the Architect of the Capitol is hereby authorized to enter into contracts in the open market, to make expenditures for materials, supplies, equipment, accessories, advertising, traveling expenses, and personal and other services without regard to section 35 of the Public Buildings Act approved June 25, 1910, as amended, or the Classification Act of 1923 as amended.

Capitol Building.  
*Ante*, p. 472.

41 U. S. C. §§ 5, 16.

Contracts, etc.

36 Stat. 699.  
40 U. S. C. § 265;  
Supp. V, § 265.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

#### CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection during the present emergency for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, fiscal year 1941, \$60,000, to be disbursed, one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives. Such sum shall only be expended for payment for salaries and other expenses of personnel detailed from the Federal Bureau of Investigation, the Secret Service of the Treasury Department, and the Metropolitan Police of the District of Columbia, and the heads of such agencies and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and is authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the

Additional protection for Capitol Buildings, etc.

Details from F. B. I., etc.

Duties, etc., of detailed personnel.

## Reimbursement.

Board. Reimbursement for salaries and other expenses of such detailed personnel shall be made to the Federal agency or the government of the District of Columbia, respectively, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and be available for all the purposes thereof.

## LIBRARY OF CONGRESS

Books for adult blind.  
*Ante*, p. 476.  
46 Stat. 1487.  
2 U. S. C., Supp. V, § 135a.

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, fiscal year 1941, \$25,000.

## GOVERNMENT PRINTING OFFICE

Printing and binding.

53 Stat. 836.

Public printing and binding: For an additional amount for public printing and binding, Government Printing Office, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1940, fiscal year 1940, \$415,000.

Messengers on night duty, payment.  
*Ante*, p. 473.

For payment to Preston L. George, William S. Houston, John G. Nalley, and William H. Wannall, messengers on night duty during the third session of the Seventy-sixth Congress, \$450 each; in all, \$1,800, to be paid from the appropriation for printing and binding for Congress for the fiscal year 1941.

Code of Federal Regulations.

Code of Federal Regulations: The unexpended balance (except \$100,000 thereof) of the appropriation for printing of the Code of Federal Regulations, contained in the Act approved June 25, 1938 (52 Stat. 1115), is hereby continued available for the fiscal year 1941 for the printing, binding, and distribution of supplements to the Code of Federal Regulations.

## INDEPENDENT ESTABLISHMENTS

## EXECUTIVE OFFICE OF THE PRESIDENT

## BUREAU OF THE BUDGET

Salaries and expenses.

*Ante*, p. 112.

*Proviso*.  
Temporary services.  
*Ante*, p. 112.

41 U. S. C. § 5.

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of the Budget, fiscal year 1941, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$50,000: *Provided*, That the limitation on the amount which may be expended under this head for temporary employment of persons or organizations by contract or otherwise without regard to section 3709 of the Revised Statutes or the civil service or classification laws is hereby increased to \$100,000.

Printing and binding.  
53 Stat. 660.

Printing and binding: Not to exceed \$4,500 of the appropriation "Salaries and Expenses, Bureau of the Budget, 1940", may be transferred to the appropriation "Printing and Binding, Bureau of the Budget, 1940".

## EXECUTIVE MANSION AND GROUNDS

Maintenance, etc.

*Ante*, p. 112.

Maintenance, Executive Mansion and Grounds: For an additional amount for the care, maintenance, and so forth, Executive Mansion and Grounds, fiscal year 1941, including the objects specified under this head in the "Independent Offices Appropriation Act, 1941", and expendable as therein specified, \$50,000.

## AMERICAN NEGRO EXPOSITION

For carrying out the provisions of the Act entitled "An Act to authorize an appropriation to assist in defraying the expenses of the American Negro Exposition to be held in Chicago, Illinois, during 1940", approved May 24, 1940, \$75,000, to remain available until December 31, 1940.

American Negro Exposition.

*Ante*, p. 220.

## FEDERAL LOAN AGENCY

### FEDERAL HOUSING ADMINISTRATION

Renovation and modernization loans and insurance, Federal Housing Administration (allocation from Reconstruction Finance Corporation): The amount of the funds of the Reconstruction Finance Corporation made available by the Independent Offices Appropriation Act, 1941, to the Federal Housing Administration for the payment of losses under insurance granted under sections 2 and 6, title I, of the National Housing Act (48 Stat. 1246) is hereby increased by \$2,000,000.

Funds for payment of insurance losses, increase.

*Ante*, p. 121.

49 Stat. 1233; 53 Stat. 805.  
12 U. S. C. § 1703; Supp. V, §§ 1703, 1706a.

### FEDERAL HOUSING ADMINISTRATION, HOME OWNERS' LOAN CORPORATION, AND UNITED STATES HOUSING AUTHORITY

Transfer to National Bureau of Standards: Not to exceed \$50,000 of the amount made available for administrative expenses, Federal Housing Administration, \$50,000 of the amount made available for administrative expenses, Home Owners' Loan Corporation, and \$50,000 of the amount made available for administrative expenses, United States Housing Authority, in the Independent Offices Appropriation Act, 1941, may be transferred, upon request of the respective head of such agency, to the National Bureau of Standards to carry out specific projects of the transferring agency for studies of the properties and suitability of building materials, with particular reference to their use in low-cost and low-rent housing, including the construction of such experimental structures as may be necessary therefor, and for printing, binding, and disseminating the results of such studies.

Transfer of funds to National Bureau of Standards.  
*Ante*, pp. 120, 122, 130.

## FEDERAL SECURITY AGENCY

### SOCIAL SECURITY BOARD

Selecting, testing, and placement of defense workers, Social Security Board: For all necessary expenses of the Social Security Board incurred under the supervision and direction of the Federal Security Administrator in providing special Federal assistance to and supervision of State employment services for the selection and testing for, and placement of workers in, occupations essential to the national defense, including personal services and rent in the District of Columbia and elsewhere, equipment and travel expenses, fiscal year 1941, \$2,000,000, of which not exceeding \$15,000 may be transferred by the Administrator to his office for use in carrying out the purposes of this appropriation: *Provided*, That in case any State employment service is found unable to render adequate service in connection with the fulfillment of this program, this appropriation shall be available subject to the approval of such Administrator, for the maintenance of special employment facilities and services.

Selecting, testing, and placement of defense workers.

*Proriso*. Maintenance of special employment facilities, etc.

## OFFICE OF EDUCATION

Vocational education of defense workers.  
Post, p. 1033.

Courses included.

Administration expenses.

Duties of Commissioner.

Vocational education of defense workers, Office of Education: For payment to States, subdivisions thereof, or other public authorities, through certification from time to time made by the United States Commissioner of Education to the Secretary of the Treasury of the name of such agency and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the cost of courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the United States Commissioner of Education, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers; and (not exceeding 2 per centum of this appropriation) for administration expenses in carrying out the purposes hereof, including printing and binding and personal services in the District of Columbia and elsewhere, \$15,000,000. The duties of such Commissioner, in carrying out the purposes of this appropriation, shall be performed under the supervision and direction of the Federal Security Administrator, and such Administrator is hereby authorized to transfer not more than \$10,000 of the sum herein appropriated, to the Office of the Administrator for use in carrying out the purposes hereof.

## FOOD AND DRUG ADMINISTRATION

Enforcement of Tea Importation Act.

29 Stat. 604.

Proriso.  
Examination for importation.

Deposit of fee.

Enforcement of Tea Importation Act: For enabling the Federal Security Administrator to carry into effect the provisions of the Act approved March 2, 1897 (21 U. S. C. 41-50), entitled "An Act to Prevent the Importation of Impure and Unwholesome Tea", as amended, including payment of compensation and expenses of the members of the Board appointed under section 2 of the Act and all of the necessary officers and employees, both in Washington and in the field, fiscal year 1941, \$30,094: *Provided*, That on and after July 1, 1940, no tea, or merchandise described as tea, shall be examined for importation into the United States, or released by the Collector, under said Act unless the importer or consignee of such tea or merchandise, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundred weight or fraction thereof of such tea and merchandise.

## FEDERAL WORKS AGENCY

## PUBLIC BUILDINGS ADMINISTRATION

Public Buildings and Grounds, D. C.  
Salaries and expenses.

53 Stat. 730.

Construction of public buildings outside D. C.

Salaries and expenses, Public Buildings and Grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$375,000.

Construction of public buildings outside the District of Columbia: The limits of cost of the following projects for the construction of public buildings outside of the District of Columbia heretofore authorized under the First Deficiency Appropriation Act, fiscal year 1936, approved June 22, 1936 (49 Stat. 1638), the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (50 Stat. 773), and the Federal Public Buildings Appropriation Act of 1938,

approved June 21, 1938 (52 Stat. 818), are hereby increased by the amounts indicated after each project: San Francisco, California, appraisers stores and immigration station, \$575,000; Denver, Colorado, parcel-post building and garage, \$500,000; Stonington, Connecticut, post office, \$12,000; Athens, Georgia, post office and courthouse, \$190,000; Winnetka, Illinois, post office, \$27,000; Burlington, Iowa, post office, \$50,000; Kansas City, Kansas, post office and courthouse, \$200,000; Pikeville, Kentucky, courthouse, \$20,000; New Orleans, Louisiana, appraisers stores, \$350,000; Boston, Massachusetts (Roslindale station), post office, \$50,000; Boston, Massachusetts (Weymouth branch), post office, \$20,000; Stoneham, Massachusetts, post office, \$20,000; Moberly, Missouri, post office, and so forth, \$45,000; Teaneck, New Jersey, post office, \$40,000; Brooklyn, New York (Station "E"), post office, \$35,000; Brooklyn, New York (Station "S"), post office, \$30,000; New York, New York (Manhattanville station), post office, \$400,000; New York, New York (Tompkins Square station), post office, \$40,000; Cleveland, Ohio, Coast Guard headquarters, \$200,000; Cleveland, Ohio, garage, \$95,000; Gresham, Oregon, post office, \$20,000; Perkasia, Pennsylvania, post office, \$15,000; Philadelphia, Pennsylvania, garage, \$90,000; Westerly, Rhode Island, post office, \$30,000; Charleston, South Carolina, post office, \$60,000; Memphis, Tennessee, garage, \$45,000; Austin, Texas, post office (new), \$100,000; Gladewater, Texas, post office, \$25,000; Norfolk, Virginia, garage, \$50,000; Radford, Virginia, post office, and so forth, \$30,000; Spokane, Washington, post office, courthouse, and customhouse, \$100,000; Bluefield, West Virginia, post office and courthouse, \$50,000; and Martinsburg, West Virginia, post office and courthouse, \$90,000; and the total of \$130,000,000 authorized by the Federal Public Buildings Appropriation Act of 1938, approved June 21, 1938, to be appropriated for public-building construction projects outside of the District of Columbia, is hereby increased to \$133,500,000.

Marine Hospital, Savannah, Georgia: Not to exceed \$42,500 of the appropriation of \$15,000,000 for construction outside of the District of Columbia, contained in the Independent Offices Appropriation Act, 1941, is hereby made available for the purchase of the property now leased for a nurses' home at the Marine Hospital, Savannah, Georgia.

Appraisers Stores Building, Houston, Texas: The limit of cost of the Appraisers Stores Building Project at Houston, Texas, is hereby increased by \$75,000.

Social Security Board and Railroad Retirement Board Buildings: The limit of cost of \$14,250,000 for the acquisition of land and construction of buildings for the Social Security Board and the Railroad Retirement Board, established in the Second Deficiency Appropriation Act, fiscal year 1938 (52 Stat. 1153), is hereby increased to \$14,750,000, and the Federal Works Administrator, through the Commissioner of Public Buildings, is hereby authorized to negotiate with the contractor for the construction of said buildings for an addition to his contract, not to exceed \$500,000, to provide all the necessary facilities and means to expedite the completion of the said buildings prior to the date of completion established in said contract, and the amount of \$500,000 is hereby appropriated for the foregoing purpose.

#### PUBLIC WORKS ADMINISTRATION

Title II, cited as the "Public Works Administration Appropriation Act of 1938", of an Act entitled "Work Relief and Public Works Appropriation Act of 1938", approved June 21, 1938, is hereby amended as follows: Section 201 (a) is amended by changing "June 30, 1940" therein to "June 30, 1941"; section 201 (b) is amended by

15 U. S. C., Supp. V, ch. 16 (note).  
Projects.

52 Stat. 818.  
15 U. S. C., Supp. V, ch. 16 (note).

Marine Hospital,  
Savannah, Ga.

*Ante*, p. 127.

Appraisers Stores  
Building, Houston,  
Tex.

*Ante*, p. 127.

Social Security  
Board and Railroad  
Retirement Board  
Buildings.

*Ante*, p. 127.

Addition to con-  
tract.

Public Works Ad-  
ministration Approp-  
riation Act of 1938,  
amendment.  
52 Stat. 816.  
15 U. S. C., Supp.  
V, ch. 16 (note).

changing "June 30, 1940" therein to "June 30, 1941"; and section 202 is amended by changing "July 1, 1940" therein to "July 1, 1941".

#### WORK PROJECTS ADMINISTRATION

Emergency Relief  
Appropriation Act,  
fiscal year 1941,  
amendment.  
*Ante*, p. 612.

Subdivision (3) of subsection (b) of section 1 of the Emergency Relief Appropriation Act, fiscal year 1941, is hereby amended by inserting the following after the word "training": "for manual occupations in industries engaged in production for national defense purposes,".

#### GENERAL ANTHONY WAYNE MEMORIAL COMMISSION

Reappropriation.

53 Stat. 1305.

The unexpended balance on June 30, 1940, of the appropriation for the General Anthony Wayne Memorial Commission contained in the Third Deficiency Appropriation Act, fiscal year 1939, is hereby made available for the same purposes during the fiscal year 1941.

#### NATIONAL ARCHIVES

Transfer of funds.  
*Ante*, pp. 139, 134.

There is hereby transferred from the appropriation, "Salaries and Expenses, Veterans' Administration, 1941", the sum of \$13,560, to the appropriation, "Salaries and Expenses, National Archives, 1941".

#### UNITED STATES GOLDEN GATE INTERNATIONAL EXPOSITION COMMISSION

Golden Gate Inter-  
national Exposition.

50 Stat. 488.  
*Ante*, p. 215.  
Reappropriation.

For an additional amount for carrying into effect the provisions of the joint resolution providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Incorporated, in the city of San Francisco during the year 1939, approved July 9, 1937, as amended by joint resolution, approved May 14, 1940 (Public Resolution Numbered 71), \$200,000; and the unexpended balance of the appropriation heretofore made for carrying out such public resolution of July 9, 1937, is hereby reappropriated and consolidated with this appropriation and such consolidated sum shall be available for the payment of obligations under both public resolutions referred to in this paragraph and shall remain available until the termination of the Commission.

#### UNITED STATES MARITIME COMMISSION

Contracts.  
50 Stat. 759.  
53 Stat. 543.

49 Stat. 1985.  
46 U. S. C., Supp.  
V, ch. 27.

In addition to the contract authorizations of \$115,000,000 contained in the Third Deficiency Appropriation Act, fiscal year 1937, and \$230,000,000 in the Independent Offices Appropriation Act, 1940, the Commission is authorized to enter into contract for further carrying out the provisions of the Merchant Marine Act, 1936, as amended, in an amount not to exceed \$50,000,000.

#### UNITED STATES NEW YORK WORLD'S FAIR COMMISSION

New York World's  
Fair.

50 Stat. 493.  
*Ante*, p. 216.  
Reappropriation.

For an additional amount for carrying into effect the provisions of the joint resolution authorizing Federal participation in the New York World's Fair, 1939, approved July 9, 1937, as amended by joint resolution, approved May 14, 1940 (Public Resolution Numbered 72), \$275,000; and the unexpended balance of the appropriation heretofore made for carrying out such public resolution of July 9, 1937, is hereby reappropriated and consolidated with this appropriation

and such consolidated sum shall be available for the payment of obligations under both public resolutions referred to in this paragraph and shall remain available until the termination of the Commission.

## VETERANS' ADMINISTRATION

Hospital and domiciliary facilities: For an additional amount for hospital and domiciliary facilities, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, approved April 18, 1940, \$1,000,000, to remain available until expended.

Hospital and domiciliary facilities.

*Ante*, p. 140.

The last paragraph under the heading "Veterans' Administration" in the Independent Offices Appropriation Act, 1941, is hereby amended by striking out the following: "That no part of this appropriation can be used for hospitalization or examination of persons other than veterans unless a reciprocal schedule of pay is in effect with the agency or department involved" and inserting in lieu thereof the following: "That no part of this appropriation shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans' Affairs".

Hospitalization, etc., restrictions.  
*Ante*, p. 141.

## DISTRICT OF COLUMBIA

### DEPARTMENT OF INSPECTIONS

For completing the inspection of buildings, machinery, and equipment, including temporary personal services without reference to the civil service or classification laws, supplies, furniture, equipment, and other necessary expenses, fiscal year 1941, \$15,000.

Department of Inspections.  
*Ante*, p. 307.

### CORONER'S OFFICE

For an additional amount for the fiscal year 1940 for expenses, coroner's office, including the objects specified in the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1940, \$180.

Coroner's office.

53 Stat. 1006.

### SURVEYOR'S OFFICE

For an additional amount for the fiscal year 1938 for completing the rebinding and repairing of record books in the office of the surveyor of the District of Columbia, showing properties in the District of Columbia, \$100.

Surveyor's office.

### COMMISSION ON MENTAL HEALTH

For an additional amount for compensation of members of the Commission on Mental Health of the District of Columbia, and other personal services, including witness fees and mileage, fiscal year 1939, \$3.59.

Commission on Mental Health.

For an additional amount for the payment of fees of attorneys appointed by the court to represent alleged insane persons who are indigent, fiscal year 1939, \$100.

### CONTINGENT AND MISCELLANEOUS

Printing and binding: For an additional amount for the fiscal year 1939 for printing and binding, subject to the condition specified under this appropriation in the District of Columbia Appropriation Act, 1939, \$243.65.

Printing and binding.

52 Stat. 161.

Reunion of United Confederate Veterans. *Ante*, p. 307; *post*, p. 1038.

**Reunion of United Confederate Veterans:** Not to exceed \$12,500 of the funds appropriated in the District of Columbia Appropriation Act, 1941, is hereby made available for expenditure by the Commissioners in connection with the reunion of United Confederate Veterans to be held in Washington during the calendar year 1940.

Judicial expenses.

**Judicial expenses, District of Columbia:** For an additional amount for the fiscal year 1940 for judicial expenses, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, fiscal year 1940, \$977.35.

53 Stat. 1008.

#### REFUND OF ERRONEOUS COLLECTIONS

Refund of erroneous collections. *Ante*, p. 313.

**For an additional amount for the fiscal year 1940 for refund of erroneous collections, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$25,000, to remain available until June 30, 1941.**

53 Stat. 1010.

**For an additional amount for the fiscal year 1941 for refund of erroneous collections, including the objects and under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1941, \$170,000.**

*Ante*, p. 313.

#### PUBLIC SCHOOLS

Administrative and supervisory officers. 53 Stat. 1013.

**Salaries:** For an additional amount for personal services of administrative and supervisory officers in accordance with the Act fixing and regulating the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, approved June 4, 1924 (43 Stat. 367-375), including salaries of presidents of teachers colleges in the salary schedule for first assistant superintendents, fiscal year 1940, \$1,160.

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.

Clerks, etc. 53 Stat. 1013.

**For an addition amount for personal services of clerks and other employees, fiscal year 1940, \$1,170.**

Teachers and librarians.

**For an additional amount for the fiscal year 1940 for personal services of teachers and librarians, including the objects and under the limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$17,320.**

53 Stat. 1013.

Equipment for M. M. Washington Vocational School.

**Miscellaneous:** For the purchase and installation of equipment at the M. M. Washington Vocational School, fiscal year 1940, \$19,776, to continue available until June 30, 1941.

#### METROPOLITAN POLICE

Expenses incident to inaugural ceremonies, 1941.

**Miscellaneous:** For all expenses necessary to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from January 15 to January 26, 1941, in accordance with Public Resolution Numbered 64, Seventy-sixth Congress, approved April 22, 1940, including all the objects specified therein, fiscal year 1941, \$25,000.

*Ante*, p. 161.

#### HEALTH DEPARTMENT

Medical charities.

**Medical charities:** For an additional amount for care and treatment of indigent patients under contracts made by the health officer of the District of Columbia and approved by the Commissioners with the following institutions, respectively:

Children's Hospital.  
Eastern Dispensary and Casualty Hospital.

Children's Hospital, fiscal year 1939, \$2,187.70;  
Eastern Dispensary and Casualty Hospital, fiscal year 1939, \$16,948.30.

**Gallinger Municipal Hospital:** For the purchase of equipment for Ward Buildings Two and Three, fiscal year 1940, \$1,500, to continue available until June 30, 1941.

Gallinger Municipal Hospital.  
*Ante*, p. 323.

## COURTS

### MUNICIPAL COURT

**Jurors:** For an additional amount for the fiscal year 1940 for compensation of jurors, under the conditions and limitations applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$400.

Jurors.

53 Stat. 1023.

**Expenses:** For an additional amount for the fiscal year 1940 for contingent expenses, including the objects specified in the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$350.

Contingent expenses.

53 Stat. 1024.

### DISTRICT COURT OF THE UNITED STATES

**Fees of jurors and witnesses:** For an additional amount for the fiscal year 1938 for fees of jurors and witnesses, including the objects specified under this head in the District of Columbia Appropriation Act, 1938, \$18.90.

Fees of jurors and witnesses.

50 Stat. 378.

## PUBLIC WELFARE

### DIVISION OF CHILD WELFARE

**Board and care of children:** For an additional amount for the fiscal year 1940 for board and care of all children committed to the guardianship of the Board of Public Welfare by the courts of the District of Columbia, including the objects and under the limitations and conditions applicable to the appropriation for this purpose in the District of Columbia Appropriation Act, 1940, \$7,700.

Board and care of children.

53 Stat. 1024.

### SUPPORT OF CONVICTS

For additional amounts for support, maintenance, and transportation of convicts transferred from District of Columbia, including the objects specified under this head in the District of Columbia Appropriation Acts for the following respective fiscal years:

Support, etc., of convicts.

For 1938, \$701.80;

50 Stat. 379.

For 1939, \$50,997.37.

52 Stat. 176.

### NATIONAL TRAINING SCHOOL FOR BOYS

For additional amounts for care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract made by the Board of Public Welfare with the authorities of said National Training School for Boys for the following fiscal years:

National Training School for Boys.

For 1939, \$3,688.85.

52 Stat. 179.

For 1940, \$8,500.

53 Stat. 1026.

### NATIONAL TRAINING SCHOOL FOR GIRLS

For an additional amount for the fiscal year 1940 for the National Training School for Girls, including the objects and under the limitations and conditions (except as to average per capita cost of maintenance) applicable to the appropriation under this head in the District of Columbia Appropriation Act, 1940, \$870, to continue available until June 30, 1941.

National Training School for Girls.

53 Stat. 1026.

## SAINT ELIZABETHS HOSPITAL

Saint Elizabeths  
Hospital.  
53 Stat. 1029.

For an additional amount for support of indigent insane of the District of Columbia in Saint Elizabeths Hospital, as provided by law, fiscal year 1940, \$90,000.

## REFUND OF ASSESSMENTS

Reappropriation.

Not to exceed \$553.60 of the unexpended balance of \$4,629.65 of the appropriation for refund of assessments, fiscal years 1937 and 1938, contained in the Second Deficiency Appropriation Act, fiscal year 1937, is hereby made available for the same purposes during the fiscal year 1941.

50 Stat. 218.

Not to exceed \$79.08 of the unexpended balance of the appropriation for refund of assessments, fiscal years 1938 and 1939, contained in the Second Deficiency Appropriation Act, fiscal year 1938, is hereby made available for the same purposes during the fiscal year 1941.

52 Stat. 1124.

## SETTLEMENT OF CLAIMS AND SUITS

Frances Smith.  
Payment to.

For payment of the claim of Frances Smith, approved by the Commissioners of the District of Columbia under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929, as amended by the Act approved June 5, 1930 (45 Stat. 1160; 46 Stat. 500), \$400.

20 D. C. Code  
§§ 103-106; Supp. V,  
§ 103.

## JUDGMENTS

Payment of judgments.

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in Senate Document Numbered 232 and House Document Numbered 791 of the Seventy-sixth Congress, \$12,665.01, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment: *Provided*, That the judgment in favor of the Virginia Machinery and Well Company, Incorporated, in the amount of \$2,620.67, without interest or costs, shall be paid from the appropriation 99-9948, Public Works, Loans by Federal Emergency Administration of Public Works, District of Columbia, and 70 per centum of such amount shall be reimbursed to the Federal Works Agency, Public Works Administration, in accordance with the provisions of the Act of June 25, 1934 (48 Stat. 1215).

*Proriso.*  
Virginia Machinery  
and Well Co., Inc.

20 D. C. Code,  
Supp. V, §§ 1587-1690.

## AUDITED CLAIMS

Payment of claims.

For the payment of the following claims, certified to be due by the accounting officers of the District of Columbia, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), being for the service of the fiscal year 1937 and prior fiscal years:

18 Stat. 110.

Health Department, District of Columbia, 1937, services, \$39;  
Sewers, District of Columbia, 1936, cleaning and repairing, \$3.30;  
Sewers, District of Columbia, 1936, main and pipe, \$17.50;  
Workhouse and Reformatory, District of Columbia, 1936, maintenance, \$948.78;  
Extension, and so forth, of streets and avenues, gas-tax fund, District of Columbia, 1936, \$43.50;  
Extension, and so forth, of streets and avenues, gas-tax fund,

District of Columbia, 1935, \$69.60;

Extension, and so forth, of streets and avenues, gas-tax fund, District of Columbia, 1934, \$6.24;

Police court, District of Columbia, 1935, witness fees, \$1.50;

Refunding taxes, District of Columbia, 1937, \$142.86;

Refunding taxes, District of Columbia, 1936, \$2,009.58;

Refund of assessments, District of Columbia, 1936-1937, \$330.97;

Contingent and miscellaneous expenses, 1936, judicial expenses, \$130.80;

Washington Aqueduct, District of Columbia, 1937, \$508.46;

Fees of jurors and witnesses, Supreme Court, District of Columbia, 1935, \$735.20;

Public schools, District of Columbia, 1937: Repairs and improvements to school buildings and grounds, \$1,100;

In all, audited claims \$6,087.29.

#### DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

Division of expenses.

### DEPARTMENT OF AGRICULTURE

#### BUREAU OF PLANT INDUSTRY

Irrigation agriculture: For an additional amount for the fiscal year ending June 30, 1941, \$7,000, including the same objects specified under this head in the Department of Agriculture Appropriation Act, 1941, for continuation of the United States Yuma Field Station at Bard, California.

Irrigation agriculture.

*Ante*, p. 544.

Rubber investigations: To enable the Secretary of Agriculture to conduct investigations directed toward the development of rubber production in the Western Hemisphere, including production, breeding and disease research; surveys of potential rubber-producing areas; establishment and operation of experiment and demonstration stations in suitable locations; acquisition of land for such purposes; construction and equipment of necessary buildings; travel; purchase, maintenance, operation, and repair of motor-propelled and horse-drawn passenger-carrying vehicles; employment of guides, translators, and other assistants by contract or otherwise; medical services; books, periodicals, and newspapers; rent; printing; and for all other necessary expenses, including personal services and means in the District of Columbia and elsewhere, fiscal year 1941, \$500,000, to be immediately available and to remain available until expended: *Provided*, That the Secretary of Agriculture is authorized to transfer such sums as he may deem necessary to other Government agencies cooperating or assisting in such investigations.

Rubber investigations.

*Proviso*.  
Transfer of funds to cooperating agencies.

#### FOREST SERVICE

Reconstruction and repair of roads and other improvements, national forests in California: For the reconstruction of roads, trails, bridges, and other improvements in the national forests in California, damaged or destroyed by floods in February and March 1940, fiscal year 1940, \$200,000, to remain available until December 31, 1940.

Repair of roads, etc., in national forests in California.

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Japanese beetle control.  
*Ante*, p. 551.

Japanese beetle control: For an additional amount for the control and prevention of spread of the Japanese beetle, fiscal year 1941, \$30,000.

Control of insect pests and plant diseases.  
53 Stat. 962.  
*Ante*, p. 86.  
7 U. S. C., Supp. V, §§ 148-148e.

Control of incipient and emergency outbreaks of insect pests and plant diseases: For an additional amount to enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, \$800,000, to remain available until June 30, 1941: *Provided*, That no part of this sum allocated for expenditure in connection with the control and prevention of spread of the white-fringed beetle shall be used in any State without the request of the Governor of such State.

*Proviso*.  
White-fringed beetle.

## FEDERAL CROP INSURANCE

Subscriptions to capital stock.

Subscriptions to capital stock: For an additional amount for use by the Secretary of the Treasury at such times and in such amounts as the Federal Crop Insurance Corporation may request, for the purpose of subscribing to and paying for the capital stock of said Corporation, as provided for in section 504 of the Federal Crop Insurance Act, approved February 16, 1938, fiscal year 1941, \$20,000,000: *Provided*, That the payment for said stock shall be effected by transfer of funds on the books of the Treasury Department to the credit of the Corporation.

52 Stat. 72.  
7 U. S. C., Supp. V, § 1504.

*Proviso*.  
Payment for stock.

## FEDERAL FARM MORTGAGE CORPORATION

Administrative expenses.

Salaries and expenses, Federal Farm Mortgage Corporation: The amount of the funds of the Federal Farm Mortgage Corporation made available for administrative expenses for the fiscal year 1941 by the Department of Agriculture Appropriation Act, fiscal year 1941, is hereby increased by \$1,700,000.

*Ante*, p. 569.

## DEPARTMENT OF COMMERCE

## BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Departmental salaries and expenses.

Departmental salaries and expenses: For an additional amount for the fiscal year 1941 for salaries and other necessary expenditures of the Bureau of Foreign and Domestic Commerce at the seat of government, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$50,000, and the limitation specified under this head in said Act for personal services in the District of Columbia is hereby increased to \$1,375,000.

*Ante*, p. 193.

## BUREAU OF MARINE INSPECTION AND NAVIGATION

Albert C. Crandall.  
Payment to.

Salaries, Steamboat Inspection Service: For an additional amount for the fiscal year 1896 for payment of additional salary due Albert C. Crandall, 109 Saint Botolph Street, Boston, Massachusetts, for services rendered as an employee of the Treasury Department, Steamboat Inspection Service, during the period July 1, 1895, to June 30, 1896, inclusive, certified for payment by the Acting Comptroller General of the United States in certificate of settlement numbered 0575801 (claim number 0833558—Commerce), dated January 18, 1940, \$250.

Departmental salaries.  
*Ante*, p. 195.

Departmental salaries: For an additional amount for personal services in the Bureau of Marine Inspection and Navigation in the District of Columbia, fiscal year 1941, \$40,640.

Salaries and general expenses: For an additional amount for payment of extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States shipping commissioners and their deputies and assistants, and customs officers and employees, for which the United States receives reimbursements in accordance with the provisions of the Act of May 11, 1938 (46 U. S. C. 382b), fiscal year 1940, \$12,000.

Salaries and general expenses.  
53 Stat. 911.

Salaries and general expenses: For an additional amount for salaries and general expenses in the field service of the Bureau of Marine Inspection and Navigation, fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$218,720.

52 Stat. 345.  
46 U. S. C., Supp. V,  
§ 382b.  
Salaries and general expenses.

*Ante*, p. 195.

#### NATIONAL BUREAU OF STANDARDS

Optical glass plant: For enlarging the optical glass plant building at the National Bureau of Standards and for necessary additional equipment therefor, fiscal year 1941, \$100,000, to remain available until expended.

Optical glass plant.

Additional land: For an additional amount for the purchase of land as specified under this head in the Department of Commerce Appropriation Act, 1940, \$25,000, to remain available until June 30, 1941; and the amount of \$100,000 appropriated under this head in the Department of Commerce Appropriation Act, 1940, is hereby continued available until June 30, 1941.

Additional land.

53 Stat. 912.

Reappropriation.

#### COAST AND GEODETIC SURVEY

Salaries, office force: For an additional amount for personal services, fiscal year 1941, \$22,000.

Salaries, office force.  
*Ante*, p. 198.

Office expenses: For an additional amount for the fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$18,000.

Office expenses.  
*Ante*, p. 198.

Aeronautical charts: For an additional amount for compilation and printing of aeronautical charts, fiscal year 1941, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$95,000, of which not to exceed \$43,420 may be expended for personal services in the District of Columbia.

Aeronautical charts.

*Ante*, p. 199.

Construction of vessels: For construction of one main surveying ship and one auxiliary surveying vessel for the Coast and Geodetic Survey, as authorized by the Act of June 2, 1939 (53 Stat. 803), including travel and other expenses incident thereto and necessary therefor, \$1,425,000.

Construction of vessels.

#### WEATHER BUREAU

The appropriations for the Weather Bureau for the fiscal year 1941 shall be available (1) for packing, crating, and transportation, including drayage, of personal effects of employees (not exceeding five thousand pounds in any one case) upon permanent change of station, under regulations to be prescribed by the Secretary of Commerce, and (2) for necessary expenses (not to exceed \$7,000) of attendance at meetings concerned with the work of said Bureau when authorized by the Secretary of Commerce.

Transportation of employees' personal effects.  
*Ante*, p. 538.

Attendance at meetings.

Observations, warnings, and general weather service: For an additional amount for establishing and maintaining a forecast district for New England, fiscal year 1941, including the same objects specified under the head "General weather service and research" in the Department of Agriculture Appropriation Act, 1940, \$50,000.

Establishment of forecast district for New England.

53 Stat. 947.

## DEPARTMENT OF THE INTERIOR

## OFFICE OF THE SECRETARY

Printing and binding.

Printing and binding, Department of the Interior: For an additional amount for printing and binding for the Department of the Interior, fiscal year 1937, \$110.

## GENERAL LAND OFFICE

Registers.

Registers: For an additional amount for salaries and commissions of registers of district land offices, fiscal year 1938, \$57.85.

## BUREAU OF INDIAN AFFAIRS

Purchase, etc., of Indian supplies.

Purchase and transportation of Indian supplies: For additional amounts for expenses of purchase and transportation of goods and supplies for the Indian Service for the following fiscal years:

For 1936, \$1,500;

For 1937, \$600;

For 1938, \$30,000;

For 1939, \$160,000.

Wind River Reservation, Wyo.  
Purchase of land.  
25 U. S. C., Supp. V, § 573.

Purchase of land, Wind River Reservation, Wyoming (tribal funds): Not to exceed \$150,000 of the amount authorized by section 3 of the Act of July 27, 1939 (53 Stat. 1130), to be expended from the tribal funds of the Shoshone Indians, Wyoming, is hereby made available for the purchase within Hot Springs County, Wyoming, of lands or interests therein, together with improvements thereon, including water rights or surface rights to lands, located outside the ceded portion of the Wind River Reservation but adjacent thereto, and owned by holders of grazing permits covering undisposed of surplus or ceded lands within said portion of the reservation, such purchases to be made subject to the provisions of section 6 of the Act of July 27, 1939, *supra*.

25 U. S. C., Supp. V, § 576.

Construction and repair, Alaska.

53 Stat. 711.

Construction and repair: For an additional amount for construction and repair, Alaska, hospital and quarters, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$20,000.

Quinaielt Reservation, Wash., attorneys.

*Ante*, p. 48.

Compensation of attorneys, Quinaielt Reservation, Washington: For payment to the attorneys of record for certain Quinaielt Indians, in accordance with the provisions of the Act of March 9, 1940 (Public, Numbered 430, Seventy-sixth Congress), fiscal year 1940, \$20,107.16, to remain available until June 30, 1941.

Osage Indians, Okla., attorneys.

Compensation of attorneys, Osage Indians, Oklahoma (tribal funds): For compensation of an attorney or attorneys for the Osage Indians employed under a contract approved by the Secretary of the Interior on February 18, 1938, \$25,000, payable from funds on deposit to the credit of the Osage Indians.

Menominee Indians in Wisconsin.  
Per capita payments.

Menominee Indians in Wisconsin: The Secretary of the Interior is hereby authorized and directed to withdraw from the Treasury of the United States during the fiscal year ending June 30, 1941, the sum of \$105,000 of any funds on deposit to the credit of the Menominee Indians in Wisconsin, and to expend such sum, or as much thereof as may be necessary, for making a per capita payment of \$50 to each enrolled member of the Menominee Tribe, such per capita payments to be made in two equal monthly installments during July and September 1940: *Provided*, That such per capita payment shall be in lieu of the payments authorized by the Act of June 15, 1934 (48 Stat. 964), for the fair market stumpage value of timber cut on the Menominee Reservation during the fiscal years 1940 and 1941: *Provided further*, That the amounts expended for making such per capita payment shall be reimbursed to the tribal funds utilized

*Provisos*.  
In lieu of timber payments.

Reimbursement.

therefor from sums that would otherwise be paid such Indians pursuant to the Act of June 15, 1934, supra.

#### BUREAU OF FISHERIES

**Inquiry respecting food fishes:** For an additional amount for inquiry into the cause of the decrease in food fishes in the waters of the United States, and for investigations, and experiments in respect to the aquatic animals, fiscal year 1941, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$7,500, of which amount not to exceed \$3,200 may be expended for personal services.

Inquiry respecting food fishes.

*Ante*, p. 456.

**Alaska crab investigation:** For salaries and all other necessary expenses of the Bureau of Fisheries in conducting for one year a technical, economic, and biological investigation of the king-crab fishery off the coast of Alaska, locating the areas of abundance, and carrying on experiments to develop improved methods of taking and canning king crabs, including the charter of fishing and cannery vessels with or without officers and crews and without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); purchase of fuel, oil, rubber boots, oilskins, rubber and canvas gloves, nets, fishing gear, tin cans and liners, packing cases, chemicals, and first-aid outfits; rental of canning machinery; traveling expenses; provisions and rations or commutation thereof (not to exceed \$1 per man per day) for vessel officers and crews, and money accruing from commutation of rations and provisions may be paid on proper vouchers to the persons having charge of the mess of such vessels, fiscal year 1941, \$100,000, to be immediately available: *Provided*, That the Secretary of the Interior is hereby authorized to dispose, by public sale, of the manufactured products resulting from this investigation, and moneys derived from such sales shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided further*, That employees engaged in this investigation may be appointed without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended.

Alaska crab investigation. Salaries and expenses.

*Proviso*. Sale of manufactured products.

Appointments. 42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

**Propagation of food fishes:** The limitation of \$468,890 for pay of permanent employees, contained under the heading "Bureau of Fisheries, propagation of food fishes", in the Interior Department Appropriation Act, 1941, is hereby increased to \$474,130.

Propagation of food fishes.

*Ante*, p. 455.

#### DIVISION OF TERRITORIES AND ISLAND POSSESSIONS

For expenses of the Division of Territories and Island Possessions in the investigation and survey of natural resources of the land and sea areas of the Antarctic regions, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws or the Classification Act of 1923, as amended, or by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes, rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, fiscal year 1941, \$171,000: *Provided*, That fuel, repairs, and emergency supplies to be paid for out of this appropriation may be contracted for in foreign ports.

Survey, etc., of Antarctic regions. Expenses.

42 Stat. 1488. 5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

*Proviso*. Contracts for fuel, etc., in foreign ports.

#### NATIONAL PARK SERVICE

**Investigation and purchase of water rights:** The unexpended balance of the appropriation for the investigation and establishment of water rights contained in the Interior Department Appropriation Act for the fiscal year 1940 is continued available for the same purposes until June 30, 1941.

Investigation and purchase of water rights. *Ante*, p. 451.

53 Stat. 730.

## HOWARD UNIVERSITY

General expenses. General expenses: For an additional amount for general expenses, Howard University, fiscal year 1940, including the same objects specified under this head in the Interior Department Appropriation Act, 1940, \$7,000.

53 Stat. 737.

## DEPARTMENT OF JUSTICE

## OFFICE OF THE ATTORNEY GENERAL

Personal services.  
*Ante*, p. 200.

For personal services in the District of Columbia, as follows:  
For an additional amount for salaries, Administrative Division, fiscal year 1941, \$75,000;

For an additional amount for salaries, Criminal Division, fiscal year 1941, \$25,000.

Contingent expenses.

Contingent expenses: For an additional amount for contingent expenses, Department of Justice, 1941, including the objects and subject to the limitations specified under this head in the Department of Justice Appropriation Act, 1941, \$20,000.

*Ante*, p. 200.

Traveling expenses.

Traveling expenses: For an additional amount for traveling expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Acts, for the fiscal years that follow:

53 Stat. 897.

For 1940, \$10,000;

*Ante*, p. 87.

For 1941, \$15,000.

*Ante*, p. 200.

Printing and binding.

Printing and binding: For an additional amount for printing and binding, Department of Justice, for the fiscal years that follow:

53 Stat. 897.

For 1940, \$21,500;

*Ante*, p. 200.

For 1941, \$12,500.

## FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses, detection, etc., of crimes (emergency).

Salaries and expenses, detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses in the District of Columbia and elsewhere, during the national emergency, in the detection and prosecution of crimes against the United States, and so forth, fiscal year 1941, including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000: *Provided*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.

*Ante*, p. 201.

*Proviso*.  
Availability.  
*Post*, p. 670.

Claims for damages.  
*Ante*, p. 88.

Claims for damages: For the payment of claims for damages to any person or damages to or loss of privately owned property caused by employees of the Federal Bureau of Investigation, acting within the scope of their employment, considered, adjusted, and determined by the Attorney General, under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims arising out of the activities of the Federal Bureau of Investigation", approved March 20, 1936 (5 U. S. C. 300b), as fully set forth in House Document Numbered 756, Seventy-sixth Congress, \$657.39.

49 Stat. 1184.  
5 U. S. C., Supp. V,  
§ 300b.

## MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE

Taxes and Penalties Unit.

Taxes and Penalties Unit: For an additional amount for salaries and expenses of the Taxes and Penalties Unit, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$124.23.

49 Stat. 1323.

Miscellaneous salaries and expenses, field.

Miscellaneous salaries and expenses, field: The sum of \$57,350 is hereby transferred from the appropriation "Miscellaneous Salaries, United States Courts, 1941", contained in the Judiciary Appropria-

*Ante*, p. 200.

tion Act, 1941, to the appropriation "Miscellaneous Salaries and Expenses, Field, Department of Justice, 1941", and the amount which may be expended from the latter appropriation for salaries not otherwise specifically provided for is increased from \$110,000 to \$170,000.

*Ante*, p. 203.

Lands Division: For an additional amount, fiscal year 1941, for personal services in the District of Columbia and elsewhere, including the same objects specified under this head in the Department of Justice Appropriation Act, 1941, \$500,000.

Lands Division.

*Ante*, p. 203.

Salaries and expenses of district attorneys, and so forth: For an additional amount for salaries and expenses of United States district attorneys, and so forth, fiscal year 1941, including the objects specified under this head in the Department of Justice Appropriation Act, 1941, \$72,500.

District attorneys, etc.

*Ante*, p. 203.

Salaries and expenses of marshals, and so forth: For an additional amount for salaries and expenses of marshals, and so forth, Department of Justice, 1941, including the objects and under the conditions specified under this head in the Department of Justice Appropriation Act, 1941, \$250,000.

Marshals, etc.

*Ante*, p. 204.

#### PENAL AND CORRECTIONAL INSTITUTIONS

Penitentiaries and reformatories: For an additional amount for maintenance and operation of United States penitentiaries and reformatories, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$75,000.

Penitentiaries and reformatories.

53 Stat. 901.

Jails and correctional institutions: For an additional amount for maintenance and operation of Federal jails and correctional institutions, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$85,000.

Jails and correctional institutions.

*Ante*, p. 88.

53 Stat. 901.

Support of United States prisoners: For an additional amount for support of United States prisoners in non-Federal institutions and in the Territory of Alaska, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1940, \$340,000.

Support of U. S. prisoners.

53 Stat. 902.

#### IMMIGRATION AND NATURALIZATION SERVICE

Salaries, office of Commissioner: Departmental salaries: For an additional amount for the Commissioner and other personal services in the District of Columbia, fiscal year 1941, \$100,000.

Salaries, office of Commissioner; Departmental.

*Ante*, p. 576.

Salaries and expenses, Immigration and Naturalization Service (Alien Registration): For salaries and expenses in conducting and maintaining a national registration of aliens, including such investigation of matters relating to alien registration as may be directed by the Attorney General, pursuant to the provisions of H. R. 5138, Seventy-sixth Congress, as finally enacted, including personal services and rentals in the District of Columbia and elsewhere; stationery, furniture and repairs, floor coverings, file holders and cases; purchase, exchange, or rental of punching, tabulating, sorting, and other labor-saving machines, including technical, mechanical, and other services in connection therewith; traveling expenses, including the attendance at meetings concerned with the purposes of this appropriation; miscellaneous expenditures, including telegraphing and telephones, postage, labor, purchase and rental of typewriters and adding machines and the exchange thereof and repairs thereto, street car fares, and press clippings; purchase, including exchange, and hire, maintenance and operation of motor-propelled passenger-carrying

Salaries and expenses.

Alien Registration.

*Post*, p. 670.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
*Provisos.*  
Reimbursement to  
cooperating agencies,  
etc.

Availability.

Post, p. 670.

Salaries, field serv-  
ice.

Ante, p. 576.

General expenses.

Ante, p. 577.

Maintenance, etc.,  
of aircraft.

Contingent ex-  
penses.

Ante, p. 574.

Traveling expenses.

Ante, p. 575.

Printing and bind-  
ing.

Ante, p. 575.

Miscellaneous ex-  
penses.  
53 Stat. 903.

Fees of commis-  
sioners.  
Ante, p. 209.

49 Stat. 1337.

vehicles; printing and binding and all other contingent expenses in the District of Columbia and in the field, fiscal year 1941, \$3,000,000, of which not to exceed \$60,000 may be expended for personal services without regard to the Civil Service Laws or the Classification Act of 1923, as amended: *Provided*, That the Attorney General may transfer to, or reimburse, any other department, agency, or office of the Federal, State, or local Governments, funds in such amounts as may be necessary for salaries and expenses incurred by them in rendering authorized assistance to the Department of Justice in connection with conducting and maintaining the registration of aliens: *Provided further*, That this appropriation shall not become available unless and until H. R. 5138, Seventy-sixth Congress, is enacted into law.

Salaries, field service: For an additional amount for salaries of field personnel of the Immigration and Naturalization Service, fiscal year 1941, including the objects, conditions, and limitations specified under this head in the Department of Labor Appropriation Act, 1941, \$1,718,050.

General expenses (other than salaries): For an additional amount for expenses of the Immigration and Naturalization Service, 1941, including the objects and under the conditions specified under this head in the Department of Labor Appropriation Act, 1941, and including maintenance and operating expenses of aircraft, \$446,800, of which amount not to exceed \$114,600 may be expended for the purchase, including exchange, of motor-propelled passenger-carrying vehicles, and not to exceed \$45,000 for the procurement, including exchange, of aircraft.

Contingent expenses: For contingent expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$69,850 included for this purpose in the appropriation "Contingent Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$5,150.

Traveling expenses: For traveling expenses, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$164,200 included for this purpose in the appropriation "Traveling Expenses, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$20,000.

Printing and binding: For printing and binding, Immigration and Naturalization Service, fiscal year 1941, in addition to the sum of \$51,000 included for this purpose in the appropriation "Printing and Binding, Department of Labor", in the Department of Labor Appropriation Act, 1941, \$10,000.

## THE JUDICIARY

### UNITED STATES SUPREME COURT

Miscellaneous expenses: For an additional amount for miscellaneous expenses of the Supreme Court of the United States, to be expended as the Chief Justice may approve, fiscal year 1940, \$1,000.

### UNITED STATES COURTS

Fees of commissioners: For an additional amount for the fiscal year 1941 for fees of United States Commissioners and other committing magistrates acting under section 1014, Revised Statutes (18 U. S. C. 591), including fees and expenses of conciliation commissioners, United States courts, including the objects and subject to the conditions specified for such fees and expenses of conciliation commissioners in the Department of Justice Appropriation Act,

1937, \$50,000, together with the unexpended balance of the appropriation for conciliation commissioners, United States courts, for the fiscal year ending June 30, 1940.

Fees of jurors: The Secretary of the Treasury, upon request of the Director of the Administrative Office of the United States Courts and with the consent of the Attorney General, is hereby authorized to transfer an amount not to exceed \$55,000 from the unexpended balance of the appropriation "Fees of Jurors and Witnesses, United States Courts, 1939", to the appropriation "Fees of Jurors, United States Courts, 1940".

Miscellaneous expenses (other than salaries): For an additional amount for the fiscal year 1940, for such miscellaneous expenses of the United States courts as may be authorized or approved by the Director of the Administrative Office of the United States Courts, including the same objects and subject to the same conditions pertaining to said courts specified under this head in the Department of Justice Appropriation Act, 1940, \$64,180.

Traveling expenses: For an additional amount for the fiscal year 1940 for traveling expenses, not otherwise provided for, incurred by the Judiciary, \$38,300.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Miscellaneous expenses: The appropriation "Miscellaneous Expenses, Administrative Office of the United States Courts", contained in the Judiciary Appropriation Act, 1941, is hereby made available in such amounts (not to exceed a total of \$8,700) as may be necessary and approved by the Director of the Administrative Office of the United States Courts, for transfer to the appropriation "Care of Supreme Court Building and Grounds, 1941" and expenditure by the Architect of the Capitol, for structural changes, alterations, and installations of fixtures in the Supreme Court Building, necessary for the accommodation of the Administrative Office of the United States Courts in such building.

## DEPARTMENT OF LABOR

### DIVISION OF LABOR STANDARDS

Salaries and expenses, Division of Labor Standards: Not to exceed \$1,472 of the unexpended balance of the appropriation "Salaries and expenses, Division of Labor Standards, Department of Labor, 1939", may be used for personal services by contract without regard to section 3709 of the Revised Statutes in connection with the preparation of a handbook on Federal labor laws.

Salaries and Expenses, Division of Labor Standards: For an additional amount, fiscal year 1941, for salaries and expenses, Division of Labor Standards, to be used exclusively for the promotion of an apprenticeship program, in addition to such sums as may be expended from the regular annual appropriation for 1941 for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$120,000, from which amount transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$1,750 to Contingent Expenses, \$15,875 to Traveling Expenses, \$500 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$184,200.

Reappropriation.

Fees of jurors.

52 Stat. 268.

53 Stat. 905.

Miscellaneous ex-  
penses.

53 Stat. 906.

Traveling expenses.  
53 Stat. 897.

Miscellaneous ex-  
penses.

*Ante*, p. 211.

*Ante*, p. 207.  
Alterations, etc., Su-  
preme Court Build-  
ing.

Salaries and ex-  
penses.  
Handbook on Fed-  
eral labor laws.  
52 Stat. 285.

41 U. S. C. § 5.

Apprenticeship pro-  
gram.

*Ante*, p. 575.

Transfer of funds.

*Ante*, pp. 574, 575.

## BUREAU OF LABOR STATISTICS

Salaries and expenses.  
Occupational outlook surveys.

*Ante*, p. 576.

Transfer of funds.

*Ante*, pp. 574, 575.

Salaries and Expenses: For an additional amount, fiscal year 1941, for salaries and expenses, Bureau of Labor Statistics, to be used exclusively for occupational outlook surveys in addition to such sums as may be expended from the regular annual appropriations for this purpose, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$75,000, from which transfers may be made to other appropriations for the Department of Labor, 1941, as follows: \$9,500 to Contingent Expenses; \$6,000 to Travel Expenses; \$1,000 to Printing and Binding; and the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased by the sum of \$58,500.

## NAVY DEPARTMENT

## OFFICE OF THE SECRETARY

Naval petroleum reserves.

*Ante*, p. 267.

41 Stat. 813.

34 U. S. C. § 524;  
Supp. V, § 524.

53 Stat. 759.

Collision damage claims.

*Ante*, p. 89.

42 Stat. 1066.

34 U. S. C. § 599.

Operation and conservation of naval petroleum reserves: For an additional amount to enable the Secretary of the Navy to carry out the provisions contained in the Act approved June 4, 1920 (34 U. S. C. 524), requiring him to conserve, develop, use, and operate the naval petroleum reserves, including the same objects specified under this head in the Naval Appropriation Act, fiscal year 1940, \$15,000, and to remain available until June 30, 1941.

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922, as fully set forth in House Document Numbered 758, Seventy-sixth Congress, §170.

## BUREAU OF AERONAUTICS

Aviation, Navy, 1938.

50 Stat. 111.

Aviation, Navy, 1938: Not to exceed \$8,158,768 of the appropriation "Aviation, Navy, 1938", contained in the Naval Appropriation Act for the fiscal year 1938, shall continue available until June 30, 1941, for the payment of obligations incurred under contracts executed prior to September 30, 1938.

## MARINE CORPS

General expenses.

*Ante*, p. 285.

Purchase of rifles.

53 Stat. 776.

*Ante*, p. 32.

Marine Band, expenses.

*Ante*, p. 598.

General expenses, Marine Corps: Not to exceed a total of \$693,960 of the unobligated balances on June 30, 1940, of the total amounts appropriated under this head in the Act entitled "An Act making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1940, and for other purposes", approved May 25, 1939, and in the Emergency Supplemental Appropriation Act, 1940, approved February 12, 1940, shall continue available for obligation until June 30, 1941, for the purchase of rifles.

For expenses of the United States Marine Band in attending the Convention of the Grand Army of the Republic to be held at Springfield, Illinois, September 8 to 13, 1940, as authorized by H. R. 9296, Seventy-sixth Congress, Public, Numbered —, approved June —, 1940, fiscal year 1941, \$6,900.

## POST OFFICE DEPARTMENT

## OUT OF THE POSTAL REVENUES

## OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL

Clerks, first- and second-class post offices: For an additional amount for compensation to clerks and employees at first- and second-class post offices, and so forth, including the same objects specified under this head in the Post Office Department Appropriation Act, 1940, fiscal year 1940, \$6,000,000 and, in addition, the sum of \$500,000 which is hereby transferred to this appropriation from the appropriation "Star Route Service, 1940".

Clerks, first- and second-class post offices.

53 Stat. 677.

53 Stat. 678.

City delivery carriers: For an additional amount for pay of letter carriers, City Delivery Service, fiscal year 1940, \$5,500,000.

City delivery carriers.

53 Stat. 677.

Domestic air-mail service.

Domestic air-mail service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$625,000.

*Ante*, p. 73.

Foreign air-mail transportation: For an additional amount for transportation of foreign mails by aircraft, as authorized by law, fiscal year 1941, \$173,000.

Foreign air-mail transportation.

*Ante*, p. 73.

The Postmaster General is hereby authorized to incur obligations for the transportation of mail by aircraft during the fiscal year 1941 between Seattle, Washington, and Juneau, Alaska, via Ketchikan, Alaska, and the appropriation "Foreign air-mail transportation, 1941", is hereby made available for payment of such obligations.

Air-mail service between Seattle, Wash., and Juneau, Alaska.

*Ante*, p. 73.

## OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

Railroad transportation and mail-messenger service: For inland transportation by railroad routes, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1940, \$7,000,000.

Railroad transportation, etc., service.

53 Stat. 678.

## MISCELLANEOUS

The Comptroller General of the United States is hereby authorized and directed to transfer from such appropriations contained in the Post Office Department Appropriation Act, 1940, having unobligated balances, such amounts as the Postmaster General shall recommend to certain other appropriations in amounts not to exceed in the aggregate the amounts specified as follows: To "Salaries, Office of First Assistant Postmaster General, 1940", \$13,000; to "Payment of Rewards, 1939", \$6,800; to "Special-Delivery Fees, 1939", \$22,000; to "Special-Delivery Fees, 1940", \$675,000; to "Contract Air Mail Service, 1936", \$75,000; to "Contract Air Mail Service, 1937", \$81,000; to "Contract Air Mail Service, 1938", \$84,000; to "Domestic Air Mail Service, 1940", \$525,000; to "Foreign Air Mail Transportation, 1940", \$130,000; to "Power-Boat Service, 1940", \$50,000; to "Railway Mail Service, Salaries, 1940", \$600,000; to "Railway Postal Clerks, Traveling Allowances, 1940", \$100,000; and to "Manufacture and Distribution of Stamps and Stamped Paper, 1940", \$250,000: *Provided*, That the limitations contained in the appropriation "Domestic Air Mail Service, 1940", on the amounts that may be expended for supervisory officials and clerks at air-mail transfer points, and for personal services in the District of Columbia, are hereby increased to \$39,500 and \$54,500, respectively: *Provided further*, That \$7,500 of the appropriation "Foreign Mail Transportation, 1941" is hereby made available, and shall remain available until June 30, 1942, for expenses of dele-

Transfer of funds.

53 Stat. 675.

*Proviso*.  
Domestic Air Mail Service.

Expenses of delegates to designated Congress.  
*Ante*, p. 74.

gates designated from the Post Office Department by the Postmaster General to the Fifth Congress of the Postal Union of the Americas and Spain, to be expended in the discretion of the Postmaster General and accounted for on his certificate notwithstanding the provisions of any other law.

## DEPARTMENT OF STATE

### OFFICE OF THE SECRETARY OF STATE

#### Salaries.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the same objects and under the same limitations specified under this head in the Department of State Appropriation Act, 1941, \$50,000.

*Ante*, p. 181.

### FOREIGN INTERCOURSE

#### Contingent expenses, Foreign Service.

Contingent expenses, Foreign Service: The limitation of \$35,000 on the amount which may be expended during each of the fiscal years 1940 and 1941, for reimbursement of appropriations for the Navy Department for the purposes specified in the last proviso contained under this head in the Department of State Appropriation Acts for 1940 and 1941, is increased to \$40,000.

53 Stat. 889.  
*Ante*, p. 185.

#### Emergencies, Diplomatic and Consular Service.

Emergencies arising in the Diplomatic and Consular Service: For an additional amount to enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U. S. C. 107), fiscal year 1941, \$1,000,000; of which \$50,000 shall, in the discretion of the President, be available for personal services in the District of Columbia.

*Ante*, p. 12.  
22 U. S. C., Supp. V,  
§§ 245j-245j-19.

*Ante*, p. 186.

### INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO

#### Rio Grande canalization project.

Rio Grande canalization project: For an additional amount for Rio Grande canalization, Department of State, including the reconstruction or replacement of certain bridges over the Rio Grande within the Rio Grande canalization project, as authorized by and subject to the provisions of the Act approved April 22, 1940 (Public, Numbered 472, Seventy-sixth Congress), fiscal year 1941, to remain available until expended, \$310,000.

*Ante*, p. 151.

### INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

#### Salaries and expenses.

Salaries and expenses: For an additional amount for salaries and expenses, International Joint Commission, United States and Great Britain, fiscal year 1941, including the objects specified under the appropriation for such purpose in the State Department Appropriation Act, 1941, and including also the salary of one Commissioner on the part of the United States, notwithstanding the provision to the contrary contained in such Act, who shall serve at the pleasure of the President, \$7,500.

*Ante*, p. 190.  
Commissioner.

### MISCELLANEOUS INTERNATIONAL CONGRESSES, CONFERENCES, AND COMMISSIONS

#### Mixed Claims Commission, U. S. and Germany.

Mixed Claims Commission, United States and Germany: For the Mixed Claims Commission, United States and Germany, fiscal year 1941, including the objects specified under this head in the First Deficiency Appropriation Act, fiscal year 1936, \$15,500.

49 Stat. 1631.

Arbitration of smelter fumes controversy, United States and Canada: For an additional amount for completing the arbitration of smelter fumes controversy, United States and Canada, fiscal year 1940, including the same objects specified under this head in the Department of State Appropriation Act, 1937, \$10,000, to remain available until June 30, 1941.

Arbitration of smelt-  
er fumes controversy.

49 Stat. 1319.

Meeting of Treasury Representatives, Quito, Ecuador: For the expenses of participation by the Government of the United States in the Meeting of Treasury Representatives, to be held at Quito, Ecuador, fiscal year 1941, including personal services in the District of Columbia or elsewhere; travel expenses; communication services; stenographic reporting, translating, and other services by contract if deemed necessary; local transportation; equipment; transportation of things; rent; printing and binding; entertainment; official cards; purchase of newspapers, periodicals, books, and documents; stationery; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, \$3,000.

Meeting of Treas-  
ury Representatives,  
Quito, Ecuador.

Reimbursements.

Ninth International Seed Testing Congress: The unexpended balance of the appropriation "Ninth International Seed Testing Congress contained in the Department of State Appropriation Act, 1940, is continued available for the same purposes until June 30, 1941.

Ninth International  
Seed Testing Con-  
gress.

53 Stat. 896.

Eighth Pan American Child Congress, San Jose, Costa Rica: The unexpended balance of the appropriation "Eighth Pan American Child Congress, San Jose, Costa Rica", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

Eighth Pan Ameri-  
can Child Congress,  
San Jose, Costa Rica.

53 Stat. 987.

International Committee on Political Refugees: The unexpended balance of the appropriation "International Committee on Political Refugees" contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, is continued available for the same purposes until June 30, 1941.

International Com-  
mittee on Political  
Refugees.

53 Stat. 988.

International Monetary and Economic Conference, 1933-1940, and General Disarmament Conference, Geneva, Switzerland, 1933-1940: The unexpended balances of the appropriations "International Monetary and Economic Conference" and "General Disarmament Conference, Geneva, Switzerland", contained in the Urgent Deficiency and Supplemental Appropriation Act, fiscal years 1939 and 1940, are continued available for the same purposes until June 30, 1941.

International con-  
ferences.

53 Stat. 988.

Agrarian Claims Commission, United States and Mexico: For an additional amount, fiscal year 1941, for the expenses of participation by the United States in the settlement of claims of citizens of the United States against the Government of Mexico on account of expropriations of agrarian properties since August 30, 1927, as authorized by and in accordance with the Act of April 10, 1939, \$15,000, together with the unexpended balance of the appropriation for this purpose for the fiscal years 1939 and 1940 in the Third Deficiency Appropriation Act, fiscal year 1939.

Agrarian Claims  
Commission, U. S.  
and Mexico.

53 Stat. 573.

53 Stat. 1324.

#### COOPERATION WITH THE AMERICAN REPUBLICS

Salaries and expenses: For an additional amount for salaries and expenses, cooperation with the American republics, fiscal year 1941, including the objects specified under this head in the Department of State Appropriation Act, 1941, and including also the recording and sound-tracking of motion pictures; traveling expenses, in accordance with the Standardized Government Travel Regulations and the

Salaries and ex-  
penses.  
Post, p. 1044.

Ante, p. 192.  
Traveling expenses.

44 Stat. 688.  
5 U. S. C. §§ 821-833.

22 U. S. C., Supp. V,  
§ 249a.

Transfer of funds to  
designated agencies,  
etc.

Act of June 3, 1926, as amended, of citizens of the United States and the other American republics selected as professors and students; traveling expenses of members of advisory committees in accordance with section 2, of the Act of August 9, 1939 (53 Stat. 1290); and not exceeding \$10,000 additional for printing and binding, \$250,000; and the Secretary of State is hereby authorized, subject to the approval of the President, to transfer to other departments, agencies, and independent establishments of the Government for expenditure in the United States and in the other American republics not exceeding the following amounts, respectively: Federal Security Agency for the Public Health Service, \$20,000; Department of Labor, for the Children's Bureau, \$7,500, and the Women's Bureau, \$5,000; Civil Aeronautics Authority, \$20,000; Smithsonian Institution, \$28,500; Department of the Interior, for the Travel Bureau, \$12,500, for the Bureau of Fisheries, \$5,000, and for the Geological Survey, \$25,000; Department of Commerce, for the Coast and Geodetic Survey, \$9,000; Library of Congress, \$18,500; Tariff Commission, \$5,000.

## TREASURY DEPARTMENT

### OFFICE OF THE SECRETARY

Adjusted Compensation Payment Act,  
1936, expenses.

Administrative expenses, Adjusted Compensation Payment Act, 1936, Treasury Department: For transfer to the Post Office Department to cover registry fees and postage on mailings of bonds, issued under the provisions of the Adjusted Compensation Payment Act of 1936, fiscal year 1940, \$15,000.

49 Stat. 1099.  
38 U. S. C., Supp. V,  
§§ 686-688b.

Salaries and expenses, foreign owned  
property control.

Salaries and expenses, foreign owned property control: For expenditure under the direction of the Secretary of the Treasury for any purpose in connection with the carrying out of the provisions of section 5 (b) of the Act of October 6, 1917 (40 Stat. 411, 415), as amended, and any proclamations, orders, or regulations that have been or may be issued thereunder, including personal services (without regard to classification and civil-service laws) and rent in the District of Columbia and elsewhere, printing, and all other necessary expenses incurred in carrying out instructions issued by the Secretary of the Treasury pursuant to section 5 (b) of the Act of October 6, 1917, as amended, or proclamations, orders, or regulations issued thereunder, including reimbursement of any other appropriation or other funds of the United States or any agency, instrumentality, territory, or possession thereof, including the Philippine Islands, and reimbursement of any Federal Reserve bank for printing and other expenditures, fiscal year 1940, \$700,000, to remain available until June 30, 1941.

12 U. S. C. § 95a.

Reimbursements.

### OFFICE OF GENERAL COUNSEL

Salaries.  
*Ante*, p. 55.

Salaries: For an additional amount, fiscal year 1941, for the general counsel and other personal services in the District of Columbia, \$10,600.

### OFFICE OF THE CHIEF CLERK

Salaries.  
*Ante*, p. 55.

Salaries: For an additional amount, fiscal year 1941, for the chief clerk and other personal services in the District of Columbia, \$26,580.

### CUSTODY OF TREASURY BUILDINGS

Salaries of operating  
force.

Salaries of operating force, Treasury Department buildings: For an additional amount, fiscal year 1941, for the Superintendent of Treasury Buildings and other personal services in the District of

Columbia, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$45,984.

*Ante*, p. 56.

#### DIVISION OF PRINTING

Stationery: For an additional amount for stationery for the Treasury Department, fiscal year 1936, including the objects specified under this head in the Treasury Department Appropriation Act, 1936, \$217.02.

Stationery.

49 Stat. 220.

For an additional amount for stationery for the Treasury Department, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$39,000.

*Ante*, p. 57.

#### OFFICE OF COMMISSIONER OF ACCOUNTS AND DEPOSITS

Salaries: For an additional amount, fiscal year 1941, for the Commissioner of Accounts and Deposits and other personal services in the District of Columbia, including the Division of Bookkeeping and Warrants, \$35,420.

Salaries.  
*Ante*, p. 57.

Contingent expenses, public moneys: For additional amounts for contingent expenses, public moneys, including the objects specified under this head in the Treasury Department Appropriation Acts for the fiscal years that follow:

Contingent expenses, public moneys.

For 1934, \$16.44;

47 Stat. 1492.

For 1936, \$296.65.

49 Stat. 220.

Payment of unclaimed moneys: For an additional amount for payment of unclaimed moneys, fiscal year 1940, including the same objects specified under this head in the Treasury Department Appropriation Act, 1940, \$16,874.49, payable from the funds held by the United States in the trust fund receipt account "Unclaimed Moneys of Individuals Whose Whereabouts are Unknown".

Payment of unclaimed moneys.  
*Ante*, p. 91.

53 Stat. 658.

#### PUBLIC DEBT SERVICE

Expenses of loans: The limitation on the amount that may be obligated during the fiscal year 1940 under the indefinite appropriation "Expenses of Loans, Act of September 24, 1917, as Amended and Extended", contained in the Treasury Department Appropriation Act, 1940, is hereby increased from \$3,595,000 to \$3,784,000.

Expenses of loans.

40 Stat. 292.  
31 U. S. C. §§ 760,  
761; Supp. V, §§ 760,  
761.  
53 Stat. 659.

#### BUREAU OF CUSTOMS

Refunds and drawbacks: For an additional amount for the refund or payment of customs collections or receipts, and for the payment of debentures or drawbacks, bounties, and allowances as authorized by law, fiscal year 1940, \$2,000,000.

Refunds and drawbacks.  
53 Stat. 660.

#### BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, fiscal year 1941, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$5,000,000, of which \$164,850 shall be available for printing and binding and \$187,120 for personal services in the District of Columbia.

Salaries and expenses.

*Ante*, p. 60.  
Printing and binding.

#### COAST GUARD

Rebuilding and repairing stations: The unexpended balance of the appropriation "Rebuilding and repairing stations, and so forth", contained in the Second Deficiency Appropriation Act, fiscal year 1939, is hereby continued available for the same purposes until June 30, 1941.

Rebuilding and repairing stations.

53 Stat. 640.

- Special projects, etc.** Special projects, vessels, and aids to navigation: For an additional amount for special projects, aids to navigation, Lighthouse Service, Coast Guard, including the same objects specified under the heading "Special projects, vessels, and aids to navigation", in the Department of Commerce Appropriation Act, 1940, \$550,000, and in addition thereto, not to exceed \$160,000 may be transferred to said appropriation for special projects, aids to navigation, from the appropriation "Fuel and Water, Coast Guard, 1940", to continue available until expended.
- 53 Stat. 914.  
Transfer of funds.
- Claims for damages, operation of vessels.  
*Ante*, p. 91.
- 49 Stat. 1514.  
14 U. S. C., Supp.  
V, § 71.
- Claims for damages, operation of vessels: To pay claims for damages adjusted and determined by the Secretary of the Treasury under the provisions of the Act entitled "An Act to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and the Public Health Service, in sums not exceeding \$3,000 in any one case", approved June 15, 1936, as fully set forth in House Document Numbered 757, Seventy-sixth Congress, \$406.85.

## SECRET SERVICE DIVISION

- Suppressing counterfeit-  
ing, etc.
- Ante*, p. 67.
- White House Police.  
*Ante*, pp. 68, 156.
- Ante*, p. 68.
- Suppressing counterfeiting and other crimes: For an additional amount, fiscal year 1941, for suppressing counterfeiting and other crimes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$27,000.
- White House Police: For an additional amount for salaries at the rates of pay provided by law, fiscal year 1941, \$49,000.
- For an additional amount for uniforming and equipping the White House Police, including the same objects specified under this head in the Treasury Department Appropriation Act, 1941, \$3,500.

## BUREAU OF THE MINT

- Transportation of  
bullion and coin.  
*Ante*, p. 68.
- Medal for Howard  
Hughes.
- 53 Stat. 1525.
- Medal for Rev.  
Francis X. Quinn.
- 53 Stat. 1533.
- Transportation of bullion and coin: For an additional amount for transportation of bullion and coin, between mints, assay offices, and bullion depositories, including compensation of temporary employees, fiscal year 1940, \$1,608,000, to remain available until June 30, 1941.
- Medal for Howard Hughes: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Howard Hughes in recognition of his achievement in advancing the science of aviation", approved August 7, 1939 (Private Act Numbered 214), fiscal year 1941, \$250.
- Medal for Reverend Francis X. Quinn: For carrying out the provisions of the Act entitled "An Act to provide for the presentation of a medal to Reverend Francis X. Quinn in recognition of his valor in saving the lives of two of his fellow citizens", approved August 10, 1939 (Private Act Numbered 235), fiscal year 1941, \$250.

## WAR DEPARTMENT

## MILITARY ACTIVITIES

## OFFICE OF THE SECRETARY OF WAR

- Claims for damages  
to and loss of private  
property.  
53 Stat. 599.  
*Ante*, p. 92.
- 37 Stat. 586.  
5 U. S. C. § 206.
- Claims for damages to and loss of private property: To pay claims for damages adjusted and determined by the Secretary of War under the provisions of an Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes", approved August 24, 1912, as fully set forth in House Document Numbered 759, Seventy-sixth Congress, \$1,449.92.

## GENERAL STAFF CORPS

Miscellaneous expenses, military intelligence activities: For an additional amount for miscellaneous expenses, military intelligence activities, fiscal year 1941, including the same objects specified under this head in the Military Appropriation Act, 1941, to be immediately available, \$135,000.

Miscellaneous expenses, military intelligence activities.

*Ante*, p. 353.

## QUARTERMASTER CORPS

Acquisition of land for radiobeacons, Army: Not to exceed \$1,500 of the unexpended balance of the appropriation for the acquisition of land for sites for radiobeacons contained in the Military Appropriation Act, 1939, is hereby made available until expended for the acquisition of land for sites for radiobeacons in the vicinity of Amarillo, Texas, and Albuquerque, New Mexico, as authorized by the Act of August 12, 1935.

Acquisition of land for radiobeacons.

52 Stat. 652.

49 Stat. 610.  
10 U. S. C., Supp.  
V, §§ 1343a, 1343d.

Choctawhatchee National Forest, Fla.  
Acquisition of land.

Acquisition of land, Choctawhatchee National Forest, Florida: For the acquisition of title to all privately owned land within the established boundaries of the Choctawhatchee National Forest, Florida, including expenditures necessary to terminate and liquidate existing forest-products contracts, and reimbursement to special-use permittees for the present value of their improvements, \$76,750, fiscal year 1940, to remain available until expended: *Provided*, That all Government-owned land in the Choctawhatchee National Forest, Florida, is hereby transferred from the control and jurisdiction of the Forest Service, Department of Agriculture, to the control and jurisdiction of the War Department for use for military purposes: *Provided further*, That in the event the area hereby transferred, together with any land hereafter acquired by the War Department within or adjacent to said national forest, shall cease to be needed for military purposes it may, by proclamation or order of the President, be restored to a national-forest status: *Provided further*, That the Secretary of War is hereby authorized, under such terms and conditions as he may prescribe, to discontinue all forest activities within the area hereby transferred, and which may hereafter be acquired, to terminate all existing special-use permits, and to renew such thereof as to which there may be no military objection.

*Proviso*.  
Transfer of Government-owned land.

Restoration to national-forest status.

Discontinuance, etc., of forest activities.

Military posts: Of the funds appropriated under the title "Military Posts" in the Supplemental Military Appropriation Act, 1940, not to exceed \$13,000 may be applied to the satisfaction of claims in connection with the extinguishment of private licenses on military lands in the Panama Canal Zone: *Provided*, That the respective amounts to be awarded to claimants shall be restricted to the reasonable value of improvements placed by them on such lands, as determined by a board of officers appointed by the commanding general, Panama Canal Department, and approved by the Secretary of War.

Military lands, Canal Zone.  
53 Stat. 994.

*Proviso*.  
Awards to claimants.

Not to exceed \$25,000 of any funds available to the War Department during the fiscal year 1941 for the construction of buildings, utilities, and appurtenances at military posts may be used for the payment to the owner of the transmission lines on Moffett Field Military Reservation, California, of excess cost of removing said lines to a new location, as determined by and in accordance with conditions approved by the Secretary of War.

Moffett Field, Calif.  
Payment to owner of transmission lines.

All moneys available on July 1, 1940, under the appropriation "Construction of Buildings, Utilities, and Appurtenances at Military Posts" may be used in connection with the purposes of such appropriation for the employment of personnel at the seat of Government or elsewhere without regard to civil-service requirements and restrictions of law relating thereto.

Personal services; use of designated funds.

Army Medical Library and Museum.

*Ante*, p. 363.

41 U. S. C. § 5.

Transfer of funds, limitation.

*Ante*, p. 350.

**Army Medical Library and Museum:** The design for the Army Medical Library and Museum, the appropriation on account of which is contained in the Military Appropriation Act, 1941, shall be prepared under the direction and supervision of the Secretary of War and Surgeon General of the Army, who shall select and employ the architect, by contract or otherwise, without reference to section 3709 of the Revised Statutes or the civil service or classification laws; and such appropriation shall be available for payment for such design.

Not to exceed 5 per centum of any of the appropriations for the Military Establishment for the fiscal year 1941 may be transferred with the approval of the Director of the Bureau of the Budget to any other of such appropriations, but no appropriation shall be increased more than 5 per centum thereby.

## CIVIL FUNCTIONS

### CORPS OF ENGINEERS

Claims for damages, rivers and harbors.

41 Stat. 1015.

**Claims for damages, rivers and harbors:** To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document Numbered 227 and House Document Numbered 760, Seventy-sixth Congress, \$14,767.25.

### PANAMA CANAL

Trans-Isthmian Highway.

53 Stat. 1870.

**Construction of a Trans-Isthmian Highway:** For every expenditure requisite for, and incident to, the construction of that portion of a Trans-Isthmian Highway between the Canal Zone boundary near Cativa and a junction with the Fort Randolph Road near France Field in accordance with article II of the convention between the United States and the Republic of Panama with regard to the construction of a Trans-Isthmian Highway between the cities of Panama and Colón, signed March 2, 1936, and to the ratification of which the United States Senate gave its advice and consent July 25, 1939, fiscal year 1940, \$325,000, to remain available until expended and to be expended under the direction of the Governor of the Panama Canal.

## TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

### PROPERTY DAMAGE CLAIMS

Payment.

42 Stat. 1066,  
31 U. S. C. §§ 215-217.

**SEC. 201. (a)** For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in the House Document Numbered 755 of the Seventy-sixth Congress, as follows:

Civil Aeronautics Authority, \$992.48;

Federal Works Agency:

Public Works Administration, \$10.01;

Public Buildings Administration, \$51.15;

Works Progress Administration, \$494.66;

Veterans' Administration, \$37.50;

Department of Agriculture, \$7,090.09;

Department of the Interior, \$1,181.47;

Department of Justice, \$52.33;  
 Department of Labor, \$8.65;  
 Navy Department, \$953.99;  
 Treasury Department, \$22;  
 War Department, \$4,242.01;  
 Post Office Department (payable from postal revenues), \$1,103.15;  
 In all, \$16,239.49.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 225 of the Seventy-sixth Congress, as follows:

Payment.

42 Stat. 1066,  
 31 U. S. C. §§ 215-  
 217.

Federal Works Agency:

Works Progress Administration, \$130.35;  
 Department of Agriculture, \$3,398.44;  
 Department of the Interior, \$178.00;  
 Navy Department, \$668.72;  
 Treasury Department, \$76.25;  
 War Department, \$2,780.37;  
 In all, \$7,232.13.

#### JUDGMENTS, UNITED STATES COURTS

SEC. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by Section 297 of the Act of March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in House Document Numbered 761, under the following departments:

Payment of final judgments, etc.

24 Stat. 505; 36 Stat. 1168.

Department of Agriculture, \$6,736.94;  
 Navy Department, \$1,708.11;

In all, \$8,445.05, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

Costs and interest.

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an Act entitled "An Act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C. 781-789), certified to the Seventy-sixth Congress in Senate Document Numbered 222 and House Document Numbered 761, under the following department:

Payment of judgments, etc.

43 Stat. 1112,  
 46 U. S. C. §§ 781-  
 790.

Navy Department, \$8,309.82;

In all, \$8,309.82, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

Interest.

(c) For the payment of the costs of final judgment and decree rendered against J. Edwin Larson, Collector of Internal Revenue, in his official capacity only, certified to the Seventy-sixth Congress in House Document Numbered 761, under the Treasury Department, \$599.55.

J. Edwin Larson.  
 Payment of costs of final judgment, etc., against.

(d) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Time of Payment.

Interest.

(e) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

## JUDGMENTS, COURT OF CLAIMS

Payment of judgments.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document Numbered 226 and House Document Numbered 763, under the following establishment and departments, namely:

Federal Works Agency, \$109,707.43;

Veterans' Administration, \$277.75;

Department of Commerce, \$7,109.15;

Department of the Interior, \$796.62;

Navy Department, \$8,147.93;

Treasury Department, \$19,565;

War Department, \$202,890.22;

Interest.

In all, \$348,494.10, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time of payment.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

## AUDITED CLAIMS

Payment.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 765, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

23 Stat. 254.

Executive.

**Executive:** For National Industrial Recovery, National Resources Board, \$32.44.

Independent Offices.

**Independent Offices:** For National Industrial Recovery, Civil Works Administration, \$6.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1,151.48.

40 Stat. 1009.

For salaries and expenses, National Archives, 26 cents.

For operations under Mineral Act of October 5, 1918, \$3,605.33.

For housing for war needs, \$766.67.

For general administrative expenses, Public Buildings Branch, Procurement Division, \$260.59.

For general administrative expenses, Public Works Branch, Procurement Division, \$309.86.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$116.37.

For Quarantine Service, \$7.22.

For National Industrial Recovery, Labor, United States Employment Service, 80 cents.

For wage records, Social Security Board, \$2.27.

For pay of other employees, Public Health Service, \$4.83.

For pay of personnel and maintenance of hospitals, Public Health Service, \$91.59.

For diseases and sanitation investigations, Social Security Act, Public Health Service, \$1.57.

49 Stat. 635.  
42 U. S. C., Supp.  
V, § 803.

For salaries and expenses, Veterans' Administration, \$2,624.54.

For medical and hospital services, Veterans' Bureau, \$32.20.

**Department of Agriculture:** For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$14,017.74.

Department of Agriculture.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$614.48.

For increase of compensation, Department of Agriculture, \$10.

For loans and relief in stricken agricultural areas (transfer to Farm Credit Administration), \$19.79.

For salaries and expenses, Bureau of Plant Industry, \$30.

For salaries and expenses, Bureau of Chemistry and Soils, \$6.25.

For conservation and use of agricultural land resources, Department of Agriculture, \$777.

For acquisition of lands for protection of watersheds of navigable streams, \$122.

For salaries and expenses, Food and Drug Administration, \$403.92.

For salaries and expenses, Forest Service, \$248.57.

For soil-erosion investigations, \$9.99.

For National Industrial Recovery, Agricultural Adjustment Administration, \$63.03.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$52.81.

For salaries and expenses, Weather Bureau, \$6.44.

For salaries and expenses, Bureau of Agricultural Economics, \$2.91.

For miscellaneous expenses, Department of Agriculture, \$54.24.

For loans and relief in stricken agricultural areas (transfer to Agriculture, silviculture), \$17.95.

For grasshopper control, \$11.07.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$7.24.

For emergency conservation fund (transfer from War to Agriculture, Act June 19, 1934), \$262.17.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$2.14.

For salaries and expenses, Soil Conservation Service, \$28,168.24.

**Department of Commerce:** For equipment, Bureau of Standards, \$550.

Department of Commerce.

**District of Columbia:** For fees of jurors and witnesses, Supreme Court, District of Columbia, \$1.50.

District of Columbia.

For workhouse and reformatory, District of Columbia, \$948.78.

**Department of the Interior:** For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, \$592.75.

Department of the Interior.

For migratory bird conservation fund (receipt limitation), 68 cents.

For testing fuel, Bureau of Mines, \$16.25.

For miscellaneous expenses, Bureau of Fisheries, \$44.60.

For Indian school support, \$43.53.

For emergency conservation work (transfer to Interior, Indians, Act June 22, 1936), \$65.14.

For emergency conservation fund (transfer from War to Interior, Indians, Act March 31, 1933), \$12.03.

For expenses, sale of timber (reimbursable), \$30.70.

For Indian Service supply fund, \$809.05.

For emergency conservation work (transfer to Interior, Indians, Act February 9, 1937), \$33.04.

For agriculture and stock raising among Indians, \$8.45.

For conservation of health among Indians, \$11.65.

For support of Indians and administration of Indian property, \$191.50.

Department of Justice.

**Department of Justice:** For fees of commissioners, United States courts, \$301.58.

For salaries and expenses, veterans' insurance litigation, Department of Justice, \$15.

For United States Penitentiary, Atlanta, Georgia, maintenance, \$12.17.

For fees of jurors and witnesses, United States courts, \$65.20.

For salaries and expenses, Bureau of Prohibition, \$5.72.

For miscellaneous expenses, United States courts, \$45.85.

For salaries, fees, and expenses of marshals, United States courts, \$108.90.

For support of United States prisoners, \$2.95.

For probation system, United States courts, \$2.50.

Department of Labor.

**Department of Labor:** For salaries and expenses, Immigration and Naturalization Service, \$1.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$54.61.

For salaries and expenses, Bureau of Labor Statistics, \$2.

Navy Department.

**Navy Department:** For pay, Marine Corps, \$204.46.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$44.49.

For ordnance and ordnance stores, Bureau of Ordnance, \$43,345.38.

For pay, subsistence, and transportation, Navy, \$4,485.

For general expenses, Marine Corps, \$258.69.

For aviation, Navy, \$153,496.84.

For maintenance, Bureau of Supplies and Accounts, \$694.22.

For engineering, Bureau of Engineering, \$10,743.89.

For pay of the Navy, \$59.83.

For organizing the Naval Reserve, \$25.92.

For miscellaneous expenses, Navy, \$51.13.

For Medical Department, Bureau of Medicine and Surgery, \$223.31.

Department of State.

**Department of State:** For transportation of Foreign Service officers, \$657.75.

Treasury Department.

**Treasury Department:** For expenses, Emergency Banking, Gold Reserve, and Silver Purchase Acts, \$9.

For collecting the revenue from customs, \$13.70.

For collecting the internal revenue, \$95.50.

For communication lines, Coast Guard, 64 cents.

For general expenses, Lighthouse Service, \$112.76.

For salaries, keepers of lighthouses, \$82.29.

For pay and allowances, Coast Guard, \$213.92.

For rebuilding and repairing stations, and so forth, Coast Guard, \$750.

War Department.

**War Department:** For general appropriations, Quartermaster Corps, \$15,064.79.

For pay, and so forth, of the Army, \$4,304.52.

For pay of the Army, \$7,022.19.

For Army transportation, \$230.98.

For travel, military and civil personnel, War Department, \$62.55.

For replacing medical supplies, \$3,179.76.

- For pay of National Guard for armory drills, \$3.45.
- For National Industrial Recovery, War, Quartermaster Corps, \$825.39.
- For travel of the Army, \$76.69.
- For clothing and equipage, \$26.22.
- For medical and hospital department, \$216.14.
- For medical and hospital department, Army, \$1.13.
- For ordnance service and supplies, Army, \$323.39.
- For Signal Service of the Army, \$21.14.
- For barracks and quarters, \$550.84.
- For barracks and quarters, Army, \$383.83.
- For Air Corps, Army, \$5.49.
- For Organized Reserves, \$18.80.
- For citizens' military training camps, \$1.34.
- For increase of compensation, Military Establishment, \$72.66.
- For seacoast defenses, \$219.03.
- For subsistence of the Army, \$40.84.
- For National Guard, \$166.42.
- For replacing Army transportation, \$20.55.
- For supplies, services, and transportation, Quartermaster Corps, \$92.
- For emergency conservation fund (transfer to War, Act March 31, 1933), \$243.14.
- For emergency conservation fund (transfer to War, Act June 19, 1934), \$769.09.
- For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$17.92.
- For emergency conservation work (transfer to War, Act June 22, 1936), \$715.41.
- For emergency conservation work (transfer to War, Act February 9, 1937), \$632.18.
- Emergency relief:** For emergency relief, Agriculture, administrative expenses, \$53.65.
- For emergency relief, Agriculture, Biological Survey, \$2,150.40.
- For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$27.60.
- For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$120.
- For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$120.49.
- For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$6.
- For emergency relief, Agriculture, Soil Conservation Service, \$210.47.
- For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.
- For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$253.
- For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$121.25.
- For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$1,213.55.
- For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$6,808.63.
- For emergency relief, emergency conservation work, Interior, Indians, miscellaneous projects, Indian reservations, \$208.89.

Emergency relief.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public utilities, and so forth, \$8,250.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, \$815.90.

For emergency relief, Justice, administrative expenses, \$140.

For emergency relief, Treasury, administrative expenses, \$12.51.

For emergency relief, Treasury, Coast Guard, \$41.50.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4,295.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$1,472.85.

For emergency relief, Works Progress Administration, administrative expenses, \$154.25.

For emergency relief, Works Progress Administration, women's projects, \$6.58.

For emergency relief, Works Progress Administration, work-relief projects, \$3.04.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$26.76.

For emergency relief, Works Progress Administration, public buildings, \$9.52.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.24.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$617.10.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$38.76.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$232.65.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$8,294.59.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,187.34.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$66.26.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$33.05.

For emergency relief, National Resources Committee, administrative expenses, \$7,344.80.

Post Office Department.

**Post Office Department—Postal Service (out of the Postal Revenues):** For clerks, first- and second-class post offices, \$710.72.

For contract air-mail service, \$22,342.24.

For freight, express, and motor transportation of equipment, and so forth, \$1.09.

For indemnities, domestic mail, \$36.06.

For rent, light, and fuel, \$142.25.

For Rural Delivery Service, \$78.55.

For vehicle service, \$259.24.

Total; additional sum.

Total, audited claims, section 204 (a), \$376,711.51, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of designated claims.

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and

which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 224, Seventy-sixth Congress, there is appropriated as follows:

**Independent Offices:** For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$759.20.

23 Stat. 254.

Independent Offices.

For Interstate Commerce Commission, \$23.95.

For salaries and expenses, Veterans' Administration, \$187.78.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$313.30.

For repair, preservation, and equipment, Public Buildings, Procurement Division, \$14.80.

**Department of Agriculture:** For salaries and expenses, Soil Conservation Service, \$12.80.

Department of Agriculture.

For salaries and expenses, Forest Service, \$51.89.

For salaries and expenses, Bureau of Animal Industry, \$11.66.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$55.83.

For acquisition of lands for protection of watersheds of navigable streams, \$502.80.

For farmers' crop production and harvesting loans, Farm Credit Administration, \$20.

For conservation and use of agricultural land resources, Department of Agriculture, \$30.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,607.54.

**Department of the Interior:** For salaries and expenses, Division of Investigation, Department of the Interior, \$43.94.

Department of the Interior.

For Indian boarding schools, \$31.44.

For support of Indians and administration of Indian property, \$131.25.

**Department of Justice:** For support of United States prisoners, \$61.55.

Department of Justice.

**Department of Labor:** For salaries and expenses, Immigration and Naturalization Service, \$12.73.

Department of Labor.

For salaries and expenses, Bureau of Labor Statistics, \$2.

**Navy Department:** For pay, subsistence, and transportation, Navy, \$441.10.

Navy Department.

For pay, Marine Corps, \$51.74.

For aviation, Navy, \$8,130.

For ordnance and ordnance stores, Bureau of Ordnance, \$52,017.86.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$8.31.

**Post Office Department:** For operating supplies for public buildings, Post Office Department, general fund, \$13.24.

Post Office Department.

**Department of State:** For contingent expenses, Foreign Service, \$6.44.

Department of State.

**Treasury Department:** For increase of compensation, Treasury Department, \$10.

Treasury Department.

For general expenses, Lighthouse Service, \$42.

For Coast Guard, \$57.95.

For pay and allowances, Coast Guard, \$57.

For collecting the internal revenue, \$5.25.

**War Department:** For general appropriations, Quartermaster Corps, \$3,518.95.

War Department.

For pay, and so forth, of the Army, \$1,355.58.

For pay of the Army, \$139.52.

For Army transportation, \$24.48.

For travel, military and civil personnel, War Department, \$278.07.

For travel of the Army, \$22.50.

For ordnance service and supplies, Army, \$3.37.

For increase of compensation, Military Establishment, \$2.90.

For National Guard, \$132.26.

For Reserve Officers' Training Corps, \$9.87.

For working fund, War, Chemical Warfare Service (Navy, construction and repair), \$5,135.82.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$22.57.

For emergency conservation work (transfer to War, Act June 22, 1936), \$201.85.

For emergency conservation work (transfer to War, Act February 9, 1937), \$900.18.

**Emergency relief.**

**Emergency Relief:** For emergency relief, Agriculture, administrative expenses, \$1.88.

For emergency relief, Agriculture, public roads, highways, roads, and streets, \$151,585.83.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$30.53.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$2,477.25.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$23.45.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$530.35.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$4.30.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, 47 cents.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$6.94.

For emergency relief, Works Progress Administration, administrative expenses, \$211.28.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$163.92.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$962.50.

**Post Office Department.**

**Post Office Department—Postal Service (out of the Postal Revenues):** For contract Air Mail Service, \$44.76.

For operating force for public buildings, Post Office Department, \$71.97.

For compensation to postmasters, \$133.74.

**Total; additional sum.**

**Total, audited claims, section 204 (b), \$232,712.44, together with such additional sum due to increase in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.**

**Payment of designated claims.**

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document

18 Stat. 110.

23 Stat. 254.

Numbered 223, Seventy-sixth Congress, there is appropriated as follows:

- Independent Offices:** For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$11. Independent Offices.
- For air-navigation facilities, \$6.
- For Civil Aeronautics Authority fund, \$2.90.
- For operations under Mineral Act of October 5, 1918, \$90,815.15. 40 Stat. 1009.
- For Interstate Commerce Commission, \$10.
- For pay of personnel and maintenance of hospitals, Public Health Service, \$18.
- For general administrative expenses, Public Works Branch, Procurement Division, \$7.67.
- For salaries and expenses, Veterans' Administration, \$24.03.
- For medical and hospital services, Veterans' Bureau, \$45.
- Department of Agriculture:** For salaries and expenses, Soil Conservation Service, \$25.20. Department of Agriculture.
- For salaries and expenses, Forest Service, \$148.
- For salaries and expenses, Bureau of Agricultural Economics, \$167.87.
- For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,536.95.
- For National Industrial Recovery, Resettlement Administration, subsistence homesteads (transfer to Agriculture), \$60.38.
- For loans and relief in stricken agricultural areas (transfer to Agriculture) (silviculture), \$17.95.
- For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$58.95.
- For soil-erosion investigations, \$29.14.
- For farmers' crop production and harvesting loans, Farm Credit Administration, \$17.14.
- Department of the Interior:** For migratory bird conservation fund (receipt limitation), \$4.08. Department of the Interior.
- For purchase of Indian supplies, \$9.01.
- Department of Justice:** For salaries, fees, and expenses of marshals, United States courts, \$264.51. Department of Justice.
- Navy Department:** For aviation, Navy, \$6,883.95. Navy Department.
- For pay, subsistence, and transportation, Navy, \$6.41.
- For engineering, Bureau of Engineering, \$22.40.
- For pay, Marine Corps, \$685.25.
- For maintenance, Bureau of Yards and Docks, \$1.
- For ordnance and ordnance stores, Bureau of Ordnance, \$766.92.
- For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$5.32.
- Department of State:** For transportation of Foreign Service officers, \$201.30. Department of State.
- For United States contributions to international commissions, congresses, and bureaus, \$17.73.
- For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, \$69.58.
- Treasury Department:** For collecting the internal revenue, \$10.60. Treasury Department.
- War Department:** For general appropriations, Quartermaster Corps, \$3,174.08. War Department.
- For pay of the Army, \$873.91.
- For pay, and so forth, of the Army, \$921.85.
- For subsistence of the Army, \$37.40.
- For National Guard, \$324.35.

For ordnance service and supplies, Army, \$14.52.

For emergency conservation fund (transfer to War, Act March 31, 1933), \$8.50.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$152.04.

For emergency conservation work (transfer to War, Act February 9, 1937), \$159.38.

For emergency conservation work (transfer to War, Act June 22, 1936), \$659.30.

Emergency relief.

**Emergency Relief:** For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$159.36.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$27.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$11.95.

For emergency relief, Emergency Conservation work, War, Civilian Conservation Corps, \$619.81.

For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$175.97.

For emergency relief, Interior, National Park Service, parks and recreational facilities, \$1.18.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$2,112.38.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$612.10.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$13,680.

For emergency relief, War, rivers and harbors, flood control, and so forth, \$4.16.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$26.10.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$271.12.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$9.15.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$1,009.51.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$115.95.

For emergency relief, Works Progress Administration, public buildings, \$1,177.94.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$3.38.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$820.83.

Post Office Department.

**Post Office Department—Postal Service (out of the Postal Revenues):** For compensation to postmasters, \$21.75.

For Rural Delivery Service, \$60.30.

Total; additional sum.

Total, audited claims, section 204 (c), \$129,194.66, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Volunteers, War with Spain, extra pay. Payment of claims. 30 Stat. 784; 31 Stat. 205.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent

Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in House Document Numbered 762, Seventy-sixth Congress, \$135.20.

48 Stat. 1226.

SEC. 206. For the payment of claim allowed by the General Accounting Office pursuant to Private Act Numbered 107 of the Seventy-sixth Congress, approved July 25, 1939, which has been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), in Senate Document Numbered 229, Seventy-sixth Congress, \$165.

Capt. Robert E. Coughlin.  
Payment of claim.  
53 Stat. 1485.

23 Stat. 254.

SEC. 207. For the payment of a claim allowed by the General Accounting Office pursuant to Public Act Numbered 505 of the Seventy-sixth Congress, approved May 2, 1940, which has been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C. title 5, sec. 266), in Senate Document Numbered 228, Seventy-sixth Congress, \$6,219.22.

Volunteers, War with Spain, travel pay, etc.  
Payment of claim.  
*Ante*, p. 176.  
23 Stat. 254.

Short title.

SEC. 208. This Act may be cited as the "Second Deficiency Appropriation Act, 1940".

Approved, June 27, 1940.

[CHAPTER 438]

AN ACT

To amend an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and Acts amendatory thereof and supplementary thereto.

June 28, 1940  
[H. R. 9139]  
[Public, No. 669]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 81 of chapter IX of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

Bankruptcy Act of 1898, amendment.  
30 Stat. 544; 50 Stat. 654.  
11 U. S. C., Supp. V, § 401.

"SEC. 81. This Act and proceedings thereunder are found and declared to be within the subject of bankruptcies and, in addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction as provided in this chapter for the composition of indebtedness of, or authorized by, any of the taxing agencies or instrumentalities hereinafter named, payable (a) out of assessments or taxes, or both, levied against and constituting liens upon property in any of said taxing agencies or instrumentalities, or (b) out of property acquired by foreclosure of any such assessments or taxes or both, or (c) out of income derived by such taxing agencies or instrumentalities from the sale of water or power or both, or (d) from any combination thereof: (1) Drainage, drainage and levee, levee, levee and drainage, reclamation, water, irrigation, or other similar districts, commonly designated as agricultural improvement districts or local improvement districts, organized or created for the purpose of constructing, improving, maintaining, and operating certain improvements or projects devoted chiefly to the improvement of lands therein for agricultural purposes; or (2) local improvement districts, such as sewer, paving, sanitary, or other similar districts, organized or created for the purposes designated by their respective names; or (3) local improvement districts, such as road, highway, or other similar districts, organized or created for the purpose of grading, paving, or otherwise improving public streets, roads, or highways; or (4) public-school districts or public-school authorities organized or created for the purpose of constructing, maintaining, and operating public schools or public-school facilities; or (5) local improvement districts, such as port, navigation, or other similar districts, organized or created for the purpose

Additional jurisdiction.  
Composition of indebtedness of taxing agencies, etc.

Agricultural improvement districts.

Sewer, paving, etc., districts.

Highway, etc., districts.

Public-school districts.

Port, navigation, etc., districts.

Counties, cities, etc.  
*Proviso.*  
 Separability provi-  
 sion.

of constructing, improving, maintaining, and operating ports and port facilities; or (6) any county or parish or any city, town, village, borough, township, or other municipality: *Provided, however,* That if any provision of this chapter, or the application thereof to any such taxing agency or district or class thereof or to any circumstance, is held invalid, the remainder of the chapter, or the application of such provision to any other or different taxing agency or district or class thereof or to any other or different circumstances, shall not be affected by such holding."

50 Stat. 659.  
 11 U. S. C., Supp.  
 V, § 403 (b).

SEC. 2. Section 83 (b) of chapter IX of such Act, as amended, is amended to read as follows:

Procedure upon ap-  
 proval of petition.

"(b) Upon approving the petition as properly filed, or at any time thereafter, the judge shall enter an order fixing a time and place for a hearing on the petition, which shall be held within ninety days from the date of said order, and shall provide in the order that notice shall be given to creditors of the filing of the petition and its approval as being properly filed, and of the time and place for the hearing. The judge shall prescribe the form of the notice, which shall specify the manner in which claims and interests of creditors shall be filed or evidenced, on or before the date fixed for the hearing.

Notice to creditors.

Publication of no-  
 tice; copy to each  
 creditor.

The notice shall be published at least once a week for three successive weeks in at least one newspaper of general circulation published within the jurisdiction of the court, and in such other paper or papers having a general circulation among bond dealers and bondholders as may be designated by the court, and the judge may require that it may be published in such other publication as he may deem proper. The judge shall require that a copy of the notice be mailed, postage prepaid, to each creditor of the petitioner named in the petition at the address of such creditor given in the petition, or, if no address is given in the petition for any creditor and the address of such creditor cannot with reasonable diligence be ascertained, then a copy of the notice shall be mailed, postage prepaid, to such creditor addressed to him as the judge may prescribe. All expense of giving notice as herein provided shall be paid by the petitioner. The notice shall be first published, and the mailing of copies thereof shall be completed at least sixty days before the date fixed for the hearing.

Answers by cred-  
 itors.

"At any time not less than ten days prior to the time fixed for the hearing, any creditor of the petitioner affected by the plan may file an answer to the petition controverting any of the material allegations therein and setting up any objection he may have to the plan of composition. The judge may continue the hearing from time to time if the percentage of creditors required herein for the confirmation of the plan shall not have accepted the plan in writing, or if for any reason satisfactory to the judge the hearing is not completed on the date fixed therefor. At the hearing, or a continuance thereof, the judge shall decide the issues presented and unless the material allegations of the petition are sustained shall dismiss the proceeding. If, however, the material allegations of the petition are sustained, the judge shall classify the creditors according to the nature of their respective claims and interests: *Provided, however,*

Continuance of  
 hearing.

Decision on issues  
 presented.

That the holders of all claims, regardless of the manner in which they are evidenced, which are payable without preference out of funds derived from the same source or sources shall be of one class. The holders of claims for the payment of which specific property or revenues are pledged, or which are otherwise given preference as provided by law, shall accordingly constitute a separate class or classes of creditors.

*Proviso.*  
 Claimholders with-  
 out preference.

Claimholders with  
 preference.

"At the hearing, or a continuance thereof, the judge may refer any matters to a special master for consideration, the taking of testimony, and a report upon special issues, and may allow reasonable compensation for the services performed by such special master, and the actual and necessary expenses incurred in connection with the proceeding, including compensation for services rendered and expenses incurred in obtaining the deposit of securities and the preparation of the plan, whether such work may have been done by the petitioner or by committees or other representatives of creditors, and may allow reasonable compensation for the attorneys or agents of any of the foregoing: *Provided, however,* That no fees, compensation, reimbursement, or other allowances for attorneys, agents, committees, or other representatives of creditors shall be assessed against the petitioner or paid from any revenues, property, or funds of the petitioner except in the manner and in such sums, if any, as may be provided for in the plan of composition. An appeal may be taken from any order making such determination or award to the United States circuit court of appeals for the circuit in which the proceeding under this chapter is pending, independently of other appeals which may be taken in the proceeding, and such appeal shall be heard summarily.

"On thirty days' notice by any creditor to petitioner, the judge, if he finds that the proceeding has not been prosecuted with reasonable diligence, or that it is unlikely that the plan will be accepted by said proportion of creditors, may dismiss the proceeding."

SEC. 3. Section 83 (e) of chapter IX of such Act as amended, is amended to read as follows:

"(e) Before concluding the hearing, the judge shall carefully examine all of the contracts, proposals, acceptances, deposit agreements, and all other papers relating to the plan, specifically for the purpose of ascertaining if the fiscal agent, attorney, or other person, firm, or corporation promoting the composition, or doing anything of such a nature, has been or is to be compensated, directly or indirectly, by both the petitioner and the creditors thereof, or any of such creditors—either by fee, commission, or other similar payment, or by transfer or exchange of bonds or other evidence of indebtedness whereby a profit could accrue—and shall take evidence under oath to make certain whether or not any such practice obtains or might obtain.

"After such examination the judge shall make an adjudication of this issue, as a separate part of his interlocutory decree, and if it be found that any such practice be possible, he shall forthwith dismiss the proceeding and tax all of the costs against such fiscal agent, attorney, or other person, firm, or corporation promoting the composition, or doing anything of such a nature, or against the petitioner, unless such plan be modified within the time to be allowed by the judge so as to eliminate the possibility of any such practice, in which event the judge may proceed to further consideration of the confirmation of the plan. If it be found that no such practice is possible, then the judge may proceed to further consideration of the confirmation of the plan.

"At the conclusion of the hearing, the judge shall make written findings of fact and his conclusions of law thereon, and shall enter an interlocutory decree confirming the plan if satisfied that (1) it is fair, equitable, and for the best interests of the creditors and does not discriminate unfairly in favor of any creditor or class of creditors; (2) complies with the provisions of this chapter; (3) has been accepted and approved as required by the provisions of subdivision (d) of this section; (4) all amounts to be paid by the petitioner for services or expenses incident to the composition have been fully

Reference to special master.

Compensation and expenses.

*Proriso.*  
Assessment of fees, etc.

Appeal from order.

Dismissal of proceeding.

50 Stat. 658.  
11 U. S. C., Supp. V, § 403 (e).

Examination of source of promoter's compensation.

Adjudication; dismissal of proceeding; taxing of costs.

Condition.

Findings.  
Basis for entry of decree confirming plan.

Dismissal of proceeding.

Changes, etc., before confirmation of plan.

Right of creditor.

*Proviso.*  
Conformity and acceptance.

Appeal; suspension of running of time.

50 Stat. 659,  
11 U. S. C., Supp. V,  
§ 404.

Termination of jurisdiction; exception.

disclosed and are reasonable; (5) the offer of the plan and its acceptance are in good faith; and (6) the petitioner is authorized by law to take all action necessary to be taken by it to carry out the plan. If not so satisfied, the judge shall enter an order dismissing the proceeding.

"Before a plan is confirmed, changes and modifications may be made therein, with the approval of the judge after hearing upon such notice to creditors as the judge may direct, subject to the right of any creditor who shall previously have accepted the plan to withdraw his acceptance, within a period to be fixed by the judge and after such notice as the judge may direct, if, in the opinion of the judge, the change or modification will be materially adverse to the interest of such creditor, and if any creditor having such right of withdrawal shall not withdraw within such period, he shall be deemed to have accepted the plan as changed or modified: *Provided, however,* That the plan as changed or modified shall comply with all the provisions of this chapter and shall have been accepted in writing by the petitioner. Either party may appeal from the interlocutory decree as in equity cases. In case said interlocutory decree shall prescribe a time within which any action is to be taken, the running of such time shall be suspended in case of an appeal until final determination thereof. In case said decree is affirmed, the judge may grant such time as he may deem proper for the taking of such action."

SEC. 4. Section 84 of chapter IX of such Act, as amended, is amended to read as follows:

"SEC. 84. Jurisdiction conferred on any court by section 81 shall not be exercised by such court after June 30, 1942, except in respect of any proceeding initiated by filing a petition under section 83 (a) on or prior to June 30, 1942."

Approved, June 28, 1940.

#### [CHAPTER 439]

#### AN ACT

To prohibit certain subversive activities; to amend certain provisions of law with respect to the admission and deportation of aliens; to require the fingerprinting and registration of aliens; and for other purposes.

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

#### TITLE I

SECTION 1. (a) It shall be unlawful for any person, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States—

(1) to advise, counsel, urge, or in any manner cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States.

(b) For the purposes of this section, the term "military or naval forces of the United States" includes the Army of the United States, as defined in section 1 of the National Defense Act of June 3, 1916, as amended (48 Stat. 153; U. S. C., title 10, sec. 2), the Navy, Marine Corps, Coast Guard, Naval Reserve, and Marine Corps Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel.

June 28, 1940  
[H. R. 5138]  
[Public, No. 670]

Allen Registration Act, 1940.

Interference with loyalty, etc., of U. S. military or naval forces.

Urging disloyalty, etc.

Distribution of printed matter urging disloyalty, etc.

"Military or naval forces of the United States" defined.

39 Stat. 166.

SEC. 2. (a) It shall be unlawful for any person—

(1) to knowingly or willfully advocate, abet, advise, or teach the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government;

Advocating overthrow of any government in U. S. by force, etc.

(2) with the intent to cause the overthrow or destruction of any government in the United States, to print, publish, edit, issue, circulate, sell, distribute, or publicly display any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence;

Distribution, etc., of printed matter advocating such overthrow.

(3) to organize or help to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any government in the United States by force or violence; or to be or become a member of, or affiliate with, any such society, group, or assembly of persons, knowing the purposes thereof.

Organizing or affiliating with societies, etc., advocating such overthrow.

(b) For the purposes of this section, the term "government in the United States" means the Government of the United States, the government of any State, Territory, or possession of the United States, the government of the District of Columbia, or the government of any political subdivision of any of them.

"Government in the United States" defined.

SEC. 3. It shall be unlawful for any person to attempt to commit, or to conspire to commit, any of the acts prohibited by the provisions of this title.

Attempting, etc., to commit any of prohibited acts.

SEC. 4. Any written or printed matter of the character described in section 1 or section 2 of this Act, which is intended for use in violation of this Act, may be taken from any house or other place in which it may be found, or from any person in whose possession it may be, under a search warrant issued pursuant to the provisions of title XI of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes", approved June 15, 1917 (40 Stat. 228; U. S. C., title 18, ch. 18).

Removal of forbidden printed, etc., matter under search warrant.

SEC. 5. (a) Any person who violates any of the provisions of this title shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than ten years, or both.

Penalty.

(b) No person convicted of violating any of the provisions of this title shall, during the five years next following his conviction, be eligible for employment by the United States, or by any department or agency thereof (including any corporation the stock of which is wholly owned by the United States).

Restriction on U. S. employment of convicted person.

TITLE II

SEC. 20. Section 19 of the Immigration Act of February 5, 1917 (39 Stat. 889; U. S. C., title 8, sec. 155), as amended, is amended by inserting, after "Sec. 19.", the letter "(a)", and by adding at the end of such section the following new subsections:

Immigration Act of 1917, amendment.

"(b) Any alien of any of the classes specified in this subsection, in addition to aliens who are deportable under other provisions of law, shall, upon warrant of the Attorney General, be taken into custody and deported:

Deportation of additional classes of aliens.

"(1) Any alien who, at any time within five years after entry, shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law.

Aliens assisting, etc., in illegal entry of other aliens.

"(2) Any alien who, at any time after entry, shall have on more than one occasion, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien or aliens to enter or to try to enter the United States in violation of law.

Aliens convicted of possessing, etc., designated weapons.

"(3) Any alien who, at any time after entry, shall have been convicted of possessing or carrying in violation of any law any weapon which shoots or is designed to shoot automatically or semi-automatically more than one shot without manual reloading, by a single function of the trigger, or a weapon commonly called a sawed-off shotgun.

Aliens convicted under title I.

"(4) Any alien who, at any time within five years after entry, shall have been convicted of violating the provisions of title I of the Alien Registration Act, 1940.

"(5) Any alien who, at any time after entry, shall have been convicted more than once of violating the provisions of title I of the Alien Registration Act, 1940.

Deportation to await termination of imprisonment, etc.

No alien who is deportable under the provisions of paragraph (3), (4), or (5) of this subsection shall be deported until the termination of his imprisonment or the entry of an order releasing him on probation or parole.

Aliens of proved good moral character.

"(c) In the case of any alien (other than one to whom subsection (d) is applicable) who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may (1) permit such alien to depart the United States to any country of his choice at his own expense, in lieu of deportation, or (2) suspend deportation of such alien if not racially inadmissible or ineligible to naturalization in the United States if he finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien. If the deportation of any alien is suspended under the provisions of this subsection for more than six months, all of the facts and pertinent provisions of law in the case shall be reported to the Congress within ten days after the beginning of its next regular session, with the reasons for such suspension. The Clerk of the House shall have such report printed as a public document. If during that session the two Houses pass a concurrent resolution stating in substance that the Congress does not favor the suspension of such deportation, the Attorney General shall thereupon deport such alien in the manner provided by law. If during that session the two Houses do not pass such a resolution, the Attorney General shall cancel deportation proceedings upon the termination of such session, except that such proceedings shall not be canceled in the case of any alien who was not legally admitted for permanent residence at the time of his last entry into the United States, unless such alien pays to the Commissioner of Immigration and Naturalization a fee of \$18 (which fee shall be deposited in the Treasury of the United States as miscellaneous receipts). Upon the cancellation of such proceedings in any case in which such fee has been paid, the Commissioner shall record the alien's admission for permanent residence as of the date of his last entry into the United States and the Secretary of State shall, if the alien was a quota immigrant at the time of entry and was not charged to the appropriate quota, reduce by one the immigration quota of the country of the alien's nationality as defined in section 12 of the Act of May 26, 1924 (U. S. C., title 8, sec. 212), for the fiscal year then current or next following.

Departure in lieu of deportation.

Suspension of deportation; condition.

Suspensions of more than 6 months; report to Congress.

Deportation upon passage of adverse concurrent resolution.

Cancellation of deportation proceedings; exception.

Recording alien's admission for permanent residence.

If alien a quota immigrant; action required.

43 Stat. 160.

Designated provisions not applicable to certain aliens.  
40 Stat. 1012.

"(d) The provisions of subsection (c) shall not be applicable in the case of any alien who is deportable under (1) the Act of October 16, 1918 (40 Stat. 1008; U. S. C., title 8, sec. 137), entitled 'An Act

to exclude and expel from the United States aliens who are members of the anarchist and similar classes', as amended; (2) the Act of May 26, 1922, entitled 'An Act to amend the Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes", approved February 9, 1909, as amended' (42 Stat. 596; U. S. C., title 21, sec. 175); (3) the Act of February 18, 1931, entitled 'An Act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics', as amended (46 Stat. 1171; U. S. C., title 8, sec. 156a); (4) any of the provisions of so much of subsection (a) of this section as relates to criminals, prostitutes, procurers, or other immoral persons, the mentally and physically deficient, anarchists, and similar classes; or (5) subsection (b) of this section."

SEC. 21. The Act entitled "An Act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics", approved February 18, 1931, is amended—

(1) By striking out the words "and sentenced";

(2) By inserting after the words "any statute of the United States" the following: "or of any State, Territory, possession, or of the District of Columbia,"; and

(3) By inserting after the word "heroin" a comma and the word "marihuana".

SEC. 22. No alien shall be deportable by reason of the amendments made by section 20 or 21 on account of any act committed prior to the date of enactment of this Act.

SEC. 23. (a) The first paragraph of section 1 of the Act entitled "An Act to exclude and expel from the United States aliens who are members of the anarchistic and similar classes", approved October 16, 1918, as amended, is amended to read as follows:

"That any alien who, at any time, shall be or shall have been a member of any one of the following classes shall be excluded from admission into the United States:"

(b) Section 2 of such Act of October 16, 1918, as amended, is amended to read as follows:

"SEC. 2. Any alien who was at the time of entering the United States, or has been at any time thereafter, a member of any one of the classes of aliens enumerated in section 1 of this Act, shall, upon the warrant of the Attorney General, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this Act, irrespective of the time of their entry into the United States."

### TITLE III

SEC. 30. No visa shall hereafter be issued to any alien seeking to enter the United States unless said alien has been registered and fingerprinted in duplicate. One copy of the registration and fingerprint record shall be retained by the consul. The second copy shall be attached to the alien's visa and shall be taken up by the examining immigrant inspector at the port of arrival of the alien in the United States and forwarded to the Department of Justice, at Washington, District of Columbia.

Any alien seeking to enter the United States who does not present a visa (except in emergency cases defined by the Secretary of State), a reentry permit, or a border-crossing identification card shall be excluded from admission to the United States.

SEC. 31. (a) It shall be the duty of every alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2)

Act of Feb. 18, 1931,  
amendments.  
46 Stat. 1171.  
8 U. S. C. § 156a.

Acts committed  
prior to enactment.

Act of Oct. 16, 1918,  
amendments.  
40 Stat. 1012.  
8 U. S. C. § 137.

Exclusion, if mem-  
ber of any one of  
designated classes of  
aliens.

40 Stat. 1012.  
8 U. S. C. § 137.

Deportation.

39 Stat. 889.  
8 U. S. C. § 155.

Registration and  
fingerprinting of  
aliens.  
Issuance of visas.

Exclusion of aliens  
not presenting visas,  
etc.; exception.

Duty of aliens 14  
years of age or older.

has not been registered and fingerprinted under section 30, and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.

Duty of parent, etc., of alien less than 14 years of age.

(b) It shall be the duty of every parent or legal guardian of any alien now or hereafter in the United States, who (1) is less than fourteen years of age, (2) has not been registered under section 30, and (3) remains in the United States for thirty days or longer, to apply for the registration of such alien before the expiration of such thirty days. Whenever any alien attains his fourteenth birthday in the United States he shall, within thirty days thereafter, apply in person for registration and to be fingerprinted.

Application in person on 14th birthday.

SEC. 32. Notwithstanding the provisions of sections 30 and 31—

Application for registration, etc., time limitation.

(a) The application for the registration and fingerprinting, or for the registration, of any alien who is in the United States on the effective date of such sections may be made at any time within four months after such date.

Foreign government officials, etc., exempted.

(b) No foreign government official, or member of his family, shall be required to be registered or fingerprinted under this title.

Special regulations for designated aliens, etc.

(c) The Commissioner is authorized to prescribe, with the approval of the Attorney General, special regulations for the registration and fingerprinting of (1) alien seamen, (2) holders of border-crossing identification cards, (3) aliens confined in institutions within the United States, (4) aliens under order of deportation, and (5) aliens of any other class not lawfully admitted to the United States for permanent residence.

Places for making application.

SEC. 33. (a) All applications for registration and fingerprinting under section 31 shall be made at post offices or such other places as may be designated by the Commissioner.

Duties of postmasters.

(b) It shall be the duty of every postmaster, with such assistance as shall be provided by the Commissioner, to register and fingerprint any applicant for registration and fingerprinting under such section, and for such purposes to designate appropriate space in the local post office for such registration and fingerprinting. Every postmaster shall forward promptly to the Department of Justice, at Washington, District of Columbia, the registration and fingerprint record of every alien registered and fingerprinted by him. The Commissioner may designate such other places for registration and fingerprinting as may be necessary for carrying out the provisions of this Act, and provide for registration and fingerprinting of aliens at such places by officers or employees of the Immigration and Naturalization Service designated by the Commissioner. The duties imposed upon any postmaster under this Act shall also be performed by any employees at the post office of such postmaster who are designated by the postmaster for such purpose.

Disposition of registration, etc., records.

Designation of other places for registration, etc.

SEC. 34. (a) The Commissioner is authorized and directed to prepare forms for the registration and fingerprinting of aliens under this title. Such forms shall contain inquiries with respect to (1) the date and place of entry of the alien into the United States; (2) activities in which he has been and intends to be engaged; (3) the length of time he expects to remain in the United States; (4) the criminal record, if any, of such alien; and (5) such additional matters as may be prescribed by the Commissioner, with the approval of the Attorney General.

Forms for registration and fingerprinting.  
Contents.

Availability of records.

(b) All registration and fingerprint records made under the provisions of this title shall be secret and confidential, and shall be made available only to such persons or agencies as may be designated by the Commissioner, with the approval of the Attorney General.

Submission of information under oath.

(c) Every person required to apply for the registration of himself or another under this title shall submit under oath the information

required for such registration. Any person authorized to register aliens under this title shall be authorized to administer oaths for such purpose.

Administering of oaths.

SEC. 35. Any alien required to be registered under this title who is a resident of the United States shall notify the Commissioner in writing of each change of residence and new address within five days from the date of such change. Any other alien required to be registered under this title shall notify the Commissioner in writing of his address at the expiration of each three months' period of residence in the United States. In the case of an alien for whom a parent or legal guardian is required to apply for registration, the notices required by this section shall be given by such parent or legal guardian.

Notification of changes of residence, etc., by alien residents of U. S.

Other aliens.

SEC. 36. (a) Any alien required to apply for registration and to be fingerprinted who willfully fails or refuses to make such application or to be fingerprinted, and any parent or legal guardian required to apply for the registration of any alien who willfully fails or refuses to file application for the registration of such alien shall, upon conviction thereof be fined not to exceed \$1,000 or be imprisoned not more than six months, or both.

Failure to apply for registration, etc.

Penalty.

(b) Any alien, or any parent or legal guardian of any alien, who fails to give written notice to the Commissioner of change of address as required by section 35 of this Act shall, upon conviction thereof, be fined not to exceed \$100, or be imprisoned not more than thirty days, or both.

Failure to give written notice of change of address.

Penalty.

(c) Any alien or any parent or legal guardian of any alien, who files an application for registration containing statements known by him to be false, or who procures or attempts to procure registration of himself or another person through fraud, shall, upon conviction thereof, be fined not to exceed \$1,000, or be imprisoned not more than six months, or both; and any alien so convicted within five years after entry into the United States shall, upon the warrant of the Attorney General, be taken into custody and be deported in the manner provided in sections 19 and 20 of the Immigration Act of February 5, 1917, as amended.

Filing application containing false statements; fraud.

Penalty.

Deportation of designated aliens.

39 Stat. 889, 890.  
8 U. S. C. §§ 155, 156.

SEC. 37. (a) The Commissioner, with the approval of the Attorney General, is authorized and empowered to make and prescribe, and from time to time to change and amend, such rules and regulations not in conflict with this Act as he may deem necessary and proper in aid of the administration and enforcement of this title (including provisions for the identification of aliens registered under this title); except that all such rules and regulations, insofar as they relate to the performance of functions by consular officers or officers or employees in the Postal Service, shall be prescribed by the Secretary of State and the Postmaster General, respectively, upon recommendation of the Attorney General. The powers conferred upon the Attorney General by this Act and all other powers of the Attorney General relating to the administration of the Immigration and Naturalization Service may be exercised by the Attorney General through such officers of the Department of Justice, including officers of the Immigration and Naturalization Service, attorneys, special attorneys, and special assistants to the Attorney General, as he may designate specifically for such purposes.

Rules and regulations.

Identification of registered aliens.

Delegation of powers.

(b) The Commissioner is authorized to make such expenditures, to employ such additional temporary and permanent employees, and to rent such quarters outside the District of Columbia as may be necessary for carrying out the provisions of this title.

Authorization for expenditures, personal services, etc.

SEC. 38. (a) For the purposes of this title—

(1) the term "United States", when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands;

"United States" defined.

“Commissioner” defined.

(2) the term “Commissioner” means the Commissioner of Immigration and Naturalization.

Effective dates.

(b) The provisions of this title shall take effect upon the date of enactment of this Act; except that sections 30 and 31 shall take effect sixty days after the date of its enactment.

Registration, etc., of aliens in Canal Zone.

SEC. 39. The President is authorized to provide, by Executive order, for the registration and fingerprinting, in a manner as nearly similar to that provided in this title as he deems practicable, of aliens in the Panama Canal Zone.

TITLE IV

Separability clause.

SEC. 40. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Short title.

SEC. 41. This Act may be cited as the “Alien Registration Act, 1940”.

Approved, June 28, 1940.

[CHAPTER 440]

AN ACT

To expedite national defense, and for other purposes.

June 28, 1940

[H. R. 9822]

[Public, No. 671]

National defense. Advance payments to contractors; limitation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever in the opinion of the President of the United States such course would be in the best interests of national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard contracts, is authorized to advance, from appropriations available therefor, payments to contractors in amounts not exceeding 30 per centum of the contract price, upon such terms as such Secretary shall prescribe, and adequate security for the protection of the Government for the payments so made shall be required. The Secretary concerned is further authorized in his discretion to make partial payments on the balance of the contract price from time to time during the progress of the work, such partial payments not to exceed the value of the work already done, but to be subject to a lien as provided by the Act of August 22, 1911 (37 Stat. 32; U. S. C., title 34, sec. 582), entitled “An Act authorizing the Secretary of the Navy to make partial payments for work already done under public contracts”: *Provided*, That the Secretary concerned shall report every three months to the Congress the advance payments made under the authority of this section.

Security.

Partial payments on balance; limitation.

Lien.

*Proviso.* Report to Congress.

Contracts for acquisition, etc., of naval vessels or aircraft.

SEC. 2. (a) That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable, and deliveries of material under all orders placed pursuant to the authority of this section and all other naval contracts or orders and all Army contracts and orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the

Machine tools, etc.

Priority in deliveries.

*Proviso.* Report to Congress.

contracts entered into under the authority of this section: *Provided further*, That contracts negotiated pursuant to the provisions of this section shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this subsection to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this subsection, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

(b) After the date of approval of this Act no contract shall be made for the construction or manufacture of any complete naval vessel or any Army or Navy aircraft, or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum and 12 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;

(2) that any profit in excess of 8.7 per centum of the cost of performing such contracts except prime contracts made on a cost-plus-a-fixed-fee basis as are completed by the contracting party within the income taxable year shall be considered to be profit in excess of 8 per centum of the total contract prices of such contracts; and

(3) that he will make no subcontract which is within the scope of such section 3, unless the subcontractor agrees to the foregoing conditions.

SEC. 3. The provisions of section 3 of the Act of March 27, 1934 (48 Stat. 505), as amended by the Acts of June 25, 1936 (49 Stat. 1926), and April 3, 1939 (53 Stat. 560; U. S. C., Supp. V, title 34, sec. 496), and as made applicable to contracts for aircraft or any portion thereof for the Army by such Act of April 3, 1939, shall, in the case of contracts or subcontracts entered into after the date of approval of this Act and during the period of the national emergency declared by the President on September 8, 1939, to exist, be limited to contracts or subcontracts where the award exceeds \$25,000.

SEC. 4. In the case of every contract or subcontract for the construction or manufacture of any complete naval vessel or Army or Navy aircraft or any portion thereof which is entered into (whether before or after the date of approval of this Act), the Secretary of War or the Secretary of the Navy, as the case may be, after agreement with the contractor or subcontractor, shall certify to the Com-

Contracts, restriction on meaning.

Bonds.

40 U. S. C., Supp. V, §§ 270a-270d.  
Cost-plus contracts.

Limitation on fixed fee.  
*Ante*, pp. 395, 401; *post*, p. 973.

Contract agreement.  
*Post*, pp. 883, 1003.

34 U. S. C., Supp. V, § 496.

Profit in excess of 8 per centum, disposition.

Profit in excess of 8.7 per centum of cost of performing contracts.

Assent to conditions by subcontractor.

Designated provisions limited to contracts, etc., in excess of \$25,000.

Certification to Commissioner of Internal Revenue.

Necessity and cost, etc., to facilitate completion in private plants.

Percentage of cost chargeable against contracts.

Certification subject to regulations, etc.

34 U. S. C., Supp. V, § 496.

Reduction of contract price.

Reduction of cost of special equipment, etc.

*Proviso.*  
Report to Congress.

Regular working hours of Navy Department and Coast Guard.

*Proviso.*  
Extension of hours.

Overtime compensation for monthly, per diem, etc., employees.

34 U. S. C. § 505.

5 U. S. C. §§ 601-674; Supp. V, §§ 673, 673c.

Overtime compensation of per annum Government employees.

Authorization for suspension of provisions of designated Act, etc.

Regulations.

missioner of Internal Revenue as to (a) the necessity and cost of special additional equipment and facilities acquired to facilitate, during the national emergency declared by the President on September 8, 1939, to exist, the completion of such naval vessel or Army or Navy aircraft or portion thereof in private plants; and (b) the percentage of cost of such special additional equipment and facilities to be charged against such contract or subcontract. For all purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended, such certification shall be subject to such regulations as the President may prescribe, but shall be binding upon the Commissioner of Internal Revenue, unless, within five days after receipt of such certification, he make formal objection thereto to the Secretary of the Navy or the Secretary of War as the case may be. The part of such cost chargeable against the contract or subcontract in pursuance of such certification, shall, for the purposes of such section 3, be considered to be a reduction of the contract price of the contract or subcontract. The amount charged against the contract or subcontract in pursuance of such certification shall, for the purposes of such section 3, be applied against and reduce the cost or other basis of such special additional equipment and facilities as of the date of installation thereof: *Provided*, That the Secretary of War or the Secretary of the Navy, as the case may be, shall report to the Congress, every three months, the cost of such special additional equipment and facilities to be borne by the Government under each contract.

SEC. 5. (a) Notwithstanding the provisions of any other law, the regular working hours of the Navy Department and the Coast Guard and their field services shall be eight hours a day or forty hours per week during the period of the national emergency declared by the President on September 8, 1939, to exist: *Provided*, That under such regulations as the head of the Department concerned may prescribe, and where additional employees cannot be obtained to meet the exigencies of the situation, these hours may be exceeded: *Provided further*, That compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate shall be paid only to monthly, per diem, hourly, and piece-work employees, whose wages are set by the Act of July 16, 1862 (12 Stat. 587), as amended or modified; and also to professional and subprofessional employees and to blue-printers, photostat and rotaprint operators, inspectors, supervisory planners and estimators, and supervisory progressmen, and assistants to shop and plant superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; U. S. C. 5, ch. 13), as amended: *Provided further*, That in determining the overtime compensation of per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries: *Provided further*, That the President is authorized to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939, to exist, the provisions of the Act of March 3, 1931 (46 Stat. 1482; U. S. C. 5, 26 (a)), if in his judgment such course is necessary in the interest of national defense, and any regulations issued pursuant to the Act of March 14, 1936 (49 Stat. 1161; U. S. C. Supp. V, title 5, sec. 29 (a)), may be modified accordingly: *And provided further*, That notwithstanding the provisions of any other law, the President is hereby authorized, in his discretion, to prescribe regulations to establish such uniformity among the War and Navy Departments and the Coast Guard and their field services

in regard to hours of work and compensation for overtime of their civilian employees as he may deem necessary in the interest of national defense.

(b) During the national emergency declared by the President on September 8, 1939, to exist, the provisions of the law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by Army, Navy, and Coast Guard contracts shall be suspended.

SEC. 6. Notwithstanding the provisions of section 2 of the Act of May 29, 1930 (46 Stat. 468), and section 204 of the Act of June 30, 1932 (47 Stat. 404), any person heretofore or hereafter retired under the Civil Service Retirement Act of May 29, 1930, as amended, may be reemployed in the service of the War and Navy Departments: *Provided*, That there shall be deducted and withheld from the basic salary, pay, or compensation of such person and credited to his account as provided in section 12 (a) of the Act of May 29, 1930, as amended, the regular deductions prescribed by the said Act: *Provided further*, That upon separation from the service for any cause such person may elect to receive a refund of the total deductions so withheld together with interest at 4 per centum per annum compounded on June 30 of each year, or receive credit for the additional service in the computation of any annuity awarded thereafter: *Provided further*, That payment of the annuity of such person shall be suspended during the period of such employment: *Provided further*, That during the national emergency declared by the President on September 8, 1939, to exist, the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C., title 5, sec. 652), shall not apply to any civil-service employee of the War or Navy Departments or of the Coast Guard, or their field services, whose immediate removal is, in the opinion of the Secretary concerned warranted by the demands of national security, but nothing herein shall be construed to repeal, modify, or suspend the proviso in that section. Those persons summarily removed under the authority of this section may, if in the opinion of the Secretary concerned, subsequent investigation so warrants, be reinstated, and if so reinstated shall be allowed compensation for the period of such removal at the rate they were receiving on the date of removal: *And provided further*, That within thirty days after such removal any such person shall have an opportunity personally to appear before the official designated by the Secretary concerned and be fully informed of the reasons for such removal, and to submit, within thirty days thereafter, such statement or affidavits, or both, as he may desire to show why he should be retained and not removed.

SEC. 7. The Act of March 14, 1936, entitled "An Act to provide for vacations to Government employees and for other purposes" (49 Stat. 1161) is hereby amended by adding, after section 7, a new section to read as follows:

"SEC. 8. Employees of the Navy Department and the Naval Establishment and of the Coast Guard may, during the period of the national emergency declared by the President on September 8, 1939, to exist, be employed during the time they would otherwise be on vacation without deprivation of their vacation pay for the time so worked. Employees who forego their vacations in accordance with the provisions of this section may be paid, in addition to their regular pay, the equivalent of the pay they would have drawn during the period of such vacation. The provisions of this section shall be applicable only to employees whose services at the time cannot, in the judgment of the Secretary of the Navy or the Secretary of the Treasury, as the case may be, be spared without detriment to the national defense."

Suspension of 8-hour-day labor provisions.

Reemployment of retired employees.  
46 Stat. 468.  
5 U. S. C. §§ 715, 715a.

*Provisos.*  
Deductions for retirement fund.  
46 Stat. 476.  
5 U. S. C. § 724 (a).

Separation from service; disposition of deductions.

Suspension of annuity payments.

Nonapplication of designated provisions.

Exception.

Reinstatement of removed employees.

Rights of removed employees.

5 U. S. C., Supp. V. §§ 29a-30e.

Payments to employees foregoing vacations.

Limitation on cost of authorized vessels, etc., increased.

*Provisos.*  
Suspension of limitations on payments to designated employees.

Additional personnel, etc., authorized.

Providing of Government facilities for production of defense items.

*Provisos.*  
Taking over and operating of private facilities.  
*Post*, p. 893.

Compensation to owner.  
*Post*, p. 893.  
Report to Congress.

Modification of existing contracts.

Approval of Secretary of the Navy; effect.

Restrictions on aliens employed by contractor; exception.

Penalty.

Alien obtaining employment by fraud.

SEC. 8. (a) The limit of cost of the vessels authorized by the Act of July 30, 1937 (50 Stat. 544), and any statutory limitation with respect to the cost of any other individual naval project of construction are hereby increased as may be necessary to expedite national defense and otherwise effectuate the purposes of this Act: *Provided*, That the monetary limitations on payments out of appropriations available to the Navy Department for employees in the Navy Department and for employees in the field service assigned to group IV (b) and those performing similar services carried under the Native and Alien Schedules of Wages of civil employees in the field services of the Navy Department shall be suspended during the limited national emergency declared by the President on September 8, 1939, to exist: *Provided further*, That the Secretary of the Navy is authorized to employ such additional personnel at the seat of government and elsewhere, and to provide out of any appropriations available to the Navy Department, for their salaries and for such printing and binding, communication service, supplies, and travel expenses, as he may deem necessary to carry out the purposes of this Act.

(b) Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this Act in the procurement or construction of items authorized in connection with national defense he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy is further authorized, under the general direction of the President, whenever he deems any existing manufacturing plant or facility necessary for the national defense, and whenever he is unable to arrive at an agreement with the owner of any such plant or facility for its use or operation, to take over and operate such plant or facility either by Government personnel or by contract with private firms: *Provided further*, That the Secretary of the Navy is authorized to fix the compensation to the owner of such plant or facility: *And provided further*, That the Secretary of the Navy shall report to the Congress, every three months, the contracts entered into under the provisions of this subsection.

SEC. 9. The Secretary of the Navy and the Secretary of the Treasury are hereby authorized to modify existing contracts, including Coast Guard contracts, as the Secretary concerned may deem necessary to expedite military and naval defense, and to otherwise effectuate the purposes of this Act.

SEC. 10. Hereafter the approval of the Secretary of the Navy, acting by direction of the President, shall constitute approval by the President as required by section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), necessary to the validity of any contract entered into under authority contained in said section.

SEC. 11. (a) No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who willfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) Any alien who obtains employment on secret, confidential, or restricted Government contracts by willful misrepresentation of his

alien status, or who makes such willful misrepresentation while seeking such employment, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) For the purpose of this section, the term "person" shall be construed to include an individual, partnership, association, corporation, or other business enterprise.

SEC. 12. The provisions of all preceding sections of this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

SEC. 13. Section 6 of the Act approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45), is hereby amended by adding "*Provided*, That whenever in his judgment such course is in the public interest, the President is authorized to suspend any or all of the representations and stipulations contained in section 1 of this Act".

SEC. 14. (a) Notwithstanding the provision of any other law, no military or naval weapon, ship, boat, aircraft, munitions, supplies, or equipment, to which the United States has title, in whole or in part, or which have been contracted for, shall hereafter be transferred, exchanged, sold, or otherwise disposed of in any manner whatsoever unless the Chief of Naval Operations in the case of naval material, and the Chief of Staff of the Army in the case of military material, shall first certify that such material is not essential to the defense of the United States.

(b) The Secretary of War and the Secretary of the Navy as the case may be are hereby requested and directed to furnish or cause to be furnished to the respective chairmen of the Committees on Military Affairs and the Committees on Naval Affairs of the Senate and House of Representatives a copy of each contract, order, or agreement covering exchange of deteriorated, unserviceable, obsolescent, or surplus military or naval equipment, munitions, or supplies exchanged for other military or naval equipment, munitions or supplies, and a copy of each contract, order, or agreement shall be furnished regarding any other disposition of military or naval equipment, munitions and supplies by which the title passes, either de jure or de facto, from the United States, or by which delivery of material thereunder is deferred, where the original cost of such military or naval equipment, munitions or supplies exceeded or exceeds \$2,000. The copies of each contract, order or agreement herein referred to shall be transmitted to the respective chairmen of the committees not later than twenty-four hours after such contract, order or agreement is made, and the chairman of each committee shall consider such contracts, orders or agreements confidential unless a majority of the members of his committee shall direct the particular transaction to be made public.

(c) Nothing herein shall be construed to repeal or modify sections 3 and 6, title V of the Act approved June 15, 1917 (40 Stat. 222; U. S. C., title 18, secs. 33 and 36).

## TITLE II

SEC. 201. In connection with the national defense program, the Navy and War Departments and the United States Housing Authority are hereby authorized to cooperate in making necessary housing available for persons engaged in national defense activities, as hereinafter provided. "Persons engaged in national defense activities" (as that term is used in this title) shall include (i) enlisted men with families, who are in the naval and military service (excluding officers) and employees of the Navy and War Departments who are

Penalty.

"Person" defined.

Date of termination; exception.

Government contracts.

*Proviso.*  
Suspension of designated stipulations, etc.

Prohibition on transfer, etc., of military or naval weapons, ships, etc.  
*Post*, p. 1091.

Exception.

Disposition of surplus, etc., military or naval equipment.  
Copies of contracts, etc., to be furnished chairmen of designated committees.

Time requirement.

Contracts, etc., considered confidential; exception.

Designated provisions not repealed, etc.

Housing for "persons engaged in national defense activities."  
*Post*, pp. 883, 1115, 1125.

Term defined.

assigned to duty at naval or military reservations, posts, or bases, and (ii) workers with families, who are engaged or to be engaged in industries connected with and essential to the national defense program. No project shall be developed or assisted for the purposes of this title except with the approval of the President and upon a determination by him that there is an acute shortage of housing in the locality involved which impedes the national defense program.

Approval of projects by President.

Projects for designated dwellings.

Development.

Technical assistance, etc., from Authority.

Leasing of project.

50 Stat. 888.  
42 U. S. C., Supp. V, §§ 1401-1430.

Jurisdiction over project.

Acquisition of real, etc., property.

Inapplicability of R. S. § 355, etc.  
40 U. S. C. § 255.  
*Post*, p. 1083.

47 Stat. 412.

Condemnation proceedings.

40 U. S. C. §§ 258a-258e, 361-386.  
Land conveyances by Authority.

Fees of architects, etc.

Leased land; when available to Authority.

SEC. 202. (a) Projects may be initiated hereunder by the Navy or War Department to provide dwellings on or near naval or military reservations, posts or bases for rental to the enlisted men and employees of the Navy and War Departments described in section 201. Such projects shall be developed by the Navy or War Department or by the Authority, whichever the President determines is better suited to the fulfillment of the purposes of this title with respect to any particular project. If the development of such project is to be undertaken by the Navy or War Department, the Authority is authorized to aid the development of the project by furnishing technical assistance and by transferring to such Department the funds necessary for the development of the project. Any project developed for the purpose of this section shall be leased to the Navy or War Department by the Authority (which shall have title to such project until repayment of the cost thereof to the Authority as prescribed in such lease) upon such terms as shall be prescribed in the lease, which may be the same terms as are authorized by the United States Housing Act of 1937, as amended, with respect to leases to public housing agencies. All the provisions of said Act which apply to the development of projects by the Authority shall (insofar as applicable and not inconsistent herewith) apply to the development of projects by the Navy or War Department. Notwithstanding other provisions of this or any other law, the Department leasing a project shall have the same jurisdiction over such project as it has over the reservation, post or base in connection with which the project is developed.

(b) The Navy or War Department, in connection with any project developed or leased by it, and the Authority, in connection with any project developed or assisted by it, for the purposes of this title, may acquire real or personal property or any interest therein by purchase, eminent domain, gift, lease or otherwise. The provisions of section 355 of the Revised Statutes shall not apply to the acquisition of any real property by the Navy or War Department or by the Authority for the purposes of this title or to the project developed thereon, and the provisions of section 321 of the Act of June 30, 1932 (U. S. C. 1934 edition, title 40, sec. 303b), shall not apply to any lease of any project developed for the purposes of this title or of any dwelling therein. Condemnation proceedings instituted by the Authority shall be in its own name and the practice and procedure governing such proceedings by the United States shall be followed, and the Authority shall likewise be entitled to proceed in accordance with the provisions of the Act of Congress approved February 26, 1931 (46 Stat. 1421), and an Act of Congress approved March 1, 1929 (45 Stat. 1415). If the Authority acquires land in connection with a project to be assisted for the purposes of this title, it may convey such land to the public housing agency involved for a consideration equal to the cost of the land to the Authority. The Navy and War Departments and the Authority may negotiate, contract and fix such fees as they determine are reasonable for the services of architects, engineers, surveyors, appraisers, title examiners and real estate negotiators in connection with specific projects developed by them under this title. The Secretaries of Navy and War are hereby authorized to make available to the Authority any

land that is needed for a project to be developed by the Authority and leased to the Navy or War Department and to execute such leases, agreements and other instruments with the Authority as may be necessary to carry out the purposes of this title.

SEC. 203. In any localities where the President determines that there is an acute shortage of housing which impedes the national defense program and that the necessary housing would not otherwise be provided when needed for persons engaged in national defense activities, the Authority may undertake the development and administration of projects to assure the availability of dwellings in such localities for such persons and their families, or the Authority may extend financial assistance to public housing agencies for the development and administration of such projects. Such financial assistance to public housing agencies shall be extended (except as otherwise provided herein and not inconsistent herewith) under the provisions of, and in the same manner and forms as provided in, title I of the United States Housing Act of 1937, as amended, with respect to other housing projects.

SEC. 204. Any contract made for financial assistance under the United States Housing Act of 1937, as amended, may be revised so as to provide that the project involved will be assisted for any of the purposes of this title. The Navy or War Department or the Authority, in the administration of any project developed for the purposes of this title, shall fix rentals for persons engaged in national defense activities and their families which will be within their financial reach, and the Authority, in any contract for financial assistance or any lease of such a project, shall require the fixing of such rentals. Projects developed by the Navy or War Department, or developed or assisted by the Authority, for the purposes of this title shall not be subject to the elimination requirements of sections 10 (a) and 11 (a) of said Act, or to any provisions of section 9 of said Act which would require any part of the development cost thereof to be met in any manner other than from funds loaned or furnished by the Authority. Funds expended for the purposes of this title shall be excluded in determining, for the purposes of section 21 (d) of said Act, the amounts expended within each State. Except as otherwise provided herein or as may be inconsistent herewith, all the provisions of title I of said Act shall apply to this title. During the period when the President determines that in any locality there is an acute need for housing to assure the availability of dwellings for persons engaged in national defense activities, dwellings in a project developed or assisted in said locality which are devoted to the purposes of providing housing for persons engaged in national defense activities shall not be subject to sections 2 (1) and 2 (2) of the United States Housing Act of 1937, as amended, and during such period such projects shall be deemed projects of a low-rent character for the purposes of any of the applicable provisions in title I of said Act.

SEC. 205. The Authority may use for the purposes of this title any of the funds or authorizations heretofore or hereafter made available to it. The provisions of title I of this Act shall not apply to this title.

Approved, June 28, 1940.

Development, etc., of projects to relieve acute housing shortage.

Extension of financial assistance.

50 Stat. 888.  
42 U. S. C., Supp. V, §§ 1401-1430.

Revision of financial assistance contracts.  
50 Stat. 888.  
42 U. S. C., Supp. V, §§ 1401-1430.  
Fixing of rentals.

50 Stat. 891, 893.

Exclusion of funds.  
50 Stat. 898.  
Provisions applicable.

Provisions inapplicable.

50 Stat. 888.

Funds available.

Provisions inapplicable.

## [CHAPTER 441]

## AN ACT

To extend for two additional years the reduced rates of interest on Federal land bank and Land Bank Commissioner loans.

June 29, 1940

[H. R. 8450]

[Public, No. 672]

Federal Farm Loan Act, amendment.  
48 Stat. 43.  
12 U. S. C. § 771; Supp. V, § 771.  
Reduced rate of interest, time extension.

Interest on "purchase money mortgages."

Time limit for final payments.

Emergency Farm Mortgage Act, amendment.  
50 Stat. 521.  
12 U. S. C., Supp. V, § 1016 (i).

Limitation on rates of interest.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to the 3½ per centum interest rate on Federal land bank loans), is amended by striking out "occurring within a period of five years, commencing July 1, 1935" and inserting in lieu thereof "occurring within a period of 7 years commencing July 1, 1935". The provisions of such paragraph "Twelfth" of section 12 of such Act shall be applicable to interest on so-called "purchase money mortgages" in the case of interest payable on installment dates occurring after the date of the enactment of this Act.

(b) The fourth sentence of such paragraph "Twelfth" (relating to the 1940 time limit on payments made by the United States to land banks on account of such interest reduction) is amended to read as follows: "No payments shall be made to a bank with respect to any period after June 30, 1942."

SEC. 2. The last paragraph of section 32 of the Emergency Farm Mortgage Act, as amended (relating to reduction in the interest rate on loans by the Land Bank Commissioner), is amended to read as follows:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 per centum per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940, and shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring on or after July 1, 1940, and prior to July 1, 1942."

Approved, June 29, 1940.

## [CHAPTER 442]

## JOINT RESOLUTION

To make emergency provision for the maintenance of essential vessels affected by the Neutrality Act of 1939, and for adjustment of obligations with respect to such vessels.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) when used in this joint resolution the term "essential vessel" means any vessel (1) which is (A) security for any mortgage indebtedness to the United States or (B) constructed under the Merchant Marine Act, 1936, or required by the terms of a contract under such Act to be operated on a certain essential foreign trade route, and (2) which it is necessary in the interests of commerce and national defense to maintain in condition for prompt use.

(b) For the purposes of preserving in the national interest the full availability and usefulness of essential vessels, which, under the provisions of the Neutrality Act of 1939 (or any proclamation issued thereunder), or compatibly with the national interest, cannot be operated in the service, route, or line to which such vessels are assigned pursuant to the Merchant Marine Act, 1936, or in which they would otherwise be operated, the United States Maritime Commission is authorized to make adjustments of obligations in respect of such vessels and to make arrangements for the maintenance of such vessels, subject to the provisions of this joint resolution and to such rules and regulations as the Commission shall prescribe as necessary

June 29, 1940

[S. J. Res. 260]

[Pub. Res., No. 89]

Vessels affected by Neutrality Act of 1939. "Essential vessel" defined.

49 Stat. 1985.  
46 U. S. C., Supp. V, ch. 27.

Restricted operation of essential vessels.

*Ante*, p. 4.  
22 U. S. C., Supp. V, §§ 245j-245j-19.

Adjustments of obligations; maintenance.

or appropriate for carrying out the purposes and provisions of this joint resolution. If the Commission, upon written application in respect of any essential vessel, determines after such examination, investigation, and proceedings as it deems desirable, that (1) the operation of such vessel in the service, route, or line to which such vessel is assigned pursuant to the Merchant Marine Act, 1936, or in which it would otherwise be operated, is either (A) not lawful under the Neutrality Act of 1939 (or any proclamation issued thereunder), or (B) not compatible with the maintenance of availability of such vessel for purposes of national defense and commerce, (2) it is not feasible under existing law to employ such vessel in any other service or operation in either the foreign or domestic trades (except temporary or emergency operation under subsection (c) (5) hereof), and (3) the applicant, by reason of the restrictions of the Neutrality Act of 1939, or the withdrawal of vessels for national-defense purposes under clause (1) hereof, is not earning or will not earn a fair and reasonable return on the capital necessarily employed in its business, the Commission may make adjustments and arrangements with the applicant as provided in subsection (c) hereof, which shall continue in effect only during the circumstances above described.

(c) Such adjustments and arrangements shall include suspension of the requirement to operate such vessel in foreign trade under the applicable operating-differential or construction-differential subsidy contract or mortgage or other agreement, and of the right to operating-differential subsidy in respect of such vessel, and may include any one or more of the following provisions, in whole or in part, as, and to the extent that, the Commission may deem to be necessary or appropriate to carry out the purposes of the Merchant Marine Act, 1936, or the purposes and provisions of this joint resolution:

(1) Lay-up of the vessel by the owner or, at the option of the Commission, in the custody of the Commission, with payment or reimbursement by the Commission of necessary and proper expenses thereof (including reasonable overhead and insurance), or in lieu of such payment or reimbursement, a fixed periodic allowance therefor;

(2) Postponement, for a period not in excess of the period or periods of lay-up, of the maturity date of each installment on account of the principal of obligations to the United States in respect of the vessel (whether or not such maturity date shall fall within such period or periods), or rearrangement of such maturities;

(3) Postponement or cancelation of interest accruing on such obligations during such period or periods of lay-up;

(4) Extension for a period not in excess of the period or periods of lay-up, of the twenty-year life limitation in respect of the vessel, and of the period or periods of other limitations and provisions of the Merchant Marine Act, 1936, insofar as they are based upon a twenty-year life;

(5) Provisions for such temporary or emergency employment of the vessel in lieu of lay-up as may be practicable, with such arrangements for management of the vessel, payment of expenses, and application of the proceeds of such employment, as the Commission may approve, the period or periods of such operation being included as part of the period or periods of lay-up;

(6) The payment to the Commission, upon termination of the arrangements with the applicant hereunder, out of the applicant's net profits, earned while such arrangements were in effect, in excess of 10 per centum per annum on the capital necessarily employed in the applicant's business, in reimbursement, to the extent that the Commission shall deem it necessary to carry out the purposes of this joint resolution, on account of obligations postponed or canceled and

Examination by Commission.

Factors considered.

49 Stat. 1985.  
46 U. S. C., Supp. V, ch. 27.

*Ante*, p. 4.

Making of adjustments, etc.

Suspension of operation requirement, etc.

Provisions includible in adjustments, etc.

Payment for lay-up of vessel.

Postponement of principal payments on obligations to U. S.

Postponement, etc., of interest.

Extension of twenty-year life limitation, etc.

49 Stat. 1985.  
46 U. S. C., Supp. V, ch. 27.

Temporary, etc., employment in lieu of lay-up.

Reimbursement to Commission out of excess net profits.

expenses incurred or paid by the Commission under this subsection. For the purposes of this paragraph capital of the applicant represented by vessels of the applicant laid up or operated under this joint resolution shall not be excluded from capital necessarily employed in the applicant's business. The Commission may require that the vessels so laid up or operated be security for reimbursement hereunder.

Modification of adjustments, etc.

(d) The adjustments and arrangements made under subsection (c) in respect of any vessel shall be subject to such readjustment or modification from time to time as may be deemed necessary by the Commission to carry out the purposes and provisions of this joint resolution.

Availability of funds.

(e) Moneys in the construction fund of the Commission shall be available for expenses of the Commission incurred in adjustments or arrangements made under this joint resolution.

Approved, June 29, 1940.

[CHAPTER 443]

AN ACT

June 29, 1940  
[S. 2047]  
[Public, No. 673]

To divest prize-fight films of their character as subjects of interstate or foreign commerce, and for other purposes.

Prize-fight films. Interstate shipments subject to State, etc., laws.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, transported into any State, Territory, or possession, for use, sale, storage, exhibition, or other disposition therein is hereby divested of its character as a subject of interstate or foreign commerce to the extent that it shall upon crossing the boundary of such State, Territory, or possession, be subject to the operation and effect of the laws of such State, Territory, or possession enacted in the exercise of its police power.

Repeal.

SEC. 2. The Act entitled "An Act to prohibit the importation and the interstate transportation of films or other pictorial representations of prize fights, and for other purposes", approved July 31, 1912 (U. S. C., title 18, secs. 405-407), is hereby repealed.

37 Stat. 240.

Approved, June 29, 1940.

[CHAPTER 444]

AN ACT

June 29, 1940  
[S. 3927]  
[Public, No. 674]

To provide for the administration of the Washington National Airport, and for other purposes.

Washington National Airport. Post, p. 1039. Definitions. "Administrator."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of this Act—

(a) "Administrator" means the Administrator of the Civil Aeronautics Authority.

(b) "Airport" means the Washington National Airport, which shall consist of, and include, the tract of land, together with all structures, improvements, and other facilities located thereon, lying partly in the District of Columbia and partly in the State of Virginia, particularly described as follows:

"Airport."

Description.

Commencing at a point of beginning, said point being the intersection of the property line of property owned by the Richmond, Fredericksburg and Potomac Railroad Company, and dredging base line at station 0+18.99 referenced south 6,808.21, west 9,078.02, running in a southeasterly direction on a bearing of south 22°51'18" east a distance of 6,270.91 feet, more or less, to station 62+89.90

of said dredging base line. Thence  $13^{\circ}30'$  right on a bearing of south  $9^{\circ}21'18''$  east a distance of 1,332.29 feet, more or less, to station 76+22.19 of said base line. Thence  $11^{\circ}04'19''$  right on a bearing of south  $1^{\circ}43'01''$  west a distance of 1,231.20 feet, more or less, to station 88+53.39 of said base line. Thence  $12^{\circ}40'41''$  right on a bearing of south  $14^{\circ}23'42''$  west a distance of 2,409.32 feet, more or less, to station 112+62.71 on said base line. Thence  $1^{\circ}15'44.3''$  right on a bearing of south  $15^{\circ}39'26.3''$  west a distance of 4,938.38 feet, more or less, to United States Coast and Geodetic Survey Station WATER, referenced south 22,220.86, west 8,395.54. Thence  $17^{\circ}09'25.6''$  left on a bearing of south  $1^{\circ}29'59.3''$  east a distance of 85.58 feet, more or less, to a corner of the property line between the United States of America and Smoot Sand and Gravel Corporation. Thence  $85^{\circ}59'59.3''$  right on a bearing of south  $84^{\circ}30'00''$  west a distance of 1,516.41 feet, more or less, to a monument located at a corner on the property line of the Richmond, Fredericksburg and Potomac Railroad Company, said monument being referenced south 22,451.75, west 9,902.73. Thence  $85^{\circ}50'06.7''$  right on a bearing of north  $8^{\circ}09'54''$  west a distance of 442.68 feet, more or less. Thence  $5^{\circ}00'12''$  left on a bearing of north  $13^{\circ}10'06''$  west a distance of 578.64 feet, more or less. Thence  $4^{\circ}57'25''$  left on a bearing of north  $18^{\circ}07'31''$  west a distance of 462.94 feet, more or less. Thence  $1^{\circ}34'50''$  left on a bearing of north  $19^{\circ}42'21''$  west a distance of 943.56 feet, more or less, to the point of a curve having an angle of  $27^{\circ}52'45''$  right radius 1,241.15 feet, long chord 597.98 feet, on a bearing of north  $5^{\circ}45'58''$  west. Thence along the arc of said curve a distance of 603.92 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north  $8^{\circ}10'24''$  east a distance of 232.33 feet, more or less, to the point of a curve having an angle of  $36^{\circ}59'09''$  left, radius 1,046 feet, long chord 663.56 feet on a bearing of north  $10^{\circ}19'10.5''$  west. Thence along the arc of said curve a distance of 675.22 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north  $28^{\circ}48'45''$  west a distance of 256.75 feet, more or less. Thence  $30^{\circ}33'10''$  left on a bearing of north  $59^{\circ}21'55''$  west a distance of 287.84 feet, more or less. Thence  $40^{\circ}45'20''$  right on a bearing of north  $18^{\circ}36'35''$  west a distance of 1,142.08 feet, more or less. Thence  $5^{\circ}43'29''$  right on a bearing of north  $12^{\circ}53'06''$  west a distance of 118.02 feet, more or less, to the point of a curve having an angle of  $26^{\circ}20'50''$  right, radius 3,665.71 feet, long chord 1,670.85 feet on a bearing of north  $0^{\circ}17'19''$  east. Thence along the arc of said curve a distance of 1,685.66 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north  $13^{\circ}27'44''$  east a distance of 2,002.11 feet, more or less, to the point of a curve having an angle of  $10^{\circ}36'25''$  left, radius 2,864.79 feet, long chord of 529.59 feet on a bearing of north  $8^{\circ}09'31.5''$  east. Thence along the arc of said curve a distance of 530.25 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north  $2^{\circ}51'19''$  east a distance of 124.53 feet, more or less. Thence  $6^{\circ}57'52''$  left on a bearing of north  $4^{\circ}06'33''$  west a distance of 571.33 feet, more or less. Thence  $7^{\circ}22'39''$  left on a bearing of north  $11^{\circ}29'12''$  west a distance of 811.63 feet, more or less. Thence  $8^{\circ}16'52''$  right on a bearing of north  $3^{\circ}12'20''$  east a distance of 70.41 feet, more or less, to the point of a curve having an angle of  $7^{\circ}43'12''$  right, radius 5,479.58 feet, long chord 737.75 feet on a bearing of north  $7^{\circ}03'56''$  east. Thence along the arc of said curve a distance of 738.31 feet, more or less, to the point of tangency of said curve, said point being on the old property line between Mary E. Cullinane and Milton Hopfenmaier property. Thence along said property line on a bear-

ing of north  $75^{\circ}11'50''$  east a distance of 204.72 feet, more or less, to a monument marked U. S. D. 1-N. P. S., reference south 18,419.16, west 10,829.26. Thence along the same bearing of north  $75^{\circ}11'50''$  east a distance of 215 feet, more or less. Thence  $34^{\circ}36'06''$  left on a bearing of north  $40^{\circ}35'44''$  east a distance of 1,509 feet, more or less, to the point of a curve having an angle of  $5^{\circ}45'$  left, radius 7,239.41 feet, long chord of 723.20 feet, on a bearing of north  $37^{\circ}53'14''$  east. Thence along the arc of said curve a distance of 726.51 feet, more or less, to the point of a compound curve having an angle of  $6^{\circ}00'$  left, radius 2,217.01 feet, long chord of 232.06 feet on a bearing of north  $32^{\circ}10'44''$  east. Thence along the arc of said curve a distance of 232.15 feet, more or less, to the point of a compound curve having an angle of  $57^{\circ}01'20''$  left, radius 1,303.74, long chord 1,244.62, on a bearing of north  $0^{\circ}40'04''$  east. Thence along the arc of said curve a distance of 1,297.22 feet, more or less, to the point of a compound curve having an angle of  $7^{\circ}59'54.3''$  left, radius 2,217.01 feet, long chord 309.23 feet on a bearing of north  $31^{\circ}49'33''$  west. Thence along the arc of said curve a distance of 310 feet, more or less, to the intersection of said curve with the property line of the Richmond, Fredericksburg and Potomac Railroad Company and the United States of America. Thence in a northeasterly direction along a bearing of north  $34^{\circ}30'00''$  east a distance of 340 feet, more or less, to the point of beginning;

Exception.  
Portion added to  
Mount Vernon Me-  
morial Highway.

excepting, however, such portion thereof as the President may, by Executive order or orders, prescribe, which portion shall be added to, and administered as part of, the Mount Vernon Memorial Highway, authorized by the Act approved May 23, 1928 (45 Stat. 721), as amended.

Powers and duties  
of Administrator.

SEC. 2. The Administrator shall have control over, and responsibility for, the care, operation, maintenance, and protection of the airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

Authority to lease  
property.

SEC. 3. The Administrator is empowered to lease, upon such terms as he may deem proper, space or property within or upon the airport for purposes essential or appropriate to the operation of the airport.

Approved, June 29, 1940.

#### [CHAPTER 445]

#### AN ACT

To give the Supreme Court of the United States authority to prescribe rules of pleading, practice, and procedure with respect to proceedings in criminal cases prior to and including verdict, or finding or plea of guilty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Supreme Court of the United States shall have the power to prescribe, from time to time, rules of pleading, practice, and procedure with respect to any or all proceedings prior to and including verdict, or finding of guilty or not guilty by the court if a jury has been waived, or plea of guilty, in criminal cases in district courts of the United States, including the district courts of Alaska, Hawaii, Puerto Rico, Canal Zone, and the Virgin Islands, in the Supreme Courts of Hawaii and Puerto Rico, in the United States Court for China, and in proceedings before United States commissioners. Such rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session, and thereafter all laws in conflict therewith shall be of no further force and effect.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 4587]  
[Public, No. 675]

U. S. Supreme  
Court.  
Rules of procedure  
in criminal cases.

Effective date; re-  
port to Congress.

## [CHAPTER 446]

## AN ACT

To provide for leave of absence, with pay, for any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States.

June 29, 1940  
[H. R. 6507]  
[Public, No. 676]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the compensation of any employee of the United States or of the District of Columbia who may be called upon for jury service in any State court or court of the United States shall not be diminished during the term of such jury service by reason of such absence, except as provided in section 3, nor shall such period of service be deducted from the time allowed for any leave of absence authorized by law.

U. S. or D. C. employees.  
Absence for jury service; pay.

SEC. 2. Any employee specified in section 1 who may be called upon for jury service in any court of the United States shall not receive any compensation for such service.

Service in U. S. courts.

SEC. 3. There shall be credited against the amount of compensation payable by the United States to any employee specified in section 1 for such period as such employee may be absent on account of jury service in the court of any State any amounts which such employee may receive from such State on account of such jury service.

Service in State courts.

Approved, June 29, 1940.

## [CHAPTER 447]

## AN ACT

To amend the Merchant Marine Act, 1936, as amended, to provide for marine war-risk insurance and reinsurance and for marine risk reinsurance, and for other purposes.

June 29, 1940  
[H. R. 6572]  
[Public, No. 677]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title II of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof a subtitle to read as follows:

Merchant Marine Act, 1936, amendment.  
49 Stat. 1985.  
46 U. S. C., Supp. V, §§ 1111-1126.

## "SUBTITLE—INSURANCE

"SEC. 221. (a) For the purpose of protecting the water-borne commerce of the United States from the impediments and burdens arising from the lack of adequate facilities for the insurance of such commerce, due to extraordinary risks arising under existing war conditions, the Commission is authorized to provide marine insurance and reinsurance against loss or damage by the risks of war and reinsurance against loss or damage by marine risks, as prescribed in this subtitle, whenever it appears to the Commission that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

U. S. Maritime Commission.  
Marine war-risk insurance and reinsurance; marine-risk reinsurance.

"(b) There shall be in the Treasury of the United States a revolving fund to be known as the marine and war-risk insurance fund (hereinafter referred to as the fund), to be used for carrying out the provisions of this subtitle, and to be constituted of such sums as may be appropriated to such fund and of moneys and receipts credited thereto as herein provided. There are hereby authorized to be appropriated to such fund such sums as may be necessary to carry out the provisions of this subtitle. All moneys received from premiums and from salvage or other recoveries, and all receipts in connection with this subtitle shall be deposited to the credit of such

Marine and war-risk insurance fund.

Appropriation authorized.  
Post, p. 766.  
Deposit of receipts, etc.

Payments from fund. fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this subtitle shall be made from such fund.

Insurable property. "SEC. 222. The Commission may insure against loss or damage by the risks of war, property, as follows:

American vessels; cargoes, etc. *Provido.* Contraband. " (a) (1) American vessels (including vessels under construction), (2) cargoes shipped or to be shipped therein: *Provido.* That in the event of the suspension of the present neutrality law no vessel or its officers and crew, carrying contraband and no cargo of contraband shall be insured under any provision of this Act, (3) their disbursements, and freight and passage moneys, and (4) personal effects of the masters, officers, and crews of such vessels.

U. S.-owned commercial vessels; cargoes, etc. " (b) (1) Commercial vessels (including vessels under construction) owned or controlled by the United States or any department or agency thereof, (2) cargoes owned by the Government or in which the Government has an insurable interest, to the extent of such interest, (3) their disbursements, and freight and passage moneys, and (4) personal effects of the masters, officers, and crews thereof.

Reinsurance of companies. "SEC. 223. (a) The Commission may reinsure any company authorized to do an insurance business in any State of the United States on account of marine and marine war risks, including protection and indemnity risks, assumed by any such company, on (1) property or interests as set forth in section 222 (a) and (b) of this subtitle, and (2) masters, officers, and crews of American vessels (including any such vessel owned or controlled by or chartered to the Commission) against loss of life, personal injury, or detention by any government except that of the United States following capture.

War risks. " (b) The Commission may reinsure, in whole or in part, with companies authorized to do an insurance business in a State of the United States, war risks assumed by the Commission under this subtitle.

Procurement of insurance by agencies, etc. " (c) Any department or agency of the United States is hereby authorized to procure insurance from the Commission as provided for in section 222 (b) of this subtitle, except as provided in the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 479).

5 U. S. C., Supp. V, §§ 134-134h.

War-risk insurance for masters, etc., of American vessels.

"SEC. 224. Whenever the Commission determines that insurance for masters, officers, and crews of American vessels against loss of life, personal injury, or detention by any government except that of the United States following capture, arising from risks of war, cannot, with the aid of reinsurance provided for under this subtitle, be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, the Commission is authorized to provide such insurance on a basis corresponding to the war risk insurance protection supplied, prior to such determination, for such personnel by companies authorized to do business in a State of the United States.

Suits against U. S.

"SEC. 225. In the event of disagreement as to a claim for losses or the amount thereof, on account of insurance under this subtitle, an action on the claim may be brought and maintained against the United States in the district court of the United States sitting in admiralty in the district in which the claimant or his agent may reside, or in case the claimant has no residence in the United States, in a district court in which the Attorney General of the United States shall agree to accept service. Said suits shall proceed and shall be heard and determined according to the provisions of an Act entitled 'An Act authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and

attachment in foreign jurisdictions, and for other purposes', approved March 9, 1920, as amended (known as the Suits in Admiralty Act), insofar as such provisions are not inapplicable and are not contrary to or inconsistent with the provisions of this subtitle."

"SEC. 226. (a) The Commission in the administration of this subtitle is authorized to adjust and pay losses, compromise and settle claims whether in favor of or against the Government, and to pay the amount of any judgment rendered in respect of any suit or settlement agreed upon in respect of any claim. The determinations of the Commission with respect to adjustments, compromises, settlements, and payments hereunder shall not be subject to review by any other executive or accounting officer of the Government.

"(b) The Commission is authorized to prescribe such forms and policies, to change or modify such forms and policies as may be necessary or appropriate under the circumstances, and to fix and adjust, as may be required by circumstances, the rates and changes of rates of insurance provided for in this subtitle.

"(c) The Commission is authorized and directed to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this subtitle. The Commission is authorized, in administering the provisions of this subtitle, to exercise its powers, perform its duties and functions, and make its expenditures, in accordance with commercial practice in the marine insurance business.

"(d) The Commission, without regard to the laws, rules, or regulations relating to the employment of employees of the United States, may appoint and prescribe the duties of such number of experts in marine insurance as the Commission may deem necessary in carrying out the provisions of this subtitle. The Commission, with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this subtitle.

"(e) The Commission shall include in the annual report to Congress a detailed statement of all activities and of all expenditures and receipts under this subtitle for the period covered by such report.

"(f) When used in this subtitle the term 'American vessels' means vessels registered, enrolled, or licensed under the laws of the United States.

"SEC. 227. Nothing in this subtitle shall be deemed to affect the rights of seamen under any provision of existing law.

"SEC. 228. All the provisions of this subtitle shall expire by limitation March 10, 1942, or sooner upon a proclamation by the President that the extraordinary condition upon which it is predicated is passed."

Approved, June 29, 1940.

[CHAPTER 448]

AN ACT

Authorizing the temporary detail of John L. Savage, an employee of the United States, to service under the Government of the State of New South Wales, Australia, and the Government of the Punjab, India.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized, if he finds that the public interest renders such a course advisable, to detail J. L. Savage, chief designing engineer of the Bureau of Reclamation, Department of the Interior, for temporary service under the Government of the State of New South Wales, Australia, and the Government of the Punjab, India. Such detail, if authorized by the President, shall be made in accord-

41 Stat. 525.  
46 U. S. C. §§ 741-752; Supp. V, §§ 745-752.

Authority to compromise and settle claims, etc.

Determinations not subject to designated review.

Policies and rates of insurance.

Rules and regulations.

Personnel.

Report to Congress.

"American vessels" defined.

Rights of seamen.

Expiration date.

June 29, 1940  
[H. R. 7254]  
[Public, No. 678]

J. L. Savage.  
Detail of, for service in Australia and India.

53 Stat. 652,  
5 U. S. C., Supp. V,  
§ 118e.

ance with and subject to the provisions of the Act of May 25, 1938 (52 Stat. 442), as amended May 3, 1939 (Public, Numbered 63, Seventy-sixth Congress).

Approved, June 29, 1940.

[CHAPTER 449]

AN ACT

To amend certain laws governing Federal prisoners, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Act of May 13, 1930 (46 Stat. 272; U. S. C., title 18, sec. 723c), is amended to read as follows:

Warrants to retake  
prisoner violating  
parole.

"SEC. 3. The said Board, or any member thereof, shall hereafter have the exclusive authority to issue warrants for the retaking of any United States prisoner who has violated his parole. The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney General under said warrant, and the time the prisoner was on parole shall not diminish the time he was originally sentenced to serve."

Original sentence  
not diminished.

SEC. 2. Section 5 of the Act of June 25, 1910 (36 Stat. 820; U. S. C., title 18, sec. 718), is amended to read as follows:

Officers authorized  
to execute warrant.

"SEC. 5. That any officer of any Federal, penal, or correctional institution or any Federal officer authorized to serve criminal process within the United States, to whom such warrant shall be delivered, is authorized and required to execute such warrant by taking such prisoner and returning him to the custody of the Attorney General. All necessary expenses incurred in the administration of this Act shall be paid out of the appropriation for the institution in connection with which such expense was incurred, and such appropriation is hereby made available therefor."

Payment of ex-  
penses.

SEC. 3. Section 6 of the Act of June 25, 1910 (36 Stat. 820; U. S. C., title 18, sec. 719), is amended to read as follows:

Opportunity to  
appear before Board  
of Parole, etc.

"SEC. 6. When a prisoner has been retaken upon a warrant issued by the Board of Parole, he shall be given an opportunity to appear before said Board of Parole, a member thereof, or an examiner designated by the Board. The said Board may then, or at any time in its discretion, revoke the order and terminate such parole or modify the terms and conditions thereof. If such order of parole shall be revoked and the parole so terminated, the said prisoner shall serve the remainder of the sentence originally imposed; and the time the prisoner was out on parole shall not be taken into account to diminish the time for which he was sentenced."

Revocation of parole  
order.

SEC. 4. Section 5296 of the Revised Statutes (U. S. C., title 18, sec. 641) is amended to read as follows:

Inability to pay  
fine, etc.

"SEC. 5296. When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and costs, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the nonpayment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding \$20 in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: 'I do solemnly swear that I have not any property, real or personal, to

Application for hear-  
ing.

Administration of  
oath.

the amount of \$20, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered); and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God.' Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. In case the convict is found by the commissioner to possess property valued at an amount in excess of said exemption, nevertheless, if the Attorney General finds that the retention by such convict of all of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for the nonpayment of such fine, or fine and costs; or if he finds that the retention by such convict of any part of such property is reasonably necessary for his support or that of his family, such convict shall be released without further imprisonment solely for nonpayment of such fine or fine and costs upon payment on account of his fine and costs, of that portion of his property in excess of the amount found to be reasonably necessary for his support or that of his family."

Discharge.

Possession of property in excess of exemption.

SEC. 5. The Act of May 14, 1930 (46 Stat. 325; U. S. C., title 18, sec. 753 to 753j), as amended, is amended by inserting after section 11 the following section:

"SEC. 12. Officers and employees of the Bureau of Prisons of the Department of Justice are empowered to make arrests without warrant for violations of any of the provisions of sections 9, 10, and 11, of this Act, if the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such offense, and if there is likelihood of the person escaping before a warrant can be obtained for his arrest. If the person so arrested is a fugitive from custody, he shall be returned to custody, and all other persons so arrested shall immediately be taken before a committing officer. Officers and employees of the said Bureau of Prisons are authorized and empowered to carry firearms under such rules and regulations as the Attorney General may prescribe."

Bureau of Prisons. Arrests without warrant.

Authority to carry firearms.

Approved, June 29, 1940.

[CHAPTER 450]

AN ACT

To amend section 1 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936.

June 29, 1940  
[H. R. 8046]  
[Public, No. 680]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States", approved June 29, 1936 (49 Stat. 2017), is hereby amended to read as follows:

Alaska Railroad. Retirement of certain employees.

5 U. S. C., Supp. V, § 745.

Employees eligible.

"That all employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States and whose tenure of employment is not intermittent nor of uncertain duration, shall come within the provisions of this Act: *Provided, however,* That employees of the Alaska Railroad who in the past have been, or in the future may be, employed thereon for the period of at least three months per year for at least two years shall come within the provisions of this Act: *Provided further,* That clerical employees of the Alaska Railroad who were subject to the Civil Service Retirement Act of May 22, 1920, as amended, at any time between July 1, 1935, and the effective date of this Act shall deposit in the Alaska Railroad retirement and disability fund an additional 1½ per centum of the basic

Provisos. Service requirement.

Clerical employees.

41 Stat. 614.  
5 U. S. C. §§ 691-736c;  
Supp. V, §§ 693-736b.

salary, pay, or compensation received by them during such period, together with interest computed at the rate of 4 per centum per annum compounded on the last day of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service."

Transfer of credit to retirement fund.

41 Stat. 614.  
5 U. S. C. §§ 691-736c;  
Supp. V, §§ 693-736b.

Effective date.

SEC. 2. The United States Civil Service Commission is hereby authorized and directed to ascertain the amount, if any, including accrued interest, due employees of the Alaska Railroad coming within the purview of this Act from the civil-service retirement and disability funds created by the Act of May 22, 1920, and to certify same to the Secretary of the Treasury, who is hereby authorized and directed to transfer such amount on the books of the Treasury Department to the Alaska Railroad retirement and disability fund.

SEC. 3. This Act shall take effect on the first day of the third month next following its approval.

Approved, June 29, 1940.

[CHAPTER 451]

AN ACT

To authorize the furnishing of steam from the Central Heating Plant to the National Academy of Sciences, and for other purposes.

June 29, 1940  
[H. R. 8076]  
[Public, No. 681]

National Academy of Sciences, D. C.  
Furnishing of steam authorized.

Proviso.  
Payment for steam.

Payment for work involved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Federal Works Administrator through the Public Buildings Administration be, and is hereby, authorized to furnish steam from the Central Heating Plant for the use of the National Academy of Sciences on the property designated as square 88 in the District of Columbia: *Provided,* That the National Academy of Sciences agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Administrator of the Federal Works Agency: *Provided further,* That the Federal Works Administrator, through the Public Buildings Administration, is authorized to prepare plans and specifications and to supervise and contract for the work necessary to connect with the Government mains and to receive payment from the National Academy of Sciences by the transfer of funds in advance to cover the cost of such work and services, including administrative expenses.

Approved, June 29, 1940.

[CHAPTER 452]

AN ACT

For the marking, care, and maintenance of the Mount of Victory plot in the Cypress Hills Cemetery, in Brooklyn, New York.

June 29, 1940  
[H. R. 8258]  
[Public, No. 682]

Cypress Hills National Cemetery, Brooklyn, N. Y.  
Addition of Mount of Victory plot.

Care, maintenance, and marking.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* The Secretary of War is authorized and directed to accept (on behalf of, and without cost to, the United States) title to that certain burial plot in the Cypress Hills Cemetery, in the Borough of Brooklyn, in the county of Kings, in the State of New York, known as the Mount of Victory plot and designated on a map of said cemetery filed according to law as lots numbers 354 to 359, inclusive, in section 2, comprising approximately two thousand four hundred square feet, in which plot are interred the remains of the last survivor and of other veterans of the War of 1812, and to make said plot part and parcel of the Cypress Hills National Cemetery acquired in 1870 from and also located wholly within said Cypress Hills Cemetery. The said Mount of Victory plot shall thereafter receive care, maintenance, and marking as provided by U. S. C., title 24, sections 278 and 279.

Approved, June 29, 1940.

## [CHAPTER 453]

## AN ACT

Permitting official mail of the Pan American Sanitary Bureau to be transmitted in penalty envelopes.

June 29, 1940  
[H. R. 8350]  
[Public, No. 683]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the privilege of the free transmission of official mail matter is hereby extended to the Pan American Sanitary Bureau in the same manner and subject to the same conditions as is provided in the case of official mail matter of the Pan American Union.

Pan American Sanitary Bureau.  
Free transmission of official mail matter.

Approved, June 29, 1940.

## [CHAPTER 454]

## AN ACT

For the exchange of lands adjacent to the San Juan National Forest and the Rio Grande National Forest in Colorado.

June 29, 1940  
[H. R. 8356]  
[Public, No. 684]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of the Act of March 20, 1922 (42 Stat. L. 465; U. S. C., title 16, sec. 485), entitled "An Act to consolidate national forest lands", and the provisions of the Act of February 28, 1925 (43 Stat. L., p. 1090; U. S. C., title 16, sec. 486), entitled "An Act to amend an Act entitled 'An Act to consolidate national forest lands'", and Acts amendatory thereto, are hereby extended to include any suitable offered lands within the boundaries of that portion of the former Mexican grant known as the Tierra Amarilla Grant, lying within the State of Colorado, adjacent to the Rio Grande or San Juan National Forests. Lands conveyed to the United States under this Act shall, upon acceptance of title, become parts of the national forest nearest to which they are situated, and shall thereafter be subject to the laws, rules, and regulations applicable to said national forest.

San Juan and Rio Grande National Forests.  
Exchange of adjacent lands.

Administration.

Approved, June 29, 1940.

## [CHAPTER 455]

## AN ACT

To prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System.

June 29, 1940  
[H. R. 8399]  
[Public, No. 685]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act of May 18, 1934, entitled "An Act to provide punishment for certain offenses committed against banks organized or operating under laws of the United States or any member of the Federal Reserve System" (48 Stat. 783; U. S. C., title 12, sec. 588b), as amended, be further amended by adding thereto the following subsection:

Bank robbery.

12 U. S. C., Supp. V, §588b.

"(c) Whoever shall receive, possess, conceal, store, barter, sell, or dispose of any property or money or other thing of value knowing the same to have been taken from a bank in violation of subsection (a) of this section shall be fined not more than \$5,000 or imprisoned not more than ten years, or both."

Receiving, etc., of loot; penalty.

Approved, June 29, 1940.

## [CHAPTER 456]

## AN ACT

To amend the Perishable Agricultural Commodities Act, 1930, as amended, to include as a perishable agricultural commodity cherries in brine, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (4) of section 1 of the Perishable Agricultural Commodities Act, 1930, as amended (relating to the definition of "perishable agricultural commodity"), is amended to read as follows:

"(4) The term 'perishable agricultural commodity'—

"(A) Means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character; and

"(B) Includes cherries in brine as defined by the Secretary in accordance with trade usages;".

SEC. 2. Paragraph (6) (C) of section 1 of such Act, as amended (relating to the definition of "dealer"), is amended by inserting after the word "ice" a comma and the following: "or consists of cherries in brine."

SEC. 3. Paragraph (1) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended to read as follows:

"(1) For any commission merchant, dealer, or broker to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;".

SEC. 4. Paragraph (5) of section 2 of such Act, as amended (relating to the definition of "unfair conduct"), is amended by inserting after "quality," the following: "quantity, size, pack, weight,".

Approved, June 29, 1940.

## [CHAPTER 457]

## AN ACT

To amend the Act to regulate the practice of podiatry in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act to regulate the practice of podiatry in the District of Columbia, approved May 23, 1918, and Acts amendatory thereof, are further amended to read as follows:

"There is hereby established a Board of Podiatry Examiners, which shall consist of the health officer of the District of Columbia ex officio and three members, to be appointed by the Board of Commissioners of the District of Columbia.

"Said members shall be appointed within thirty days after this Act has taken effect, and they shall be so classified by the Board of Commissioners that the term of one member shall expire in one year, one in two years, and one in three years from the date of appointment, and annually thereafter the Board of Commissioners shall appoint one member who shall serve for a period of three years, or until his successor is appointed and qualified. Vacancies in said Board shall be filled by the Board of Commissioners for the unexpired term.

"No person shall be eligible for appointment upon the Board who is not a citizen of the United States and who has not been for five years next preceding his appointment a resident of and in

June 29, 1940

[H. R. 8628]

[Public, No. 686]

Perishable Agricultural Commodities Act, 1930, amendments.

46 Stat. 531.

7 U. S. C. §§ 499a, 499b; Supp. V, §§ 499a, 499b.

Definitions.  
"Perishable agricultural commodity."

"Dealer."

"Unfair conduct."

Weight, number, etc., of commodity.

Misrepresentation of quantity, size, etc.

June 29, 1940

[H. R. 8692]

[Public, No. 687]

District of Columbia.

Podiatry regulations.

40 Stat. 560.

20 D. C. Code § 995.

Board of Podiatry Examiners.

Terms of members.

Vacancies.

Eligibility for appointment.

the active and reputable practice of podiatry in the District of Columbia. Appointments shall be made from a list of three to five eligibles submitted by the Podiatry Society of the District of Columbia. In case of failure of said Podiatry Society to submit said list, the Board of Commissioners shall appoint members in good standing of said Podiatry Society without restriction, who are qualified as aforesaid.

List of eligibles.

"SEC. 2. The Board of Podiatry Examiners shall organize by electing from its members a president, and a secretary-treasurer who shall give bond to the United States in the sum of \$1,000. The Board shall adopt such rules and regulations not inconsistent herewith as it deems necessary respecting the eligibility of candidates, and the scope of examinations. The Board shall adopt an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, and a register of persons licensed as podiatrists and of licenses revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated. A quorum of the Board shall consist of not less than two members. The Board shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

Election of officers.

Seal, records, and register.

Quorum.  
Annual reports.

Attendance of witnesses, etc.

"SEC. 3. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce books and papers when duly directed by the said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such books and papers, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

Subpoenas and oaths.

Failure of witness to testify, etc.; punishment.

"SEC. 4. It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of podiatry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board.

Prosecution of law violations.

"The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigation and prosecutions incident to the enforcement of this Act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this Act.

Police detail.

"SEC. 5. Any person who desires to begin the practice of podiatry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States or has duly declared his intention to become a citizen of the United States, not less than twenty-one years of age, of good moral character, and is a graduate of a podiatry college recognized by the National Association

Application for license.

Qualifications.

Citizenship requirement.

of Chiropractors and approved by the Board. Any license issued to a person who is a citizen of a foreign country and who has duly declared his intention to become a citizen of the United States shall automatically terminate and the registration of the candidate be annulled in the event such candidate shall fail to submit to the Board satisfactory evidence within six years from the date of such license that he has become a citizen of the United States. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. The Board shall hold in January and July of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses under this Act.

Application form, etc.

Semiannual examinations.

Application for license after examination.

“(a) If such application be for a license after examination, the applicant shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written and oral test, in the following subjects as the same shall be taught in the recognized podiatry colleges: Anatomy, physiology, pathology, bacteriology, chemistry, materia medica, surgery, therapeutics, diagnosis and treatment, clinical and orthopedic podiatry, and any other of such subjects as the Board may determine.

Without examination.

“(b) If such application be for a license without examination by virtue of a license issued by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, the applicant shall furnish proof satisfactory to the Board that he holds a valid license from a similar podiatry board, with requirements equal to those of the District of Columbia, and that he has been in the lawful and reputable practice of podiatry in the State or Territory or foreign country from which he applies for five consecutive years next prior to filing his application: *Provided*, That the laws of such State or Territory or foreign country accord equal rights to a podiatrist of the District of Columbia who desires to practice his profession in such State or Territory or foreign country.

*Proviso.*  
Reciprocity.

License conclusive evidence of right to practice.

“SEC. 6. If such applicant passes the examination, or furnishes the information required of applicants for license without examination, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice podiatry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.

Loss of license.

Revocation, etc., of license; causes.

“SEC. 7. The District Court of the United States for the District of Columbia may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to said court—

“(a) That said license or registration was procured through fraud or misrepresentation.

“(b) That the holder thereof has been convicted of a felony.

“(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to drugs.

“(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of the human foot or leg or any part thereof; employing or making use of solicitors or free publicity press agents, directly or indirectly; or advertising any free podiatry work, or free examination; or advertising to guarantee podiatry service.

“(e) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice podiatry.

“(f) That such holder is guilty of unprofessional conduct.

“The following acts on the part of a podiatrist are hereby declared to constitute unprofessional conduct:

Acts deemed unprofessional conduct.

“(1) Practicing while his license is suspended.

“(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

“(3) Advertising by any medium other than the personal carrying of a modest professional card or the display of a modest window or street sign at the licensee’s office, which professional card or window or street sign shall display only the name, address, profession, office hours, and telephone connections of the licensee; except in the case of announcement of change of address or the starting of practice, when the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

“(4) Practicing podiatry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

“(5) Violating this Act or aiding any person to violate this Act or to knowingly violate the podiatry act of any State or Territory.

“(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

“The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the said court from holding that other or similar acts also constitute unprofessional conduct.

“SEC. 8. The District Court of the United States for the District of Columbia may suspend or revoke any license issued and any registration upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Misconduct or professional incapacity; penalty.

“Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the District Court of the United States for the District of Columbia in the name of the Board of Podiatry Examiners and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purposes and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the District Court of the United States for the District of Columbia to the United States Court of Appeals of said District. Any such appeal on behalf of the Board of Podiatry Examiners may be filed without bond. The District Court of the United States for the District of Columbia may determine whether a license or registration shall be suspended or revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

Revocation, etc., proceedings.

Rules applicable.

Appeal.

Duration of suspension.

“SEC. 9. That in addition to the fees fixed herein each applicant for a license as podiatrist shall deposit with his application a fee of \$25 if for a license after examination, and \$50 if for a license by reciprocity; with each application for a duplicate license a fee of \$5 shall be paid to said Board and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this Act, there shall be defrayed all expenses incurred in carrying out the provisions of this Act, including the

Fees.

Expenses payable from fees.

detection and prosecution of violations thereof, together with a fee of \$10 per diem for each member of said Board, other than the health officer of the District of Columbia, when actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expense shall in no event exceed the total of receipts.

*Proviso.*  
Limitation on ex-  
penses.

Registration.

"SEC. 10. During the month of December of each year, every licensed podiatrist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$2. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each podiatrist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$2 shall be imposed, and should the practitioner fail to register and pay the fine imposed and continues to practice his profession in the District of Columbia he shall at the end of ten days from said date be considered as practicing illegally and penalized as otherwise provided for in this Act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.

Fee.

Blank form.

Failure to register.

Reinstatement.

Printed register.

Person practicing  
podiatry; definition.

"SEC. 11. Any person shall be regarded as practicing podiatry who, gratuitously or for a salary, fee, money, or other compensation paid either himself or to any other person, directly or indirectly, furnishes or advertises to furnish, or performs or causes to be performed, by himself or by any other person, agent, or employe, podiatry service; or who uses the words 'podiatrist', 'chiroprapist', or any letters or title in connection with his name which in any way represents him as being engaged in the practice of podiatry; or who is a manager, proprietor, operator, or conductor of a place where podiatry service is performed; or who shall state, advertise, or permit to be advertised by sign, card, circular, handbill, newspaper, radio, or otherwise that he can, or will attempt to, perform podiatry service or render a diagnosis in connection therewith; 'podiatry' and 'podiatry service', within the meaning of this section and this Act, are hereby defined to be the surgical, medical, or mechanical treatment of any ailment of the human foot, except the amputation of the foot or any of the toes; and, also, except the use of an anesthetic other than a local one.

"Podiatry" and  
"podiatry service" de-  
fined.

Inapplicability of  
Act to podiatry stu-  
dents, etc.

"SEC. 12. Nothing in this Act shall apply to a bona fide student of podiatry in the clinic rooms of a reputable podiatry college; to a licensed and legally qualified practitioner of the healing arts; to a podiatrist of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of podiatry in another State or Territory making a clinical demonstration before a bona fide society, convention, association of podiatrists, or podiatry college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.

Display of license  
and registration card.

"SEC. 13. Whoever engages in the practice of podiatry and fails to keep displayed in a conspicuous place in the operating room in

which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

“SEC. 14. Whoever sells or offers to sell a diploma conferring a podiatry degree or a certificate granted for postgraduate work, or a license granted pursuant to this Act, or whoever procures such diploma, certificate, or license with intent to use the same as evidence of the right to practice podiatry as defined by law, by a person other than the one upon whom such diploma was conferred, or to whom such license was granted, or any person who with fraudulent intent alters such diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

Fraudulent use of licenses, etc.

“SEC. 15. Whoever practices podiatry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered podiatry college, or makes use of the words ‘podiatry college’ or ‘school’ or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

Practice under false name, etc.

“SEC. 16. No person or persons, corporation, or educational institution shall conduct classes or a school for postgraduate podiatry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

Board approval of podiatry classes, etc.

“SEC. 17. Whoever engages in the practice of podiatry without a license so to do, or whoever violates any provision of law relating to the practice of podiatry, or the application for examination and licensing of podiatrists for which no specific penalty has been prescribed shall be fined not more than \$1,000.

Practicing without license, etc.

“SEC. 18. When used in this Act—

Terms construed.

“(1) Personal pronouns include all genders.

“(2) The term ‘Board’ means the Board of Podiatry Examiners.

“(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

“SEC. 19. Rules and regulations adopted by the Board shall become effective thirty days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for three consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered podiatrist in the District of Columbia.

Rules and regulations. *Proviso.* Publication.

“SEC. 20. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Separability clause.

Right reserved.

“SEC. 21. All Acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed.”

Repeal.

Approved, June 29, 1940.

## [CHAPTER 458]

## AN ACT

June 29, 1940  
[H. R. 8815]  
[Public, No. 688]

To grant per diem compensation to the appointed members of the Board of Steam and Other Operating Engineers of the District of Columbia, and for other purposes.

District of Columbia.  
Licensing of steam, etc., engineers.  
24 Stat. 427.  
20 D. C. Code § 362.  
Board of examiners.  
Membership.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act to regulate steam and other operating engineering in the District of Columbia", approved February 28, 1887, as amended, is amended to read as follows:

Compensation.

"SEC. 2. That all persons applying for such license shall be examined by a board of examiners composed as follows: Two practical engineers, neither of whom shall be in the employ of the United States or the District of Columbia, to be appointed by the Commissioners of the District of Columbia, and the boiler inspector for the District of Columbia. Each appointed member shall receive compensation at the rate of \$10 per day when actually engaged in the work of the board, such compensation not to exceed \$300 per annum.

Terms.

One of the appointed engineers shall be appointed for a term of one year and the others for a term of two years. On the expiration of such appointments, all appointments shall be made for the term of two years except such appointments as may be made for the remainder of unexpired terms. Vacancies caused by death, resignation, or otherwise shall be filled by the Commissioners only for the unexpired terms. Members shall be eligible for reappointment.

Vacancies.

Removal from office.

The Commissioners of the District of Columbia may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Said examination shall be conducted in all respects under such rules and regulations as the Commissioners of the District of Columbia shall from time to time provide; and all engines and steam boilers shall be subjected to such tests as the said Commissioners may prescribe."

Examinations.

Approved, June 29, 1940.

## [CHAPTER 459]

## AN ACT

June 29, 1940  
[H. R. 9274]  
[Public, No. 699]

To amend the Act entitled "An Act to provide for the establishment of the Cape Hatteras National Seashore in the State of North Carolina, and for other purposes", approved August 17, 1937 (50 Stat. 669).

Cape Hatteras National Seashore, N. C.  
Redesignation of area.

16 U. S. C., Supp. V, §§ 469-459a-3.

*Proviso.*  
Hunting permitted in designated areas.

16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the words "national seashore recreational area" are hereby substituted in lieu of the words "national seashore" wherever such words occur in the Act of August 17, 1937 (50 Stat. 669).

SEC. 2. That section 3 of the aforesaid Act is hereby amended by striking out the period at the end thereof and the addition of the following: " : *And provided further,* That hunting shall be permitted, under such rules and regulations as may be prescribed by the Secretary of the Interior in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as follows: (a) Upon the waters of the sounds included within the national seashore recreational area, (b) in the area north of the Currituck County line, (c) on Ocracoke Island, and (d) within not more than two thousand acres of land in the remaining portion of said national seashore recreational area, as shall be designated by the Secretary of the Interior; except on lands and waters included in any existing or future wildlife or migratory bird refuge and adjacent closed waters."

Approved, June 29, 1940.

## [CHAPTER 460]

## AN ACT

For the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes.

June 29, 1940  
[H. R. 9445]  
[Public, No. 690]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in aid of the construction of the Grand Coulee Dam project, authorized by the Act of August 30, 1935 (49 Stat. 1028), there is hereby granted to the United States, subject to the provisions of this Act, (a) all the right, title, and interest of the Indians in and to the tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structures and unsold lands in Klaxta town site, as may be designated therefor by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of one thousand three hundred and ten feet above sea level as shown by General Land Office surveys, except in Klaxta town site; and (b) such other interests in or to any of such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project.

The Secretary of the Interior, in lieu of reserving rights of hunting, fishing, and boating to the Indians in the areas granted under this Act, shall set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife: *Provided*, That the exercise of the Indians' rights shall not interfere with project operations. The Secretary shall also, where necessary, grant to the Indians reasonable rights of access to such area or areas across any project lands.

SEC. 2. As lands or interests in lands are designated from time to time under this Act, the Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation therefor. As to the tribal lands, the amounts so determined shall be transferred in the Treasury of the United States from the funds now or hereafter made available for the construction of the Grand Coulee Dam project to the credit of the appropriate tribe pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560). The amounts due individual landowners or their heirs or devisees shall be paid from funds now or hereafter made available for the construction of said project to the superintendent of the Colville Indian Agency or such other officer as shall be designated by the Secretary of the Interior for credit on the books of said agency to the accounts of the individuals concerned.

SEC. 3. Funds deposited to the credit of allottees, their heirs or devisees may be used in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements, or the relocation of existing improvements or construction of new improvements on the lands so acquired for the allottees or heirs whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived, and shall be nontaxable until otherwise provided by Congress.

SEC. 4. As to any Indian cemetery lands required for the project, the Secretary of the Interior is authorized, in his discretion, in lieu of requiring payment therefor, to establish cemeteries on other lands

Grand Coulee Dam project.  
Acquisition of Indian lands.

*Proviso.*  
Restriction; exception.

Construction of pipe lines, etc.

Use of reservoir land for hunting, etc., by Indians.

*Proviso.*  
Noninterference with project operations.

Compensation to Indians.

Credit of funds to appropriate tribe.

25 U. S. C. § 155.

Payments to individual landowners.

Use of funds for acquisition of other lands, etc.

Relocation of Indian cemeteries.

Payment of costs. that he may select and acquire for the purpose, and to remove bodies, markers, and other appurtenances to the new sites. All costs incurred in connection with any such relocation shall be paid from moneys appropriated for the project. All right, title, and interest of the Indians in the lands within any cemetery so relocated shall terminate and the grant of title under this Act take effect as of the date the Secretary of the Interior authorizes the relocation. Sites of the relocated cemeteries shall be held in trust by the United States for the Spokane or Colville Tribe, as the case may be, and shall be nontaxable.

Sites held in trust by U. S.

Regulations, etc.

SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to prescribe such regulations as he may deem appropriate to carry out the provisions of this Act.

Approved, June 29, 1940.

[CHAPTER 461]

AN ACT

To authorize appropriations for construction at military posts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated not to exceed \$15,000,000 to be expended for the construction, rehabilitation, and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Station	ALASKA	Amount
Anchorage	-----	\$6, 379, 225
	HAWAII	
Schofield Barracks	-----	823, 200
Fort Shafter	-----	90, 000
	PANAMA	
Fort Clayton	-----	512, 075
Corozal	-----	1, 071, 300
Panama Canal Department	-----	365, 500
	PUERTO RICO	
Borinquen Field	-----	571, 700
Puerto Rican General Depot	-----	45, 000
	CONTINENTAL UNITED STATES	
Aberdeen Proving Ground, Md	-----	210, 000
Atlanta General Depot, Ga	-----	1, 300, 000
Fort Belvoir, Va	-----	60, 000
Fort Benning, Ga	-----	1, 320, 500
Edgewood Arsenal, Md	-----	432, 476
Fort Sam Houston, Tex	-----	277, 200
Fort Knox, Ky	-----	153, 124
Fort Lewis, Wash	-----	255, 000
Fort McPherson, Fla	-----	65, 000
Fort Myer, Va	-----	84, 000
Fort Monroe, Va	-----	179, 500
Philadelphia Quartermaster Depot	-----	314, 000
Picatinny Arsenal	-----	23, 000
Fort Pickens, Fla	-----	48, 200
Fort Sill, Okla	-----	96, 000
Fort Story, Va	-----	25, 000
West Point	-----	299, 000
Total	-----	15, 000, 000

Approved, June 29, 1940.

June 29, 1940

[H. R. 9896]

[Public, No. 691]

Military posts. Appropriation for construction at, authorized. Ante, p. 360; post, p. 958.

[CHAPTER 462]

## AN ACT

To authorize the acquisition of additional land for military purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War is hereby authorized to acquire, in such order of priority as he may determine, title to additional land, or interest therein, or right pertaining thereto, to the extent of the approximate areas hereinafter set forth, for the establishment, enlargement, and essential improvement of the following military reservations, posts, and facilities:

Antiaircraft Training and Firing Center, Savannah, Georgia, five hundred and twenty-five thousand acres.

Big Bethel Water Development, Fort Monroe, Virginia, forty-one acres.

Camp Custer, Michigan, six thousand one hundred and twenty-six acres.

Fort Dix, New Jersey, sixteen thousand three hundred and forty-six acres.

Fort Lewis, Washington, five thousand sixty-one acres.

SEC. 2. In order to accomplish the purpose of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500,000, to be expended under the direction of the Secretary of War.

Approved, June 29, 1940.

June 29, 1940

[H. R. 9897]

[Public, No. 692]

Acquisition of additional land for military purposes.  
*Ante*, pp. 360, 361.

Savannah, Ga.

Fort Monroe, Va.

Camp Custer, Mich.

Fort Dix, N. J.

Fort Lewis, Wash.

Appropriation authorized.  
*Post*, p. 958.

[CHAPTER 492]

## AN ACT

Authorizing the Secretary of the Interior to sell certain land to the Conconully Cemetery Association.

June 29, 1940

[H. R. 8316]

[Public, No. 693]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subject to Executive Order Numbered 1032 of February 25, 1909, withdrawing lot 5, section 7, township 35 north, range 25 east, Willamette meridian, Okanogan County, Washington, and other lands, and setting them apart for the use of the Department of Agriculture as preserves and breeding grounds for native birds, the Secretary of the Interior, upon payment therefor at the rate of \$1.25 per acre, may cause a patent to issue to the Conconully Cemetery Association, for cemetery uses, for all of lot 5, section 7, township 35 north, range 25 east, Willamette meridian, Okanogan County, Washington, except the three hundred-foot strip along the westerly border of such lot, heretofore determined by the Commissioner of Reclamation to be necessary for reclamation purposes, which shall be excepted from such grant. Except for the uses herein authorized, neither this Act nor the patent that may issue thereunder shall be construed as abrogating or in any manner affecting the aforesaid Executive order of February 25, 1909, which order shall otherwise remain in full force unless and until revoked by the President or by Act of Congress.

Approved, June 29, 1940.

Conconully Cemetery Association.  
Issue of land patent to.

Payment.

Description.

Designated Executive order not abrogated.

## [CHAPTER 493]

## JOINT RESOLUTION

To clear title to certain real estate.

June 29, 1940  
[H. J. Res. 517]  
[Pub. Res., No. 90]

Branch County,  
Mich.  
Clearing title to cer-  
tain real estate.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to execute and deliver to the register of deeds of said Branch County, Michigan, a conveyance in the following form, to wit:

The United States having no interest in the property known and described as the northwest quarter of the southwest quarter of section 30, township 6 south, range 8 west, Branch County, Michigan, and which said property one Helen L. Kane attempted to convey, under certain conditions, to the United States Government, the United States does hereby, through the Secretary of the Treasury (or any subordinate in his office), he being, by joint resolution of Congress so authorized and directed, quitclaim and convey to the said Helen L. Kane all interest of "The Government of the United States, Washington, D. C.", in the premises heretofore described.

Approved, June 29, 1940.

## [CHAPTER 494]

## JOINT RESOLUTION

Authorizing a reduction in the rate of interest to be paid on certain loans and advances made to the District of Columbia by the United States of America through the Public Works Administration.

July 1, 1940  
[H. J. Res. 559]  
[Pub. Res., No. 91]

District of Columbia.  
Reduction of in-  
terest on certain pub-  
lic-works loans, etc.

48 Stat. 1215; 49  
Stat. 174; 52 Stat.  
1203.  
20 D. C. Code,  
Supp. V, §§ 1587-  
1590.

Notification of in-  
terest rate.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioner of Public Works, under the direction and supervision of the Federal Works Administrator, and the Commissioners of the District of Columbia, be, and they are hereby, authorized to amend existing contracts and agreements by which funds have been loaned or advanced or are obligated to be loaned or advanced to said Commissioners, for the acquisition, purchase, construction, establishment, and development of public works, pursuant to the authority of Public Law Numbered 465, Seventy-third Congress, approved June 25, 1934, as amended by Public Law Numbered 51, Seventy-fourth Congress, approved May 6, 1935, or Public Law Numbered 746, Seventy-fifth Congress, approved June 25, 1938, so as to provide for the payment of interest on the amounts of such loans and advances to be repaid to the Public Works Administration at such rate as would, in the opinion of the Secretary of the Treasury, be the lowest interest rate available to the District of Columbia were said District authorized by law to issue and sell obligations to the public at the par value thereof, in a sum equal to the repayable amounts of such loans and advances, maturing serially over a period of fifteen years in approximately equal annual installments, including both principal and interest, and secured by a first pledge of and lien upon all the general-fund revenues of said District.

SEC. 2. The Secretary of the Treasury is authorized and directed to advise the Commissioner of Public Works and the Commissioners of the District of Columbia of such interest rate which, in his opinion and in the aforesaid circumstances, would be available to the District of Columbia on the date of enactment of this joint resolution.

Approved, July 1, 1940.

## [CHAPTER 495]

## AN ACT

To amend an Act entitled "An Act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932.

July 1, 1940  
[H. R. 159]  
[Public, No. 694]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act relating to the naturalization of certain women born in Hawaii", approved July 2, 1932, is amended to read as follows: That for the purposes of subdivision (b) of section 3 of the Act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922, as amended, a woman born in Hawaii prior to June 14, 1900, shall be considered to have been a citizen of the United States at birth.

Citizenship of women born in Hawaii prior to June 14, 1900.  
47 Stat. 571.  
8 U. S. C. § 368b.

46 Stat. 1511.  
8 U. S. C. § 369a.

Approved, July 1, 1940.

## [CHAPTER 496]

## AN ACT

To authorize the appropriation for payment of the cost of providing additional water for the Wapato Indian irrigation project, Washington.

July 1, 1940  
[H. R. 3402]  
[Public, No. 695]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$800,000, and credited to the reclamation fund, to defray the actual cost of furnishing an additional quantity of water annually of one hundred thousand acre-feet which is needed to provide adequate irrigation for forty acres each of the Indian allotments of the Yakima Reservation as contemplated by the Act of August 1, 1914, and as set out in the terms of the agreement between the Bureau of Reclamation and the Office of Indian Affairs, approved by the Secretary of the Interior September 3, 1936, the same to be made available in amounts not to exceed \$20,000 annually for forty years.

Wapato Indian irrigation project, Wash. Appropriation for additional water authorized.

38 Stat. 582, 604.

Approved, July 1, 1940.

## [CHAPTER 497]

## AN ACT

For expenditure of funds for cooperation with the public-school board, Cass County, Minnesota, for the construction, extension, equipment, and improvement of public-school facilities to be available to Indian children in the district.

July 1, 1940  
[H. R. 6583]  
[Public, No. 696]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$65,000 for the purpose of cooperating with the public-school board, Cass County, Minnesota, for the construction, extension, equipment, and improvement of the public-school facilities at a location to be agreed upon by the Secretary of the Interior and the school officials of Cass County, Minnesota: *Provided,* That the expenditure of any money so authorized shall be subject to the express conditions that the school maintained by the said district in the said building shall be available to all Indian children of the district, on the same terms, except as to payment of tuition, as other children of said school district: *Provided further,* That plans and specifications for construction, extension, or improvement of structures shall be furnished by local or State authorities without cost to the United States, and upon approval thereof by the Commissioner of Indian Affairs actual work shall proceed under the

Cass County, Minn. Appropriation authorized for construction of public-school facilities.

*Proviso.*  
A availability to Indian children.

Plans and specifications.

Payment for work.  
Sponsors' contribution.  
Recoupment by U. S.  
Interest on unrecouped balances.

direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *Provided further*, That funds thus appropriated may be used as sponsors' contribution for the construction, extension, equipment, and improvement of the said public-school facilities approved and carried on under funds of the Work Projects Administration: *And provided further*, That any amount expended on any project hereunder shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States, and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances.

Approved, July 1, 1940.

[CHAPTER 498]

AN ACT

To authorize defraying cost of necessary work between the Yuma project and Boulder Dam.

July 1, 1940  
[H. R. 7116]  
[Public, No. 697]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved January 21, 1927, is amended to read as follows:

44 Stat. 1021.

Colorado River.  
Annual appropriation for front work, etc.

"There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, the sum of \$100,000, or so much thereof as may be necessary, to be spent by the Reclamation Bureau under the direction of the Secretary of the Interior to defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California and to defray the cost of other necessary protection works and systems along the Colorado River between said Yuma project and Boulder Dam."

Approved, July 1, 1940.

[CHAPTER 499]

AN ACT

To provide for exercising the right with respect to red cedar shingles reserved in the trade agreement concluded November 17, 1938, between the United States of America and Canada, and for other purposes.

July 1, 1940  
[H. R. 9765]  
[Public, No. 698]

Red cedar shingles.  
Investigation by U. S. Tariff Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) the United States Tariff Commission is hereby directed to conduct an investigation as soon as practicable after the close of the calendar year 1939 and each calendar year thereafter, for the purpose of ascertaining the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding any such investigation.

Report of excess imports to President.

(b) If the Commission finds, on the basis of an investigation under subdivision (a) of this section, that in any calendar year after 1938 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was

in excess of 30 per centum of the combined total for such year of the respective quantities ascertained in such investigation, it shall so report to the President. If the President approves the report of the Commission, he shall so proclaim, and on and after the day following the filing of such proclamation with the Division of the Federal Register and so long as any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended, shall be in effect with respect to the importation into the United States of red cedar shingles, there shall be a duty upon imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, in any calendar year in excess of 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of such shingles shipped by producers in the United States and of the quantity of such imported shingles entered for consumption, or withdrawn from warehouse for consumption. The rate of such duty shall be 25 cents per square. Any duty imposed under this Act shall be treated for the purposes of all provisions of law relating to customs revenue as a duty imposed by the Tariff Act of 1930, and shall not apply to shingles entered for consumption before the duty becomes applicable.

(c) The quantity of red cedar shingles entitled to exemption from any duty imposed pursuant to this Act shall be ascertained for each quota period by the Commission and reported to the Secretary of the Treasury.

Approved, July 1, 1940.

Approval by proclamation.

48 Stat. 943.  
19 U. S. C. § 1351;  
Supp. V, § 1351.  
Duty.

Exemption of prior importations.

Quantity exempt from duty; report.

[CHAPTER 500]

AN ACT

Amending the Bankruptcy Act with respect to the basis of property.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That effective as of June 22, 1938, section 270 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended to read as follows:

"SEC. 270. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the plan. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

SEC. 2. Effective as of June 22, 1938, section 396 of such Act, as amended, is amended to read as follows:

"SEC. 396. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person

July 1, 1940

[H. R. 9864]

[Public, No. 699]

Bankruptcy Act of 1898, amendments.  
52 Stat. 904.  
11 U. S. C., Supp. V, § 670.

Corporate reorganizations.  
Determination of basis of property for income-tax purposes.

Limitation on reduction of basis.

Regulations.

52 Stat. 915.  
11 U. S. C., Supp. V, § 796.

Arrangements.  
Determination of basis of property for income-tax purposes.

required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

Limitation on reduction of basis.

Regulations.

52 Stat. 929,  
11 U. S. C., Supp.  
V, § 922.

Real property arrangements by persons other than corporations.

Determination of basis of property for income-tax purposes.

Limitation on reduction of basis.

Regulations.

SEC. 3. Effective as of June 22, 1938, section 522 of such Act, as amended, is amended to read as follows:

"SEC. 522. In determining the basis of property for any purposes of any law of the United States or of a State imposing a tax upon income, the basis of the debtor's property (other than money) or of such property (other than money) as is transferred to any person required to use the debtor's basis in whole or in part shall be decreased by an amount equal to the amount by which the indebtedness of the debtor, not including accrued interest unpaid and not resulting in a tax benefit on any income-tax return, has been canceled or reduced in a proceeding under this chapter, but the basis of any particular property shall not be decreased to an amount less than the fair market value of such property as of the date of entry of the order confirming the arrangement. Any determination of value in a proceeding under this chapter shall not be deemed a determination of fair market value for the purposes of this section. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe such regulations as he may deem necessary in order to reflect such decrease in basis for Federal income-tax purposes and otherwise carry into effect the purposes of this section."

Approved, July 1, 1940.

[CHAPTER 501]

AN ACT

To amend the Act relating to preventing the publication of inventions in the national interest, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of Congress approved October 6, 1917 (40 Stat. 394, ch. 95, U. S. C., title 35, sec. 42), be amended to read as follows:

"Whenever the publication or disclosure of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense he may order that the invention be kept secret and withhold the grant of a patent for such period or periods as in his opinion the national interest requires: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents.

Withholding of patents in national interest.

*Proviso.*  
Deemed abandoned if published, etc.

July 1, 1940  
[H. R. 10058]  
[Public, No. 700]

"When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government: *Provided*, That the Secretary of War or the Secretary of the Navy or the chief officer of any established defense agency of the United States, as the case may be, is authorized to enter into an agreement with the said applicant in full settlement and compromise for the damage accruing to him by reason of the order of secrecy, and for the use of the invention by the Government."

SEC. 2. This Act shall take effect on approval and shall remain in force for a period of two years from such date.

Approved, July 1, 1940.

Right of patentee to sue for compensation.

*Proviso.*  
Settlement with applicant for damage, etc.

Effective date; period in force.

[CHAPTER 502]

AN ACT

To amend the Immigration Act of 1924 to require aliens admitted into the United States as officials of foreign governments either to maintain their status or to depart from the United States, with the approval of the Secretary of State.

July 1, 1940  
[H. R. 10112]  
[Public, No. 701]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first subdivision of section 3 of the Immigration Act approved May 26, 1924 (43 Stat. 153; U. S. C. Annotated, title 8, sec. 203) is hereby amended to read as follows: "(1) an accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees."

Immigration Act of 1924, amendments.  
Persons not deemed immigrants.

Officials of recognized foreign governments.

SEC. 2. That the first parenthetical clause in section 15 of the Immigration Act approved May 26, 1924 (U. S. C. Annotated, title 8, sec. 215), which reads "(except a Government official and his family)", is hereby repealed, and section 15 is hereby amended to read as follows: "The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 3 and subdivision (e) of section 4, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: *Provided*, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) of section 3, as an official of a foreign government, or as a member of the family of such official, shall be required to depart from the United States without the approval of the Secretary of State."

Departure from U. S. of aliens losing exempt status.  
43 Stat. 162.

43 Stat. 155.  
8 U. S. C. § 204 (e).

*Proviso.*  
Approval of Secretary of State.

Approved, July 1, 1940.

## [CHAPTER 507]

## AN ACT

To provide a license to the Atlantic Refining Company, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and empowered, under such terms and conditions as are deemed advisable by him, to grant to the Atlantic Refining Company, its successors and/or assigns, a license to construct and maintain a pile dolphin and walkway thereto in the Delaware River at the Fort Mifflin Military Reservation, in the State of Pennsylvania: *Provided*, That such license shall be granted only upon a finding by the Secretary of War that the same will be in the public interest and will not substantially injure the interest of the United States in the property affected thereby: *Provided further*, That all or any part of such license may be annulled and forfeited by the Secretary of War if the property is needed for governmental purposes or for failure to comply with the terms or conditions of any grant hereunder, or for nonuse or for abandonment of rights granted under authority hereof.

Approved, July 1, 1940.

## [CHAPTER 508]

## AN ACT

To expedite the strengthening of the national defense.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) in order to expedite the building up of the national defense, the Secretary of War is authorized, out of the moneys appropriated for the War Department for national-defense purposes for the fiscal year ending June 30, 1941, with or without advertising, (1) to provide for the necessary construction, rehabilitation, conversion, and installation at military posts, depots, stations, or other localities, of plants, buildings, facilities, utilities, and appurtenances thereto (including Government-owned facilities at privately owned plants and the expansion of such plants, and the acquisition of such land, and the purchase or lease of such structures, as may be necessary), for the development, manufacture, maintenance, and storage of military equipment, munitions, and supplies, and for shelter; (2) to provide for the development, purchase, manufacture, shipment, maintenance, and storage of military equipment, munitions, and supplies, and for shelter, at such places and under such conditions as he may deem necessary; and (3) to enter into such contracts (including contracts for educational orders, and for the exchange of deteriorated, unserviceable, obsolescent, or surplus military equipment, munitions, and supplies for other military equipment, munitions, and supplies of which there is a shortage), and to amend or supplement such existing contracts, as he may deem necessary to carry out the purposes specified in this section: *Provided*, That the limitations contained in sections 1136 and 3734 of the Revised Statutes, as amended, and any statutory limitation with respect to the cost of any individual project of construction, shall be suspended until and including June 30, 1942, with respect to any construction authorized by this Act: *Provided further*, That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V,

July 1, 1940  
[H. R. 9453]

[Public, No. 702]

Atlantic Refining  
Company.  
Granting of license  
to.

*Provisos.*  
Finding by Secre-  
tary of War.

Annulment, etc.

July 2, 1940  
[H. R. 9850]

[Public, No. 703]

National defense.

Construction of  
plants for manufac-  
ture, etc., of military  
supplies.

Purchase, etc., of  
military supplies.

Authority to enter  
into contracts, etc.

*Provisos.*  
Suspension of con-  
struction limitations.  
10 U. S. C. § 1339;  
40 U. S. C. § 267.

Contracts, provi-  
sions applicable.

title 41, secs. 35-45), shall be exempt from the provisions of such Act solely because of being entered into without advertising pursuant to the provisions of this section: *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under this section; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of War.

Contracting systems.

(b) The Secretary of War is further authorized, with or without advertising, to provide for the operation and maintenance of any plants, buildings, facilities, utilities, and appurtenances thereto constructed pursuant to the authorizations contained in this section and section 5, either by means of Government personnel or through the agency of selected qualified commercial manufacturers under contracts entered into with them, and, when he deems it necessary in the interest of the national defense, to lease, sell, or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412).

Maintenance, etc., of plants.

Leasing, etc., of plants.

40 U. S. C. § 303b.

Advances to contractors; limitation. *Post*, p. 875.

(c) Whenever, prior to July 1, 1942, the Secretary of War deems it necessary in the interest of the national defense, he is authorized, from appropriations available therefor, to advance payments to contractors for supplies or construction for the War Department in amounts not exceeding 30 per centum of the contract price of such supplies or construction. Such advances shall be made upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Terms, etc.

SEC. 2 (a) During the fiscal year 1941, all existing limitations with respect to the number of flying cadets in the Army Air Corps, and with respect to the number and rank of Reserve Air Corps officers who may be ordered to extended active duty with the Air Corps, shall be suspended.

Number of flying cadets, etc.

(b) The President may, during the fiscal year 1941, assign officers and enlisted men to the various branches of the Army in such numbers as he considers necessary, irrespective of the limitations on the strength of any particular branch of the Army set forth in the National Defense Act of June 3, 1916, as amended: *Provided*, That no Negro, because of race, shall be excluded from enlistment in the Army for service with colored military units now organized or to be organized for such service.

Assignment of officers, etc., to branches of Army.

39 Stat. 166. *Proviso*. Enlistment of Negroes.

SEC. 3. All existing limitations with respect to the number of serviceable airplanes, airships, and free and captive balloons that may be equipped and maintained shall be suspended during the fiscal year 1941.

Number of serviceable airplanes, etc.

SEC. 4. (a) The Secretary of War is further authorized to employ such additional personnel at the seat of government and elsewhere, and to provide for such printing and binding, communication service, supplies, and travel expenses, as he may deem necessary to carry out the purposes of this Act: *Provided*, That until December 31, 1941, the Secretary of War may, if he finds it to be necessary for national-defense purposes, authorize the employment of supervising or construction engineers without regard to the requirements of civil-service laws, rules, or regulations: *Provided further*, That notwithstanding the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C. title 5, sec. 652), the Secretary of War may remove from the classified civil service of the United States any employee of the Military Establishment forthwith upon a finding that such person has been guilty of conduct inimical to the public interest in the defense program of the United States and upon the giving of notice

Additional personnel, etc.

*Provisos*. Supervising, etc., engineers.

Removal of civil-service employees.

Employee's answer.

to such person of such charges: *And provided further*, That within thirty days after such removal such person shall have an opportunity personally to answer such charges in writing and to submit affidavits in support of such answer.

Regular working hours of laborers and mechanics.

(b) Notwithstanding the provisions of any other law, the regular working hours of laborers and mechanics employed by the War Department, who are engaged in the manufacture or production of military equipment, munitions, or supplies shall be eight hours per day or forty hours per week during the period of any national emergency declared by the President to exist: *Provided*, That under such regulations as the Secretary of War may prescribe, such hours may be exceeded, but compensation for employment in excess of forty hours in any workweek, computed at a rate not less than one and one-half times the regular rate, shall be paid to such laborers and mechanics.

Proviso. Overtime employment; pay.

Emergencies affecting national security.

SEC. 5. The President is authorized, with or without advertising, through the appropriate agencies of the Government (1) to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; (2) to provide for the furnishing of Government-owned facilities at privately owned plants; (3) to provide for the procurement and training of civilian personnel necessary in connection with the protection of critical and essential items of equipment and material and the use or operation thereof; and (4) to provide for the procurement of strategic and critical materials in accordance with the Act of June 7, 1939, but the aggregate amount to be used by the President for all such purposes shall not exceed \$66,000,000. The President is further authorized, through such agencies, to enter into contracts for such purposes in an aggregate amount not exceeding \$66,000,000. An account shall be kept of all expenditures made or authorized under this section, and a report thereon shall be submitted to the Congress at the beginning of each session subsequent to the third session of the Seventy-sixth Congress: *Provided*, That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, title 41, secs. 35-45), shall be exempt from the provisions of such Act solely because of being entered into without advertising pursuant to the provisions of this section.

Government-owned facilities. Personnel for protection of critical, etc., materials.

Procurement of critical, etc., materials. 53 Stat. 811. 50 U. S. C., Supp. V, §§ 98-98f. Limitation. Contracts.

Report to Congress.

Proviso. Contracts, provisions applicable.

Curtailment of exports of munitions, etc. Post, p. 1090.

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Punishment of violators.

Termination of authority.

Approved, July 2, 1940, 10:55 a. m., E. S. T.

## [CHAPTER 509]

## AN ACT

To repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

July 2, 1940  
[H. R. 4185]  
[Public, No. 704]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes", approved June 25, 1936 (U. S. C., 1934 edition, Supp. IV, title 8, sec. 9a), is amended by inserting after "terminated" the following: "or who has resided continuously in the United States since the date of such marriage."*

Repatriation of certain native-born women.

49 Stat. 1917.  
8 U. S. C., Supp. V, § 9a.

Approved, July 2, 1940.

## [CHAPTER 510]

## AN ACT

To amend section 2810 (a), Internal Revenue Code, to exclude petroleum stills from the requirement of registration.

July 2, 1940  
[H. R. 6207]  
[Public, No. 705]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2810 (a), Internal Revenue Code, is amended by adding an additional paragraph at the end thereof to read as follows:*

Internal Revenue Code, amendment.  
53 Stat. 308.  
26 U. S. C., Supp. V, § 2810 (a).  
Exclusion of petroleum stills from registry requirement.

*"Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section."*

Approved, July 2, 1940.

## [CHAPTER 511]

## AN ACT

To extend the times for commencing and completing the construction of a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oregon.

July 2, 1940  
[H. R. 6408]  
[Public, No. 706]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, Oregon, in township 24 south, range 13 west, Willamette meridian, authorized to be constructed by the State of Oregon, acting through its highway department, the North Slough Drainage District, and the North Slough Diking District by an Act of Congress approved August 26, 1937, is extended one and three years, respectively, from August 26, 1940.*

North Slough, Oregon.  
Time extended for dam construction, etc.

50 Stat. 856; 52 Stat. 807.

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

Right reserved.

Approved, July 2, 1940.

## [CHAPTER 512]

## AN ACT

To permit certain aliens whose childhood was spent in the United States, if eligible to citizenship, to become naturalized without filing declaration of intention.

July 2, 1940  
[H. R. 6443]  
[Public, No. 707]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien who at the time of entering the United States is less than sixteen years of age may upon attaining the age of twenty-one years, if eligible to citizenship, be naturalized upon full and complete compliance with*

Naturalization of aliens.  
Post, p. 1140.  
Persons entering U. S. when under 16 years of age.

Exceptions to requirements.

Declaration of intention.  
Time for filing petition.

Entry prior to enactment of Act.

all the requirements of the naturalization laws, subject to the following exceptions:

- (a) No declaration of intention shall be required; and
- (b) The petition for naturalization shall be filed within one year after such alien attains the age of twenty-one years.

SEC. 2. Nothing in this Act shall be construed as preventing its application to aliens who entered the United States prior to its enactment.

Approved, July 2, 1940.

[CHAPTER 513]

AN ACT

To amend the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892, and Acts amendatory thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June 6, 1892, and Acts amendatory thereof, are further amended to read as follows:

“SEC. 1. Members of the Board of Dental Examiners, five in number, shall be appointed by the Board of Commissioners of the District of Columbia.

“No person shall be eligible for appointment to the Board of Dental Examiners who is not a citizen of the United States and who has not been for five years next preceding his appointment a resident of and in the active and reputable practice of dentistry in the District of Columbia. Appointments shall be for a term of five years or until their successors are appointed and qualified, and shall be from a list of three to seven eligibles submitted by the dental societies of the District of Columbia; and no officer or member of the faculty of any dental school or college shall be eligible for appointment upon said Board.

“SEC. 2. The Board of Dental Examiners shall organize by electing from its members a president, and a secretary-treasurer who shall give bond to the United States in the sum of \$5,000. The Board shall make and adopt such rules and regulations not inconsistent herewith as it deems necessary to effect the purposes of this Act, including (but not limited thereto) rules and regulations respecting the eligibility of candidates, the scope of examinations, the conducting of examinations, and the said Board hereby is specifically authorized to make and enforce such rules as it may deem proper for the purpose of regulating professional announcements and the number of offices of a licensed dentist. The Board, in its discretion, and under such rules and regulations as it may prescribe, is hereby authorized to permit in hospitals the use of dental internes who are graduates of approved dental schools. The Board shall hold in January and June of each year, in such place as it may designate, examinations to determine the fitness of applicants for licenses as dentists under this Act.

“SEC. 3. The Board of Dental Examiners shall have an official seal, and shall keep a record of its proceedings, a complete record of the credentials of each licensee, and a register of persons licensed as dentists and of licenses revoked. A transcript of an entry in such records, certified by the secretary-treasurer under seal of the Board, shall be evidence of the facts therein stated.

“SEC. 4. The said Board shall have power to require the attendance of persons and the production of books and papers and to require such

District of Columbia.  
Practice of dentistry.

27 Stat. 42.  
20 D. C. Code §§ 211-238; Supp. V, § 223.

Board of Dental Examiners.

Eligibility for appointment.

Term.

List of eligibles.  
Officers of dental schools, etc.

Election of officers.

Rules and regulations.

Use of dental internes.

Examinations.

Seal, records, and register.

Attendance of witnesses, etc.

persons to testify in any and all matters within its jurisdiction. The president and secretary-treasurer of the Board shall have power to issue subpoenas and each shall have authority to administer oaths. Upon the failure of any person to attend as a witness, when duly subpoenaed, or to produce documents when duly directed by said Board, the Board shall have power to refer the said matter to any justice of the District Court of the United States for the District of Columbia, who may order the attendance of such witness, or the production of such documents, or require the said witness to testify, as the case may be, and upon the failure of the witness to attend, to testify, or to produce such documents, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court. Witnesses who have been subpoenaed by the Board, and who testify if called upon, shall be paid the same fees that are paid witnesses in the District Court of the United States for the District of Columbia.

Subpoenas and oaths.

Failure of witness to testify, etc.; punishment.

Payment of witnesses.

Prosecution of law violations.

“SEC. 5. (1) It shall be the duty of the secretary-treasurer of the Board to enforce the provisions of all laws relating to the practice of dentistry in the District of Columbia, and all violations of said laws shall be prosecuted in the police court of the District of Columbia by the corporation counsel or one of his assistants; and the corporation counsel and his assistants shall render such other legal services as may from time to time be required by the Board of Dental Examiners.

Police detail.

“(2) The major and superintendent of the Metropolitan Police Department shall detail such members of his force as may be necessary to assist the Board in the investigations and prosecutions incident to the enforcement of this Act. The Board is authorized to employ such other persons as it deems necessary to assist in the investigation and prosecutions incident to the enforcement of this Act.

Report to Commissioners.

“SEC. 6. The Board of Dental Examiners shall make annual reports to the District Commissioners, containing a statement of moneys received and disbursed and a summary of its official acts during the preceding year.

Application for license.

“SEC. 7. Any person who desires to practice dentistry within the District of Columbia shall file with the secretary-treasurer of the Board a written application for a license, and furnish satisfactory proof that he is a citizen of the United States or has duly declared his intention to become a citizen of the United States, and is a graduate of a dental college approved by the Board. Such application must be upon the form prescribed by the Board, verified by oath, and accompanied by the required fee and a recent unmounted autographed photograph of the applicant. Any license issued to a person who is a citizen of a foreign country and who has duly declared his intention to become a citizen of the United States shall automatically terminate and the registration of the candidate be annulled in the event such candidate shall fail to submit to the Board satisfactory evidence within six years from the date of such license that he has become a citizen of the United States.

Form, etc.

Citizenship requirement.

“SEC. 8. An applicant for a license to practice dentistry shall appear before the Board at its first meeting after the filing of his application, and pass a satisfactory examination, consisting of practical demonstrations and written or oral test, or both, in the following subjects: Anatomy, anesthetics, bacteriology, chemistry, histology, operative dentistry, oral surgery, orthodontia, pathology, physiology, prosthetic dentistry, materia medica, metallurgy, and therapeutics, and such other subjects as the Board may from time to time direct: *Provided*, That the Board may waive the theoretical examination in the case of an applicant who furnishes proof satisfactory to said Board that he is a graduate from a reputable dental college of a State or Territory of the United States, approved by the Board,

Examination before Board.

Subjects.

Provisos. Waiver of examination for certain State, etc., practitioners.

and holds a license from a similar dental board, with requirements equal to those of the District of Columbia, and who, for five consecutive years next prior to filing his application, has been in the lawful and reputable practice of dentistry in the State or Territory of the United States from which he applies: *Provided*, That the laws of such State or Territory accord equal rights to a dentist of the District of Columbia holding a license from the Board of the District of Columbia, who desires to practice his profession in such State or Territory of the United States. An applicant desiring to register in the District of Columbia under this section must furnish the Board with a letter from the secretary of the board of dental examiners under seal of the board of dental examiners of the State or Territory of the United States from which he applies, which shall state that he has been in the lawful and reputable practice of dentistry in the State or Territory from which he applies for the five years next prior to filing his application, and shall also attest to his moral character and professional qualifications.

Reciprocity.

Evidence of State,  
etc., practice.

License conclusive  
evidence of right to  
practice.

Loss of license.

Declaration of  
policy.

Revocation, etc., of  
license.

"SEC. 9. If such applicant passes the examination and is, in the opinion of the Board, of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, and registered with the health officer, which, after being registered with the health officer, shall be conclusive evidence of his right to practice dentistry in the District of Columbia. If the loss of a license is satisfactorily shown, a duplicate thereof shall be issued by the Board upon payment of the required fee.

"SEC. 10. The practice of dentistry in the District of Columbia is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the dental profession merit and receive the confidence of the public and that only qualified dentists be permitted to practice dentistry in the District of Columbia. All provisions of this Act relating to the practice of dentistry shall be construed in accordance with this declaration of policy.

"SEC. 11. The District Court of the United States for the District of Columbia may revoke or suspend the license of any dentist in the District of Columbia upon proof satisfactory to said court—

"(a) That said license or registration was procured through fraud or misrepresentation.

"(b) That the holder thereof has been convicted of an offense involving moral turpitude.

"(c) That the holder thereof is guilty of chronic or persistent inebriety, or addiction to habit-forming drugs.

"(d) That the holder thereof is guilty of advertising professional superiority or the performance of professional services in a superior manner; advertising prices for professional service; advertising by means of large display, glaring light signs, or containing as a part thereof the representation of a tooth, teeth, bridgework, or any portion of the human head; employing or making use of solicitors or free publicity press agents directly or indirectly; or advertising any free dental work, or free examination; or advertising to guarantee any dental service or to perform any dental operation painlessly.

"(e) That such holder is guilty of conduct which disqualifies him to practice with safety to the public.

"(f) That such holder is guilty of hiring, supervising, permitting, or aiding unlicensed persons to practice dentistry.

"(g) That such holder, being a manager, proprietor, operator, or conductor of a place where dental operations are performed, employs a person who is not a licensed dentist to practice dentistry as defined in this Act, or permits such persons to practice dentistry in his office.

“(h) That such holder is guilty of unprofessional conduct.

“The following acts on the part of a licensed dentist are hereby declared to constitute unprofessional conduct:

Acts deemed unprofessional conduct.

“(1) Practicing while his license is suspended.

“(2) Willfully deceiving or attempting to deceive the Board or their agents with reference to any matter under investigation by the Board.

“(3) Advertising by any medium other than the carrying or publishing of a modest professional card or the display of a modest window or street sign at the licensee's office, which professional card or window or street sign shall display only the name, address, profession, office hours, telephone connections, and, if his practice is so limited, his specialty: *Provided*, That in case of announcement of change of address or the starting of practice, the usual size card of announcement may be used. The size of said cards or signs shall be designated by the Board.

*Proviso.*  
Announcement of change of address, etc.

“(4) Practicing dentistry under a false or assumed name or corporate name other than a partnership name containing the names of the partners, or any name except his full proper name which shall be the name used in his license granted by the Board.

“(5) Violating this Act or aiding any person to violate this Act or violating or aiding any person to knowingly violate the dental practice act of any State or Territory.

“(6) Practicing in the employment of, or in association with, any person who is practicing in an unlawful or unprofessional manner.

“The foregoing specifications of acts constituting unprofessional conduct shall not be construed as a complete definition of unprofessional conduct nor as authorizing or permitting the performance of other or similar acts not denounced, or as limiting or restricting the said court from holding that other or similar acts also constitute unprofessional conduct.

“SEC. 12. The District Court of the United States for the District of Columbia may suspend or revoke any license issued and any registration upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Misconduct or professional incapacity; penalty.

“Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the District Court of the United States for the District of Columbia in the name of the Board of Dental Examiners and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purposes and intent of this Act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the District Court of the United States for the District of Columbia to the United States Court of Appeals of said District. Any such appeal on behalf of the Board of Dental Examiners may be filed without bond. The District Court of the United States for the District of Columbia may determine whether a license or registration shall be suspended or revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

Revocation, etc., proceedings.

Rules applicable.

Appeal.

Determination.

Duration of suspension.

Fees.

“SEC. 13. That in addition to the fees heretofore fixed herein each applicant for a license as dentist shall deposit with his application a fee of \$20; with each application for a duplicate license a fee of \$5 shall be paid to said Board, and for each certificate issued by said Board a fee of \$1 shall be paid. That out of the fees paid to said Board, as provided by this Act, there shall be defrayed all expenses incurred in carrying out the provisions herein contained,

Expenses payable from fees.

including the detection and prosecution of violations of this Act, together with a fee of \$10 per diem for each member of said Board for each day he may be actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expense shall in no event exceed the total of receipts.

“SEC. 14. During the month of December of each year, every licensed dentist shall register with the secretary-treasurer of the Board his name and office address and such other information as the Board may deem necessary upon blanks obtainable from said secretary-treasurer, and thereupon pay a registration fee of \$5. On or before the 1st day of November of each year it shall be the duty of the secretary-treasurer of the Board to mail to each dentist licensed in the District of Columbia, at his last-known address, a blank form for registration. In the event of failure to register on or before the 31st day of December a fine of \$5 and the registration fee of \$5 will be imposed, and should the practitioner fail to register and pay the fine imposed and continue to practice his profession in the District of Columbia, he shall at the end of ten days from said date be considered as practicing illegally and penalized as otherwise provided for in this Act. If he suspends his practice he may, in the discretion of the Board, upon furnishing satisfactory evidence as to his moral character and professional standing, be reinstated at any time upon registering and paying a prescribed fee of \$25. On or before the 1st day of February, annually, said Board shall issue a printed register of the names and addresses so received, together with other information deemed interesting to the profession, a copy of which shall be mailed or otherwise sent to each registrant thereon.

“SEC. 15. Any person shall be deemed to be practicing dentistry who performs, or attempts or advertises to perform, any dental operation or oral surgery or dental service of any kind gratuitously or for a salary, fee, money, or other remunerations paid, or to be paid, directly or indirectly, to himself or to any other person or agency; or who is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or repairs any prosthetic denture, bridge, appliance, or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed and practicing dentist; or who places such appliance or structure in the human mouth or attempts to adjust the same, or delivers the same to any person other than the dentist upon whose prescription the work was performed; or who advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structures; or who extracts or attempts to extract human teeth, or corrects or attempts or professes to correct malpositions of teeth or of the jaws; or who gives, or professes to give interpretations or readings of dental roentgenograms; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words ‘dentist’, ‘dental surgeon’, ‘oral surgeon’, the letters ‘D. D. S.’, ‘D. M. D.’, or any other words, letters, title, or descriptive matter which in any way represent him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or

*Proviso.*  
Limitation on expenses.

Registration.

Fee.

Mailing of blank forms.

Failure to register.

Reinstatement.

Printing of annual register.

Persons deemed practicing dentistry.

adjacent structures; or who states, or advertises or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that he can perform or will attempt to perform dental operations or render a diagnosis in connection therewith or who engages in any of the practices included in the curricula of recognized dental colleges. Notwithstanding the provisions of this section, no person shall be deemed to be practicing dentistry who on the date of the enactment of this Act is operating a radiographic laboratory for the purpose of making radiographs, or giving written clinical interpretations or readings of dental radiographs, to be used solely by dentists and physicians in making diagnoses.

Operator of radiographic laboratory excepted.

“SEC. 16. On and after the passage of this Act it shall be unlawful for any person or persons to practice or offer to practice dentistry or dental surgery under any name except his proper name, which shall be the name used in his license granted to him as a dentist, as provided for in this Act; and unlawful to use the name of any company, association, corporation, trade name, or business name in connection with the practice of dentistry as defined in this law. Any person convicted of a violation of the provisions of this section shall be fined for the first offense not more than \$200, and upon a second or any subsequent conviction thereof, by a fine not to exceed \$500, and upon conviction his license may be suspended or revoked.

Unlawful use of names.

Penalty.

“SEC. 17. Nothing in this Act shall apply to a bona fide student of dentistry in the clinic rooms of a reputable dental college; to a legally qualified physician or surgeon unless he practices dentistry as a specialty; to a qualified anesthetist, physician, or registered nurse employed to give an anesthetic for a dental operation under the direct supervision of a licensed dentist; to a dental surgeon of the United States Army, Navy, Public Health Service, or Veterans' Administration, in the discharge of his official duties, nor to a lawful practitioner of dentistry in another State or Territory making a clinical demonstration before a dental society, convention, association of dentists, or dental college, or performing his duties in connection with a specific case on which he may have been called to the District of Columbia.

Inapplicability of Act to designated persons.

“SEC. 18. Whoever engages in the practice of dentistry and fails to keep displayed in a conspicuous place in the operating room in which he practices, and in such manner as to be easily seen and read, the license and annual registration card granted him pursuant to the laws of the District of Columbia, shall be fined not more than \$50.

Display of license and registration card.

“SEC. 19. Whoever sells or offers to sell a diploma conferring a dental degree or a certificate granted for postgraduate work, or a license granted pursuant to this Act, or whoever, not being the person to whom a diploma, certificate, or license was granted, procures such diploma, certificate, or license with intent to use the same as evidence of his right to practice dentistry, or whoever, with fraudulent intent, alters any diploma, certificate, or license, or uses or attempts to use the same, shall be fined not more than \$1,000.

Fraudulent use of licenses, etc.

“SEC. 20. Whoever practices dentistry under a false name, or assumes a title, or appends or prefixes to his name letters which falsely represent him as having a degree from a chartered dental college, or makes use of the words 'dental college' or 'school' or equivalent words when not lawfully authorized so to do, or impersonates another at an examination held by the Board, or knowingly makes a false application or a false representation in connection with such examination, shall be fined not more than \$1,000.

Practice under false name, etc.

“SEC. 21. No person or persons, corporation, or educational institution, except those now duly chartered, shall conduct classes or a

Board approval of dental classes, etc.

school for postgraduate dentistry in the District of Columbia unless with the approval of the Board, and whoever violates this provision shall, upon conviction, be fined not more than \$500.

Dental hygienist.

"SEC. 22. It shall be unlawful for any person to follow the occupation of dental hygienist in the District of Columbia without having first complied with the provisions of this Act and having been registered as hereinafter provided.

Application for license.

"SEC. 23. Any person of good moral character and a citizen of the United States being not less than eighteen years of age, who desires to register as a dental hygienist in the District of Columbia and files with the secretary-treasurer of the Board a written application for a license, and furnishes satisfactory proof that he is a graduate of a training school for dental hygienists requiring a course of not less than one academic year, and approved by the Board, may make application to be licensed as a dental hygienist in the District of Columbia upon the form prescribed by the Board, verified by oath, and accompanied by the required fee (\$10) and a recent unmounted autographed photograph of applicant.

Form, fee, etc.

Examination before Board.

"SEC. 24. An applicant for a license as dental hygienist shall appear before the Board at its first examination after the filing of his application and pass a satisfactory examination consisting of practical demonstrations and written or oral tests on such subjects as the Board may direct. If such applicant passes the examination and is of good moral character, he shall receive a license from the Board, attested by its seal, signed by the members of the Board, which after being registered with the health officer shall be conclusive evidence of his right to practice as a dental hygienist in the District of Columbia according to the provisions of this Act.

License conclusive evidence of right to practice.

Employment of dental hygienists; limitation.

"SEC. 25. No licensed dentist may employ more than two such licensed dental hygienists without written permission of the Board. Public institutions and the Health Department of the District of Columbia may employ such licensed dental hygienists and shall not be limited as to the number of licensed dental hygienists that may be employed. A licensed dental hygienist may remove calcic deposits, accretions, and stains from the surfaces of the teeth, but shall not perform any other operation, or diagnose or treat any pathological conditions of the teeth or tissues of the mouth. A registered dental hygienist may operate only under the general direction or supervision of a licensed dentist, in his office or in any public school or other institution rendering dental services, not in violation of the provisions of this Act. The District Court of the United States for the District of Columbia may suspend, or revoke, the license of any dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this section, and it also may suspend or revoke, the license of any dental hygienist violating the provisions of this Act; the procedure to be followed in the case of such suspension or revocation, shall be the same as that prescribed by law in the case of suspension or revocation of the license of a dentist.

Scope of employment.

Supervision, etc.

Unauthorized operations; penalty.

Licensing of certain State, etc., practitioners.

"SEC. 26. Any dental hygienist of good moral character duly licensed to practice as such in any State or Territory of the United States, having and maintaining an equal standard of laws regulating the practice of dental hygiene with the laws of the District of Columbia, who has been in the lawful practice of dental hygiene for a period of not less than two years in such State or Territory and who files with the secretary-treasurer of the Board of the District of Columbia a certificate from the board of the State or Territory in which he is licensed, certifying to his professional qualifications and length of service, and who passes a satisfactory practical

examination conducted by the Board, may at the discretion of the Board be licensed without further examination upon the payment of the required fee of \$10 and the certificate fee of \$1: *Provided*, That the laws of such State or Territory accord equal rights to a dental hygienist of the District of Columbia holding a license from the Board of the District of Columbia who desires to practice dental hygiene in such State or Territory of the United States.

"SEC. 27. The duties and powers of the Board respecting the practice of dentistry as set forth in this Act shall apply, unless otherwise specified, equally and in all respects whatsoever to the practice of dental hygiene; and the practice of dental hygiene is hereby declared to affect the public health and safety and to be subject to regulation and control in the public interest to the same extent as herein set forth with respect to the practice of dentistry. The annual registration fee for licensed dental hygienists shall be \$3.

"SEC. 28. Whoever engages in the practice of dentistry without a license so to do, or whoever violates any provision of law relating to the practice of dentistry or dental hygiene or the application for examination and licensing of dentists and dental hygienists, for which no specific penalty has been prescribed shall be fined not more than \$1,000.

"SEC. 29. A second or subsequent conviction under sections 19, 20, 21, and 28 shall be punished by the maximum penalties prescribed therein, or imprisonment in jail or workhouse not less than six months nor more than one year, or by both such fine and imprisonment.

"SEC. 30. When used in this Act—

"(1) Personal pronouns include all genders.

"(2) The term 'Board' means the Board of Dental Examiners.

"(3) Advertising shall be deemed to include those in public print, by radio, or any other form of public announcement.

"SEC. 31. Rules and regulations adopted by the Board shall become effective thirty days after promulgation: *Provided*, That notice of such rules and regulations is published once a week for three consecutive weeks during that period in a newspaper of general circulation in the District of Columbia, and that notice be mailed to each registered dentist and dental hygienist in the District of Columbia.

"SEC. 32. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the validity of the Act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected. The right to alter, amend, or repeal this Act is hereby expressly reserved.

"SEC. 33. All Acts or parts thereof heretofore enacted into law and inconsistent herewith are hereby repealed."

Approved, July 2, 1940.

Reciprocity.

Authority of Board applicable to practice of dental hygiene.

Declaration of policy.

Registration fee.

Practicing without license, etc.; penalty.

Penalty for subsequent convictions.

Terms construed.

Rules and regulations; when effective. *Proviso.* Notice.

Separability clause.

Right reserved.

Repeal.

[CHAPTER 514]

AN ACT

To amend section 5 of the Act of Congress approved June 26, 1906, relative to the Alaska Salmon fishery.

July 2, 1940

[H. R. 8172]

[Public, No. 709]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 5 of the Act of Congress approved June 26, 1906, entitled "An Act for the protection and regulation of the fisheries of Alaska", as amended is further amended by inserting after the word "barter" in the first sentence of said section a comma and the following: "and except by hook and line for either personal or commercial use."

Approved, July 2, 1940.

Alaska.  
Weekly closed season for taking salmon.  
34 Stat. 479; 43 Stat. 466.  
48 U. S. C. § 234.

[CHAPTER 515]

AN ACT

July 2, 1940  
[H. R. 8285]

[Public, No. 710]

To limit the importation of products made, produced, processed, or mined under process covered by unexpired valid United States patents, and for other purposes.

Imports made, etc., under process covered by U. S. patent.

46 Stat. 703.  
19 U. S. C. § 1337.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the importation hereafter for use, sale, or exchange of a product made, produced, processed, or mined under or by means of a process covered by the claims of any unexpired valid United States letters patent, whether issued heretofore or hereafter, shall have the same status for the purposes of section 337 of the Tariff Act of 1930 as the importation of any product or article covered by the claims of any unexpired valid United States letters patent.

Approved, July 2, 1940.

[CHAPTER 516]

AN ACT

July 2, 1940  
[H. R. 8919]

[Public, No. 711]

To authorize the setting aside of an area within the Canal Zone to preserve and conserve its natural features for scientific study, for providing and maintaining facilities for such study, and for other purposes.

Barro Colorado Island, C. Z. Setting aside for scientific study, etc.

Preservation of natural features.

Board of Directors of the Canal Zone Biological Area.

Officers.

Terms of biologist members.

Proviso. Initial appointments. Vacancies.

Service without compensation; travel, etc., expenses.

Meetings.

Policy determinations, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized and directed to set aside within the Canal Zone an area in Gatun Lake known as Barro Colorado Island in which the natural features shall, except in event of declared national emergency, be left in their natural state for scientific observation and investigation.

SEC. 2. The purpose of setting aside such an area is to preserve and conserve its natural features, including existing flora and fauna, in as nearly a natural condition as possible, thus providing a place where duly qualified students can make observations and scientific investigations for increase of knowledge, under such conditions and regulations as may be prescribed by the Board of Directors of the Canal Zone Biological Area.

SEC. 3. The Secretary of War, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Smithsonian Institution, the President of the National Academy of Sciences and three distinguished biologists of the United States of America, appointed by the President of the National Academy of Sciences with the approval of the Secretaries of War, Agriculture, Interior, and the Smithsonian Institution, shall constitute the Board of Directors of the Canal Zone Biological Area. The President of the National Academy of Sciences shall be the chairman of the Board and the Secretary of the Smithsonian Institution the vice chairman. The biologists of distinction appointed by the President of the National Academy of Sciences shall each serve for a term of three years: *Provided,* That of the three first appointed, one shall be designated to serve for one year, one for two years, and one for three years. Vacancies in appointed membership occurring from any cause shall be filled in the same manner as the appointment and for the same period. The members of the Board of Directors of the Canal Zone Biological Area shall serve without compensation but subsistence and travel expenses incident to attendance of called meetings of the Board may, on appropriate action of the Board, be paid from funds available to it.

SEC. 4. The Board of Directors of the Canal Zone Biological Area shall (a) meet in Washington, District of Columbia, at least once in each calendar year to consider policies and procedures for carrying out the purpose of this Act; (b) determine the policy, prescribe conditions under which studies may be pursued within

the area, and promulgate regulations for carrying out the purposes of this Act; (c) be responsible for the construction and maintenance of laboratory and other facilities on the area provided for the use of students authorized to carry on studies within the confines of the area; (d) deposit into the Treasury of the United States sums donated or subscribed or collected to be expended for carrying out the purposes of this Act; (e) in its discretion, fixed charges that may be made for use of laboratory or other facilities provided students authorized to make observations and investigations within the prescribed area and provide for the collection of such sums for deposit into the Treasury of the United States; (f) make such disposal of any moneys donated, subscribed, collected, or otherwise provided as in their judgment is to the best interest in carrying out the purpose of this Act: *Provided*, That sums contributed or appropriated for specific purposes shall be used for such purpose only; and (g) through its chairman submit to the Congress of the United States not later than the 15th day of each January a report of activities and operations during the preceding year.

SEC. 5. At each annual meeting, or at special meetings should occasion so demand, the Board of Directors of the Canal Zone Biological Area shall appoint an executive officer whom they may authorize to carry out functions of the Board. With the approval of the Board the executive officer may select and designate a resident manager to assist in carrying out the policy, conditions, and regulations approved by the Board of Directors of the Canal Zone Biological Area in compliance with the purposes of this Act. The executive officer and the resident manager shall receive such compensation for their services as may be allowed by the Board of Directors of the Canal Zone Biological Area.

SEC. 6. All moneys received by donation, subscription, fees, or otherwise, except the moneys appropriated pursuant to section 7, for carrying out the purposes of this Act shall be deposited into the Treasury as trust funds and are hereby appropriated for such purposes. Disbursements of such funds shall be made by the Secretary of the Treasury through the Division of Disbursement on requisitions or vouchers signed by or on authority of the executive officer of the Board of Directors of the Canal Zone Biological Area.

SEC. 7. There is authorized to be appropriated annually, from money in the Treasury of the United States not otherwise appropriated, not to exceed \$10,000 for expenses necessary in the administration of this Act and for the maintenance of laboratory or other facilities provided for carrying out the purposes of this Act.

Approved, July 2, 1940.

[CHAPTER 517]

AN ACT

Authorizing the Administrator of the Federal Works Agency to transfer certain property in San Francisco, California, to the city and county of San Francisco for street purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Administrator of the Federal Works Agency is authorized and directed to transfer to the city and county of San Francisco, California, by the usual quitclaim deed, all the right, title, and interest of the United States in and to that portion of the Mint property in the city of San Francisco which is now used for street purposes, particularly described as follows:

Commencing at a point on the northwesterly line of Mission Street, distant thereon two hundred and seventy-five feet southwesterly from the southwesterly line of Fifth Street, and running thence at

Construction of laboratory, etc.

Deposit of funds.

Fixing of charges, etc.

Disposal of moneys donated, etc.

*Proviso.*  
Use of funds.

Report to Congress.

Executive officer.

Resident manager.

Compensation.

Deposit of donations, etc., as trust funds.

Disbursements.

Appropriation authorized.

July 2, 1940

[H. R. 9063]

[Public, No. 712]

San Francisco, Calif.  
Transfer of certain property to city and county.

Description.

right angles northwesterly two hundred and seventy-five feet; thence at right angles northeasterly two hundred and seventy-five feet to a point on the southwesterly line of Fifth Street, distant thereon two hundred and seventy-five feet northwesterly from the northwesterly line of Mission Street; thence at right angles southeasterly, along said southwesterly line of Fifth Street, fifty-four feet; thence at right angles southwesterly two hundred and fifteen feet; thence at right angles southeasterly two hundred and twenty-one feet to the northwesterly line of Mission Street; thence at right angles southwesterly, along said northwesterly line, sixty feet to the point of commencement; being a portion of 100 Vara Lot 198, Block 380.

Approved, July 2, 1940.

[CHAPTER 518]

AN ACT

To amend section 10 of chapter 5 of Public Act Numbered 436, Seventy-third Congress, approved June 19, 1934.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of chapter 5 of Public Act Numbered 436, Seventy-third Congress, known as the "Life Insurance Act", approved the 19th day of June 1934, be amended by changing the last period to a semicolon and inserting in parentheses the letter (e) and following with the language: "life insurance covering only the lives of members of a group of persons for not more than \$2,000 on any one life numbering not less than one hundred new entrants to the group yearly who become borrowers from one lending institution, including subsidiary or affiliated companies, under agreement to repay the sum borrowed in installments or who become purchasers of securities, merchandise, or other property from one vendor under agreement to repay the sum borrowed or to pay the balance of the price of the securities, merchandise, or other property purchased in installments in either event to the extent of their indebtedness to said lending institution or vendor but not to exceed \$2,000 on any one life written under a policy which may be issued upon the application of and made payable to the lending institution or vendor or other creditor to whom such vendor may have transferred title to the indebtedness as beneficiary the premium on such policy to be payable by the borrower lending institution vendor or other creditor."; and that paragraph 4 of section 11, of the same Life Insurance Act be amended by adding the following sentence at the end: "The provisions of this paragraph shall not apply to insurance described in item (e) of section (10)."

Approved, July 2, 1940.

[CHAPTER 519]

AN ACT

To amend section 40, National Defense Act, as amended, relating to the organization of the Reserve Officers' Training Corps, so as to provide for an exception with respect to the University of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 40 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, amended by adding thereto the following additional proviso: "*Provided further,* That an infantry unit may be established and maintained at the University of Alaska upon the condition that this institution shall maintain under military instruction at least fifty physically fit male students."

Approved, July 2, 1940.

July 2, 1940  
[H. R. 9299]

[Public, No. 713]

District of Columbia.  
Life Insurance Act,  
amendments.

48 Stat. 1164.  
5 D. C. Code, Supp.  
V, § 220f.  
Creditor's group  
policies.

48 Stat. 1166.  
5 D. C. Code, Supp.  
V, § 220f, par. 4.  
Nonapplication of  
designated provisions.

July 2, 1940  
[H. R. 9391]

[Public, No. 714]

National Defense  
Act, amendment.

39 Stat. 191; 41 Stat.  
776.

10 U. S. C. § 381.

Proviso.  
R. O. T. C. infantry  
unit at University of  
Alaska.

## [CHAPTER 520]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois.

July 2, 1940  
[H. R. 9509]  
[Public, No. 715]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois, authorized to be built by the County of Gallatin, State of Illinois, by an Act of Congress approved July 18, 1939, is hereby extended one and three years, respectively, from July 18, 1940.

Ohio River.  
Time extended for bridging, at Shawneetown, Ill.

53 Stat. 1058.

Right reserved.

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

Approved, July 2, 1940.

## [CHAPTER 521]

## AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

July 2, 1940  
[H. R. 9594]  
[Public, No. 716]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, be amended by adding the following sentence at the end thereof: "In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation."

Soil Conservation and Domestic Allotment Act, amendments.

53 Stat. 550.  
16 U. S. C., Supp. V, § 590f.

Transfer of designated funds to Federal Crop Insurance Corporation.

SEC. 2. That paragraph (5) of subsection (c) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following sentence: "Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 33.  
16 U. S. C., Supp. V, § 590h (c) (5).

Wheat or corn, normal yield redetermination.

SEC. 3. That paragraph (6) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

Agricultural Adjustment Act of 1938, amendments.

52 Stat. 40.  
7 U. S. C., Supp. V, § 1301 (b) (6).

"Market," in the case of corn, cotton, rice, tobacco, and wheat.

"(6) (A) 'Market', in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.

"(B) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used."

"Marketed," "marketing," etc., construed.

SEC. 4. That subparagraph (A) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

52 Stat. 41.  
7 U. S. C., Supp. V, § 1301 (b) (13) (A).

Corn or wheat, normal yield determination and redetermination.

"(13) (A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 41.  
7 U. S. C., Supp. V,  
§ 1301 (b) (13) (B).

SEC. 5. That subparagraph (B) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

Cotton, normal yield determination.

"(B) 'Normal yield' for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined."

52 Stat. 204.  
7 U. S. C., Supp. V,  
§ 1372 (c).  
Refund of penalties erroneously collected.

SEC. 6. That subsection (c) of section 372 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "within one year" and inserting in lieu thereof the words "within two years"; by adding after the words "wrongfully collected" and before the comma the words "and the claimant bore the burden of the payment of such penalty"; and by adding after the first paragraph the following new paragraph:

Identification of farms.  
Scheduling of receipts, etc.

"Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms."

52 Stat. 68.  
7 U. S. C., Supp. V,  
§ 1385.

Payments in case of payee's death, etc.

SEC. 7. That section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provide by regulations."

52 Stat. 69.  
7 U. S. C., Supp. V,  
§ 1391.

Loans by Commodity Credit Corporation.

SEC. 8. That section 391 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following new subsection:

49 Stat. 1149, 1151.  
16 U. S. C., Supp. V,  
§§ 590b, 590f.

"(c) During each fiscal year, beginning with the fiscal year ending June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such Act and shall be repaid, with interest at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a comparable period, during the succeeding fiscal year from the appropria-

Repayment.

49 Stat. 1149-1151.  
16 U. S. C., Supp.  
V, §§ 590g-590q.

tion available for that year or from any unobligated balance of the appropriation for any other year.”

SEC. 9. That where an agricultural adjustment or conservation payment has been made to a person, and all or a part of such payment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1936, or with respect to any agricultural conservation payment did not apply for payment prior to the expiration of the obligating period of the applicable appropriation or prior to any earlier administrative closing date authorized by the Secretary of Agriculture, and the first person turned over to the second person, as substantiated by evidence acceptable to the Secretary, all or a part of the share of such payment so earned by the second person or refunds all or a part of such share to the United States, such second person shall be deemed to have been entitled to receive such sum from the first person, or where such amount is refunded to the United States shall be entitled to receive from the United States the amount so refunded, as a discharge, to the extent of the amount turned over to, or received by, such second person, of an obligation or commitment which is hereby deemed to have arisen by virtue of his contribution to the performance rendered.

An agricultural adjustment payment under this section shall be considered to be a payment made under section 8 of the Agricultural Adjustment Act of 1933 or the item entitled “Payments for agricultural adjustment”, contained in the Supplemental Appropriation Act, fiscal year 1936, as amended by the Act of June 25, 1936; and an agricultural conservation payment under this section shall be considered to be a payment made under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, under any program formulated for any year from 1936 to 1939, inclusive.

Approved, July 2, 1940.

Correction of certain inequities in agricultural adjustment or conservation payments.

Payments construed.

48 Stat. 34.  
7 U. S. O. § 608;  
Supp. V, § 608.  
49 Stat. 1116, 1925.

49 Stat. 1149.  
16 U. S. C., Supp.  
V, § 590b.

[CHAPTER 522]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Susquehanna River at or near the city of Harrisburg, Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Susquehanna River, at or near the city of Harrisburg, Pennsylvania, authorized to be built by the Dauphin County (Pennsylvania) Authority by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from May 1, 1940.

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

Approved, July 2, 1940.

July 2, 1940

[H. R. 9618]

[Public, No. 717]

Susquehanna River. Time extended for bridging, at Harrisburg, Pa.

53 Stat. 1263.

Right reserved.

[CHAPTER 523]

AN ACT

To enlarge and extend the power and jurisdiction of the Board of Education over degree-conferring institutions operating within the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Board of Education shall be, and is hereby, authorized and empowered to accredit junior colleges operating within the District of Columbia:

July 2, 1940

[H. R. 9633]

[Public, No. 718]

District of Columbia. Accrediting of junior colleges.

Proviso.  
Entrance require-  
ments, etc.

*Provided*, That the entrance requirements of such junior colleges be not less than high-school graduation, and the number of semester-hours required for the title associate in arts or associate in science be not less than sixty, and the number and character of the courses offered and the number and qualifications of the faculty be reasonable, and the institution be possessed of suitable classroom, laboratory, and library equipment.

Force and effect of  
accreditation.

That accreditation by the Board of Education of the District of Columbia shall have the same force and effect as is usual in the case of accreditation by the various accrediting agencies of the several States of the Union.

Approved, July 2, 1940.

[CHAPTER 524]

AN ACT

To amend the District of Columbia Unemployment Compensation Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the District of Columbia Unemployment Compensation Act, approved August 28, 1935, is further amended to read as follows:

TITLE I

Add a new paragraph to section 1 (b) of District of Columbia Unemployment Compensation Act, approved August 28, 1935, as follows:

“(10) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission.”

At the end of section 1 (c) change the period to a colon and add the following: “*Provided*, That such term ‘wages’ shall not include that part of the remuneration which, after remuneration equal to \$3,000 has been paid to any individual by an employer with respect to employment during any calendar year, is paid to such individual by such employer with respect to employment during such calendar year and after December 31, 1939.”

Substitute the following subsection (d) for section 1 (d):

“(d) ‘Benefit year’ with respect to any individual means the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual first files a valid claim for benefits, and thereafter the fifty-two-consecutive-week period beginning with the first day of the first week with respect to which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with section 12 (a) of this Act shall be deemed to be a ‘valid claim’ for the purposes of this subsection if the individual has during his base period been paid wages for employment by employers equal to not less than whichever is the lesser of (1) twenty-five times his weekly benefit amount, and (2) \$250.”

Substitute the following subsection (e) for section 1 (e):

“(e) An individual shall be deemed unemployed in any week during which no earnings are payable to him, or in any week of less than full-time work if the earnings payable to him with respect to such week are less than his weekly benefit amount.”

Substitute the following subsection (f) for section 1 (f):

“(f) ‘Earnings’ means all remuneration payable for personal services, including wages, commissions, and bonuses and the cash value

July 2, 1940  
[H. R. 9791]  
[Public, No. 719]

District of Colum-  
bia Unemployment  
Compensation Act,  
amendments.  
49 Stat. 946.  
*Ante*, p. 149.  
8 D. C. Code, Supp.  
V, §§ 311-335.

8 D. C. Code, Supp.  
V, § 311.  
*Ante*, p. 149.

“Employment.”  
Service excepted.

Proviso.  
“Wages.”

“Benefit year” de-  
fined.

Claims deemed val-  
id.  
8 D. C. Code, Supp.  
V, § 322 (a).

“Unemployed”  
construed.

“Earnings” defined.

of all remuneration payable in any medium other than cash whether received from employment, self-employment, or any other work. Gratuities received by an individual in the course of his work shall be treated as earnings. The reasonable cash value of any remuneration payable in any medium other than cash, and a reasonable amount of gratuities shall be estimated and determined in accordance with the regulations prescribed by the Board."

In section 1 (g), immediately following the words "sixteen years of age", insert the words ", or a child who is unable to work because of physical disability".

In section 1 (n), line 2, after the word "District", insert the words "or elsewhere", and strike out the remainder of the sentence.

Immediately following section 1 (n) add the following new section 1 (o):

"(o) 'Base period' means the first four out of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year."

In paragraph 3 of section 3 (a) strike out the following words: ", and 1940,".

Immediately following section 3 (a) add the following section 3 (b):

"(b) Every employer who employs one or more individuals in any employment shall, beginning with the month of January 1940, pay 2.7 per centum of the total wages paid with respect to such employment."

Strike out paragraph 4 of section 3 (a).

In section 3 (b) strike out the letter "(b)" and insert in lieu thereof the letter "(c)".

In section 3 (b), line 2, strike out the words "calendar year 1941" and substitute in lieu thereof "second six months of the calendar year 1942".

In section 3 (b), line 14, substitute the word "paid" for the word "payable".

In section 3 (b), lines 8 and 13, change the figure "3" to "2.7".

Substitute for section 4 (b) the following section 4 (b):

"(b) Contributions shall become due and be payable at such time and in accordance with such regulations as the Board may prescribe. No extension of the time for filing any return or for the payment of the contributions shall be allowed to any employer. All moneys so required to be paid to and collected by the Board shall be subject to audit by the District Auditor."

Immediately following section 4 (e) insert the following new section 4 (f):

"(f) REFUNDS.—If not later than one year after the date on which any contributions or interest thereon became due an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the Board shall determine that such contributions or interest or any portion thereof was erroneously collected, the Board shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the Board shall refund said amount, without interest, from the clearing account or benefit account upon checks issued by the Board or its duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Board's own initiative. Should benefits have been paid based upon work records filed by the employer, claiming an adjustment or refund, such benefit should be disregarded

"Dependent relative"; definition extended.

"Employment of office" defined.

"Base period" defined.

Employer contributions.  
8 D. C. Code, Supp. V, § 313.

Percentage.

8 D. C. Code, Supp. V, § 314.  
Payment of contributions.

Audit.

Adjustments and refunds.  
Application by employer.

Initiative of Board.  
Benefits not deemed erroneously paid.

for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the refund, based upon records filed with this Board by such employer, shall to that extent be allowed and shall not be deemed to have been paid erroneously: *Provided*, That applications with respect to adjustments or refunds for the years 1936, 1937, 1938, and 1939 may be made within one year from the effective date of this title. All refunds paid pursuant to this subsection shall be subject to a prior audit by the District Auditor.”

*Proviso.*  
Adjustments, etc.,  
for designated years.  
Audit.

Substitute for section 8 the following new section 8:

8 D. C. Code, Supp.  
V, § 318.  
Benefits payable  
from District unem-  
ployment fund.

“SEC. 8. (a) On and after January 1, 1938, benefits shall become payable from the benefit account of the District unemployment fund. All benefits shall be paid through employment offices, in accordance with such regulations as the Board may prescribe.

Weekly benefit  
amount.

“(b) An individual’s weekly benefit amount shall be the amount appearing in column B in the table set forth in this subsection on the line on which in Column A of such table appears the total wages for employment paid to such individual by employers during that quarter of his base period in which such wages were the highest.

“UNEMPLOYMENT BENEFIT TABLE

“COLUMN A Wages paid in highest quarter of base period	COLUMN B Weekly bene- fit amount	COLUMN C Qualifying amount
\$37.50 to \$138.00-----	\$6	\$150
\$138.01 to \$161.00-----	7	175
\$161.01 to \$184.00-----	8	200
\$184.01 to \$207.00-----	9	225
\$207.01 to \$230.00-----	10	250
\$230.01 to \$253.00-----	11	250
\$253.01 to \$276.00-----	12	250
\$276.01 to \$299.00-----	13	250
\$299.01 to \$322.00-----	14	250
\$322.01 to \$345.00-----	15	250
\$345.01 to \$368.00-----	16	250
\$368.01 to \$391.00-----	17	250
\$391.01 and over-----	18	250

Earnings excluded  
from weekly benefit.

“(c) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less the earnings (if any) payable to him with respect to such week. For the purpose of this subsection, the term ‘earnings’ shall include only that part of the remuneration payable to him for such week which is in excess of 40 per centum of his weekly benefit amount for any week. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

“Earnings” defined.

Limitation on total  
amount of benefits for  
year.

“(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to nineteen times his weekly benefit amount or one-half of the wages for employment paid to such individual by employers during his base period, whichever is the lesser.

Dependent’s allow-  
ance; limitation.

“(e) DEPENDENT’S ALLOWANCE.—In addition to the benefits payable under subsections (b) and (c) of this section, each individual who is unemployed in any week shall be paid with respect to such week \$1 for each dependent relative, but not more than \$3 shall be paid to an individual as dependent’s allowance with respect to any one week of unemployment, nor shall any weekly benefit which includes a dependent’s allowance be paid in the amount of more than \$18.”

Substitute the following paragraph (2) for paragraph (2) of section 10 (a):

“(2) that he has during his base period been paid wages for employment by employers equal to not less than the amount appearing in column ‘C’ of the table in section 8 (b), on the line on which in column ‘B’ his weekly benefit amount appears;”.

Substitute the following paragraph (5) for paragraph (5) of section 10 (a):

“(5) that he has been unemployed for a waiting period of not more than two weeks. No week shall be counted as a week of unemployment for the purposes of this subsection—

“(A) unless it occurs within the benefit year which includes the week with respect to which he claims payment of benefits: *Provided*, That this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment: *And provided further*, That the week or the two consecutive weeks immediately preceding a benefit year, if part of one uninterrupted period of unemployment which continues into such benefit year, shall be deemed (for the purposes of this subsection only) to be within such benefit year as well as within the preceding benefit year;

“(B) if benefits have been paid with respect thereto; and

“(C) unless the individual was eligible for benefits with respect thereto as provided in sections 10 and 11 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended by this title, except for the requirements of this paragraph; and”.

Substitute the following subsection (a) for section 14 (a):

“SEC. 14. (a) The Board is hereby authorized and directed to administer the provisions of this Act. Subject to the Civil Service Act, the Board is further authorized to employ such officers, examiners, accountants, attorneys, experts, agents, and other persons, and to make such expenditures, as may be necessary to administer this Act, and to authorize any such person to do any act or acts which could lawfully be done by the Board. The Civil Service Commission is hereby authorized and directed to confer a competitive classified civil-service status upon those employees performing services for the Board upon the effective date of this title: *Provided*, That (1) such employees are certified by the Board as having rendered satisfactory service for not less than six months; (2) that they qualify in such appropriate noncompetitive examination as may be prescribed by the Civil Service Commission: *Provided, however*, That all employees certified by the Board in accordance with condition (1) hereof shall automatically be eligible to take such noncompetitive examination; (3) that they are citizens of the United States; and (4) that they are not disqualified by any provision of section 3 of civil-service rule V. The Board may, in its discretion, require bond from any of its employees engaged in carrying out the provisions of this Act.”

#### TRANSITION PROVISIONS

SEC. 2. (a) As used in this section unless the context clearly requires otherwise—

(1) “old law” means the unemployment-compensation law prior to its amendment by this title;

(2) “new law” means the unemployment-compensation law as amended by this title;

(3) “effective date” means the date upon which the new law becomes effective; and

8 D. C. Code, Supp. V, § 320.

Eligibility for benefits. Requirements.

8 D. C. Code, Supp. V, § 324 (a). Administration of Act. Employment of personnel.

Civil-service status conferred upon Board employees.

Provisos. Certification by Board. Noncompetitive examination.

Eligibility, etc.

Bonding of employees.

Definitions.

(4) "continuous period of compensable unemployment" means a period of unemployment beginning prior to and continuing up to and after the effective date in the case of an individual who, prior to the effective date, has filed a claim for benefits for a week or weeks of unemployment in such period: *Provided*, That the individual has satisfied the requirements of paragraph 2 of subsection (a) of section 10 of the old law and has not exhausted his rights to benefits pursuant to subsection (b) of section 8 of the old law prior to the effective date.

8 D. C. Code, Supp. V, § 320 (a) (2).

8 D. C. Code, Supp. V, § 318 (b).

Applicability, etc., of new law.

(b) Except as otherwise specifically provided in subsection (c) of this section, the new law shall be exclusively applicable with respect to any individual on and after the effective date. No provision of the old law shall be construed to limit or extend the rights of any individual as fixed by the new law, after the new law becomes exclusively applicable with respect to such individual as provided in this section.

Applicability of old law provisions.

8 D. C. Code, Supp. V, §§ 311, 318, 320.

(c) With respect to any individual who is unemployed during a continuous period of compensable unemployment (as defined in paragraph 4 of subsection (a) of this section) sections 1 (d), 8 (a) (insofar as it relates to the determination of the weekly benefit rate for total unemployment), 8 (b), 8 (c), 8 (d), and 10 (a) (2) of the old law shall be exclusively applicable until the expiration of such continuous period of compensable unemployment.

Determination of employer's excess contributions.

(d) Upon application by an employer, filed pursuant to suitable regulations by the Board, the Board shall determine the extent to which the employer's contributions paid for the first six months of the calendar year 1940 were in excess of his contributions due for said period under the new law and shall make an adjustment for that amount, without interest, solely in connection with subsequent contributions by him.

Adjustment.

#### EFFECTIVE DATE

Effective date.

SEC. 3. This title shall take effect as of 12:01 antemeridian, July 1, 1940.

### TITLE II

#### AMENDMENT—DISTRICT OF COLUMBIA REVENUE ACT OF 1939

District of Columbia Revenue Act of 1939, amendment. 53 Stat. 1088. 20 D. C. Code, Supp. V, § 980a (d). Exemptions from income tax.

Section 2 (d) of the Act entitled "An Act to provide revenue for the District of Columbia, and for other purposes", approved July 26, 1939, is amended to read as follows:

"(d) EXEMPTIONS FROM TAX.—There shall be exempt from taxation under this title the following organizations: Corporations, including any community chest, fund, foundation, cemetery association, teachers' retirement fund association, church, or club, organized and operated exclusively for religious, charitable, scientific, literary, educational, or social purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and labor organizations, trade associations, boards of trade, chambers of commerce, citizens' associations, or organizations, not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual, farmers' associations organized and operated on a cooperative basis exempt from income tax under section 101 (12) and (13) of the Internal Revenue Code; banks, insurance companies, building and loan associations, and companies, incorporated or otherwise, which guarantee the fidelity of any individual or individuals, such as bonding companies, all of which

Farmers' associations.

53 Stat. 33, 34. 26 U. S. C., Supp. V, § 101 (12) and (13).

pay taxes upon gross premiums or earnings under existing laws of the District of Columbia; voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (1) no part of their net earnings inures (other than such payments) to the benefit of any private shareholder or individual, and (2) 85 per centum or more of the income consists of amounts collected from members for the sole purpose of making such payments and meeting expenses; and corporations organized under Act of Congress, if such corporations are instrumentalities of the United States."

Federal instrumentalities.

Approved, July 2, 1940.

[CHAPTER 525]

AN ACT

To amend and clarify section 6, subsection 2, of the Act approved June 1, 1938, known as "Juvenile Court Act of the District of Columbia", and for other purposes.

July 2, 1940

[H. R. 9804]

[Public, No. 720]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of continuing and confirming jurisdiction heretofore conferred upon the juvenile court of the District of Columbia, section 6, subsection 2, of the Act approved June 1, 1938 (Public, Numbered 571, Seventy-fifth Congress, third session; 52 Stat. 596, ch. 309; D. C. Code, 1929 edition, Supp. V, title 18, sec. 256), entitled the "Juvenile Court Act of the District of Columbia", be, and the same is hereby, amended to read as follows:

Juvenile Court Act of the District of Columbia, amendment.

"2. ADULTS.—The court shall have original and exclusive jurisdiction to determine cases of adults charged with willfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this Act. The court shall have concurrent jurisdiction with the District Court of the United States for the District of Columbia in all cases arising under the Act entitled "An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances", approved March 23, 1906 (D. C. Code, title 6, secs. 270-273). Nothing herein shall be construed as having the effect of limiting the jurisdiction of said court in matters arising under the Act entitled "An Act to provide for compulsory school attendance", approved February 4, 1925 (43 Stat. 806, ch. 140); or under the Act entitled "An Act to regulate the employment of minors", approved May 29, 1928 (45 Stat. 998, ch. 908)."

Jurisdiction. Adults. Contributing to delinquency, etc., of children.

Concurrent jurisdiction in abandonment, etc., cases.

34 Stat. 86.

Jurisdiction not deemed limited in certain matters.

7 D. C. Code, §§ 91-100, 141-143.

7 D. C. Code, §§ 111-135, 143, 136, 137.

Approved, July 2, 1940.

[CHAPTER 526]

AN ACT

Extending the jurisdiction of the Civil Aeronautics Authority over certain air-mail services, and for other purposes.

July 2, 1940

[H. R. 9899]

[Public, No. 721]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subsection (1) of section 405 of the Civil Aeronautics Act of 1938 is amended to read as follows:

Civil Aeronautics Act of 1938, amendment.

52 Stat. 997.  
39 U. S. C., Supp. V, § 471.

"(1) Nothing contained in this Act shall be construed to repeal in whole or in part the provisions of section 6 of the Act entitled 'An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes', approved April

Experimental air-mail service.  
52 Stat. 219.  
39 U. S. C., Supp. V, § 470.

Transportation of mail; when not deemed "air transportation."  
52 Stat. 990, 1005.  
49 U. S. C., Supp. V, §§ 481 (d), 496 (b).

Repeal.  
52 Stat. 218.  
39 U. S. C., Supp. V, §§ 471, 472.

15, 1938. The transportation of mail under contracts entered into under such section shall not, except for sections 401 (1) and 416 (b), be deemed to be 'air transportation' as used in this Act, and the rates of compensation for such transportation of mail shall not be fixed under this Act."

SEC. 2. Sections 1 and 2 of the Act entitled "An Act to provide for experimental air-mail service, to further develop safety, efficiency, economy, and for other purposes", approved April 15, 1938, are hereby repealed.

Approved, July 2, 1940.

[CHAPTER 527]

AN ACT

To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used herein—*

"Person" shall include one or more individuals, firms or unincorporated associations, or corporations.

"Director" shall mean the director of vehicles and traffic of the District of Columbia, including assistants or agents duly designated by the Commissioners.

"Recorder" shall mean the recorder of deeds of the District of Columbia, including assistants or agents duly designated by the recorder.

"Certificate" shall mean a certificate of title for a motor vehicle or trailer issued by the director.

"Owner" shall mean the person to whom such certificate is issued by the director.

"Lien" shall mean any right or interest in or to, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except (1) a sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it, or (2) any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.

"Instrument" shall mean any written instrument signed and acknowledged by an owner creating such lien.

"Lien information" shall mean the amount, kind, date of lien, name and address of holder, and recorder's record number, if any.

SEC. 2. During the time a certificate is outstanding for any motor vehicle or trailer, no lien against such motor vehicle or trailer or any equipment or accessories affixed or sold to be affixed thereto shall be valid except as between the parties and as to other persons having actual notice, unless and until entered on such certificate as hereinafter set forth: *Provided*, That the foregoing shall not apply to a lien or liens in existence at the effective date of this Act against a motor vehicle or trailer for which a certificate is outstanding at the effective date of this Act, or any equipment or accessories affixed thereto. The provisions of sections 546 and 547, subchapter 3, chapter XVI, of the Code of Laws of the District of Columbia shall not apply to liens recorded as herein provided and a lien shall have no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with said sections or, in the case of a conditional sales contract, that the purchase price of the property does not exceed \$100.

July 2, 1940

[H. R. 9907]

[Public, No. 722]

District of Columbia.  
Liens against motor vehicles and trailers.  
Definitions.

Unentered liens not valid; exceptions.

*Proviso.*  
Existing liens not affected.

31 Stat. 1275.  
25 D. C. Code,  
§§ 177-179.

SEC. 3. In the absence of agreement of all parties affected and in the absence of circumstances estopping a lien holder from insisting upon such rights, lien shall be entered on the certificate by the recorder and shall have priority among themselves in the following order:

Priority of liens.

(a) If the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction, unsatisfied liens shown by the previous certificate, title, registry, or proof of ownership shall be entered in the order in which they appear on such previous certificate, title, registry, or proof of ownership.

(b) Liens for which instruments are presented with the application for the certificate.

(c) Liens, where the instruments are presented for recording, together with the certificate, irrespective of the fact that one or more instruments not entered on the certificate may have been previously presented for recording without such certificate.

(d) As between two or more instruments presented for recording without the certificate, the one first presented for recording shall have priority.

SEC. 4. An instrument shall be in writing; shall show the name and address of the holder, the trade name and engine number of the motor vehicle or the trade name and serial number, if any, of the trailer; shall be signed by the parties and acknowledged by the owner in the manner provided by law for deeds of real estate. A lien shall not be entered upon a certificate unless (1) the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership; or (2) such an instrument is presented for recording pursuant to the provisions of this Act; or (3) the lien is shown on the application for a certificate, and was created prior to the effective date of this Act or was created while the motor vehicle or trailer was titled or registered in some other jurisdiction.

Form and contents of instrument.

Entering of liens.

SEC. 5. The Commissioners of the District of Columbia shall assign to the recorder space in the office of the director, and the recorder shall furnish and maintain the necessary furniture, equipment, cards hereinafter mentioned, and other supplies and the required personnel for the purpose of carrying out the provisions of this Act.

Office space, etc., for recorder.

SEC. 6. Applications for certificates, in addition to all other matters which may be required by law, shall show under oath whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto and if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt by the recorder from the director of an application for a certificate and accompanying documents, if any, or on the application for a duplicate, the recorder shall compare the statements in the application as to liens with his records and the documents and instruments accompanying the application and if such statements are incorrect or incomplete or if any of the liens shown by the application are not entitled to be entered on the certificate in the same order as they appear on the application the recorder shall return all of said papers to the director and advise him of the reasons therefor. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the recorder shall stamp on the application the words, "Statements as to liens in accordance with records," a facsimile of his signature, and the date, shall accept all instruments accompanying the application for recording and shall stamp his record number opposite the statement of each

Applications for certificates to contain lien information.

Verification of statements concerning liens.

Incorrect, etc., statements.

Correct, etc., statements.

Retention of instruments.      lien on the application for certificate. The recorder shall retain the instruments for his permanent file and collect the fees and charges thereon and return the application and all other papers to the director, who shall thereupon deliver same to a representative of the collector of taxes of the District of Columbia, stationed in the office of the director. Said representative shall then collect from the applicant or his representative all fees and charges in connection with the issuance of the certificate and shall return said application and papers to the director. The director shall thereupon issue the certificate and where liens are shown on such an application shall stamp upon each of two cards, the size of which shall be fixed by the director, the information stamped by the director on the face of such certificate and shall deliver such certificate, its application, cards, if any, and the identification-tag application to the recorder. If the application for title shows no liens, the recorder shall stamp on the certificate and on the reverse side of that portion of the application for identification tags known as "Collector's Coupon" the words "No Liens Shown By Records" and the date. If the application shows liens, the recorder shall stamp aforesaid "Collector's Coupon" with the words "Lien Recorded" and shall enter the lien information on certificate and on each of the said cards. The aforesaid stamping and entering shall be made on the face of the certificate in the space provided for the use of the recorder. The recorder shall then deliver both applications and the papers attached and the certificate to the director, who shall retain the application and the papers attached and shall deliver or mail the certificate to the record holder of the first lien shown thereon or his representative; or if there are no liens, then to the owner or his representative.

Collection of fees, etc.      Sec. 7. When it is desired to have a lien entered on a certificate theretofore issued, the instrument and the certificate shall be presented to the recorder in the office of the director and upon the payment of the necessary fees to the representative of the recorder of deeds of the District of Columbia in the office of the director the recorder shall accept the instruments for recording and unless he has cards covering said motor vehicle or trailer the director shall stamp cards in the manner set forth in section 6. The recorder shall enter the lien information on the certificate in the space hereinbefore mentioned and on each of said cards and shall deliver or mail the certificate to the record holder of the first unsatisfied lien shown thereon or his representative.

Lien information cards.      Sec. 8. The rights of the holder of an unsatisfied lien shown on a certificate may be assigned by an assignment in writing, which shall show the name and address of the assignee, the trade name and engine number of the motor vehicle, or the trade name and serial number, if any, of the trailer, and the recorder's record number of the instrument, or, if none, a brief description sufficient to identify the lien shall be signed by the holder of the lien and acknowledged by him in the manner provided by law for deeds of real estate. Upon presentation of an assignment and a certificate and the payment of the prescribed fee to the representative of the recorder of deeds of the District of Columbia in the office of the director, the recorder shall enter upon the face of the certificate and upon each of the cards hereinbefore described the recorder's record number of the lien which is being assigned, or, if no such instrument is on file, a brief description sufficient to identify the lien, the date of the assignment and the words, "Assigned to", and the name and address of the assignee, and the date. The assignment shall be attached to the instrument if the instrument has been filed with the recorder, and, if not, the assignment shall be given a recorder's record number and filed by the

Notations.      Delivery of certificate.      Entry of liens on issued certificates.      Delivery.      Assignment of lien.      Entry on certificate.      Numbering of assignment, etc.

recorder and such number shall be entered on the certificate and on each of the cards opposite the entry of the information relative to the assignment. The certificate shall be delivered to the record holder of the first unsatisfied lien shown thereon, or his representative.

SEC. 9. Whenever it is desired to enter a lien or an assignment upon a certificate and such certificate is not available, upon delivery to the recorder of the instrument or assignment the recorder shall demand that the person possessing the certificate surrender it for the purpose of entering thereon the lien or the assignment and upon surrender of the certificate the recorder shall perform the same acts as in cases where the certificate was presented with the instrument. This section shall not be deemed to affect the priority given under section 3 (c) to a lien where the instrument is presented together with the certificate.

SEC. 10. The record holder of the first unsatisfied lien shown upon the certificate shall be entitled to the possession of the certificate and upon satisfaction of his lien he shall, within seventy-two hours, place upon the face of the certificate the recorder's record number of the lien, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "satisfied", or its equivalent, and his signature, swear to it before a notary public, and forward or deliver the certificate to the holder of the lien next in priority, or, if none, to the owner or to the person designated in writing by the owner. Upon the satisfaction of any lien other than the first unsatisfied lien shown on the certificate, the record holder of the lien so satisfied shall, within seventy-two hours, make similar entries upon the face of the certificate, and it shall be the duty of the person in possession of the certificate, upon demand, to permit such holder to make said entries. Any person in possession of a certificate shall, upon demand of the recorder, surrender it to the recorder within seventy-two hours for the purpose of entering the lien or assignment thereon.

SEC. 11. The recorder, upon receipt of a certificate whereon a lien is marked "Satisfied" as set forth in section 10, shall enter on the face of the certificate and on each of the cards described in section 6, and on the instrument, if any, filed in the recorder's office as hereinafter provided, his said record number, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "released", a facsimile of his signature and the date. Where for any reason a lien holder upon satisfaction of his lien has failed to mark the certificate as herein provided and the lien holder cannot be located, or where the certificate after being so marked has been lost or destroyed and a duplicate certificate issued, the recorder upon receipt of evidence satisfactory to him that the lien has been satisfied shall release it upon the certificate or duplicate certificate, the aforesaid cards and instrument, if any, as above set forth.

SEC. 12. The fee for recording liens or assignments of liens upon a certificate shall not exceed the sum of 50 cents for each lien on each automobile contained in the instrument. There shall be no fee for releasing.

SEC. 13. The recorder shall maintain, in the space assigned to him in the office of the director, files wherein he shall file one set of the cards hereinbefore described alphabetically under the name of owner and the other under the trade name and engine number if it covers a motor vehicle, or the trade name and serial number, if any, if it covers a trailer. The recorder shall file the instruments at his main office.

SEC. 14. Any person intentionally making a false statement with respect to liens in an application for a certificate, or willfully violat-

Delivery.

Surrender of certificate for lien, etc., notations.

Possession of certificate by first lien holder.

Satisfaction of lien.

Entries.

Surrender of certificate.

Recorder's notation of satisfied lien.

Fees.

Maintenance of office files.

False statements, etc.

Punishment.

Prosecutions by corporation counsel.

Appropriation authorized.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
Effective date.

Existing liens not affected.

ing any of the provisions of this Act, shall upon conviction be punished by a fine of not more than \$500 or be imprisoned for not more than one year, or both. Prosecutions for violations of this Act shall be by the corporation counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.

SEC. 15. Appropriation is hereby authorized to be made to carry out the provisions of this Act, and the Commissioners of the District of Columbia are authorized to include in their annual estimates provision for all the expenses of the office of the director and recorder incident to such purposes, and for personnel subject to the limitations of the Classification Act of 1923, as amended.

SEC. 16. The provisions of this Act shall become effective January 1, 1941. Nothing herein contained shall affect existing liens on motor vehicles and trailers, or any equipment or accessories affixed thereto recorded prior to the effective date of this Act.

Approved, July 2, 1940.

[CHAPTER 528]

AN ACT

Authorizing the county of Lawrence, Ohio, to acquire and operate as a unit certain privately owned toll bridges across the Ohio River adjoining such county.

July 2, 1940  
[H. R. 9920]  
[Public, No. 723]

Ohio River.  
Acquisition of toll bridges by Lawrence County, Ohio.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the county of Lawrence, Ohio, or any duly organized bridge commission of such county, is authorized to acquire all right, title, and interest in any privately owned highway toll bridge across the Ohio River at any point within or adjoining such county, including the approaches thereto, and all interest in real property necessary therefor, by purchase, or by condemnation in accordance with the law of the State of Ohio governing the acquisition of privately owned bridges by public authority, and to maintain and operate said bridges in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in that Act.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Jurisdiction of condemnation proceedings.

SEC. 2. Jurisdiction of all condemnation proceedings under this Act is hereby conferred upon the United States District Court for the Southern District of Ohio, and for such purpose the process of such court may be served outside of the State or district in which such court is located. Such proceedings shall follow, as near as may be, the law of the State of Ohio governing procedure in such condemnation cases. Copies of any final judgment or decree of such court in any such condemnation proceeding relating to land located outside the district in which such court is located shall be filed with the clerk of the court of the district in which such land is located.

Filing of copies of decrees, etc.

Operation as toll bridge, etc.

SEC. 3. Any bridge acquired pursuant to this Act shall be operated as a toll bridge and shall be grouped with any other bridge so acquired for financing purposes. The rate of toll of any such bridge shall be so adjusted as to provide, together with the tolls from all other bridges acquired pursuant to this Act, (a) a sinking fund sufficient to amortize as soon as possible under reasonable charges but within a period not exceeding twenty-five years from the date of the issuance of bridge revenue bonds to finance the acquisition of bridges under this Act, the principal, interest, financing cost, and redemption premium, if any, of all such bonds, and (b) a fund sufficient to pay the reasonable cost of maintaining, operating, and repairing such bridges under economical management during such period. After the fund provided in clause (a) shall have been so provided, such

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

bridge shall thereafter be maintained and operated free of toll. An accurate record of the amount of bonds issued in the acquisition of such bridge, the financing costs thereof, the interest and redemption premiums payable thereon, the actual expenditures for maintaining, repairing, and operating such bridges, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Record of expenditures and receipts.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Right reserved.

Approved, July 2, 1940.

[CHAPTER 529]

AN ACT

Declaring a forfeiture of certain land heretofore granted by the United States to the board of commissioners of the Orleans Levee District, in the city of New Orleans, State of Louisiana, for levee and street purposes.

July 2, 1940  
[H. R. 9927]  
[Public, No. 724]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby forfeited to and vested in the United States of America title to that certain strip of land situated in the city of New Orleans, parish of Orleans, State of Louisiana, measuring two hundred and ten and two one-hundredths feet in length and seven and thirty-seven one-hundredths feet in width, more particularly described in the resolution adopted February 23, 1940, by the board of commissioners of the Orleans Levee District, and being part of the land granted by the Act of Congress approved April 22, 1932 (47 Stat. 133, ch. 127), to the board of commissioners of the Orleans Levee District of New Orleans, Louisiana. The control and custody of the land hereby forfeited is vested in the Attorney General.

New Orleans, La.  
Forfeiture to U. S. of  
certain land.

Control, etc.

SEC. 2. The grant by the aforesaid Act of Congress approved April 22, 1932, and the restrictions and conditions imposed therein shall remain in full force and effect as to that portion of the land the title to which is not declared forfeited by this Act and the Attorney General is hereby authorized to execute and deliver to the Board of Commissioners of the Orleans Levee District a proper quitclaim deed of that portion of the land not forfeited.

Restrictions in force  
as to unforfeited land.

Approved, July 2, 1940.

[CHAPTER 530]

AN ACT

To amend section 13 (d) of the Railroad Unemployment Insurance Act.

July 2, 1940  
[H. R. 10000]  
[Public, No. 725]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (d) of section 13 of the Railroad Unemployment Insurance Act, as amended, is hereby amended by striking the period at the end of the last sentence of said subsection, inserting a colon, and adding the following: "*Provided, however,* That if the Social Security Board finds with respect to any State that such State (1) is unable to avail itself of such conditions solely by reason of prohibitions contained in the constitution of such State, as determined by a decision of the highest court of such State declaring invalid in whole or in part the action of the legislature of the State purporting to provide for transfers from the State's account in the Unemployment Trust Fund to the railroad unemployment insurance account, and (2) for similar reasons is unable to use amounts withdrawn from its account in the Unemployment Trust Fund for the payment of expenses incurred in the administration of its State unemployment compensation law,

Railroad Unemployment Insurance Act, amendment.  
52 Stat. 1111.  
45 U. S. C., Supp. V,  
§ 363 (c).

Proriso.  
Findings by Social Security Board.  
State unable to effect designated transfers of funds.

State unable to use certain funds for administrative expenses.

Withholding certification of amounts for payment to State, etc.; date.

49 Stat. 626.  
42 U. S. C. § 502.

Condition.

Determination of amount withheld.

the Social Security Board shall not begin to withhold from certification to the Secretary of the Treasury for payment to such State the amounts determined by it pursuant to section 302 of the Social Security Act and to certify to the Secretary of the Treasury for payment into the railroad unemployment insurance account the amount so withheld from such State until July 1, 1942, and then only if the Social Security Board finds that such State had not prior thereto effectively authorized and directed the Secretary of the Treasury to transfer from such State's account in the Unemployment Trust Fund to the railroad unemployment insurance account amounts equal to such State's 'preliminary amount' and 'liquidating amount' less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection, effectively authorized and directed the Secretary of the Treasury so to transfer, plus interest on such difference, if any, with respect to each amount at 2½ per centum per annum from the date the State's 'preliminary amount' or 'liquidating amount', as the case may be, is determined by the Social Security Board; and with respect to any such State the amount withheld shall equal the State's 'preliminary amount' and 'liquidating amount' less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection effectively authorized and directed the Secretary of the Treasury to transfer, plus interest from July 1, 1939, at 2½ per centum per annum on so much of the 'preliminary amount' and 'liquidating amount', as the case may be, as has not been so transferred or has not been used as the measure for withholding."

Approved, July 2, 1940.

[CHAPTER 548]

AN ACT

July 8, 1940

[S. 2915]

[Public, No. 726]

Relating to rentals in certain oil and gas leases issued under authority of the Act of February 25, 1920, as amended, and for other purposes.

Waiver of rentals in certain oil and gas leases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the Act of February 25, 1920, as amended by the Act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered.

Approved, July 8, 1940.

[CHAPTER 549]

AN ACT

July 8, 1940

[S. 3780]

[Public, No. 727]

Authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama.

Construction of bridge between Dauphin Island and Cedar Point, Ala.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Alabama Bridge Commission (an agency of the State of Alabama), its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a toll bridge and causeway and approaches thereto at a point suitable to the interests of navigation, between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama, in accordance with the provisions of an Act

entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, subject to the exemptions provided in section 1 of the Act of August 21, 1935 (49 Stat. 670): *Provided*, That when the period during which the Alabama Bridge Commission is authorized to operate and maintain such bridge for toll, pursuant to Act Numbered 580, General and Local Laws of Alabama, 1939, approved September 22, 1939, has been completed the bridge shall be operated free of toll.

SEC. 2. Public Law Numbered 232, Seventy-sixth Congress, approved July 26, 1939, is hereby repealed.

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

Approved, July 8, 1940.

34 Stat. 84.  
33 U. S. C. §§ 491-498.  
33 U. S. C., Supp. V. § 503.  
*Proviso.*  
Operation free of toll.

Repeal.  
53 Stat. 1124.

Right reserved.

[CHAPTER 550]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Missouri.

July 8, 1940  
[S. 3807]

[Public, No. 729]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Missouri, authorized to be built by the Saint Louis-Kansas City Short Line Railroad Company by the Act of Congress approved March 2, 1929, heretofore extended by Acts of Congress approved April 15, 1932, August 30, 1935, and May 24, 1937, are hereby further extended one and three years, respectively, from the date of approval thereof.

Missouri River.  
Time extended for bridging, at Arrow Rock, Mo.

45 Stat. 1511; 47 Stat. 82; 49 Stat. 1070; 50 Stat. 201; 53 Stat. 1207.

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

Right reserved.

Approved, July 8, 1940.

[CHAPTER 551]

AN ACT

To defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes.

July 8, 1940  
[S. 3899]

[Public, No. 729]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case any civilian officer or employee of the United States dies (1) while in a travel status away from his official station in the United States or (2) while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the head of the department, independent establishment, agency, or federally owned or controlled corporation, hereinafter called department, in the service of which such officer or employee was engaged, is hereby authorized, under regulations to be prescribed by the President and except as otherwise provided by law, to pay from the appropriation available for the activity in which he was engaged—

Civilian officers or employees of U. S. dying abroad, etc.

(a) In case of the death of the officer or employee in such travel status in the United States, or in the case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the expenses of preparing and transporting the remains of such officer or employee to his home or official station or such other place as the head of the department concerned shall determine to be the appropriate place of interment.

Transportation of remains to home, etc.

Transportation of dependents and effects to home, etc.

(b) In case of the death of the officer or employee while performing official duties in a Territory or possession of the United States or in a foreign country or in transit thereto or therefrom, the transportation expenses of his dependents, including expenses incurred in packing, crating, drayage, and transportation of household effects and other personal property to his former home or such other place as the head of the department shall determine.

Temporary absence from duty.

SEC. 2. The benefits of section 1 of this Act shall not be denied in any case on the ground that the deceased was temporarily absent from duty when death occurred.

Effective date.

SEC. 3. This Act shall become effective sixty days after its enactment.

Approved, July 8, 1940.

[CHAPTER 552]

AN ACT

For the acquisition of Indian lands for the Parker Dam and Reservoir project, and for other purposes.

July 8, 1940

[S. 3931]

[Public, No. 730]

Parker Dam project. Acquisition of Indian lands for. 49 Stat. 1039.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in aid of the construction of the Parker Dam project, authorized by the Act of August 30, 1935 (49 Stat. 1028), there is hereby granted to the United States, its successors and assigns, subject to the provisions of this Act, all the right, title, and interest of the Indians in and to the tribal and allotted lands of the Fort Mohave Indian Reservation in Arizona and the Chemehuevi Reservation in California as may be designated by the Secretary of the Interior.

Determination of amount to be paid to Indians.

Payment by Metropolitan Water District of Southern California.

SEC. 2. The Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation for the rights granted under section 1 hereof. Such amount of money shall be paid to the Secretary of the Interior by the Metropolitan Water District of Southern California, a public corporation of the State of California, in accordance with the terms of the contract made and entered into on February 10, 1933, between the United States of America, acting through the Secretary of the Interior, and the Metropolitan Water District of Southern California. In the case of tribal lands, the amount due to the appropriate tribe shall be deposited by the said Secretary in the Treasury of the United States, pursuant to the provisions of the Act of May 17, 1926 (44 Stat. 560), as amended. The amounts due individual allottees, their heirs, or devisees shall be deposited by the said Secretary to the credit of the Superintendent of the Colorado River Indian Agency, or such other officer as shall be designated by the Secretary, for the credit on the books of the said agency to the accounts of the individual Indians concerned.

Deposit of amounts due tribes.

25 U. S. C. § 155.

Deposit of amounts due allottees.

SEC. 3. Funds deposited to the credit of the allottees, their heirs, or devisees may be used, in the discretion of the Secretary of the Interior, for the acquisition of other lands and improvements now in Indian ownership, or the construction of improvements for the allottees, their heirs, or devisees whose lands and improvements are acquired under the provisions of this Act. Lands so acquired shall be held in the same status as those from which the funds were derived.

Use of allottee funds.

SEC. 4. The Secretary of the Interior is hereby authorized to perform any and all acts and to prescribe such regulations as may be deemed appropriate to carry out the provisions of this Act.

Regulations, etc.

Approved, July 8, 1940.

[CHAPTER 553]

AN ACT

To authorize the Secretary of the Interior to lease certain of the public lands to the Metropolitan Water District of Southern California for the extraction of sodium chloride for water-conditioning purposes.

July 8, 1940  
[H. R. 6831]  
[Public, No. 731]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized, pursuant to the provisions of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (41 Stat. 437), as amended, and notwithstanding any limitations contained therein with respect to the leasing of public mineral lands to municipalities, to lease to the Metropolitan Water District of Southern California public lands containing deposits of sodium solely for the extraction therefrom of sodium chloride for water-conditioning purposes: *Provided*, That nothing in this Act shall be construed to empower the said district to produce sodium chloride or any other valuable deposit in said lands for commercial purposes. The use of such lands may be acquired by the said district either through the filing and issuance of prospecting permits or leases or through the assignment to it by qualified holders of such permits or leases.

Metropolitan Water District of Southern California.  
Leasing of public lands to.

30 U. S. C. § 22, etc.;  
Supp. V.

*Proviso.*  
Restriction on commercial production of sodium chloride, etc.

SEC. 2. The leases authorized by section 1 shall be granted upon the condition that if such lands or deposits are used for purposes other than as authorized by this Act, or upon the exhaustion of the deposits of sodium chloride in such lands, the permits or leases may be canceled by the Secretary of the Interior.

Cancellation of leases, etc.

Approved, July 8, 1940.

[CHAPTER 554]

AN ACT

To provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes.

July 8, 1940  
[H. R. 8024]  
[Public, No. 732]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That restricted allotments of deceased Indians may be leased, except for oil and gas mining purposes, by the superintendents of the reservation within which the lands are located (1) when the heirs or devisees of such decedents have not been determined and (2) when the heirs or devisees of the decedents have been determined, and such lands are not in use by any of the heirs and the heirs have not been able during a three-months' period to agree upon a lease by reason of the number of the heirs, their absence from the reservation, or for other cause, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds derived from such leases shall be credited to the estates or other accounts of the individuals entitled thereto in accordance with their respective interests.

Leasing of restricted allotments of deceased Indians; exception.

Conditions.

Crediting of proceeds.

Approved, July 8, 1940.

## [CHAPTER 555]

## AN ACT

Relating to adoption of minors by Indians.

July 8, 1940  
[H. R. 8499]  
[Public, No. 733]

Adoption of minors  
by Indians.  
Recognition in pro-  
bate matters.

Conditions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in probate matters under the exclusive jurisdiction of the Secretary of the Interior, no person shall be recognized as an heir of a deceased Indian by virtue of an adoption—

(1) Unless such adoption shall have been—

(a) by a judgment or decree of a State court;

(b) by a judgment or decree of an Indian court;

(c) by a written adoption approved by the superintendent of the agency having jurisdiction over the tribe of which either the adopted child or the adoptive parent is a member, and duly recorded in a book kept by the superintendent for that purpose; or

(d) by an adoption in accordance with a procedure established by the tribal authority, recognized by the Department of the Interior, of the tribe either of the adopted child or the adoptive parent, and duly recorded in a book kept by the tribe for that purpose; or

(2) Unless such adoption shall have been recognized by the Department of the Interior prior to the effective date of this Act or in the distribution of the estate of an Indian who has died prior to that date: *Provided,* That an adoption by Indian custom made prior to the effective date of this Act may be made valid by recordation with the superintendent if both the adopted child and the adoptive parent are still living, if the adoptive parent requests that the adoption be recorded, and if the adopted child is an adult and makes such a request or the superintendent on behalf of a minor child approves of the recordation.

*Proviso.*  
Adoption by Indian  
custom.

Nonapplication of  
Act.

SEC. 2. This Act shall not apply with respect to the distribution of the estates of Indians of the Five Civilized Tribes or the Osage Tribe in the State of Oklahoma, or with respect to the distribution of estates of Indians who have died prior to the effective date of this Act.

Effective date.

SEC. 3. This Act shall become effective six months after the date of its approval.

Approved, July 8, 1940.

## [CHAPTER 565]

## AN ACT

To authorize exchanges of lands within the Navajo Indian Reservation, Arizona.

July 10, 1940  
[S. 3972]  
[Public, No. 734]

Navajo Indian Res-  
ervation, Ariz.  
Exchange of lands  
within.

Issuance of patent.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to exchange tribal lands within the Navajo Indian Reservation in Arizona for privately owned mineral lands of approximately equal value within the boundary of such reservation. Upon conveyance to the United States in trust for the Navajo Indians of the lands being acquired by the United States, the Secretary of the Interior is authorized to issue a patent in fee covering the lands granted in exchange: *Provided,* That the sufficiency of title to all such lands acquired by the United States shall be approved by the Secretary of the Interior.

*Proviso.*  
Sufficiency of title.

Approved, July 10, 1940.

## [CHAPTER 566]

## AN ACT

To amend the Act entitled "An Act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service", approved February 15, 1893, as amended.

July 10, 1940  
[S. 2111]  
[Public, No. 735]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fourth paragraph of section 2 of the Act entitled "An Act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service", approved February 15, 1893, as amended (U. S. C., 1934 edition, title 42, sec. 82), is amended by striking out the words "adjacent thereto".

Consular bills of health not required for certain vessels.

27 Stat. 450.

Approved, July 10, 1940.

## [CHAPTER 567]

## AN ACT

To amend the law limiting the operation of statutes of limitations in certain cases.

July 10, 1940  
[H. R. 4828]  
[Public, No. 736]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 of the Act entitled "An Act to limit the operation of statutes of limitations in certain cases", approved May 10, 1934 (48 Stat. 772; U. S. C., title 18, sec. 587), be, and it is hereby, amended to read as follows:

Statutes of limitations.

"That whenever an indictment is found defective or insufficient for any cause, after the period prescribed by the applicable statute of limitations has expired, a new indictment may be returned not later than the end of the next succeeding regular term of such court, following the term at which such indictment was found defective or insufficient, during which a grand jury thereof shall be in session."

Defective indictment.  
New indictment, time limitation.

Approved, July 10, 1940.

## [CHAPTER 568]

## AN ACT

To amend the District of Columbia Revenue Act of 1937, as amended.

July 10, 1940  
[H. R. 10106]  
[Public, No. 737]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Article III of title V of the District of Columbia Revenue Act of 1937, as amended by title V of the District of Columbia Revenue Act of 1939, is amended by adding after section 14 thereof the following new section:

District of Columbia Revenue Act of 1937, amendment.  
53 Stat. 1116.  
20 D. C. Code, Supp. V, §§ 9600-9602a.

"SEC. 15. Credits, securities, and other intangible personal property within the District not employed in carrying on any business therein by the owner shall be deemed to be located at the domicile of the owner for purposes of taxation under this title, and, if held in trust, shall not be deemed to be located in the District for purposes of taxation under this title solely because of the trustee being domiciled in the District: *Provided further,* That this section shall not apply to property owned by alien decedents, and that nothing herein contained shall affect the taxation by the District of any property owned by alien decedents which, at the time of the death of such decedents, shall be under the jurisdiction of the District or over which the District has control."

Location of certain intangible personal property.

If held in trust.

*Proviso.*  
Property owned by alien decedents.

Approved, July 10, 1940.

## [CHAPTER 577]

## JOINT RESOLUTION

Authorizing Colonel Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

July 11, 1940  
[S. J. Res. 283]  
[Pub. Res., No. 92]

Administrator of  
Civil Aeronautics.  
Col. Donald H.  
Connolly, authorized  
to hold office of.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Colonel Donald H. Connolly, being a commissioned officer on the active list, Corps of Engineers, United States Army, is authorized to hold the office of Administrator of Civil Aeronautics in the Department of Commerce without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

Approved, July 11, 1940.

## [CHAPTER 579]

## JOINT RESOLUTION

Granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River basin.

July 11, 1940  
[S. J. Res. 222]  
[Pub. Res., No. 93]

Preamble.

50 Stat. 884.

Whereas the State of Maryland, by chapter 320 of its acts of 1939, approved May 3, 1939, and the Commonwealth of Virginia, by chapter 324 of its laws of 1940, approved March 29, 1940, and the Board of Commissioners of the District of Columbia acting pursuant to Public Resolution Numbered 74 of the Seventy-fifth Congress, chapter 891, of the first session, approved August 31, 1937, by resolution adopted April 16, 1940, have approved and desire to enter into a compact to create a Potomac Valley Conservancy District and to establish an Interstate Commission on the Potomac River Basin, to which compact by its terms the State of West Virginia and the Commonwealth of Pennsylvania are empowered to enter, and which compact by its terms becomes effective when ratified by a majority of the five signatory bodies thereto, and approved by the Congress of the United States, and which compact is as follows:

## COMPACT

Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

Whereas the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for "the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes";

Now therefore the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District

Compact for crea-  
tion of Potomac Val-  
ley Conservancy Dis-  
trict and Interstate  
Commission on Po-  
tomac River Basin.

of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

#### ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

(A) The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable by-laws, shall make, adopt, and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

(B) The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District.

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

(D) A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the Commission; provided, however, that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

#### ARTICLE II

The Commission shall have the power and its duties shall be:

(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the Conservancy District and on the character and conditions of such streams, and

to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission.

(B) To supplement existing information and data, and to secure new data by such investigations, analyses, or other means as may be necessary to secure adequate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream.

(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar organizations for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams in the said Conservancy District.

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature and reports.

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes, and if deemed advisable, to institute and conduct such research and fact-finding activities.

(F) To make and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also, for cleanliness of the various streams in the Conservancy District.

#### ARTICLE III

*Post*, p. 1037.

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

The pro rata contribution shall be based on such factors as population, the amount of industrial and domestic pollution; and a flat service charge, as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies. And, further provided, that the total of such sums from signatory bodies shall not exceed a total of \$30,000 per annum.

#### ARTICLE IV

Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District.

2. The enactment of adequate and, in so far as is practicable, uniform legislation for the abatement and control of such pollution.

3. The appropriation of biennial sums on the proportionate basis as set forth in Article III.

## ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioners of the District of Columbia, and approved by the Congress of the United States; *provided, however*, that this compact shall not be effective as to any signatory body until ratified thereby.

## ARTICLE VI

Any signatory body may by legislative act, after one year's notice to the Commission, withdraw from this compact. Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to enter into the compact hereinbefore recited, and to each and every part and article thereof: *Provided*, That nothing contained in such compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact.

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

Approved, July 11, 1940.

Consent of Congress.

*Proviso.*  
Right or jurisdiction  
of U. S.

Right reserved.

[CHAPTER 580]

## AN ACT

To authorize the payment of compensation to recess appointees in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1761 of the Revised Statutes be, and it is hereby, amended to read as follows:

"SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. The provisions of this section shall not apply (a) if the vacancy arose within thirty days prior to the termination of the session of the Senate; or (b) if, at the time of the termination of the session of the Senate, a nomination for such office, other than the nomination of a person appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or (c) if a nomination for such office was rejected by the Senate within thirty days prior to the termination of the session and a person other than the one whose nomination was rejected thereafter receives a recess commission: *Provided*, That a nomination to fill such vacancy under (a), (b), or (c) hereof, shall be submitted to the Senate not later than forty days after the commencement of the next succeeding session of the Senate."

Approved, July 11, 1940.

July 11, 1940  
[S. 2773]

[Public, No. 738]

R. S. § 1761, amend-  
ment.  
5 U. S. C. § 56.

Compensation for  
recess appointees, re-  
striction.

When restriction  
not applicable.

*Proviso.*  
Submittal of nom-  
ination to Senate.

## [CHAPTER 581]

## AN ACT

Granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin.

July 11, 1940

[S. 3617]

[Public, No. 739]

Ohio River Valley  
Water Sanitation  
Compact.  
Consent of Congress  
given to.

46 Stat. 1490.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent and approval of Congress is hereby given to an interstate compact relating to the control and reduction of the pollution of the streams of the Ohio River drainage basin negotiated and entered into or to be entered into under authority of Public Resolution Numbered 104, Seventy-fourth Congress, approved June 8, 1936, and now ratified by the States of New York, Illinois, Kentucky, and Indiana, and by the State of Ohio (whose ratification is to go into effect at the time at which the States of New York, Pennsylvania, and West Virginia enter into said compact as parties and signatory States), also by the State of West Virginia (whose ratification is to go into effect at the time at which the States of New York, Ohio, Virginia, and Pennsylvania enter into said compact as parties and signatory States), which compact reads as follows:

“SECTION 1.—

“OHIO RIVER VALLEY WATER SANITATION COMPACT

“BETWEEN THE STATES OF ILLINOIS, INDIANA, KENTUCKY, NEW YORK, OHIO, PENNSYLVANIA, TENNESSEE, AND WEST VIRGINIA

“Pursuant to authority granted by an Act of the 74th Congress of the United States, Public Resolution 104, approved June 8, 1936, conferences of delegates appointed to draft the compact were held at Cincinnati, Ohio, on Nov. 20, 1936; Jan. 17, 1938; May 24, 1938; June 13, 1938; October 11, 1938.

“Whereas, a substantial part of the territory of each of the signatory states is situated within the drainage basin of the Ohio River; and

“Whereas, the rapid increase in the population of the various metropolitan areas situated within the Ohio drainage basin, and the growth in industrial activity within that area, have resulted in recent years in an increasingly serious pollution of the waters and streams within the said drainage basin, constituting a grave menace to the health, welfare, and recreational facilities of the people living in such basin, and occasioning great economic loss; and

“Whereas, the control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof, and can best be accomplished through the cooperation of the States situated therein, by and through a joint or common agency;

“Now, Therefore, The States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia do hereby covenant and agree as follows:

“ARTICLE I

“Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the Ohio River basin which flow through, into or border upon any of such signatory States, and in order to effect such object, agrees to enact any necessary legislation to enable each such State to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public

and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate.

“ARTICLE II

“The signatory States hereby create a district to be known as the ‘Ohio River Valley Water Sanitation District,’ hereinafter called the District, which shall embrace all territory within the signatory States, the water in which flows ultimately into the Ohio River, or its tributaries.

“ARTICLE III

“The signatory States hereby create the ‘Ohio River Valley Water Sanitation Commission,’ hereinafter called the Commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory States or by act or acts of the Congress of the United States.

“ARTICLE IV

“The Commission shall consist of three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

“ARTICLE V

“The Commission shall elect from its number a chairman and vice-chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It shall adopt a seal and suitable by-laws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more offices within the District for the transaction of its business, and may meet at any time or place. One or more commissioners from a majority of the member States shall constitute a quorum for the transaction of business.

“The Commission shall submit to the Governor of each State, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof.

“The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose.

“On or before the first day of December of each year, the Commission shall submit to the respective governors of the signatory States a full and complete report of its activities for the preceding year.

“The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the signatory States, except by and with the authority of the legislature thereof.

#### “ARTICLE VI

“It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size, flow, location, character, self-purification, and usage of waters within the District. The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as hereinbefore defined.

“All sewage from municipalities or other political subdivisions, public or private institutions, or corporations, discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State, shall be so treated, within a time reasonable for the construction of the necessary works, as to provide for substantially complete removal of settleable solids, and the removal of not less than forty-five per cent (45%) of the total suspended solids; provided that, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation, due notice and hearing.

“All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated, within a time reasonable for the construction of the necessary works, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, to such degree as may be determined to be necessary by the Commission after investigation, due notice and hearing.

“All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent, if any, which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence.

“The Commission is hereby authorized to adopt, prescribe and promulgate rules, regulations and standards for administering and enforcing the provisions of this article.

#### “ARTICLE VII

“Nothing in this compact shall be construed to limit the powers of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State, imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

#### “ARTICLE VIII

“The Commission shall conduct a survey of the territory included within the District, shall study the pollution problems of the District,

and shall make a comprehensive report for the prevention or reduction of stream pollution therein. In preparing such report, the Commission shall confer with any national or regional planning body which may be established, and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District. The Commission shall draft and recommend to the governors of the various signatory States uniform legislation dealing with the pollution of rivers, streams and waters and other pollution problems within the District. The Commission shall consult with and advise the various States, communities, municipalities, corporations, persons, or other entities with regard to particular problems connected with the pollution of waters, particularly with regard to the construction of plants for the disposal of sewage, industrial and other waste. The Commission shall, more than one month prior to any regular meeting of the legislature of any State which is a party thereto, present to the governor of the State its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this compact.

#### “ARTICLE IX

“The Commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio River or any other river, stream or water, any part of which constitutes any part of the boundary line between any two or more of the signatory States, or into any stream any part of which flows from any portion of one signatory State through any portion of another signatory State. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States; and no such order upon a municipality, corporation, person or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such state.

“It shall be the duty of the municipality, corporation, person or other entity to comply with any such order issued against it or him by the Commission, and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, corporation or other entity domiciled or located within such State or whose discharge of the waste takes place within or adjoining such State, or against any employe, department or subdivision of such municipality, corporation, person or other entity; provided, however, such court may review the order and affirm, reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official, shall have power to institute in such court any action for the enforcement of such order.

#### “ARTICLE X

“The signatory States agree to appropriate for the salaries, office and other administrative expenses, their proper proportion of the

annual budget as determined by the Commission and approved by the Governors of the signatory States, one-half of such amount to be prorated among the several States in proportion of their population within the District at the last preceding federal census, the other half to be prorated in proportion to their land area within the District.

“ARTICLE XI

“This compact shall become effective upon ratification by the legislatures of a majority of the States located within the District and upon approval by the Congress of the United States; and shall become effective as to any additional States signing thereafter at the time of such signing.”.

Consent of Congress given to Virginia, etc.

SEC. 2. Without further submission of said compact, the consent of Congress is hereby given to the State of Virginia or any other State with waters in the Ohio River drainage basin, entering into said compact as a signatory State and party in addition to the States therein named or any of them.

Appointment of commissioners.

SEC. 3. The commissioners to represent the United States, as provided in article IV of said compact, shall be appointed by the President.

U. S. jurisdiction, etc.

SEC. 4. Nothing contained in this Act or in the compact herein approved shall be construed as impairing or affecting the sovereignty of the United States or any of its rights or jurisdiction in and over the area or waters which are the subject of such compact.

Right reserved.

SEC. 5. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

Approved, July 11, 1940.

[CHAPTER 582]

AN ACT

July 11, 1940 [H. R. 6424] (Public, No. 740)

To provide for the transportation and distribution of mails on motor-vehicle routes

Postal Service. Contracts for designated motor-vehicle service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it is found that adequate railroad facilities are not available, the Postmaster General is authorized to contract for carrying the mails and railway postal clerks on routes between points where, in his judgment, the conditions justify the operation of such service in motor vehicles especially designed and equipped for the distribution of mail en route: *Provided*, That such vehicles shall be constructed, fitted up, maintained, and operated in accordance with such specifications, rules, and regulations as he may prescribe: *Provided further*, That the Postmaster General is authorized, within his discretion, to transport and provide for the distribution of mails in Government-owned motor vehicles on such routes between points where in his judgment the conditions justify the operation of such service: *Provided further*, That all laws and regulations governing Star Route Service, not in conflict with this Act, shall be applicable to contracts made under the authority of this Act: *And provided further*, That no contract shall be awarded for a period of less than two years nor in excess of four years, and that payment for such service shall be from the appropriations for inland transportation by star routes.

Provisions. Design, etc., of vehicles. Use of Government-owned vehicles.

Star Route Service laws, etc., applicability.

Period of contracts; payment for service.

Distribution of mail on motor-vehicle routes.

SEC. 2. The Postmaster General may, in his discretion, and in the interest of the Postal Service, and under such rules and regulations as he may prescribe, provide for the distribution of mail on motor-vehicle routes in motor vehicles specially designed and equipped for that purpose and provided for in section 1 of this Act: *Provided*, That the supervision and distribution of mails in motor-vehicle service, as herein provided, shall be under the jurisdiction of the

Provisions. Supervision; personnel.

Second Assistant Postmaster General, and the personnel therein shall be a part of the Railway Mail Service under the same working conditions, rates of pay, travel allowance, and other benefits applicable to railway postal clerks: *And provided further*, That payment for such service shall be from the appropriations for Railway Mail Service salaries and railway postal clerks' travel allowance.

Payment for service.

SEC. 3. Every individual or company carrying the mails shall carry on any vehicle it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials.

Carriage of persons in charge of mails, etc.

SEC. 4. The Postmaster General is authorized to promulgate such specifications, rules, and regulations as may be necessary to carry out the provisions of this Act.

Regulations, etc.

Approved, July 11, 1940.

[CHAPTER 583]

AN ACT

Authorizing advancements from the Federal Emergency Administration of Public Works for the construction of a recorder of deeds building in the District of Columbia, and for other purposes.

July 11, 1940  
[H. R. 9114]  
[Public, No. 741]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioners of the District of Columbia are hereby authorized to accept advancements for the District of Columbia from the Federal Emergency Administration of Public Works, or its successor, and said Administration, or its successor, with the approval of the President is authorized to advance to said Commissioners the sum of \$450,000, or any part thereof, in addition to any sums heretofore advanced to the District of Columbia by said Administration, or its successor, out of funds authorized by law for said Administration, or its successor, for a building for the office of the recorder of deeds to be located on premises now known at 515 D Street Northwest, formerly used as the police court, as recommended by a committee appointed by the Commissioners under order of January 12, 1940, and the making of such advances is hereby included among the purposes for which funds heretofore appropriated or authorized for said Administration, or its successor, including funds appropriated by the Public Works Administration Appropriation Act of 1938, may be used, in addition to the other purposes specified in the respective Acts appropriating or authorizing said funds.

District of Columbia.  
Recorder of deeds building, construction.  
Advancement of funds.

52 Stat. 816.  
15 U. S. C., Supp.  
V, ch. 16 (note).

SEC. 2. The sum authorized by section 1 hereof, or any part thereof shall, when advanced, be available to the Commissioners of the District of Columbia for the preparation of plans, designs, estimates, models, and specifications; and for architectural and other necessary professional services required for carrying out the provisions of this Act; for the construction of a recorder of deeds building, including materials and labor, heating, lighting, elevators, plumbing, landscaping, transportation or rental thereof, and all other appurtenances, and the purchase and installation of machinery, furniture, equipment, apparatus, and any and all other expenditures necessary for or incident to the complete construction and equipment for use of the aforesaid building and plant.

Use of funds.

SEC. 3. That the Federal Emergency Administration of Public Works, or its successor, shall be repaid 55 per centum of any moneys advanced under section 1 of this Act in annual installments over a period of not to exceed twenty-five years with interest thereon at such rate as is agreed upon by the Commissioners of the District and

Repayment.

*Provisos.*  
Inclusion of sums in  
annual D. C. esti-  
mates.

Minimum reim-  
bursement under des-  
ignated Act.  
46 Stat. 485.

Report to Congress.

the Federal Emergency Administration of Public Works, or its successor, for the period of amortization: *Provided*, That such sums as may be necessary for the reimbursement herein required of the District of Columbia, and for the payment of interest, shall be included in the annual estimates of the Commissioners of the District of Columbia, the first reimbursement with interest to be made not later than June 30, 1944: *Provided further*, That whenever the District of Columbia is under obligation by virtue of the provisions of section 4 of Public Act Numbered 284, Seventy-first Congress, reimbursement under that Act shall not be less than \$300,000 in any one fiscal year.

SEC. 4. That the Commissioners of the District of Columbia shall submit with their annual estimates to the Congress a report of their activities and expenditures under section 1 of this Act.

Approved, July 11, 1940.

[CHAPTER 618]

AN ACT

To provide for the disposition of estates of American citizens who die abroad.

July 12, 1940  
[S. 4097]  
[Public, No. 742]

Disposition of es-  
tates of American citi-  
zens who die abroad.  
22 U. S. C. §§ 75-77.

Duties of consular,  
etc., officers.

Settlement of es-  
tates, exception.

*Provisos.*  
Treaty, etc., author-  
ization.

No legal representa-  
tive, etc.

Provisional conser-  
vator.

Administrator.

Guarding, etc., of  
property.

Inventory and ap-  
praisal.

Collection of debts,  
etc.

Sale of property to  
pay debts, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 1709, 1710, and 1711 of the Revised Statutes, as amended (U. S. C., title 22, secs. 75 and 77), are hereby amended to read as follows:

"1709. It shall be the duty of a consular officer, or, if no consular officer is present, a diplomatic officer, under such procedural regulations as the Secretary of State may prescribe—

"First. To take possession and to dispose of the personal estate left by any citizen of the United States, except a seaman who is a member of the crew of an American vessel, who shall die within or is domiciled at time of death within his jurisdiction: *Provided*, That such procedure is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled, or that such privilege is accorded by established usage: *Provided further*, That the decedent shall leave in the country where the death occurred or where he was domiciled, no legal representative, partner in trade, or trustee by him appointed to take care of his personal estate. A consular officer or, in his absence, a diplomatic officer shall act as the provisional conservator of the personal property within his jurisdiction of a deceased citizen of the United States but, unless authorized by treaty provisions, local law, or usage, he shall not act as administrator of such personal property. He shall render assistance in guarding, collecting, and transmitting the property to the United States to be disposed of according to the law of the decedent's domicile.

"Second. After having taken possession of the personal property, as provisional conservator, to inventory and carefully appraise the effects, article by article, with the assistance of two competent persons who, together with such officer, shall sign the inventory and annex thereto an appropriate certificate as to the accuracy of the appraised value of each article.

"Third. To collect the debts due to the decedent in his jurisdiction and pay from the estate the obligations owed there by the decedent.

"Fourth. To sell at auction, after reasonable public notice, unless the amount involved does not justify such expenditure, such part of the estate as shall be of a perishable nature, and after reasonable public notice and notice to next of kin if they can be ascertained by reasonable diligence such further part, if any, as shall be necessary

for the payment of the decedent's debts incurred in such country, and funeral expenses, and expenses incident to the disposition of the estate. If, at the expiration of one year from the date of death (or for such additional period as may be required for final settlement of the estate), no claimant shall appear, the residue of the estate, with the exception of investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value, shall be sold.

Sale of residue of estate; bonds, etc., excepted.

"Fifth. To transmit to the General Accounting Office the proceeds of the sale (and any unsold effects, such as investments of bonds, shares of stocks, notes of indebtedness, jewelry or heirlooms, or other articles having a sentimental value), there to be held in trust for the legal claimant. If, however, at any time prior to such transmission, the decedent's legal representative should appear and demand the proceeds and effects in the officer's hands, he shall deliver them to such representative after having collected the prescribed fee therefor.

Transmission of proceeds, etc., to General Accounting Office.

"The Comptroller General of the United States, or such member of the General Accounting Office as he may duly empower to act as his representative for the purpose, shall act as conservator of such parts of these estates as may be received by the General Accounting Office or are in its possession, and may, when deemed to be in the interest of the estate, sell such effects, including bonds, shares of stock, notes of indebtedness, jewelry, or other articles, which have heretofore or may hereafter be so received, and pay the expenses of such sale out of the proceeds: *Provided*, That application for such effects shall not have been made by the legal claimant within six years after their receipt. The Comptroller General is authorized, for and in behalf of the estate of the deceased, to receive any balances due to such estates, to draw therefor on banks, safe deposits, trust or loan companies, or other like institutions, to endorse all checks, bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and take such other action as may be deemed necessary for the conservation of such estates. The net proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury to a fund in trust for the legal claimant and reported to the Secretary of State.

Powers of Comptroller General. Sale of effects, etc.

*Proviso.* When effects unclaimed; time.

Receipt of balances due estates, etc.

Deposit of funds; report to Secretary of State.

"If no claim to the effects the proceeds of which have been so deposited shall have been received from a legal claimant of the deceased within six years from the date of the receipt of the effects by the General Accounting Office, the funds so deposited, with any remaining unsold effects, less transmittal charges, shall be transmitted by that office to the proper officer of the State or Territory of the last domicile in the United States of the deceased citizen, if known, or, if not, such funds shall be covered into the general fund of the Treasury as miscellaneous receipts on account of proceeds of deceased citizens, and any such remaining unsold effects shall be disposed of by the General Accounting Office in such manner as, in the judgment of the Comptroller General, is deemed appropriate, or they may be destroyed if considered no longer possessed of any value: *Provided*, That when the estate shall be valued in excess of \$500, and no claim therefor has been presented to the General Accounting Office by a legal claimant within the period specified in this paragraph or the legal claimant is unknown, before disposition of the estate as provided herein, notice shall be given by publishing once a week for four consecutive weeks in a newspaper published in the county of the last known domicile of the deceased, in the United States, the expense thereof to be deducted from the proceeds of such estate, and any lawful claim received as the result of such advertisement shall be adjusted and settled as provided for herein.

Disposition of unclaimed proceeds, etc.

*Proviso.* Notice by publication.

- Notification of death. "1710. For the information of the representative of the deceased, the consular officer, or, if no consular officer is present, a diplomatic officer, in the settlement of his estate shall immediately notify his death in one of the gazettes published in the consular district, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased taken as before directed.
- Transmission of inventory. "1711. When a citizen of the United States dies in a foreign country and leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer, or in his absence a diplomatic officer, within whose jurisdiction the death occurred, of the personal property in the foreign country which he possessed at the time of death, such officer shall, so far as the laws of the foreign country permit, strictly observe such directions if not contrary to the laws of the United States. If such citizen has named, by any lawful testamentary disposition, any other person than a consular officer or diplomatic officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so named, to give his official aid in whatever way may be practicable to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country or treaty provisions permit, to protect the property of the deceased from any interference by the authorities of the country where such citizen died. To this end it shall be the duty of the consular officer, or if no consular officer is present a diplomatic officer, to safeguard the decedent's property by placing thereon his official seal and to break and remove such seal only upon the request of the person designated by the deceased to take charge of and manage his property."
- Observance of testamentary directions.
- Aiding in proceedings, etc.
- Safeguarding property.

Approved, July 12, 1940.

[CHAPTER 626]

AN ACT

July 15, 1940

[S. 134]

[Public, No. 743]

Providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes.

Retired emergency officers.  
Continuance of pay.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of any law of the United States, any person who served as an officer of the Army, Navy, or Marine Corps of the United States during the World War, other than as an officer of the Regular Army, Navy, or Marine Corps during the World War, who made valid application for retirement under the provisions of Public Law Numbered 506, Seventieth Congress, enacted May 24, 1928 (U. S. C., Supp. VII, title 38, secs. 581 and 582), and who prior to the passage of this Act has been granted retirement with pay and is shown to have been heretofore correctly rated, shall be entitled to continue to receive retirement pay at the monthly rate paid him on March 19, 1933, if the disability for which he has been retired resulted from disease or injury or aggravation of a preexisting disease or injury incurred in such service in fact in line of duty and directly resulting from the performance of duty: *Provided*, That such person rendered active service as a commissioned officer within the period between April 6, 1917, and November 11, 1918: *Provided further*, That where the disability is now or hereafter determined to be

45 Stat. 735.  
38 U. S. C. §§ 581,  
582.

Disability requirement.

*Proviso.*  
Active commissioned service.  
Determination of disability.

clearly shown by all of the evidence to have been incurred in or aggravated by active service, in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, it will be considered to have directly resulted from performance of duty: *Provided further*, That the Administrator of Veterans' Affairs is hereby authorized and directed to adjudicate claims for emergency officers' retirement in accordance with the provisions of the Act of May 24, 1928 (Public Law Numbered 506, Seventieth Congress), subject to limitations contained in section 10 of the Act of March 20, 1933 (Public Law Numbered 2, Seventy-third Congress), as modified by the provisions of this Act, in any case where the disability resulted from injury or disease incurred in combat with an enemy of the United States, and where entitlement is established based upon such injury or disease the Administrator of Veterans' Affairs is hereby authorized to grant retirement with pay as provided in the said Act of May 24, 1928, notwithstanding the failure of the person to file claim within the period required by said Act of May 24, 1928.

SEC. 2. No beneficiary under this Act shall receive any retirement pay for any period prior to the date of this Act.

SEC. 3. That subsection (b) of section 212 of Public Law Numbered 212, Seventy-second Congress, shall be amended to read as follows:

"(b) This section shall not apply to any person whose retired pay, plus civilian pay, amounts to less than \$3,000: *Provided*, That this section shall not apply to regular or emergency commissioned officers retired for disability incurred in combat with an enemy of the United States or for disabilities resulting from an explosion of an instrumentality of war in line of duty during an enlistment or employment as provided in Veterans Regulation Numbered 1 (a), part I, paragraph I."

Approved, July 15, 1940.

[CHAPTER 629]

AN ACT

To authorize the use of certain facilities of Indian reservations, national parks, and national monuments for elementary school purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to facilitate the providing of educational opportunities for children of Government employees and other residents in Indian reservations, the national parks and national monuments the Secretary of the Interior is hereby authorized in his discretion to make available for elementary school purposes therein, without charge, space in Government-owned buildings, when such space may be available for such purposes without detriment to the official business of such Indian reservations, national parks and national monuments.

Approved, July 16, 1940.

[CHAPTER 630]

AN ACT

To withdraw certain portions of land within the Hawaii National Park and to transfer the same to the jurisdiction and control of the Secretary of War for military purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That within a tract of land containing six thousand four hundred fifty acres, more or less, on the island of Hawaii in the Territory of Hawaii, located

Adjudication of claims.

48 Stat. 10.  
38 U. S. C. § 710.

Retirement with pay.

No prior benefits.

47 Stat. 406.  
5 U. S. C. § 59a (b).

Combined pay.

*Provido*,  
Combat, etc., disabilities.

July 16, 1940

[S. 29]

[Public, No. 744]

Use of certain facilities of Indian reservations, etc., for elementary school purposes.

July 16, 1940

[S. 3676]

[Public, No. 745]

Hawaii National Park.  
Transfer of land for military purposes.

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

in the Hawaii National Park, created by the Act of August 1, 1916 (39 Stat. 432), as amended, and described as follows, to wit:

Beginning at a place called Na Puu O na Elemakule located at the southeastern corner of the Hawaii National Park, said point being marked by a triangle on a large flat stone, thence by azimuth (measured clockwise from true south) and distances as follows: Eighty-nine degrees twenty-seven minutes thirty seconds, three thousand three hundred feet along the southern boundary of Hawaii National Park; one hundred and seventy-nine degrees twenty-seven minutes thirty seconds, fourteen thousand five hundred and fifty feet over and across Pali to a point on Kau Desert Plateau; two hundred and forty-three degrees fifty-seven minutes no seconds, eighteen thousand four hundred and fifty feet to a point located above Hilima Pali; three hundred and fifty-nine degrees twenty-seven minutes thirty seconds, twelve thousand nine hundred and ninety feet more or less to high-water line; thence in southwesterly direction along the high-water line to the point of beginning; containing an area of six thousand four hundred and fifty acres, more or less; there shall be withdrawn from the control and jurisdiction of the Secretary of the Interior and transferred to the jurisdiction and control of the Secretary of War so much thereof as may be agreed upon between the Secretaries of War and Interior for use as an Air Corps bombing target range, and for such other military purposes and uses as may be prescribed by the Secretary of War.

Transfer provision.

Approved, July 16, 1940.

[CHAPTER 632]

AN ACT

Extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War.

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

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

Filing of application.

Proviso.  
Benefits, date effective.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the benefits of the Act of May 24, 1928, (Public, Numbered 506, Seventieth Congress), subject to the limitations contained in section 10 of the Act of March 20, 1933 (Public, Numbered 2, Seventy-third Congress) as now or hereafter amended are hereby extended to provisional, probationary, or temporary officers of the military or naval forces or Coast Guard, who served subsequent to April 6, 1917, and who are now in a status of honorable separation from the military, naval, or Coast Guard Service, if application for such benefits is filed with the Administrator of Veterans' Affairs within twelve months after the passage of this Act: *Provided,* That the benefits under this Act shall take effect from the date of application, if approved.

Approved, July 18, 1940.

[CHAPTER 633]

AN ACT

To extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes.

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

Extension of certain benefits to members of Officers' Reserve Corps, etc.  
39 Stat. 742.  
5 U. S. C., ch. 15; Supp. V, ch. 15.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That where in time of peace any member of the Officers' Reserve Corps or of the Enlisted Reserve Corps of the Army was physically injured in line of duty

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

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

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

Approved, July 18, 1940.

Designated period.

Jurisdiction.

*Provisos.*  
Accrual of benefits.

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

Authorized training without pay, definition.

Determination of benefits when under nonpay status.

No prior benefits.

39 Stat. 745.  
5 U. S. C. § 760 (c).

Presumption of written authority to train; exception.

Filing of claims, time limitation.

## [CHAPTER 634]

## AN ACT

To repeal sections 3711, 3712, and 3713 of the Revised Statutes which relate to the purchase in the District of Columbia of coal and wood for public use, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 3711, 3712, and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) are hereby repealed.

SEC. 2. Those parts of the Acts making appropriations for the Treasury and Post Office Departments approved March 15, 1934 (48 Stat. 425), May 14, 1935 (49 Stat. 218), June 23, 1936 (49 Stat. 1827), May 14, 1937 (50 Stat. 137), and March 28, 1938 (52 Stat. 139), which provide "That the requirements of sections 3711 and 3713 of the Revised Statutes (U. S. C., title 40, sec. 109) relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia" (U. S. C., title 40, sec. 109a), are hereby repealed.

Approved, July 18, 1940.

## [CHAPTER 635]

## AN ACT

To amend the Act entitled "An Act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes", approved August 27, 1935 (Public, Numbered 351, Seventy-fourth Congress), and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the Act entitled "An Act to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes", approved August 27, 1935 (Public, Numbered 351, Seventy-fourth Congress; 49 Stat. 885; U. S. C., Supp. II, title 40, sec. 304 (a) to (e)), be, and the same is hereby, amended by inserting, before the period at the end thereof, a colon and the following: "Provided, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder".

SEC. 2. Such Act of August 27, 1935, is further amended by adding at the end thereof the following sections:

"SEC. 6. There are hereby authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of this Act, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however,* That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess

July 18, 1940  
[H. R. 2751]  
[Public, No. 748]

District of Colum-  
bia.  
Repeal of certain  
provisions relating to  
purchase of coal and  
wood.

July 18, 1940  
[H. R. 7233]  
[Public, No. 749]

Surplus Federal real  
property.

40 U. S. C., Supp.  
V, § 304a.

*Proviso.*  
Sale by negotiation.

49 Stat. 885.  
40 U. S. C., Supp.  
V, §§ 304a-304c.  
Appropriation au-  
thorized to cover costs.

*Proviso.*  
Responsibility for  
maintenance, etc.

of its needs until such time as custody is assumed by the Federal Works Agency or other disposition is made thereof.

“SEC. 7. The Commissioner of Public Buildings, with the approval of the Federal Works Administrator, is authorized, upon their determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of this Act: *Provided*, That before proceeding with the demolition of any building, the Commissioner of Public Buildings shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of the Act entitled ‘An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes’, approved August 21, 1935 (Public, Numbered 292, Seventy-fourth Congress; 49 Stat. 666) : *Provided, however*, That if the Secretary of the Interior shall fail to notify the Commissioner of Public Buildings of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish the Commissioner of Public Buildings may proceed to demolish said building.”

Demolition of surplus buildings.

*Provisos.*  
Notice of intention to demolish.

Historic buildings, restriction.

16 U. S. C., Supp. V, §§ 461-467.  
Failure to give notification, effect.

SEC. 3. Sections 1 to 4, inclusive, of such Act of August 27, 1935, are amended (a) by striking out the words “Secretary of the Treasury” wherever they appear and inserting in lieu thereof the words “Federal Works Administrator”; (b) by striking out the words “Director of Procurement” wherever they appear and inserting in lieu thereof the words “Commissioner of Public Buildings”; (c) by striking out the words “Procurement Division” wherever they appear and inserting in lieu thereof the words “Public Buildings Administration”.

Amendments.  
49 Stat. 885, 886.  
40 U. S. C., Supp. V, §§ 304a-304d.

Approved, July 18, 1940.

[CHAPTER 636]

AN ACT

To amend the United States Grain Standards Act, to provide for the grading of soybeans, and for other purposes.

July 18, 1940  
[H. R. 7696]  
[Public, No. 750]

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

United States Grain Standards Act, amendment.  
39 Stat. 482.  
7 U. S. C. § 74.

By inserting after “flaxseed,” in the first sentence of section 2 thereof, the following: “soybeans.”

Approved, July 18, 1940.

[CHAPTER 637]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Chester, Illinois.

July 18, 1940  
[H. R. 8372]  
[Public, No. 751]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near Chester, Illinois, authorized to be built by the city of Chester, Illinois, by an Act of Congress approved July 18, 1939, are hereby extended one and three years, respectively, from July 18, 1940.

Mississippi River. Time extended for bridging, at Chester, Ill.

53 Stat. 1058.

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

Right reserved.

Approved, July 18, 1940.

## [CHAPTER 638]

## AN ACT

Relating to the admission to Saint Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States.

July 18, 1940

[H. R. 9576]

[Public, No. 752]

Saint Elizabeths Hospital, D. C. Admission to, of certain insane persons resident, etc., in Virgin Islands.  
Post, p. 1236.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, upon the application of the Governor of the Virgin Islands, the Secretary of the Interior is authorized to transfer to Saint Elizabeths Hospital in the District of Columbia for treatment (1) persons who are permanent residents of the Virgin Islands of the United States, who are citizens or nationals of the United States, and who have been legally adjudged to be insane in the Virgin Islands or while temporarily in another insular possession or a Territory of the United States or in the continental United States; and (2) persons who have been legally adjudged to be insane in the Virgin Islands, who are not permanent residents of the Virgin Islands, and who are American citizens whose legal residence in one of the States or Territories or the District of Columbia it has been impossible to establish. The expense of treatment and care may be paid from the appropriation for the support of the hospital.

Expense of treatment.

Transfer to legal residence.

Expenses of transfer.

Upon the ascertainment of the legal residence of American citizens who have been transferred to the hospital and who are not permanent residents of the Virgin Islands, the superintendent of the hospital shall transfer such persons to their respective places of residence, and the expenses of transfer shall be paid from the appropriation for the support of the hospital.

Approved, July 18, 1940.

## [CHAPTER 639]

## JOINT RESOLUTION

Making an appropriation to enable the United States Maritime Commission to establish the marine and war-risk insurance fund.

July 18, 1940

[H. J. Res. 582]

[Pub. Res., No. 94]

U. S. Maritime Commission. Appropriation for marine and war-risk insurance fund.  
49 Stat. 1985.  
46 U. S. C., Supp. V, §§ 1111-1126.

Ante, p. 689.

Personal services, etc.

Proviso. Temporary employment of experts.

Certification.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That to enable the United States Maritime Commission to establish the marine and war-risk insurance fund as authorized by and in accordance with title II of the Merchant Marine Act, 1936, as amended by the Act entitled "An Act to amend the Merchant Marine Act, 1936, as amended, to provide for marine war-risk insurance and reinsurance and for marine-risk insurance, and for other purposes", approved June 29, 1940, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$40,000,000, of which not to exceed \$150,000 may be expended by the Commission for personal services in the District of Columbia and elsewhere, traveling expenses, printing and binding, and other necessary administrative expenses: *Provided,* That expenses incurred in the temporary employment of experts in marine insurance, including attorneys, in connection with the investigation and settlement of claims shall not be considered as administrative expenses hereunder, and all such expenses shall be certified by the Chairman of the Commission in each case as necessary and reasonable.

Approved, July 18, 1940.

## [CHAPTER 640]

## AN ACT

To extend to certain officers and employees in the several States and the District of Columbia the provisions of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939.

July 19, 1940  
[S. 3048]

[Public, No. 753]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, is amended to read as follows:

"SEC. 2. It shall be unlawful for (1) any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), or (2) any person employed in any administrative position by any State, by any political subdivision or municipality of any State, or by any agency of any State or any of its political subdivisions or municipalities (including any corporation controlled by any State or by any such political subdivision, municipality, or agency, and any corporation all of the capital stock of which is owned by any State or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or by any such department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting, the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession."

SEC. 2. The third sentence of section 9 (a) of such Act of August 2, 1939, is amended to read as follows: "All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates."

SEC. 3. Section 10 of such Act of August 2, 1939, is amended to read as follows:

"SEC. 10. The provisions of this Act shall be in addition to and not in substitution for any other provision of law."

SEC. 4. Such Act of August 2, 1939, is further amended by adding at the end thereof the following new sections:

"SEC. 12. (a) No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall (1) use his official authority or influence for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes. No such officer or employee shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of the second sentence of this subsection, the term 'officer or employee' shall not be construed to include (1) the Governor or the Lieutenant Governor of any State or any person who is authorized by law to act as Governor, or the mayor of any city; (2) duly elected heads of executive

Extension of Act to prevent pernicious political activities.  
53 Stat. 1147.  
18 U. S. C., Supp. V, § 61a.  
Interference with certain elections, etc., by designated persons.  
Post, p. 1032.

Right to vote, etc.  
53 Stat. 1148.  
18 U. S. C., Supp. V, § 61h (a).

53 Stat. 1149.  
18 U. S. C., Supp. V, § 61j.  
Provisions deemed supplementary.

53 Stat. 1147.  
18 U. S. C., Supp. V, §§ 61-61k.  
Interference with an election, etc., by certain State officers or employees.

Active political participation.

Right to vote, etc.

"Officer or employee" construed; restriction.

departments of any State or municipality who are not classified under a State or municipal merit or civil-service system; (3) officers holding elective offices.

“(b) If any Federal agency charged with the duty of making any loan or grant of funds of the United States for use in any activity by any officer or employee to whom the provisions of subsection (a) are applicable has reason to believe that any such officer or employee has violated the provisions of such subsection, it shall make a report with respect thereto to the United States Civil Service Commission (hereinafter referred to as the ‘Commission’). Upon the receipt of any such report, or upon the receipt of any other information which seems to the Commission to warrant an investigation, the Commission shall fix a time and place for a hearing, and shall by registered mail send to the officer or employee charged with the violation and to the State or local agency employing such officer or employee a notice setting forth a summary of the alleged violation and the time and place of such hearing. At such hearing (which shall be not earlier than ten days after the mailing of such notice) either the officer or employee or the State or local agency, or both, may appear with counsel and be heard. After such hearing, the Commission shall determine whether any violation of such subsection has occurred and whether such violation, if any, warrants the removal of the officer or employee by whom it was committed from his office or employment, and shall by registered mail notify such officer or employee and the appropriate State or local agency of such determination. If in any case the Commission finds that such officer or employee has not been removed from his office or employment within thirty days after notice of a determination by the Commission that such violation warrants his removal, or that he has been so removed and has subsequently (within a period of eighteen months) been appointed to any office or employment in any State or local agency in such State, the Commission shall make and certify to the appropriate Federal agency an order requiring it to withhold from its loans or grants to the State or local agency to which such notification was given an amount equal to two years’ compensation at the rate such officer or employee was receiving at the time of such violation; except that in any case of such a subsequent appointment to a position in another State or local agency which receives loans or grants from any Federal agency, such order shall require the withholding of such amount from such other State or local agency: *Provided*, That in no event shall the Commission require any amount to be withheld from any loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of such amount would jeopardize the payment of the principal or interest on such bonds or notes. Notice of any such order shall be sent by registered mail to the State or local agency from which such amount is ordered to be withheld. The Federal agency to which such order is certified shall, after such order becomes final, withhold such amount in accordance with the terms of such order. Except as provided in subsection (c), any determination or order of the Commission shall become final upon the expiration of thirty days after the mailing of notice of such determination or order.

“(c) Any party aggrieved by any determination or order of the Commission under subsection (b) may, within thirty days after the mailing of notice of such determination or order, institute proceedings for the review thereof by filing a written petition in the district court of the United States for the district in which such officer or employee resides; but the commencement of such proceedings shall not operate as a stay of such determination or order unless (1) it is specifically so ordered by the court, and (2) such

Report of violations to U. S. Civil Service Commission.

Hearings by Commission; notification.

Findings.

Employee not removed from office within stated period; withholding of Federal funds.

Amount.

Exception.

*Proviso.*  
When funds not to be withheld.

Notice to State, etc., agency.

Petition for review.

Stay of determination or order.

officer or employee is suspended from his office or employment during the pendency of such proceedings. A copy of such petition shall forthwith be served upon the Commission, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the determination or the order complained of was made. The review by the court shall be on the record entire, including all of the evidence taken on the hearing, and shall extend to questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may direct such additional evidence to be taken before the Commission in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings of fact or its determination or order by reason of the additional evidence so taken and shall file with the court such modified findings, determination, or order, and any such modified findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Commission's determination or order, or its modified determination or order, if the court determines that the same is in accordance with law. If the court determines that any such determination or order, or modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Commission with directions either to make such determination or order as the court shall determine to be in accordance with law or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court shall be final, subject to review by the appropriate circuit court of appeals as in other cases, and the judgment and decree of such circuit court of appeals shall be final, subject to review by the Supreme Court of the United States on certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, secs. 346 and 347). If any provision of this subsection is held to be invalid as applied to any party with respect to any determination or order of the Commission, such determination or order shall thereupon become final and effective as to such party in the same manner as if such provision had not been enacted.

“(d) The Commission is authorized to adopt such reasonable procedure and rules and regulations as it deems necessary to execute its functions under this section. The Civil Service Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter pending, as a result of this Act, before the Commission. Any member of the Commission may sign subpoenas, and members of the Commission and its examiners when authorized by the Commission may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear before the Commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in

Transcript of record.

Review upon entire record.

Additional evidence.

Modification of Commission's order.

Affirmation by court.

Remanding of proceeding to Commission.

Finality of judgment and decree; review.

36 Stat. 1157.

When designated provision held invalid; effect.

Rules and regulations.

Attendance of witnesses, etc.

Oaths, examination of witnesses, etc.

Enforcement of subpoenas.

- Depositions. question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The Commission may order testimony to be taken by deposition in any proceeding or investigation, which as a result of this Act, is pending before the Commission at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Commission as hereinbefore provided. No person shall be excused from attending and testifying or from producing documentary evidence or in obedience to a subpoena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.
- Incriminating evidence. *Provido*. Perjury.
- Provisions inapplicable. “(e) The provisions of the first two sentences of subsection (a) of this section shall not apply to any officer or employee who exercises no functions in connection with any activity of a State or local agency which is financed in whole or in part by loans or grants made by the United States or by any Federal agency.
- “State or local agency” defined. “(f) For the purposes of this section—  
“(1) The term ‘State or local agency’ means the executive branch of any State, or of any municipality or other political subdivision of such State, or any agency or department thereof.
- “Federal agency” defined. “(2) The term ‘Federal agency’ includes any executive department, independent establishment, or other agency of the United States (except a member bank of the Federal Reserve System).
- Limitation on campaign contributions. “SEC. 13. (a) It is hereby declared to be a pernicious political activity, and it shall hereafter be unlawful, for any person, directly or indirectly, to make contributions in an aggregate amount in excess of \$5,000, during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office (including the offices of President of the United States and Presidential and Vice Presidential electors), or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party. This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization.
- State or local committees, etc., excepted. “(b) For the purposes of this section—  
“(1) The term ‘person’ includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.
- “Person” defined. “(2) The term ‘contribution’ includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.
- “Contribution” defined. “(c) It is further declared to be a pernicious political activity, and it shall hereafter be unlawful for any person, individual, partnership, committee, association, corporation, and any other organization or group of persons to purchase or buy any goods, com-
- Certain purchases of goods, advertising, etc., declared unlawful.

modities, advertising, or articles of any kind or description where the proceeds of such a purchase, or any portion thereof, shall directly or indirectly inure to the benefit of or for any candidate for an elective Federal office (including the offices of President of the United States, and Presidential and Vice Presidential electors) or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party: *Provided*, That nothing in this sentence shall be construed to interfere with the usual and known business, trade, or profession of any candidate.

“(d) Any person who engages in a pernicious political activity in violation of any provision of this section, shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than five years. In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be subject to punishment as herein provided.

“(e) Nothing in this section shall be construed to permit the making of any contribution which is prohibited by any provision of law in force on the date this section takes effect. Nothing in this Act shall be construed to alter or amend any provisions of the Federal Corrupt Practices Act of 1925, or any amendments thereto.

“SEC. 14. For the purposes of this Act, persons employed in the government of the District of Columbia shall be deemed to be employed in the executive branch of the Government of the United States, except that for the purposes of the second sentence of section 9 (a) the Commissioners and the Recorder of Deeds of the District of Columbia shall not be deemed to be officers or employees.

“SEC. 15. The provisions of this Act which prohibit persons to whom such provisions apply from taking any active part in political management or in political campaigns shall be deemed to prohibit the same activities on the part of such persons as the United States Civil Service Commission has heretofore determined are at the time this section takes effect prohibited on the part of employees in the classified civil service of the United States by the provisions of the civil-service rules prohibiting such employees from taking any active part in political management or in political campaigns.

“SEC. 16. Whenever the United States Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this Act are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

“SEC. 17. Nothing in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any officer or employee of a State or local agency (as defined in section 12 (f)) from continuing, until the election in connection with which he was nominated, to be a bona fide candidate for election to any public office and from

*Proviso.*  
Noninterference  
with candidate's bus-  
ness, etc.

Penalty.

Violations by part-  
nerships, etc.

Contributions pro-  
hibited by prior laws.

Corrupt practices.  
43 Stat. 1070.  
2 U. S. C. §§ 241-  
256.

District of Colum-  
bia employees.

Exception.

Taking active part  
in political manage-  
ment, etc., activities  
prohibited.

Certain residents of  
municipalities in im-  
mediate vicinity of  
D. C., etc.  
Political activities.

Regulations.

Certain State, etc.,  
nominees for public  
office, political activi-  
ties permitted.

## Conditions.

engaging in any political activity in furtherance of his candidacy for such public office, if (1) he was nominated before the date of the enactment of this Act, and (2) upon his election to such public office he resigns from the office or employment in which he was employed prior to his election, in a State or local agency (as defined in section 12 (f)).

Political activities in connection with designated elections, etc., not prohibited.  
53 Stat. 1148.  
18 U. S. C., Supp. V, § 61h (a).  
*Ante*, p. 767.

"SEC. 18. Nothing in the second sentence of section 9 (a) or in the second sentence of section 12 (a) of this Act shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party.

## "State" defined.

"SEC. 19. As used in this Act, the term 'State' means any State, Territory, or possession of the United States."

Prohibition on contributions by persons or firms having U. S. contracts.

SEC. 5. (a) No person or firm entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly, or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person or firm, for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years.

## Penalty.

(b) Nothing in this section shall be construed to permit any action which is prohibited by any provision of law in force on the date this section takes effect.

Prohibited actions; construing of section.

SEC. 6. Such Act of August 2, 1939, is further amended by adding at the end thereof the following new section:

53 Stat. 1147.  
18 U. S. C., Supp. V, §§ 61-61k.

Limitation on receipts and expenditures of political committees.

"SEC. 20. No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year. For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee. Any violation of this section by any political committee shall be deemed also to be a violation of this section by the chairman and the treasurer of such committee and by any other person responsible for such violation. Terms used in this section shall have the meaning assigned to them in section 302 of the Federal Corrupt Practices Act, 1925, and the penalties provided in such Act shall apply to violations of this section."

## Violations.

Meaning of terms used; penalties.

43 Stat. 1070.  
2 U. S. C. § 241.

Approved, July 19, 1940.

[CHAPTER 641]

## AN ACT

To provide for the transfer of certain land in the De Soto National Forest to the Secretary of War for use for military purposes.

July 19, 1940  
[S. 4119]  
[Public, No. 754]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon request of the Secretary of War, the Secretary of Agriculture is authorized and directed to transfer to the Secretary of War, for military purposes, such tracts of land, not in excess of sixty-five thousand acres, contiguous to the Camp Shelby State Military Reservation, Mississippi, and now included within the limits of the De Soto National Forest, Mississippi, as the Secretary of War may select: *Provided*, That in the event the area transferred pursuant to the provisions of this Act shall cease to be used for military purposes, it shall revert to its former national forest status.

De Soto National  
Forest, Miss.  
Transfer of land.

*Proviso.*  
Reversionary pro-  
vision.

Approved, July 19, 1940.

[CHAPTER 642]

## AN ACT

To encourage travel in the United States, and for other purposes.

July 19, 1940  
[H. R. 6884]  
[Public, No. 755]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed, through the National Park Service, to encourage, promote, and develop travel within the United States, its Territories and possessions, providing such activities do not compete with the activities of private agencies; and to administer all existing travel promotion functions of the Department of the Interior through such Service.

Encouragement of  
travel within U. S.

SEC. 2. In carrying out the purposes of this Act, the Secretary is authorized to cooperate with public and private tourist, travel, and other agencies in the display of exhibits, and in the collection, publication, and dissemination of information with respect to places of interest, routes, transportation facilities, accommodations, and such other matters as he deems advisable and advantageous for the purpose of encouraging, promoting, or developing such travel. Nothing in this Act shall prohibit the preparation of graphic materials in foreign languages, designed to call attention to the attractions and places of interest in the United States and to encourage the use of American registered ships and planes. The existing facilities of the United States Government in foreign countries are hereby authorized to assist in the distribution of this material. The Secretary may enter into contracts with private publishers for such printing and binding as he may deem advisable in carrying out the purposes of this Act. The Secretary is also authorized to make charges for any publications made available to the public pursuant to this Act; and any proceeds from the sale of publications produced by the expenditure of contributed funds shall continue to be available for printing and binding as aforesaid.

Cooperation with  
tourist, etc., agencies.

Graphic materials  
in foreign languages;  
distribution.

Printing and bind-  
ing.

SEC. 3. The Secretary of the Interior is authorized to create an advisory committee to consist of a representative from each of the Departments of State, Agriculture, and Commerce, the Interstate Commerce Commission, the Civil Aeronautics Authority, and the United States Maritime Commission, as may be designated by such Departments or agencies, respectively, and such additional members, representatives of the various sections of the Nation, including transportation and accommodations agencies, not to exceed six members, to be appointed by the Secretary of the Interior to serve at his pleas-

Advisory commit-  
tee.

Meetings.

ure. Meetings of the committee shall be held at the request of the Secretary for the purpose of making recommendations concerning the promotion of tourist travel under the provisions of this Act. The members of the committee shall receive no compensation for their services as members, but shall be entitled to reimbursement for such necessary travel and other expenses in connection with their attendance at committee meetings as may be authorized or approved by the Secretary.

Rules; contribu-  
tions.

SEC. 4. In the performance of his functions and duties under the provisions of this Act, the Secretary of the Interior is authorized—

(a) To prescribe, amend, and repeal such rules and regulations as he may deem necessary, and to accept contributions for carrying out the purposes of this Act; and

Personnel.  
42 Stat. 1488.  
5 U. S. C. §§ 661-  
674; Supp. V, §§ 673,  
673c.

(b) To employ without regard to the civil-service laws, but subject to the Classification Act of 1923, as amended, one special assistant and not to exceed five artists and illustrators.

Appropriation au-  
thorized.

SEC. 5. There is authorized to be appropriated annually not to exceed the sum of \$100,000 to carry out the provisions of this Act.

Approved, July 19, 1940.

[CHAPTER 643]

AN ACT

July 19, 1940  
[H. R. 9877]  
[Public, No. 756]

Authorizing the Secretary of the Interior to promulgate and to put into effect charges for electrical energy generated at Boulder Dam, providing for the application of revenues from said project, authorizing the operation of the Boulder Power Plant by the United States directly or through agents, and for other purposes.

Boulder Canyon  
Project Adjustment  
Act.  
Promulgation of  
charges for electrical  
energy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized and directed to, and he shall, promulgate charges, on the basis of computation thereof, for electrical energy generated at Boulder Dam during the period beginning June 1, 1937, and ending May 31, 1987, computed to be sufficient, together with other net revenues from the project, to accomplish the following purposes:

Purposes.

(a) To meet the cost of operation and maintenance, and to provide for replacements, of the project during the period beginning June 1, 1937, and ending May 31, 1987;

45 Stat. 1057.  
43 U. S. C. § 617a (b).

(b) To repay to the Treasury, with interest, the advances to the Colorado River Dam Fund for the project made prior to June 1, 1937, within fifty years from that date (excluding advances allocated to flood control by section 2 (b) of the Project Act, which shall be repayable as provided in section 7 hereof), and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987;

(c) To provide \$600,000 for each of the years and for the purposes specified in section 2 (c) hereof; and

(d) To provide \$500,000 for each of the years and for the purposes specified in section 2 (d) hereof.

Revisions, etc., of  
charges.

Such charges may be made subject to revisions and adjustments at such times, to such extent, and in such manner, as by the terms of their promulgation the Secretary shall prescribe.

Disposition of re-  
ceipts; availability.

SEC. 2. All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available for:

Annual appropria-  
tion.

(a) Annual appropriation for the operation, maintenance, and replacements of the project, including emergency replacements necessary to insure continuous operations;

(b) Repayment to the Treasury, with interest (after making provision for the payments and transfers provided in subdivisions (c) and (d) hereof), of advances to the Colorado River Dam Fund for the construction of the project (excluding the amount allocated to flood control by section 2 (b) of the Project Act), and any readvances made to said fund under section 5 hereof; and

(c) Payment subject to the provisions of section 3 hereof, in commutation of the payments now provided for the States of Arizona and Nevada in section 4 (b) of the Project Act, to each of said States of the sum of \$300,000 for each year of operation, beginning with the year of operation ending May 31, 1938, and continuing annually thereafter until and including the year of operation ending May 31, 1987, and such payments for any year of operation which shall have expired at the time when this subdivision (c) shall become effective shall be due immediately, and be paid, without interest, as expeditiously as administration of this Act will permit, and each such payment for subsequent years of operation shall be made on or before July 31, following the close of the year of operation for which it is made. All such payments shall be made from revenues hereafter received in the Colorado River Dam Fund.

Notwithstanding the foregoing provisions of this subsection, in the event that there are levied and collected by or under authority of Arizona or Nevada or by any lawful taxing political subdivision thereof, taxes upon—

(i) the project as herein defined;

(ii) the electrical energy generated at Boulder Dam by means of facilities, machinery, or equipment both owned and operated by the United States, or owned by the United States and operated under contract with the United States;

(iii) the privilege of generating or transforming such electrical energy or of use of such facilities, machinery, or equipment or of falling water for such generation or transforming; or

(iv) the transmission or control of such electrical energy so generated or transformed (as distinguished from the transmission lines and other physical properties used for such transmission or control) or the use of such transmission lines or other physical properties for such transmission or control,

payments made hereunder to the State by or under the authority of which such taxes are collected shall be reduced by an amount equivalent to such taxes. Nothing herein shall in anywise impair the right of either the State of Arizona or the State of Nevada, or any lawful taxing political subdivision of either of them, to collect nondiscriminatory taxes upon that portion of the transmission lines and all other physical properties, situated within such State and such political subdivision, respectively, and belonging to any of the lessees and/or allottees under the Project Act and/or under this Act, and nothing herein shall exempt or be construed so as to exempt any such property from nondiscriminatory taxation, all in the manner provided by the constitution and laws of such State. Sums, if any, received by each State under the provisions of the Project Act shall be deducted from the first payment or payments to said State authorized by this Act. Payments under this section 2 (c) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act.

(d) Transfer, subject to the provisions of section 3 hereof, from the Colorado River Dam Fund to a special fund in the Treasury, hereby established and designated the "Colorado River Development Fund", of the sum of \$500,000 for the year of operation ending May 31, 1938, and the like sum of \$500,000 for each year of operation

Repayment of advances, etc.

45 Stat. 1057.  
43 U. S. C. § 617a (b).

Payments to Arizona and Nevada.

45 Stat. 1059.  
43 U. S. C. § 617c (b).

Deductions from payments for taxes collected.

Right to collect nondiscriminatory taxes.

45 Stat. 1057.  
43 U. S. C. §§ 617-617f.

Payments deemed contractual obligations of U. S.

Transfer to Colorado River Development Fund.

thereafter, until and including the year of operation ending May 31, 1987. The transfer of the said sum of \$500,000 for each year of operation shall be made on or before July 31 next following the close of the year of operation for which it is made: *Provided*, That any such transfer for any year of operation which shall have ended at the time this section 2 (d) shall become effective, shall be made, without interest, from revenues received in the Colorado River Dam Fund, as expeditiously as administration of this Act will permit, and without readvances from the general funds of the Treasury. Receipts of the Colorado River Development Fund for the years of operation ending in 1938, 1939, and 1940 (or in the event of reduced receipts during any of said years, due to adjustments under section 3 hereof, then the first receipts of said fund up to \$1,500,000), are authorized to be appropriated only for the continuation and extension, under the direction of the Secretary, of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system for irrigation, electrical power, and other purposes, in the States of the upper division and the States of the lower division, including studies of quantity and quality of water and all other relevant factors. The next such receipts up to and including the receipts for the year of operation ending in 1955 are authorized to be appropriated only for the investigation and construction of projects for such utilization in and equitably distributed among the four States of the upper division. Such receipts for the years of operation ending in 1956 to 1987, inclusive, are authorized to be appropriated for the investigation and construction of projects for such utilization in and equitably distributed among the States of the upper division and the States of the lower division. The terms "Colorado River system", "States of the upper division", and "States of the lower division" as so used shall have the respective meanings defined in the Colorado River compact mentioned in the Project Act. Such projects shall be only such as are found by the Secretary to be physically feasible, economically justified, and consistent with such formulation of a comprehensive plan. Nothing in this Act shall be construed so as to prevent the authorization and construction of any such projects prior to the completion of said plan of comprehensive development; nor shall this Act be construed as affecting the right of any State to proceed independently of this Act or its provisions with the investigation or construction of any project or projects. Transfers under this section 2 (d) shall be deemed contractual obligations of the United States, subject to the provisions of section 3 of this Act.

SEC. 3. If, by reason of any act of God, or of the public enemy, or any major catastrophe, or any other unforeseen and unavoidable cause, the revenues, for any year of operation, after making provision for costs of operation, maintenance, and the amount to be set aside for said year for replacements, should be insufficient to make the payments to the States of Arizona and Nevada and the transfers to the Colorado River Development Fund herein provided for, such payments and transfers shall be proportionately reduced, as the Secretary may find to be necessary by reason thereof.

SEC. 4. (a) Upon the taking effect of this Act, pursuant to section 10 hereof, the charges, or the basis of computation thereof, promulgated hereunder, shall be applicable as from June 1, 1937, and adjustments of accounts by reason thereof, including charges by and against the United States, shall be made so that the United States and all parties that have contracted for energy, or for the privilege of generating energy, at the project, shall be placed in the same position, as nearly as may be, as determined by the Secretary, that they

*Proviso.*  
Expeditious transfer  
in certain cases.

Appropriation of receipts for designated purposes authorized.

Terms defined.

45 Stat. 1057.  
43 U. S. C. §§ 617-  
617t.

Transfers deemed contractual obligations of U. S.

Reduction of payments and transfers.

Effective date of charges; adjustment of accounts.

would have occupied had such charges, or the basis of computation thereof, and the method of operation which may be provided for under section 9 hereof, been effective on June 1, 1937: *Provided*, That such adjustments with contractors shall not be made in cash, but shall be made by means of credits extended over such period as the Secretary may determine.

*Proviso.*  
Adjustments with contractors by means of credits.

(b) In the event payments to the States of Arizona and Nevada, or either of them, under section 2 (c) hereof, shall be reduced by reason of the collection of taxes mentioned in said section, adjustments shall be made, from time to time, with each allottee which shall have paid any such taxes, by credits or otherwise, for that proportion of the amount of such reductions which the amount of the payments of such taxes by such allottee bears to the total amount of such taxes collected.

Adjustments with allottees for taxes paid.

SEC. 5. If at any time there shall be insufficient sums in the Colorado River Dam Fund to meet the cost of replacements, however necessitated, in addition to meeting the other requirements of this Act, or of regulations authorized hereby and promulgated by the Secretary, the Secretary of the Treasury, upon request of the Secretary of the Interior, shall readvance to the said fund, in amounts not exceeding, in the aggregate, moneys repaid to the Treasury pursuant to Section 2 (b) hereof, the amount required for replacements, however necessitated, in excess of the amount currently available therefor in said Colorado River Dam Fund. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not exceeding said aggregate amount, as may be necessary to permit the Secretary of the Treasury to make such readvances. All such readvances shall bear interest.

Treasury readvances for replacement costs, etc., limitation.

Appropriation authorized.

SEC. 6. Whenever by the terms of the Project Act or this Act payment of interest is provided for, and whenever interest shall enter into any computation thereunder, such interest shall be computed at the rate of 3 per centum per annum, compounded annually.

Interest rate.

SEC. 7. The first \$25,000,000 of advances made to the Colorado River Dam Fund for the project shall be deemed to be the sum allocated to flood control by section 2 (b) of the Project Act and repayment thereof shall be deferred without interest until June 1, 1937, after which time such advances so allocated to flood control shall be repayable to the Treasury as the Congress shall determine.

Deferment of repayment of advances for flood control.  
45 Stat. 1057.  
43 U. S. C. § 617a(b).

SEC. 8. The Secretary is hereby authorized from time to time to promulgate such regulations and enter into such contracts as he may find necessary or appropriate for carrying out the purposes of this Act and the Project Act, as modified hereby, and, by mutual consent, to terminate or modify any such contract: *Provided, however*, That no allotment of energy to any allottee made by any rule or regulation heretofore promulgated shall be modified or changed without the consent of such allottee.

Regulations and contracts.

*Proviso.*  
Consent of allottee to modification of allotment of energy.

SEC. 9. The Secretary is hereby authorized to negotiate for and enter into a contract for the termination of the existing lease of the Boulder Power Plant made pursuant to the Project Act, and in the event of such termination the operation and maintenance, and the making of replacements, however necessitated, of the Boulder Power Plant by the United States, directly or through such agent or agents as the Secretary may designate, is hereby authorized. The powers, duties, and rights of such agent or agents shall be provided by contract, which may include provision that questions relating to the interpretation or performance thereof may be determined, to the extent provided therein, by arbitration or court proceedings. The Secretary in consideration of such termination of such existing lease is authorized to agree (a) that the lessees therein named shall be

Boulder Power Plant.  
Negotiations for termination of existing lease.

designated as the agents of the United States for the operation of said power plant; (b) that (except by mutual consent or in accordance with such provisions for termination for default as may be specified therein) such agency contract shall not be revocable or terminable; and (c) that suits or proceedings to restrain the termination of any such agency contract, otherwise than as therein provided, or for other appropriate equitable relief or remedies, may be maintained against the Secretary. Suits or other court proceedings pursuant to the foregoing provisions may be maintained in, and jurisdiction to hear and determine such suits or proceedings and to grant such relief or remedies is hereby conferred upon, the District Court of the United States for the District of Columbia, with the like right of appeal or review as in other like suits or proceedings in said court. The Secretary is hereby authorized to act for the United States in such arbitration proceedings.

Court jurisdiction.

Effective date of Act.

SEC. 10. This Act shall be effective immediately for the purpose of the promulgation of charges, or the basis of computation thereof, and the execution of contracts authorized by the terms of this Act, but neither such charges, nor the basis of computation thereof, nor any such contract, shall be effective unless and until this Act shall be effective for all purposes. This Act shall take effect for all purposes when, but not before, the Secretary shall have found that provision has been made for the termination of the existing lease of the Boulder Power Plant and for the operation thereof as authorized by section 9 hereof, and that allottees obligated under contracts in force on the date of enactment of this Act to pay for at least 90 per centum of the firm energy shall have entered into contracts (1) consenting to such operation, and (2) containing such other provisions as the Secretary may deem necessary or proper for carrying out the purposes of this Act. For purposes of this section such 90 per centum shall be computed as of the end of the absorption periods provided for in regulations heretofore promulgated by the Secretary and in effect at the time of the enactment of this Act.

Act to become inoperative if specified contracts not entered into.

Refusal, etc., of contractor to execute modifying contract, effect.

If contracts in accordance with the requirements of this section shall not have been entered into prior to June 1, 1941, this Act shall cease to be operative and shall be of no further force or effect.

45 Stat. 1057.  
43 U. S. C. §§ 617-617t.

Definitions.

"Project Act."

"Project."

"Secretary."

"Firm energy," "allottees."

"Replacements."

SEC. 11. Any contractor for energy from the project failing or refusing to execute a contract modifying its existing contract to conform to this Act shall continue to pay the rates and charges provided for in its existing contract, subject to such periodic readjustments as are therein provided, in all respects as if this Act had not been passed, and so far as necessary to support such existing contract all of the provisions of the Project Act shall remain in effect, anything in this Act inconsistent therewith notwithstanding.

SEC. 12. The following terms wherever used in this Act shall have the following respective meanings:

"Project Act" shall mean the Boulder Canyon Project Act;  
"Project" shall mean the works authorized by the Project Act to be constructed and owned by the United States, exclusive of the main canal and appurtenances mentioned therein, now known as the All-American Canal;  
"Secretary" shall mean the Secretary of the Interior of the United States;

"Firm energy" and "allottees" shall have the meaning assigned to such terms in regulations heretofore promulgated by the Secretary and in effect at the time of the enactment of this Act;

"Replacements" shall mean such replacements as may be necessary to keep the project in good operating condition during the period

from June 1, 1937, to May 31, 1987, inclusive, but shall not include (except where used in conjunction with the word "emergency" or the words "however necessitated") replacements made necessary by any act of God, or of the public enemy, or by any major catastrophe; and

"Year of operation" shall mean the period from and including June 1 of any calendar year to and including May 31 of the following calendar year.

SEC. 13. The Secretary of the Interior shall, in January of each year, submit to the Congress a financial statement and a complete report of operations under this Act during the preceding year of operation as herein defined.

SEC. 14. Nothing herein shall be construed as interfering with such rights as the States now have either to the waters within their borders or to adopt such policies and enact such laws as they may deem necessary with respect to the appropriation, control, and use of waters within their borders, except as modified by the Colorado River compact or other interstate agreement. Neither the promulgation of charges, or the basis of charges, nor anything contained in this Act, or done thereunder, shall in anywise affect, limit, or prejudice any right of any State in or to the waters of the Colorado River system under the Colorado River compact. Sections 13 (b), 13 (c), and 13 (d) of the Project Act and all other provisions of said Project Act not inconsistent with the terms of this Act shall remain in full force and effect.

SEC. 15. All laborers and mechanics employed in the construction of any part of the project, or in the operation, maintenance, or replacement of any part of the Boulder Dam, shall be paid not less than the prevailing rate of wages or compensation for work of a similar nature prevailing in the locality of the project. In the event any dispute arises as to what are the prevailing rates, the determination thereof shall be made by the Secretary of the Interior, and his decision, subject to the concurrence of the Secretary of Labor, shall be final.

SEC. 16. This Act may be cited as "Boulder Canyon Project Adjustment Act".

Approved, July 19, 1940.

"Year of operation."

Report, etc., to Congress.

Noninterference with designated State rights, etc.

45 Stat. 1064.  
43 U. S. C. § 6177  
(b), (c), (d).

Wage rates for laborers, etc.

Short title.

[CHAPTER 644]

AN ACT

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

July 10, 1940  
[H. R. 10100]  
[Public, No. 757]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the authorized composition of the United States Navy in under-age vessels as established by the Acts of May 17, 1938 (52 Stat. 401), and June 14, 1940, Public Law Numbered 629, Seventy-sixth Congress, is hereby further increased by one million three hundred and twenty-five thousand tons, as follows:

Navy.  
Under-age vessels.

34 U. S. C., Supp. V,  
§§ 498-498k.  
Ante, p. 394.

- (a) Capital ships, three hundred and eighty-five thousand tons;
- (b) Aircraft carriers, two hundred thousand tons;
- (c) Cruisers, four hundred and twenty thousand tons;
- (d) Destroyers, two hundred and fifty thousand tons;
- (e) Submarines, seventy thousand tons: *Provided*, That each of the foregoing increases in tonnages for capital ships, aircraft carriers, cruisers, destroyers, and submarines may be varied upward

Proviso.  
Variance of tonnage.

or downward in the amount of 30 per centum of the total increased tonnage authorized herein so long as the sum of the total increases in tonnages of these classes as authorized herein is not exceeded.

Construction.  
34 U. S. C. §§ 494-497; Supp. V, § 496.

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the Act of March 27, 1934 (48 Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this Act.

Appropriations authorized.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed \$150,000,000 for essential equipment and facilities at either private or naval establishments for building or equipping any complete naval vessel or portion thereof herein or heretofore authorized, \$65,000,000 for essential equipment and facilities for the manufacture of ordnance material or munitions at either private or naval establishments, and \$35,000,000 for the expansion of facilities for the production of armor at either private or naval establishments. The authority herein granted for essential equipment and facilities, and for the expansion of facilities, shall include the authority to acquire lands at such locations as the Secretary of the Navy with the approval of the President may deem best suited to the purpose, erect buildings, and acquire the necessary machinery and equipment.

Authority to acquire lands.

SEC. 4. The allocation and contracts for construction of the vessels herein authorized shall be in accordance with the terms and conditions provided by the Act of March 27, 1934 (48 Stat. 503), as amended.

34 U. S. C. §§ 494-497; Supp. V, § 496.

Acquisition of patrol and auxiliary vessels, etc., authorized.

SEC. 5. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft at a total cost not to exceed \$50,000,000; and

(b) One hundred thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

Aircraft production.  
34 U. S. C. § 495.

SEC. 6. The provisions of the Act of March 27, 1934 (48 Stat. 504), requiring not less than 10 per centum of the aircraft, including the engines therefor, procured subsequent to that Act to be constructed or manufactured in Government aircraft factories or other plants or factories owned and operated by the United States Government, shall not operate to curtail procurement so long as production at the said Government plants and factories is maintained at the limit of their capacity as determined by the Secretary of the Navy.

Disposal of vessels, etc., of Navy.

SEC. 7. No vessel, ship, or boat (except ships' boats) now in the United States Navy or being built or hereafter built therefor shall be disposed of by sale or otherwise, or be chartered or scrapped, except as now provided by law.

Acquisition, etc., of naval airplanes and equipment.  
*Ante*, pp. 394, 400.

SEC. 8. The President of the United States is hereby authorized to acquire or construct naval airplanes, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of fifteen thousand: *Provided*, That if, in the judgment of the Secretary of the Navy, the total number of airplanes authorized herein is not sufficient to meet the needs of the national defense, he may, with the approval of the President, make such plans for procurement as the situation may demand.

*Proviso.*  
Procurement of additional airplanes.

Approved, July 19, 1940.

## [CHAPTER 647]

## AN ACT

To provide for the rank and title of lieutenant general of the Regular Army in the military departments of Panama and Hawaii.

July 31, 1940  
[S. 3200]  
[Public, No. 758]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the rank and title of lieutenant general of the Regular Army", approved August 5, 1939, is hereby amended to include the major generals of the Regular Army specifically assigned by the Secretary of War to command the Panama Canal and Hawaiian Departments.*

Regular Army.  
Lt. gen., Panama  
and Hawaii.  
53 Stat. 1214.  
10 U. S. C., Supp.  
V, § 482b.

Approved, July 31, 1940.

## [CHAPTER 648]

## JOINT RESOLUTION

Making an additional appropriation for the Tennessee Valley Authority for the fiscal year 1941 to provide facilities to expedite the national defense.

July 31, 1940  
[H. J. Res. 583]  
[Pub. Res., No. 95]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$25,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as an additional amount to carry out the provisions of the Tennessee Valley Authority Act of 1933, approved May 18, 1933, as amended by the Acts approved August 31, 1935, and July 26, 1939, including the funds necessary to begin construction of a dam on the Holston River near Jefferson City, Tennessee; to begin installation of two additional electric generating units at Wilson Dam, Alabama, and one additional electric generating unit at Pickwick Landing Dam, Tennessee; and to begin construction of steam electric generating facilities with a rated capacity of approximately one hundred and twenty thousand kilowatts in the area served by the Authority; and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such Acts, and for printing and binding, law-books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, and for examination of estimates of appropriations and activities in the field: *Provided*, That the foregoing appropriation shall be in addition to and shall be covered into and accounted for as a part of the "Tennessee Valley Authority Fund, 1941", as established by the Independent Offices Appropriation Act, 1941: *Provided further*, That purchases may be made by the Authority during the fiscal year 1941 without regard to the provisions of section 3709 of the Revised Statutes and section 9 (b) of the Tennessee Valley Authority Act, as amended, when in the judgment of the Board of Directors of the Authority such a procedure will expedite the completion of projects determined to be essential for national defense purposes by the Advisory Commission of the Council of National Defense: *Provided further*, That the extent and location of the transmission lines provided for herein shall receive the approval of such Commission.*

Tennessee Valley  
Authority.  
Additional appro-  
priation.

48 Stat. 58; 49 Stat.  
1075; 53 Stat. 1083.  
16 U. S. C. §§ 831-  
831cc; Supp. V, §§ 831-  
831dd.

Proviso.  
Accounting.  
*Ante*, p. 138.

National defense  
projects.  
Purchases.  
41 U. S. C. § 5.  
49 Stat. 1080.  
16 U. S. C., Supp.  
V, § 831 (b).

Transmission lines.

Approved, July 31, 1940.

## [CHAPTER 649]

## AN ACT

To increase the credit resources of Commodity Credit Corporation.

August 9, 1940  
[S. 3998]  
[Public, No. 759]

Commodity Credit  
Corporation.  
Obligations, aggregate amount.  
15 U. S. C., Supp.  
V. § 713a-4.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act approved March 8, 1938 (52 Stat. 107), as amended by the Act of March 4, 1939 (53 Stat. 510), be amended as follows: In section 4 delete the figure "\$900,000,000" and insert in lieu thereof the figure "\$1,400,000,000".

Approved, August 9, 1940.

## [CHAPTER 650]

## AN ACT

To authorize the incorporated town of Sitka, Alaska, to purchase and enlarge certain public utilities and for such purpose to issue bonds in the sum of \$200,000 in excess of present statutory debt limit.

August 9, 1940  
[H. R. 9571]  
[Public, No. 760]

Sitka, Alaska.  
Bond issue for purchase of designated public utilities, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the incorporated town of Sitka, in the Territory of Alaska, is hereby authorized and empowered to purchase and acquire from Sitka Wharf and Power Company, Incorporated, a corporation organized and existing under laws of the Territory of Alaska, all or any part of the public utilities owned by said corporation and including electric current, light, power, and water utilities, plants and systems, and all or any part of the property, both real and personal, rights, claims, interests, and equities connected therewith, and to reconstruct, extend, and improve the same; and for such purposes to issue bonds in any amount not exceeding \$200,000, the same to be in excess of the present statutory debt limit of said town as provided by the Act entitled "An Act to authorize municipal corporations in the Territory of Alaska to incur bonded indebtedness, and for other purposes", approved May 28, 1936 (49 Stat. 1388); and nothing herein contained shall be so construed as to prevent or preclude the said town from incurring other indebtedness up to but not beyond the limits prescribed by the said Act of May 28, 1936, without regard to the bonded indebtedness herein authorized.

48 U. S. C., Supp.  
V. §§ 44a-44c.

Special election.

SEC. 2. Before said bonds shall be issued a special election shall be ordered by the common council of the said town of Sitka, Alaska, at which election the question of whether such bonds shall be issued in any amount not exceeding \$200,000 for the purposes hereinbefore set forth shall be submitted to the qualified electors of said town of Sitka, Alaska, whose names appear on the last assessment roll of said town for purposes of municipal taxation. The form of the ballot shall be such that the electors may vote for or against the issuance of bonds in any amount not exceeding \$200,000 for the purposes herein specified. Not less than twenty days' notice of such election shall be given to the public by posting notices of same in three conspicuous places within the corporate limits of the town of Sitka, Alaska, one of which shall be at the front door of the United States post office at Sitka, Alaska. The election notice shall state that bonds in any amount not exceeding \$200,000 are proposed to be issued for the purposes herein specified. The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as nearly as practicable, in accordance with the requirements of law in general or special elections in

Form of ballot.

Notice of election.

Registration.

said municipality; and such bonds shall be issued for the purposes herein authorized only upon condition that not less than 55 per centum of the votes cast at such election in said municipality shall be in favor of the issuance of said bonds for such purpose.

SEC. 3. The bonds herein authorized shall be coupon in form and shall mature in not to exceed thirty years from the date thereof. Such bonds may bear such date or dates, may be in such denomination or denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be nonredeemable or redeemable (either with or without premium), and may carry such registration privileges as to either principal and interest, or principal only, as shall be prescribed by the common council of said town of Sitka. The bonds shall bear the signatures of the mayor and of the clerk of the town of Sitka, and shall have impressed thereon the official seal of said municipality. The coupons to be annexed to such bonds shall bear the facsimile signatures of the mayor and of the clerk of said municipality. In case any of the officers whose signatures or countersignatures appear on the bonds shall cease to be such officers before delivery of such bonds, said signatures or countersignatures, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if said officers had remained in office until such delivery. Said bonds shall bear interest at a rate to be fixed by the common council of the town of Sitka, not to exceed, however, 5 per centum per annum, payable semiannually, and said bonds shall be sold at not less than the principal amount plus accrued interest.

SEC. 4. The bonds herein authorized to be issued shall be general obligations of the said town of Sitka, payable as to both interest and principal from ad valorem taxes which shall be levied upon all of the taxable property within the corporate limits of such municipality in an amount sufficient to pay the interest on and the principal of such bonds as and when the same become due and payable.

SEC. 5. No part of the funds arising from the sale of said bonds shall be used for any purpose or purposes other than those specified in this Act. Said bonds shall be sold only when and in such amounts as the common council of the town of Sitka shall direct; and the proceeds thereof shall be distributed only for the purposes, or any of them, hereinbefore mentioned and under the orders and direction of said common council from time to time as such proceeds may be required for said purposes.

SEC. 6. The said town of Sitka is hereby authorized to enter into contracts with the United States of America or any agency or instrumentality thereof under the provisions of the National Industrial Recovery Act, and Acts amendatory thereof, and Acts supplemental thereto, and revisions thereof, and the regulations made in pursuance thereof, and under any further Acts of the Congress of the United States to encourage public works, for the relief of unemployment, or for any other public purpose for the sale of bonds issued in accordance with the provisions of this Act, or for the acceptance of a grant of money to aid said municipality in financing any public works; or to enter into contracts with any persons or corporations, public or private, for the sale of such bonds; and such contracts may contain such terms and conditions as may be agreed upon by and between the common council of said town of Sitka and the United States of America or any agency or instrumentality thereof, or any such purchaser.

Issuance of bonds, condition.

Form and maturity of bonds.

Town council to prescribe denominations, etc.

Coupons.

Validity of signatures, etc.

Interest rate.

Sale price.

Bonds to be general obligations of town.

Limitation on use of proceeds from sale of bonds.

Contracts with U.S. agencies for sale of bonds, etc., authorized.

48 Stat. 195.  
15 U. S. C., ch. 15;  
Supp. V, ch. 15.

Contracts with persons or corporations.

Approved, August 9, 1940.

## [CHAPTER 651]

## AN ACT

August 9, 1940

[H. R. 9828]

[Public, No. 761]

To extend the times for commencing and completing the construction of bridges across the Monongahela River in Allegheny County, Pennsylvania.

Monongahela River.  
Time extended for bridging, in Allegheny County, Pa.

53 Stat. 1078.

Right reserved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge in Allegheny County, Pennsylvania, across the Monongahela River at a point suitable to navigation from the Borough of Dravosburg, in Allegheny County, Pennsylvania, to a point at or adjacent to the dividing line between the city of McKeesport, Pennsylvania, and the Borough of Glassport, Pennsylvania, and a bridge across the Monongahela River at a point suitable to navigation from the Borough of Rankin, Pennsylvania, to the Borough of Whitaker, Pennsylvania, construction of which bridges was authorized by an Act of Congress approved July 25, 1939, be, and it is hereby, extended one and three years, respectively, from July 25, 1940.

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

Approved, August 9, 1940.

## [CHAPTER 662]

## AN ACT

August 13, 1940

[S. 1114]

[Public, No. 762]

To extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes.

U. S. District Court, Territory of Hawaii.

Civil and criminal jurisdiction extended.  
48 U. S. C. §§ 641-645; Supp. V, § 646.

Situs for trial.

Appeals.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the jurisdiction of the United States District Court, Territory of Hawaii, be, and the same is hereby, extended to all civil and criminal cases arising on or within the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island. All civil acts and deeds consummated and taking place on any of these islands or in the waters adjacent thereto, and all offenses and crimes committed thereon, or on or in the waters adjacent thereto, shall be deemed to have been consummated or committed on the high seas on board a merchant vessel or other vessel belonging to the United States and shall be adjudicated and determined or adjudged and punished according to the laws of the United States relating to such civil acts or offenses on such ships or vessels on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

The situs for the trial of such civil and criminal cases shall be the situs of the United States District Court, Territory of Hawaii.

Appeals in such cases from said district court shall be had and allowed to the Circuit Court of Appeals for the Ninth Judicial Circuit in the same manner as appeals are allowed from district courts to courts of appeal of the United States as provided by law; and the laws of the United States relating to juries and jury trials shall be applicable to the trial of such cases before said district court.

Approved, August 13, 1940.

## [CHAPTER 663]

## AN ACT

To provide for the operation of the recreational facilities within the Chopawamsic recreational demonstration project, near Dumfries, Virginia, by the Secretary of the Interior through the National Park Service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter the lands comprising the Chopawamsic recreational demonstration project transferred to the Secretary of the Interior by Executive Order Numbered 7496, dated November 14, 1936, shall be administered by the Secretary of the Interior through the National Park Service as part of the park system of the National Capital and its environs.

SEC. 2. The Director of the National Park Service, under the direction of the Secretary of the Interior, is authorized—

(a) To prescribe and collect fees and charges for such recreational and other facilities, conveniences, and services as may be furnished by the National Park Service for the accommodation of the public within the said area.

(b) To enter into a contract or contracts with any reliable person, organization, or corporation, without advertising and without securing competitive bids for the operation or performance of any such recreational or other facilities, conveniences, and services within the said area.

All revenues collected by the National Park Service, pursuant to the authority of this section, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

SEC. 3. The director of the National Park Service, under the direction of the Secretary of the Interior, is authorized to exercise and perform with respect to the said area all the powers and duties that are conferred and imposed upon him by law in relation to the construction, maintenance, care, custody, policing, upkeep, and repair of the public buildings and parks in the District of Columbia.

Approved, August 13, 1940.

August 13, 1940

[S. 2493]

[Public, No. 763]

Chopawamsic recreational demonstration project.

Administration through National Park Service.

Fees.

Contracts for operation of facilities, etc.

Revenues.

Powers and duties of director, National Park Service.

## [CHAPTER 664]

## AN ACT

To provide for more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal Acts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 1 (a) of the Railroad Retirement Act of 1937, section 1 (a) of the Carriers Taxing Act of 1937, section 1532 (a) of the Internal Revenue Code, and section 1 (a) of the Railroad Unemployment Insurance Act are amended, effective in the case of each such Act as of the date of its enactment, by adding at the end of each such section the following new sentence: "The term 'employer' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

SEC. 2. Section 1 (a) of the Railroad Retirement Act of 1935 and paragraph First of section 1 of the Railway Labor Act, as amended, are amended, effective in the case of each such Act as of the date of its enactment, by adding at the end of each such section and paragraph the following new sentence: "The term 'carrier' shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to a carrier where delivery is

August 13, 1940

[S. 4070]

[Public, No. 764]

Coal-mining employees.

Exemption from certain laws.

50 Stat. 307, 435; 53 Stat. 181; 52 Stat. 1094.

45 U. S. C., Supp. V, §§ 228a (a), 261 (a); 26 U. S. C., Supp. V, § 1532 (a); 45 U. S. C., Supp. V, § 351 (a).

Limitation on term "employer."

49 Stat. 967; 50 Stat. 307.

45 U. S. C., Supp. V, § 228a (m).

44 Stat. 577.

45 U. S. C. § 151.

Limitation on term "carrier."

not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities."

Sec. 3. Section 1 (b) of the Railroad Retirement Act of 1937, section 1 (b) of the Carriers Taxing Act of 1937, section 1532 (b) of the Internal Revenue Code, the first paragraph of section 1 (d) of the Railroad Unemployment Insurance Act, section 1 (b) of the Railroad Retirement Act of 1935, and paragraph Fifth of section 1 of the Railway Labor Act, as amended, are amended, in the case of each such Act as of the date of its enactment, by adding at the end of each such section and paragraph the following new paragraph:

"The term 'employee' shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple."

Sec. 4. (a) The laws hereby expressly amended, the Social Security Act, approved August 14, 1935, and all amendments thereto, shall operate as if each amendment herein contained had been enacted as a part of the law it amends, at the time of the original enactment of such law.

(b) No person (as defined in the Carriers Taxing Act of 1937) shall be entitled, by reason of the provisions of this Act, to a refund of, or relief from liability for, any income or excise taxes paid or accrued, pursuant to the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, prior to the date of the enactment of this Act by reason of employment in the service of any carrier by railroad subject to part I of the Interstate Commerce Act, but any individual who has been employed in such service of any carrier by railroad subject to part I of the Interstate Commerce Act as is excluded by the amendments made by this Act from coverage under the Carriers Taxing Act of 1937 and subchapter B of chapter 9 of the Internal Revenue Code, and who has paid income taxes under the provisions of such Act or subchapter, and any carrier by railroad subject to part I of the Interstate Commerce Act which has paid excise taxes under the provisions of the Carriers Taxing Act of 1937 or subchapter B of chapter 9 of the Internal Revenue Code, may, upon making proper application therefor to the Bureau of Internal Revenue, have the amount of taxes so paid applied in reduction of such tax liability with respect to employment, as may, by reason of the amendments made by this Act, accrue against them under the provisions of title VIII of the Social Security Act or the Federal Insurance Contributions Act (subchapter A of chapter 9 of the Internal Revenue Code).

(c) Nothing contained in this Act shall operate (1) to affect any annuity, pension, or death benefit granted under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, prior to the date of enactment of this Act, or (2) to include any of the services on the basis of which any such annuity or pension was granted, as employment within the meaning of section 210 (b) of the Social Security Act or section 209 (b) of such Act, as amended. In any case in which a death benefit alone has been granted, the amount of such death benefit attributable to services, coverage of which is affected by this Act, shall be deemed to have been paid to the deceased under section 204 of the Social Security Act in effect prior to January 1, 1940, and deductions shall be made from any insurance benefit or benefits payable under the Social Security Act, as amended, with respect to wages paid to an individual for such services until such deductions total the amount of such death benefit attributable to such services.

50 Stat. 308, 436; 53 Stat. 182; 52 Stat. 1004; 49 Stat. 968; 44 Stat. 577.

45 U. S. C., Supp. V, §§ 228a (b), 261 (b); 26 U. S. C., Supp. V, § 1532 (b); 45 U. S. C., Supp. V, §§ 351 (d), 228a (b); 45 U. S. C. § 151.

Limitation on term "employee."

Amendments retroactive.  
49 Stat. 620.  
42 U. S. C., Supp. V, ch. 7.

Application of taxes paid by designated carriers and employees.

50 Stat. 435.  
45 U. S. C., Supp. V, §§ 261-273, 53 Stat. 179.  
26 U. S. C., Supp. V, §§ 1500-1537.

24 Stat. 379.  
49 U. S. C., ch. 1; Supp. V, ch. 1.

49 Stat. 636; 53 Stat. 175.

42 U. S. C., Supp. V, §§ 1001-1011; 26 U. S. C., Supp. V, §§ 1400-1432.

Prior annuities, etc., granted under Railroad Retirement Acts.  
45 U. S. C., Supp. V, §§ 228a-228r.

49 Stat. 625; 53 Stat. 1373.

42 U. S. C., Supp. V, §§ 409 (b), 410.

49 Stat. 624.  
42 U. S. C., Supp. V, § 404.  
42 U. S. C., Supp. V, ch. 7.

(d) Nothing contained in this Act shall operate to affect the benefit rights of any individual under the Railroad Unemployment Insurance Act for any day of unemployment (as defined in section 1 (k) of such Act) occurring prior to the date of enactment of this Act.

SEC. 5. Any application for payment filed with the Railroad Retirement Board prior to, or within sixty days after, the enactment of this Act shall, under such regulations as the Social Security Board may prescribe, be deemed to be an application filed with the Social Security Board by such individual or by any person claiming any payment with respect to the wages of such individual, under any provision of section 202 of the Social Security Act, as amended.

SEC. 6. Nothing contained in this Act, nor the action of Congress in adopting it, shall be taken or considered as affecting the question of what carriers, companies, or individuals, other than those in this Act specifically provided for, are included in or excluded from the provisions of the various laws to which this Act is an amendment.

SEC. 7. (a) Notwithstanding the provisions of section 1605 (b) of the Internal Revenue Code, no interest shall, during the period February 1, 1940, to the eighty-ninth day after the date of enactment of this Act, inclusive, accrue by reason of delinquency in the payment of the tax imposed by section 1600 with respect to services affected by this Act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this Act.

(b) Notwithstanding the provisions of section 1601 (a) (3) of the Internal Revenue Code, the credit allowable under section 1601 (a) against the tax imposed by section 1600 for the calendar year 1939 shall not be disallowed or reduced by reason of the payment into a State unemployment fund after January 31, 1940, of contributions with respect to services affected by this Act performed during the period July 1, 1939, to December 31, 1939, inclusive, with respect to which services amounts have been paid as contributions under the Railroad Unemployment Insurance Act prior to the date of enactment of this Act: *Provided*, That this subsection shall be applicable only if the contributions with respect to such services are paid into the State unemployment fund before the ninetieth day after the date of enactment of this Act.

Approved, August 13, 1940.

[CHAPTER 665]

AN ACT

To authorize the construction of certain facilities in Marjorie Park, Davis Island, Tampa, Florida, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Federal Works Administrator be, and he is hereby, authorized to accept on behalf of the United States of America, without cost, title to a tract of land in Marjorie Park, Davis Island, Tampa, Florida, suitable for use for the site of a United States quarantine station.

SEC. 2. There is hereby authorized to be appropriated the sum of \$76,000 to be expended by the Federal Works Administrator for the construction and installation of such buildings, utilities, and appurtenances thereto on the tract of land herein authorized to be acquired to replace the existing United States quarantine station adjoining MacDill Field, Florida.

SEC. 3. Upon completion of the construction above authorized, the Federal Works Administrator is hereby authorized and directed to

Preservation of benefit rights.  
52 Stat. 1094.  
45 U. S. C., Supp. V, §§ 351-367.  
52 Stat. 1095.

Application for payment.  
When deemed filed with Social Security Board.

53 Stat. 1363.  
42 U. S. C., Supp. V, § 402.

Inapplicability of Act.

Nonaccrual of interest on designated tax.

53 Stat. 186.  
26 U. S. C., Supp. V, § 1605 (b).

53 Stat. 1387.  
26 U. S. C., Supp. V, § 1600.

52 Stat. 1094.  
45 U. S. C., Supp. V, §§ 351-367.

Designated tax credit not to be disallowed, etc.

53 Stat. 1387.  
26 U. S. C., Supp. V, §§ 1600, 1601 (a), 1601 (a) (3).

52 Stat. 1094.  
45 U. S. C., Supp. V, §§ 351-367.

*Proviso.*  
Condition.

August 13, 1940  
[S. 4106]

[Public. No. 765]

Marjorie Park, Davis Island, Tampa, Fla.  
Site for U. S. quarantine station.

Appropriation for construction of buildings, etc., authorized.

Transfer of designated land, etc., to Secretary of War.

transfer to the control and jurisdiction of the Secretary of War as an addition to MacDill Field, Florida, or for use for other military purposes, the land and improvements now comprising the United States quarantine station adjoining MacDill Field, Florida.

Approved, August 13, 1940.

[CHAPTER 666]

AN ACT

To amend the Transportation Act, 1920, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That title II of the Transportation Act, 1920 (41 Stat. 457), as amended, is hereby further amended by adding at the end of that title the following new section:

“SEC. 213. With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of this Act, including, without limitation of the foregoing, any securities acquired as an incident to a bankruptcy, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange, or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest.”

Approved, August 13, 1940.

[CHAPTER 684]

AN ACT

To amend the Act entitled “An Act for the protection of certain enlisted men of the Army”, approved August 19, 1937, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the body of the Act entitled “An Act for the protection of certain enlisted men of the Army”, approved August 19, 1937 (50 Stat. 696), be, and the same is hereby, amended to read as follows:

“That, notwithstanding the language contained in the second proviso under the subheading ‘Pay, and so forth, of the Army’ of the Act of July 1, 1937 (50 Stat. 446), and similar provisos of other Acts heretofore or hereafter enacted, any alien otherwise eligible for enlistment in the Regular Army, who shall have been an enlisted man therein for any period subsequent to June 30, 1937, who shall have made a valid and still effective declaration of intention to become a citizen of the United States, or shall have furnished prima facie evidence of his eligibility for admission to such citizenship without prior formal declaration of intention, and shall have agreed in writing to complete his naturalization without unnecessary delay, shall up to and including June 30, 1943, be deemed eligible (1) if in the service, for continuance therein until expiration of current enlistment, for reenlistment, and for continuance in the service under such reenlistment not later than June 30, 1943; (2) if not in the service, for reenlistment and for continuance in the service under such reenlistment not later than June 30, 1943; and (3) in either case for

August 13, 1940

[H. R. 10014]

[Public, No. 766]

Transportation Act  
of 1920, amendment.  
41 Stat. 457, 1145.  
49 U. S. C. §§ 72-79.

Sale, extension of  
maturity, etc., of des-  
ignated securities ac-  
quired by U. S.

August 16, 1940

[H. R. 9158]

[Public, No. 767]

Protection of certain  
enlisted men of the  
Army.

Reenlistment of  
aliens.

Extension of time  
for perfecting citizen-  
ship; conditions.

receipt while so serving of the pay of his grade and length of prior service: *Provided*, That Filipinos who were serving in the Army on July 1, 1937, may be retained in the service under current enlistments and may be reenlisted without regard to their citizenship status, and may receive their proper pay and allowances under such enlistments and reenlistments.

*Proviso.*  
Reenlistment of  
Filipinos.

"SEC. 2. Hereafter, service in the Regular Army honorably terminated shall be credited for purposes of legal residence under the naturalization laws of the United States, regardless of the legality or illegality of the original entry into the United States of the alien, the certificate of the honorable termination of such service or a duly authenticated copy thereof made by a naturalization examiner of the Immigration and Naturalization Service being accepted in lieu of the certificate from the Department of Labor of the alien's arrival in the United States required by the naturalization laws; and service so credited in each case shall be considered as having been performed immediately preceding the filing of the petition for naturalization."

Army service as  
legal residence under  
naturalization laws.

Approved, August 16, 1940.

[CHAPTER 686]

#### AN ACT

To provide for the registration and regulation of investment companies and investment advisers, and for other purposes.

August 22, 1940  
[H. R. 10065]  
[Public, No. 768]

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

### TITLE I—INVESTMENT COMPANIES

Investment Com-  
pany Act of 1940.

#### FINDINGS AND DECLARATION OF POLICY

SEC. 1. (a) Upon the basis of facts disclosed by the record and reports of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby found that investment companies are affected with a national public interest in that, among other things—

Findings and dec-  
laration of policy.

49 Stat. 837.  
15 U. S. C., Supp.  
V, § 792-4.

(1) the securities issued by such companies, which constitute a substantial part of all securities publicly offered, are distributed, purchased, paid for, exchanged, transferred, redeemed, and repurchased by use of the mails and means and instrumentalities of interstate commerce, and in the case of the numerous companies which issue redeemable securities this process of distribution and redemption is continuous;

(2) the principal activities of such companies—investing, reinvesting, and trading in securities—are conducted by use of the mails and means and instrumentalities of interstate commerce, including the facilities of national securities exchanges, and constitute a substantial part of all transactions effected in the securities markets of the Nation;

(3) such companies customarily invest and trade in securities issued by, and may dominate and control or otherwise affect the policies and management of, companies engaged in business in interstate commerce;

(4) such companies are media for the investment in the national economy of a substantial part of the national savings and may have a vital effect upon the flow of such savings into the capital markets; and

(5) the activities of such companies, extending over many States, their use of the instrumentalities of interstate commerce and the wide geographic distribution of their security holders, make difficult, if not impossible, effective State regulation of such companies in the interest of investors.

(b) Upon the basis of facts disclosed by the record and reports of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby declared that the national public interest and the interest of investors are adversely affected—

(1) when investors purchase, pay for, exchange, receive dividends upon, vote, refrain from voting, sell, or surrender securities issued by investment companies without adequate, accurate, and explicit information, fairly presented, concerning the character of such securities and the circumstances, policies, and financial responsibility of such companies and their management;

(2) when investment companies are organized, operated, managed, or their portfolio securities are selected, in the interest of directors, officers, investment advisers, depositors, or other affiliated persons thereof, in the interest of underwriters, brokers, or dealers, in the interest of special classes of their security holders, or in the interest of other investment companies or persons engaged in other lines of business, rather than in the interest of all classes of such companies' security holders;

(3) when investment companies issue securities containing inequitable or discriminatory provisions, or fail to protect the preferences and privileges of the holders of their outstanding securities;

(4) when the control of investment companies is unduly concentrated through pyramiding or inequitable methods of control, or is inequitably distributed, or when investment companies are managed by irresponsible persons;

(5) when investment companies, in keeping their accounts, in maintaining reserves, and in computing their earnings and the asset value of their outstanding securities, employ unsound or misleading methods, or are not subjected to adequate independent scrutiny;

(6) when investment companies are reorganized, become inactive, or change the character of their business, or when the control or management thereof is transferred, without the consent of their security holders;

(7) when investment companies by excessive borrowing and the issuance of excessive amounts of senior securities increase unduly the speculative character of their junior securities; or

(8) when investment companies operate without adequate assets or reserves.

It is hereby declared that the policy and purposes of this title, in accordance with which the provisions of this title shall be interpreted, are to mitigate and, so far as is feasible, to eliminate the conditions enumerated in this section which adversely affect the national public interest and the interest of investors.

#### GENERAL DEFINITIONS

General definitions.

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

"Advisory board."

(1) "Advisory board" means a board, whether elected or appointed, which is distinct from the board of directors or board of trustees, of an investment company, and which is composed solely

of persons who do not serve such company in any other capacity, whether or not the functions of such board are such as to render its members "directors" within the definition of that term, which board has advisory functions as to investments but has no power to determine that any security or other investment shall be purchased or sold by such company.

(2) "Affiliated company" means a company which is an affiliated person.

"Affiliated company."

(3) "Affiliated person" of another person means (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.

"Affiliated person."

(4) "Assignment" includes any direct or indirect transfer or hypothecation of a contract or chose in action by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but does not include an assignment of partnership interests incidental to the death or withdrawal of a minority of the members of the partnership having only a minority interest in the partnership business or to the admission to the partnership of one or more members who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business.

"Assignment."

(5) "Bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

"Bank."

38 Stat. 262.  
12 U. S. C. § 248 (k);  
Supp. V, § 248 (k).

(6) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank or any person solely by reason of the fact that such person is an underwriter for one or more investment companies.

"Broker."

(7) "Commission" means the Securities and Exchange Commission.

"Commission."

(8) "Company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing, in his capacity as such.

"Company."

(9) "Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

"Control."

Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such com-

pany. Any person who does not so own more than 25 per centum of the voting securities of any company shall be presumed not to control such company. A natural person shall be presumed not to be a controlled person within the meaning of this title. Any such presumption may be rebutted by evidence, but except as hereinafter provided, shall continue until a determination to the contrary made by the Commission by order either on its own motion or on application by an interested person. If an application filed hereunder is not granted or denied by the Commission within sixty days after filing thereof, the determination sought by the application shall be deemed to have been temporarily granted pending final determination of the Commission thereon. The Commission, upon its own motion or upon application, may by order revoke or modify any order issued under this paragraph whenever it shall find that the determination embraced in such original order is no longer consistent with the facts.

“Convicted.”

(10) “Convicted” includes a verdict, judgment, or plea of guilty, or a finding of guilt on a plea of nolo contendere, if such verdict, judgment, plea, or finding has not been reversed, set aside, or withdrawn, whether or not sentence has been imposed.

“Dealer.”

(11) “Dealer” means any person regularly engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, insurance company, or investment company, or any person insofar as he is engaged in investing, reinvesting, or trading in securities, or in owning or holding securities, for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

“Director.”

(12) “Director” means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated, including any natural person who is a member of a board of trustees of a management company created as a common-law trust.

“Employees’ securities company.”

(13) “Employees’ securities company” means any investment company or similar issuer all of the outstanding securities of which (other than short-term paper) are beneficially owned (A) by the employees or persons on retainer of a single employer or of two or more employers each of which is an affiliated company of the other, (B) by former employees of such employer or employers, (C) by members of the immediate family of such employees, persons on retainer, or former employees, (D) by any two or more of the foregoing classes of persons, or (E) by such employer or employers together with any one or more of the foregoing classes of persons.

“Exchange.”

(14) “Exchange” means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.

“Face-amount certificate.”

(15) “Face-amount certificate” means any certificate, investment contract, or other security which represents an obligation on the part of its issuer to pay a stated or determinable sum or sums at a fixed or determinable date or dates more than twenty-four months after the date of issuance, in consideration of the payment of periodic installments of a stated or determinable amount (which security shall be known as a face-amount certificate of the “installment type”); or any security which represents a similar obligation on the part of a face-amount certificate company, the consideration for which is the

payment of a single lump sum (which security shall be known as a "fully paid" face-amount certificate).

(16) "Government security" means any security issued or guaranteed as to principal or interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing.

"Government security."

(17) "Insurance company" means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner or a similar official or agency of a State; or any receiver or similar official or any liquidating agent for such a company, in his capacity as such.

"Insurance company."

(18) "Interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

"Interstate commerce."

(19) "Investment adviser" of an investment company means (A) any person (other than a bona fide officer, director, trustee, member of an advisory board, or employee of such company, as such) who pursuant to contract with such company regularly furnishes advice to such company with respect to the desirability of investing in, purchasing or selling securities or other property, or is empowered to determine what securities or other property shall be purchased or sold by such company, and (B) any other person who pursuant to contract with a person described in clause (A) regularly performs substantially all of the duties undertaken by such person described in clause (A); but does not include (i) a person whose advice is furnished solely through uniform publications distributed to subscribers thereto, (ii) a person who furnishes only statistical and other factual information, advice regarding economic factors and trends, or advice as to occasional transactions in specific securities, but without generally furnishing advice or making recommendations regarding the purchase or sale of securities, (iii) a company furnishing such services at cost to one or more investment companies, insurance companies, or other financial institutions, (iv) any person the character and amount of whose compensation for such services must be approved by a court, or (v) such other persons as the Commission may by rules and regulations or order determine not to be within the intent of this definition.

"Investment adviser."

(20) "Investment banker" means any person engaged in the business of underwriting securities issued by other persons, but does not include an investment company, any person who acts as an underwriter in isolated transactions but not as a part of a regular business, or any person solely by reason of the fact that such person is an underwriter for one or more investment companies.

"Investment banker."

(21) "Issuer" means every person who issues or proposes to issue any security, or has outstanding any security which it has issued.

"Issuer."

(22) "Lend" includes a purchase coupled with an agreement by the vendor to repurchase; "borrow" includes a sale coupled with a similar agreement.

"Lend."

(23) "Majority-owned subsidiary" of a person means a company 50 per centum or more of the outstanding voting securities of which are owned by such person, or by a company which, within the meaning of this paragraph, is a majority-owned subsidiary of such person.

"Majority-owned subsidiary."

(24) "Means or instrumentality of interstate commerce" includes any facility of a national securities exchange.

"Means or instrumentality of interstate commerce."

"National securities exchange."  
48 Stat. 885.  
15 U. S. C. § 78f.  
"Periodic payment plan certificate."

(25) "National securities exchange" means an exchange registered under section 6 of the Securities Exchange Act of 1934.

(26) "Periodic payment plan certificate" means (A) any certificate, investment contract, or other security providing for a series of periodic payments by the holder, and representing an undivided interest in certain specified securities or in a unit or fund of securities purchased wholly or partly with the proceeds of such payments, and (B) any security the issuer of which is also issuing securities of the character described in clause (A) and the holder of which has substantially the same rights and privileges as those which holders of securities of the character described in clause (A) have upon completing the periodic payments for which such securities provide.

"Person."

(27) "Person" means a natural person or a company.

"Principal underwriter."

(28) "Principal underwriter" of or for any investment company other than a closed-end company, or of any security issued by such a company, means any underwriter who as principal purchases from such company, or pursuant to contract has the right (whether absolute or conditional) from time to time to purchase from such company, any such security for distribution, or who as agent for such company sells or has the right to sell any such security to a dealer or to the public or both, but does not include a dealer who purchases from such company through a principal underwriter acting as agent for such company. "Principal underwriter" of or for a closed-end company or any issuer which is not an investment company, or of any security issued by such a company or issuer, means any underwriter who, in connection with a primary distribution of securities, (A) is in privity of contract with the issuer or an affiliated person of the issuer; (B) acting alone or in concert with one or more other persons, initiates or directs the formation of an underwriting syndicate; or (C) is allowed a rate of gross commission, spread, or other profit greater than the rate allowed another underwriter participating in the distribution.

"Promoter."

(29) "Promoter" of a company or a proposed company means a person who, acting alone or in concert with other persons, is initiating or directing, or has within one year initiated or directed, the organization of such company.

"Prospectus."  
48 Stat. 77.  
15 U. S. C. § 77e (b);  
Supp. V, § 77e.

(30) "Prospectus", as used in section 22, means a written prospectus intended to meet the requirements of section 5 (b) of the Securities Act of 1933 and currently in use. As used elsewhere, "prospectus" means a prospectus as defined in the Securities Act of 1933.

15 U. S. C. § 77b  
(10).

"Redeemable security."

(31) "Redeemable security" means any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

"Reorganization."

(32) "Reorganization" means (A) a reorganization under the supervision of a court of competent jurisdiction; (B) a merger or consolidation; (C) a sale of 75 per centum or more in value of the assets of a company; (D) a restatement of the capital of a company, or an exchange of securities issued by a company for any of its own outstanding securities; (E) a voluntary dissolution or liquidation of a company; (F) a recapitalization or other procedure or transaction which has for its purpose the alteration, modification, or elimination of any of the rights, preferences, or privileges of any class of securities issued by a company, as provided in its charter or other instrument creating or defining such rights, preferences, and privileges; (G) an exchange of securities issued by a company for

outstanding securities issued by another company or companies, preliminary to and for the purpose of effecting or consummating any of the foregoing; or (H) any exchange of securities by a company which is not an investment company for securities issued by a registered investment company.

(33) "Sale", "sell", "offer to sell", or "offer for sale" includes every contract of sale or disposition of, attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value.

"Sale," "sell,"  
"offer to sell," "offer  
for sale."

(34) "Sales load" means the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer (or in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. In the case of a periodic payment plan certificate, "sales load" includes the sales load on any investment company securities in which the payments made on such certificate are invested, as well as the sales load on the certificate itself.

"Sales load."

(35) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Security."

(36) "Short-term paper" means any note, draft, bill of exchange, or banker's acceptance payable on demand or having a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof payable on demand or having a maturity likewise limited; and such other classes of securities, of a commercial rather than an investment character, as the Commission may designate by rules and regulations.

"Short-term paper."

(37) "State" means any State of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

"State."

(38) "Underwriter" means any person who has purchased from an issuer with a view to, or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking; but such term shall not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributor's or seller's commission. As used in this paragraph the term "issuer" shall include, in addition to an issuer, any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. When the distribution of the securities in respect of which any person is an underwriter is completed such person shall cease to be an underwriter in respect of such securities or the issuer thereof.

"Underwriter."

"Issuer."

“Value.”

(39) “Value”, with respect to assets of registered investment companies, except as provided in subsection (b) of section 28 of this title, means—

(A) as used in sections 3, 5, and 12 of this title, (i) with respect to securities owned at the end of the last preceding fiscal quarter for which market quotations are readily available, the market value at the end of such quarter; (ii) with respect to other securities and assets owned at the end of the last preceding fiscal quarter, fair value at the end of such quarter, as determined in good faith by the board of directors; and (iii) with respect to securities and other assets acquired after the end of the last preceding fiscal quarter, the cost thereof; and

(B) as used elsewhere in this title, (i) with respect to securities for which market quotations are readily available, the market value of such securities; and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors;

in each case as of such time or times as determined pursuant to this title, and the rules and regulations issued by the Commission hereunder. Notwithstanding the fact that market quotations for securities issued by controlled companies are available, the board of directors may in good faith determine the value of such securities: *Provided*, That the value so determined is not in excess of the higher of market value or asset value of such securities in the case of majority-owned subsidiaries, and is not in excess of market value in the case of other controlled companies.

*Proviso.  
Limitation.*

For purposes of the valuation of those assets of a registered diversified company which are not subject to the limitations provided for in section 5 (b) (1), the Commission may, by rules and regulations or orders, permit any security to be carried at cost, if it shall determine that such procedure is consistent with the general intent and purposes of this title. For purposes of sections 5 and 12, in lieu of values determined as provided in clause (A) above, the Commission shall by rules and regulations permit valuation of securities at cost or other basis in cases where it may be more convenient for such company to make its computations on such basis by reason of the necessity or desirability of complying with the provisions of any United States revenue laws or rules and regulations issued thereunder, or the laws or the rules and regulations issued thereunder of any State in which the securities of such company may be qualified for sale.

The foregoing definition shall not derogate from the authority of the Commission with respect to the reports, information, and documents to be filed with the Commission by any registered company, or with respect to the accounting policies and principles to be followed by any such company, as provided in sections 8, 30, and 31.

“Voting security.”

(40) “Voting security” means any security presently entitling the owner or holder thereof to vote for the election of directors of a company. A specified percentage of the outstanding voting securities of a company means such amount of its outstanding voting securities as entitles the holder or holders thereof to cast said specified percentage of the aggregate votes which the holders of all the outstanding voting securities of such company are entitled to cast. The vote of a majority of the outstanding voting securities of a company means the vote, at the annual or a special meeting of the security holders of such company duly called, (A) of 67 per centum or more of the voting securities present at such meeting, if the holders of more than 50 per centum of the outstanding voting securities of such company are present or represented by proxy; or (B) of more than 50 per centum of the outstanding voting securities of such company, whichever is the less.

(41) "Wholly-owned subsidiary" of a person means a company 95 per centum or more of the outstanding voting securities of which are owned by such person, or by a company which, within the meaning of this paragraph, is a wholly-owned subsidiary of such person.

"Wholly-owned subsidiary."

(42) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Trust Indenture Act of 1939" mean those Acts, respectively, as heretofore or hereafter amended.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

(b) No provision in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned directly or indirectly by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

Exemptions.

#### DEFINITION OF INVESTMENT COMPANY

SEC. 3. (a) When used in this title, "investment company" means any issuer which—

"Investment company" defined.

(1) is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities;

(2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or

(3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

As used in this section, "investment securities" includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

"Investment securities."

(b) Notwithstanding paragraph (3) of subsection (a), none of the following persons is an investment company within the meaning of this title:

Persons not an investment company.

(1) Any issuer primarily engaged, directly or through a wholly-owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

(2) Any issuer which the Commission, upon application by such issuer, finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. The filing of an application under this paragraph by an issuer other than a registered investment company shall exempt the applicant for a period of sixty days from all provisions of this title applicable to investment companies as such. For cause shown, the Commission by order may extend such period of exemption for an additional period or periods. Whenever the Commission, upon its own motion or upon application, finds that the circumstances which gave rise to the issuance of an order granting an application under this paragraph no longer exist, the Commission shall by order revoke such order.

(3) Any issuer all the outstanding securities of which (other than short-term paper and directors' qualifying shares) are directly or indirectly owned by a company excepted from the definition of investment company by paragraph (1) or (2) of this subsection.

Additional exclu-  
sions.

(c) Notwithstanding subsections (a) and (b), none of the following persons is an investment company within the meaning of this title:

(1) Any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. For the purposes of this paragraph, beneficial ownership by a company shall be deemed to be beneficial ownership by one person; except that, if such company owns 10 per centum or more of the outstanding voting securities of the issuer, the beneficial ownership shall be deemed to be that of the holders of such company's outstanding securities (other than short-term paper).

(2) Any person primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, and acting as broker, or any one or more of such activities, whose gross income normally is derived principally from such business and related activities.

(3) Any bank or insurance company; any savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, or any receiver, conservator, liquidator, liquidating agent, or similar official or person thereof or therefor; any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank in its capacity as a trustee, executor, administrator, or guardian; or any common trust fund or similar fund, established before the effective date of the Revenue Act of 1936 by a corporation which is supervised or examined by State or Federal authority having supervision over banks, if a majority of the units of beneficial interest in such fund, other than units owned by charitable or educational institutions, are held under instruments providing for payment of income to one or more persons and of principal to another or others.

49 Stat. 1648.

(4) Any holding company affiliate, as defined in the Banking Act of 1933, which is under the supervision of the Board of Governors of the Federal Reserve System by reason of the fact that such holding company affiliate holds a general voting permit issued to it by such Board prior to January 1, 1940; and any holding company affiliate which is under such supervision by reason of the fact that it holds a general voting permit thereafter issued to it by the Board of Governors and which is determined by such Board to be primarily engaged, directly or indirectly, in the business of holding the stock of, and managing or controlling, banks, banking associations, savings banks, or trust companies. The Commission shall be given appropriate notice prior to any such determination and shall be entitled to be heard. The definition of the term "control" in section 2 (a) shall not apply to this paragraph.

48 Stat. 163.  
12 U. S. C. §221a (c);  
Supp. V. §221a (c).

(5) Any person substantially all of whose business is confined to making small loans, industrial banking, or similar businesses.

(6) Any person who is not engaged in the business of issuing face-amount certificates of the installment type or periodic payment plan certificates, and who is primarily engaged in one or more of the following businesses: (A) Purchasing or otherwise acquiring notes, drafts, acceptances, open accounts receivable, and other obligations

representing part or all of the sales price of merchandise, insurance, and services; (B) making loans to manufacturers, wholesalers, and retailers of, and to prospective purchasers of, specified merchandise, insurance, and services; and (C) purchasing or otherwise acquiring mortgages and other liens on and interests in real estate.

(7) Any company primarily engaged, directly or through majority-owned subsidiaries, in one or more of the businesses described in paragraphs (3), (5), and (6), or in one or more of such businesses (from which not less than 25 per centum of such company's gross income during its last fiscal year was derived) together with an additional business or businesses other than investing, reinvesting, owning, holding, or trading in securities.

(8) Any company 90 per centum or more of the value of whose investment securities are represented by securities of a single issuer included within a class of persons enumerated in paragraph (5), (6), or (7).

(9) Any company subject to regulation under the Interstate Commerce Act, or any company whose entire outstanding capital stock is owned or controlled by such a company: *Provided*, That the assets of the controlled company consist substantially of securities issued by companies which are subject to regulation under the Interstate Commerce Act.

24 Stat. 379.  
49 U. S. C., ch. 1;  
Supp. V, ch. 1.

(10) Any company with a registration in effect as a holding company under the Public Utility Holding Company Act of 1935.

49 Stat. 803.  
15 U. S. C., Supp.  
V, §§79-79z-6.

(11) Any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein, or certificates of interest or participation in or investment contracts relative to such royalties, leases, or fractional interests.

(12) Any company organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(13) Any employees' stock bonus, pension, or profit-sharing trust which meets the conditions of section 165 of the Internal Revenue Code.

53 Stat. 67.  
26 U. S. C., Supp.  
V, §165.

(14) Any voting trust the assets of which consist exclusively of securities of a single issuer which is not an investment company.

(15) Any security holders' protective committee or similar issuer having outstanding and issuing no securities other than certificates of deposit and short-term paper.

#### CLASSIFICATION OF INVESTMENT COMPANIES

SEC. 4. For the purposes of this title, investment companies are divided into three principal classes, defined as follows:

(1) "Face-amount certificate company" means an investment company which is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or which has been engaged in such business and has any such certificate outstanding.

"Face-amount certificate company."

(2) "Unit investment trust" means an investment company which (A) is organized under a trust indenture, contract of custodianship or agency, or similar instrument, (B) does not have a board of directors, and (C) issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities; but does not include a voting trust.

"Unit investment trust."

(3) "Management company" means any investment company other than a face-amount certificate company or a unit investment trust.

"Management company."

## SUBCLASSIFICATION OF MANAGEMENT COMPANIES

SEC. 5. (a) For the purposes of this title, management companies are divided into open-end and closed-end companies, defined as follows:

“Open-end company.” com-

(1) “Open-end company” means a management company which is offering for sale or has outstanding any redeemable security of which it is the issuer.

“Closed-end company.” com-

(2) “Close-end company” means any management company other than an open-end company.

(b) Management companies are further divided into diversified companies and non-diversified companies, defined as follows:

“Diversified company.” com-

(1) “Diversified company” means a management company which meets the following requirements: At least 75 per centum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer.

“Non-diversified company.”

(2) “Non-diversified company” means any management company other than a diversified company.

Maintenance of status as diversified company.

(c) A registered diversified company which at the time of its qualification as such meets the requirements of paragraph (1) of subsection (b) shall not lose its status as a diversified company because of any subsequent discrepancy between the value of its various investments and the requirements of said paragraph, so long as any such discrepancy existing immediately after its acquisition of any security or other property is neither wholly nor partly the result of such acquisition.

## EXEMPTIONS

SEC. 6. (a) The following investment companies are exempt from the provisions of this title:

Companies under laws of U. S. possessions.

(1) Any company organized or otherwise created under the laws of and having its principal office and place of business in Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold after the effective date of this title, by such company or an underwriter therefor, to a resident of any State other than the State in which such company is organized.

Termination of exemption.

Companies in receiverships, etc.

(2) Any company for which, in a proceeding in any court of the United States or of a State, a receiver, trustee in bankruptcy, or similar officer had been appointed or elected prior to the effective date of this title, and every such officer so appointed or elected prior to the effective date of this title; but such exemption shall continue only so long as (A) the conduct of such company's business remains subject to the supervision of such court or officer thereof, and (B) such company does not sell exclusively for cash any security of which it is the issuer, except short-term paper and ordinary receiver's or trustee's certificates.

Reorganized companies.

(3) Any company which since the effective date of this title or within five years prior to such date has been reorganized under the supervision of a court of competent jurisdiction, if (A) such company was not an investment company at the commencement of such

reorganization proceedings, (B) at the conclusion of such proceedings all outstanding securities of such company were owned by creditors of such company or by persons to whom such securities were issued on account of creditors' claims, and (C) more than 50 per centum of the voting securities of such company, and securities representing more than 50 per centum of the net asset value of such company, are currently owned beneficially by not more than twenty-five persons; but such exemption shall terminate if any security of which such company is the issuer is offered for sale or sold to the public after the conclusion of such proceedings by the issuer or by or through any underwriter. For the purposes of this paragraph, any new company organized as part of the reorganization shall be deemed the same company as its predecessor; and beneficial ownership shall be determined in the manner provided in section 3 (c) (1).

(4) Any issuer as to which there is outstanding a writing filed with the Commission by the Federal Savings and Loan Insurance Corporation stating that exemption of such issuer from the provisions of this title is consistent with the public interest and the protection of investors and is necessary or appropriate by reason of the fact that such issuer holds or proposes to acquire any assets or any product of any assets which have been segregated (A) from assets of any company which at the filing of such writing is an insured institution within the meaning of section 401 (a) of the National Housing Act, as heretofore or hereafter amended, or (B) as a part of or in connection with any plan for or condition to the insurance of accounts of any company by said corporation or the conversion of any company into a Federal savings and loan association. Any such writing shall expire when canceled by a writing similarly filed or at the expiration of two years after the date of its filing, whichever first occurs; but said corporation may, nevertheless, before, at, or after the expiration of any such writing file another writing or writings with respect to such issuer.

(5) Any company which prior to March 15, 1940, was and now is a wholly-owned subsidiary of a registered face-amount certificate company and was prior to said date and now is organized and operating under the insurance laws of any State and subject to supervision and examination by the insurance commissioner thereof, and which prior to March 15, 1940, was and now is engaged, subject to such laws, in business substantially all of which consists of issuing and selling only to residents of such State and investing the proceeds from, securities providing for or representing participations or interests in intangible assets consisting of mortgages or other liens on real estate or notes or bonds secured thereby or in a fund or deposit of mortgages or other liens on real estate or notes or bonds secured thereby or having outstanding such securities so issued and sold.

(b) Upon application by any employees' security company, the Commission shall by order exempt such company from the provisions of this title and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order of exemption shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Termination of exemption.

New company organized as part of reorganization; status.

Issuers holding assets of insured companies, etc.

48 Stat. 1255.  
12 U. S. C. § 1724 (b).

Expiration of writing.

Subsidiaries of face-amount certificate companies operating under State insurance laws.

Employees' security companies.

Provisions for protecting investors.

Other exemptions.

(c) The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

Closed-end companies, exemption.

(d) The Commission, by rules and regulations or order, shall exempt a closed-end investment company from any or all provisions of this title, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if—

(1) the aggregate sums received by such company from the sale of all its outstanding securities, plus the aggregate offering price of all securities of which such company is the issuer and which it proposes to offer for sale, do not exceed \$100,000;

(2) no security of which such company is the issuer has been or is proposed to be sold by such company or any underwriter therefor, in connection with a public offering, to any person who is not a resident of the State under the laws of which such company is organized or otherwise created; and

(3) such exemption is not contrary to the public interest or inconsistent with the protection of investors.

Applicability of provisions of this title to exempt companies.

(e) If, in connection with any rule, regulation, or order under this section exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of this title pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

#### TRANSACTIONS BY UNREGISTERED INVESTMENT COMPANIES

Unregistered investment companies. Activities forbidden.

SEC. 7. (a) No investment company organized or otherwise created under the laws of the United States or of a State and having a board of directors, unless registered under section 8, shall directly or indirectly—

(1) offer for sale, sell, or deliver after sale, by the use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of interstate commerce;

(2) purchase, redeem, retire, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person;

(3) control any investment company which does any of the acts enumerated in paragraphs (1) and (2);

(4) engage in any business in interstate commerce; or

(5) control any company which is engaged in any business in interstate commerce.

The provisions of this subsection (a) shall not apply to transactions of an investment company which are merely incidental to its dissolution.

(b) No depositor or trustee of or underwriter for any investment company, organized or otherwise created under the laws of the United States or of a State and not having a board of directors, unless such company is registered under section 8 or exempt under section 6, shall directly or indirectly—

Depositors, trustees, or underwriters. Activities forbidden.

(1) offer for sale, sell, or deliver after sale, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such company is the issuer; or offer for sale, sell, or deliver after sale any such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by use of the mails or any means or instrumentality of interstate commerce;

(2) purchase, redeem, or otherwise acquire or attempt to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security of which such company is the issuer; or

(3) sell or purchase for the account of such company, by use of the mails or any means or instrumentality of interstate commerce, any security or interest in a security, by whomsoever issued.

The provisions of this subsection (b) shall not apply to transactions which are merely incidental to the dissolution of an investment company.

(c) No promoter of a proposed investment company, and no underwriter for such a promoter, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any preorganization certificate or subscription for such a company.

Promoters of proposed investment companies. Activities forbidden.

(d) No investment company, unless organized or otherwise created under the laws of the United States or of a State, and no depositor or trustee of or underwriter for such a company not so organized or created, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer. Notwithstanding the provisions of this subsection and of section 8 (a), the Commission is authorized, upon application by an investment company organized or otherwise created under the laws of a foreign country, to issue a conditional or unconditional order permitting such company to register under this title and to make a public offering of its securities by use of the mails and means or instrumentalities of interstate commerce, if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of this title against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Investment companies not organized, etc., under U. S. or State laws. Activities forbidden.

Registration, etc., permissible in certain cases.

#### REGISTRATION OF INVESTMENT COMPANIES

SEC. 8. (a) Any investment company organized or otherwise created under the laws of the United States or of a State may register for the purposes of this title by filing with the Commission a notification of registration, in such form as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. An investment company shall be deemed to be registered upon receipt by the Commission of such notification of registration.

Filing of notification of registration.

Filing of registration statement.  
Contents.

(b) Every registered investment company shall file with the Commission, within such reasonable time after registration as the Commission shall fix by rules and regulations, an original and such copies of a registration statement, in such form and containing such of the following information and documents as the Commission shall by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors:

(1) a recital of the policy of the registrant in respect of each of the following types of activities, such recital consisting in each case of a statement whether the registrant reserves freedom of action to engage in activities of such type, and if such freedom of action is reserved, a statement briefly indicating, insofar as is practicable, the extent to which the registrant intends to engage therein: (A) the classification and subclassifications, as defined in sections 4 and 5, within which the registrant proposes to operate; (B) borrowing money; (C) the issuance of senior securities; (D) engaging in the business of underwriting securities issued by other persons; (E) concentrating investments in a particular industry or group of industries; (F) the purchase and sale of real estate and commodities, or either of them; (G) making loans to other persons; and (H) portfolio turn-over (including a statement showing the aggregate dollar amount of purchases and sales of portfolio securities, other than Government securities, in each of the last three full fiscal years preceding the filing of such registration statement);

(2) a recital of the policy of the registrant in respect of matters, not enumerated in paragraph (1), which the registrant deems matters of fundamental policy and elects to treat as such;

(3) the name and address of each affiliated person of the registrant; the name and principal address of every company, other than the registrant, of which each such person is an officer, director, or partner; a brief statement of the business experience for the preceding five years of each officer and director of the registrant; and

(4) the information and documents which would be required to be filed in order to register under the Securities Act of 1933 and the Securities Exchange Act of 1934 all securities (other than short-term paper) which the registrant has outstanding or proposes to issue.

(c) The Commission shall make provision, by permissive rules and regulations or order, for the filing of the following, or so much of the following as the Commission may designate, in lieu of the information and documents required pursuant to subsection (b):

(1) copies of the most recent registration statement filed by the registrant under the Securities Act of 1933 and currently effective under such Act, or if the registrant has not filed such a statement, copies of a registration statement filed by the registrant under the Securities Exchange Act of 1934 and currently effective under such Act;

(2) copies of any reports filed by the registrant pursuant to section 13 or 15 (d) of the Securities Exchange Act of 1934; and

(3) a report containing reasonably current information regarding the matters included in copies filed pursuant to paragraphs (1) and (2), and such further information regarding matters not included in such copies as the Commission is authorized to require under subsection (b).

(d) If the registrant is a unit investment trust substantially all of the assets of which are securities issued by another registered investment company, the Commission is authorized to prescribe for the

48 Stat. 74, 881.  
15 U. S. C. §§ 77a-77aa, 78a-78j; Supp. V, §§ 77a-77x, 78c-78j].

Statements, etc., in lieu of information required.

48 Stat. 78, 892.  
15 U. S. C. §§ 77g, 78f.

48 Stat. 894, 895; 49 Stat. 1379.  
15 U. S. C. §§ 78m-78o; Supp. V, § 78o.

Inappropriate duplication of information.

registrant, by rules and regulations or order, a registration statement which eliminates inappropriate duplication of information contained in the registration statement filed under this section by such other investment company.

(e) If it appears to the Commission that a registered investment company has failed to file the registration statement required by this section or a report required pursuant to section 30 (a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 34 (b), the Commission shall notify such company by registered mail of the failure to file such registration statement or report, or of the respects in which such registration statement or report appears to be materially incomplete or misleading, as the case may be, and shall fix a date (in no event earlier than thirty days after the mailing of such notice) prior to which such company may file such registration statement or report or correct the same. If such registration statement or report is not filed or corrected within the time so fixed by the Commission or any extension thereof, the Commission, after appropriate notice and opportunity for hearing, and upon such conditions and with such exemptions as it deems appropriate for the protection of investors, may by order suspend the registration of such company until such statement or report is filed or corrected, or may by order revoke such registration, if the evidence establishes—

Failure to file statement, etc.

Notification.

Suspension.

Revocation.

(1) that such company has failed to file a registration statement required by this section or a report required pursuant to section 30 (a) or (b), or has filed such a registration statement or report but omitted therefrom material facts required to be stated therein, or has filed such a registration statement or report in violation of section 34 (b); and

(2) that such suspension or revocation is in the public interest.

(f) Whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. If necessary for the protection of investors, an order under this subsection may be made upon appropriate conditions. The Commission's denial of any application under this subsection shall be by order.

Company ceasing to be an investment company.

#### INELIGIBILITY OF CERTAIN AFFILIATED PERSONS AND UNDERWRITERS

SEC. 9. (a) It shall be unlawful for any of the following persons to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company:

Persons deemed ineligible for service with investment companies, etc.

(1) any person who within ten years has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer, or investment adviser, or as an affiliated person, salesman, or employee of any investment company, bank, or insurance company;

(2) any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker, dealer, or investment adviser, or as an affiliated person, salesman, or employee of any investment company, bank,

or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(3) a company any affiliated person of which is ineligible, by reason of paragraph (1) or (2), to serve or act in the foregoing capacities.

“Investment adviser.”

For the purposes of paragraphs (1), (2), and (3) of this subsection, the term “investment adviser” shall include an investment adviser as defined in title II of this Act.

Application of ineligible person for exemption.

(b) Any person who is ineligible, by reason of subsection (a), to serve or act in the capacities enumerated in that subsection, may file with the Commission an application for an exemption from the provisions of that subsection. The Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

#### AFFILIATIONS OF DIRECTORS

Board of directors. Restriction upon affiliations of members. Investment advisers.

SEC. 10. (a) After one year from the effective date of this title, no registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are investment advisers of, affiliated persons of an investment adviser of, or officers or employees of, such registered company.

(b) After one year from the effective date of this title, no registered investment company shall—

Regular brokers.

(1) employ as regular broker any director, officer, or employee of such registered company, or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such brokers or affiliated persons of any of such brokers;

Principal underwriters.

(2) use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or affiliated persons of any of such principal underwriters; or

Investment bankers.

(3) have as director, officer, or employee any investment banker, or any affiliated person of an investment banker, unless a majority of the board of directors of such registered company shall be persons who are not investment bankers or affiliated persons of any investment banker. For the purposes of this paragraph, a person shall not be deemed an affiliated person of an investment banker solely by reason of the fact that he is an affiliated person of a company of the character described in section 12 (d) (3) (A) and (B).

Bank officials.

(c) After the effective date of this title, no registered investment company shall have a majority of its board of directors consisting of persons who are officers or directors of any one bank: *Provided*, That, if on March 15, 1940, any registered investment company shall have had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such registered company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank.

*Proviso.*  
Exception.

(d) Notwithstanding subsection (a) and subsection (b) (2), a registered investment company may have a board of directors all the members of which, except one, are affiliated persons of the investment adviser of such company, or are officers or employees of such company, if—

Exemption of affiliates of investment advisers.  
Specific conditions.

- (1) such investment company is an open-end company;
- (2) such investment adviser is registered under title II of this Act and such investment adviser is engaged principally in the business of rendering investment supervisory services as defined in title II;
- (3) no sales load is charged on securities issued by such investment company;
- (4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;
- (5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;
- (6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;
- (7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and
- (8) such investment company has only one class of stock outstanding, each share of which has equal voting rights with every other share.

(e) If by reason of the death, disqualification, or bona fide resignation of any director or directors, the requirements of the foregoing provisions of this section in respect of directors shall not be met by a registered investment company, the operation of such provisions shall be suspended as to such registered company for a period of thirty days if the vacancy or vacancies may be filled by action of the board of directors, and for a period of sixty days if a vote of stockholders is required to fill the vacancy or vacancies, or for such longer period as the Commission may prescribe, by rules and regulations upon its own motion or by order upon application, as not inconsistent with the protection of investors.

Filling of vacancies.

(f) No registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of such registered company, or is a person (other than a company of the character described in section 12 (d) (3) (A) and (B)) of which any such officer, director, member of an advisory board, investment adviser, or employee is an affiliated person, unless in acquiring such security such registered company is itself acting as a principal underwriter for the issuer. The Commission, by rules and regulations upon its own motion or by order upon application, may conditionally or unconditionally exempt any transaction or classes of transactions from any of the provisions of this subsection, if and to the extent that such exemption is consistent with the protection of investors.

Securities underwritten by affiliates. acquisition restricted.

Exemptions.

(g) In the case of a registered investment company which has an advisory board, such board, as a distinct entity, shall be subject to

Advisory boards.

the same restrictions as to its membership as are imposed upon a board of directors by this section.

Unincorporated  
management com-  
panies.

(h) In the case of a registered management company which is an unincorporated company not having a board of directors, the provisions of this section shall apply as follows:

(1) the provisions of subsection (a), as modified by subsection (e), shall apply to the board of directors of the depositor of such company;

(2) the provisions of subsections (b) and (c), as modified by subsection (e), shall apply to the board of directors of the depositor and of every investment adviser of such company; and

(3) the provisions of subsection (f) shall apply to purchases and other acquisitions for the account of such company of securities a principal underwriter of which is the depositor or an investment adviser of such company, or an affiliated person of such depositor or investment adviser.

#### OFFERS OF EXCHANGE

Exchange offers of  
open-end companies.

SEC. 11. (a) It shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers which are in effect at the time such offer is made. For the purposes of this section, (A) an offer by a principal underwriter means an offer communicated to holders of securities of a class or series but does not include an offer made by such principal underwriter to an individual investor in the course of a retail business conducted by such principal underwriter, and (B) the net asset value means the net asset value which is in effect for the purpose of determining the price at which the securities, or class or series of securities involved, are offered for sale to the public either (1) at the time of the receipt by the offeror of the acceptance of the offer or (2) at such later times as is specified in the offer.

Terms defined.

Plan of reorganiza-  
tion and right of con-  
version.

(b) The provisions of this section shall not apply to any offer made pursuant to (1) any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs; or (2) the right of conversion, at the option of the holder, from one class or series into another class or series of securities issued by the same company upon such terms as are specified in the charter, certificate of incorporation, articles of association, by-laws, or trust indenture subject to which the securities to be converted were issued or are to be issued.

Application of pro-  
visions.

(c) The provisions of subsection (a) shall be applicable, irrespective of the basis of exchange, (1) to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust or registered face-amount certificate company; and (2) to any type of offer of exchange of the securities of registered unit investment trusts or registered face-amount certificate companies for the securities of any other investment company.

#### FUNCTIONS AND ACTIVITIES OF INVESTMENT COMPANIES

Unlawful activities.

SEC. 12. (a) It shall be unlawful for any registered investment company, in contravention of such rules and regulations or orders as

the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors—

(1) to purchase any security on margin, except such short-term credits as are necessary for the clearance of transactions;

(2) to participate on a joint or a joint and several basis in any trading account in securities, except in connection with an underwriting in which such registered company is a participant; or

(3) to effect a short sale of any security, except in connection with an underwriting in which such registered company is a participant.

(b) It shall be unlawful for any registered open-end company (other than a company complying with the provisions of section 10

Open-end company as distributor of own securities.

(d)) to act as a distributor of securities of which it is the issuer, except through an underwriter, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

(c) It shall be unlawful for any registered diversified company to make any commitment as underwriter, if immediately thereafter the amount of its outstanding underwriting commitments, plus the value of its investments in securities of issuers (other than investment companies) of which it owns more than 10 per centum of the outstanding voting securities, exceeds 25 per centum of the value of its total assets.

Diversified company engaged in underwritings.

(d) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire after the enactment of this title any security issued by or any other interest in the business of—

Restrictions on purchase of securities.

(1) any other investment company of which such registered investment company and any company or companies controlled by such registered company shall not at the time of such purchase or acquisition own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered investment company and any company or companies controlled by it own in the aggregate or as a result of such purchase or acquisition will own in the aggregate more than 5 per centum of the total outstanding voting stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries, or more than 3 per centum of the total outstanding voting stock of such other investment company if the policy of such other investment company is not the concentration of investments in a particular industry or group of industries, except (A) a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions), or (B) a security purchased with the proceeds of payments on periodic payment plan certificates, pursuant to the terms of the trust indenture under which such certificates are issued; or

Investment companies.

(2) any insurance company of which such registered investment company and any company or companies controlled by such registered company shall not at the time of such purchase or acquisition own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate or as a result of such purchase or acquisition will own in the aggregate more than 10 per centum of the total outstanding voting stock of such insurance company, except a security received as a dividend or as a result of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions); or

Insurance companies.

Brokers, etc.

(3) any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act, unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities.

Acquisition of certain securities permitted.

(e) Notwithstanding any provisions of this title, any registered investment company may hereafter purchase or otherwise acquire any security issued by any one corporation engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities; provided—

Conditions.

(1) That the securities issued by such corporation (other than short-term paper and securities representing bank loans) shall consist solely of one class of common stock and shall have been originally issued or sold for investment to registered investment companies only;

(2) That the aggregate cost of the securities of such corporation purchased by such registered investment company does not exceed 5 per centum of the value of the total assets of such registered company at the time of any purchase or acquisition of such securities; and

(3) That the aggregate paid-in capital and surplus of such corporation does not exceed \$100,000,000.

For the purpose of paragraph (1) of section 5 (b) any investment in any such corporation shall be deemed to be an investment in an investment company.

Acquisition of face-amount certificate company stock.

(f) Notwithstanding any provisions of this Act, any registered face-amount certificate company may organize not more than two face-amount certificate companies and acquire and own all or any part of the capital stock only thereof if such stock is acquired and held for investment: *Provided*, That the aggregate cost to such registered company of all such stock so acquired shall not exceed six times the amount of the minimum capital stock requirement provided in subdivision (1) of subsection (a) of section 28 for a face-amount company organized on or after March 15, 1940: *And provided further*, That the aggregate cost to such registered company of all such capital stock issued by face-amount certificate companies organized or otherwise created under laws other than the laws of the United States or any State thereof shall not exceed twice the amount of the minimum capital stock requirement provided in subdivision (1) of subsection (a) of section 28 for a company organized on or after March 15, 1940. Nothing contained in this subsection shall be deemed to prevent the sale of any such stock to any other person if the original purchase was made by such registered face-amount certificate company in good faith for investment and not for resale.

Prices. Aggregate cost, limitation.

Sale.

Acquisition of insurance company stock.

(g) Notwithstanding the provisions of this section any registered investment company and any company or companies controlled by such registered company may purchase or otherwise acquire from another investment company or any company or companies controlled by such registered company more than 10 per centum of the

total outstanding voting stock of any insurance company owned by any such company or companies, or may acquire the securities of any insurance company if the Commission by order determines that such acquisition is in the public interest because the financial condition of such insurance company will be improved as a result of such acquisition or any plan contemplated as a result thereof. This section shall not be deemed to prohibit the promotion of a new insurance company or the acquisition of the securities of any newly created insurance company by a registered investment company, alone or with other persons. Nothing contained in this section shall in any way affect or derogate from the powers of any insurance commissioner or similar official or agency of the United States or any State, or to affect the right under State law of any insurance company to acquire securities of any other insurance company or insurance companies.

Promotion of new companies, etc.

Powers of insurance commissioners not hereby affected.

#### CHANGES IN INVESTMENT POLICY

SEC. 13. (a) No registered investment company shall, unless authorized by the vote of a majority of its outstanding voting securities—

Restriction on changes in investment policy.

(1) change its subclassification as defined in section 5 (a) (1) and (2) of this title or its subclassification from a diversified to a non-diversified company;

(2) borrow money, issue senior securities, underwrite securities issued by other persons, purchase or sell real estate or commodities or make loans to other persons, except in each case in accordance with the recitals of policy contained in its registration statement in respect thereto;

(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, or deviate from any fundamental policy recited in its registration statement pursuant to section 8 (b) (2); or

(4) change the nature of its business so as to cease to be an investment company.

(b) In the case of a common-law trust of the character described in subsection (b) of section 16, either written approval by holders of a majority of the outstanding shares of beneficial interest or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for the purpose shall for the purposes of subsection (a) be deemed the equivalent of the vote of a majority of the outstanding voting securities, and the provisions of paragraph (4) of section 2 (a) as to a majority shall be applicable to the vote cast at such a meeting.

Common-law trust. Majority vote.

#### SIZE OF INVESTMENT COMPANIES

SEC. 14. (a) No registered investment company organized after the date of enactment of this title, and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless—

Restrictions.

(1) such company has a net worth of at least \$100,000;

(2) such company has previously made a public offering of its securities, and at the time of such offering had a net worth of at least \$100,000; or

(3) provision is made in connection with and as a condition of the registration of such securities under the Securities Act of 1933 which in the opinion of the Commission adequately insures (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agree-

48 Stat. 74.  
16 U. S. C. §§ 77a-77aa; Supp. V, §§ 77a-77x.

ments have been made with such company by not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which plus the then net worth of the company, if any, will equal at least \$100,000; (B) that said aggregate net amount will be paid in to such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (C) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least \$100,000 within ninety days after such registration statement becomes effective.

At any time after the occurrence of the event specified in clause (C) of paragraph (3) of this subsection the Commission may issue a stop order suspending the effectiveness of the registration statement of such securities under the Securities Act of 1933 and may suspend or revoke the registration of such company under this title.

Investigation and  
report.

(b) The Commission is authorized, at such times as it deems that any substantial further increase in size of investment companies creates any problem involving the protection of investors or the public interest, to make a study and investigation of the effects of size on the investment policy of investment companies and on security markets, on concentration of control of wealth and industry, and on companies in which investment companies are interested, and from time to time to report the results of its studies and investigations and its recommendations to the Congress.

#### INVESTMENT ADVISORY AND UNDERWRITING CONTRACTS

Investment adviser.  
Contract require-  
ments.

SEC. 15. (a) After one year from the effective date of this title it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, unless in effect prior to March 15, 1940, has been approved by the vote of a majority of the outstanding voting securities of such registered company and—

- (1) precisely describes all compensation to be paid thereunder;
- (2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

(4) provides, in substance, for its automatic termination in the event of its assignment by the investment adviser.

Principal under-  
writer.  
Contract require-  
ments.

(b) After one year from the effective date of this title, it shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract, unless in effect prior to March 15, 1940—

- (1) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance

is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

(2) provides, in substance, for its automatic termination in the event of its assignment by such underwriter.

(c) In addition to the requirements of subsections (a) and (b) it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, except a written agreement which was in effect prior to March 15, 1940, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved (1) by a majority of the directors who are not parties to such contract or agreement or affiliated persons of any such party, or (2) by the vote of a majority of the outstanding voting securities of such company.

Additional requirements.

(d) It shall be unlawful for any person—

(1) to serve or act as investment adviser of a registered investment company, pursuant to a written contract which was in effect prior to March 15, 1940, after March 15, 1945, or the date of termination provided for in such contract, whichever is the prior date, or after assignment thereof subsequent to March 15, 1940, by the person acting as investment adviser thereunder; or

Contracts in effect prior to March 15, 1940.  
Investment adviser.

(2) as principal underwriter for a registered open-end investment company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, pursuant to a written contract which was in effect prior to March 15, 1940, after March 15, 1945, or the date of termination provided for in such contract, whichever is the prior date, or after assignment thereof subsequent to March 15, 1940, by the person acting as principal underwriter thereunder:

Principal underwriter.

*Provided, however,* That the limitation to March 15, 1945, shall not apply in either case if prior to that date such contract is renewed in such form that it complies with the requirements of subsection (a) or (b) of this section, as the case may be, and is approved in the manner required by this section in respect of a contract of the same character made after March 15, 1940.

Proviso.  
Exception.

(e) In the case of a common-law trust of the character described in subsection (b) of section 16, either written approval by holders of a majority of the outstanding shares of beneficial interest or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for the purpose shall for the purposes of this section be deemed the equivalent of the vote of a majority of the outstanding voting securities, and the provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at such a meeting.

Common-law trust.  
Majority vote construed.

(f) Nothing contained in this section shall be deemed to require or contemplate any action by an advisory board of any registered company or by any of the members of such a board.

Exemption.

#### CHANGES IN BOARD OF DIRECTORS; PROVISIONS RELATIVE TO STRICT TRUSTS

SEC. 16. (a) No person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at an annual or a special meeting duly called for that purpose; except that vacancies occurring between such meetings may be filled in any otherwise legal manner if immediately after filling any such vacancy at least two-thirds of the directors then holding office shall have been elected to such office by the holders of the outstanding voting securities of the

Election, etc., requirements.

Vacancies.

company at such an annual or special meeting. In the event that at any time less than a majority of the directors of such company holding office at that time were so elected by the holders of the outstanding voting securities, the board of directors or proper officer of such company shall forthwith cause to be held as promptly as possible and in any event within sixty days a meeting of such holders for the purpose of electing directors to fill any existing vacancies in the board of directors unless the Commission shall by order extend such period. The foregoing provisions of this subsection shall not apply to members of an advisory board.

Exceptions.

Division into classes.

Proviso. Tenure.

Common-law trust, trustees.

Disqualification.

Removal.

Call of meeting.

Mailing of material to shareholders.

Nothing herein shall, however, preclude a registered investment company from dividing its directors into classes if its charter, certificate of incorporation, articles of association, by-laws, trust indenture, or other instrument or the law under which it is organized, so provides and prescribes the tenure of office of the several classes: *Provided*, That no class shall be elected for a shorter period than one year or for a longer period than five years and the term of office of at least one class shall expire each year.

(b) The provisions of subsection (a) of this section shall not apply to a common-law trust existing on the date of enactment of this title under an indenture of trust which does not provide for the election of trustees by the shareholders. No natural person shall serve as trustee of such a trust, which is registered as an investment company, after the holders of record of not less than two-thirds of the outstanding shares of beneficial interest in such trust have declared that he be removed from that office either by declaration in writing filed with the custodian of the securities of the trust or by votes cast in person or by proxy at a meeting called for the purpose. Solicitation of such a declaration shall be deemed a solicitation of a proxy within the meaning of section 20 (a).

The trustees of such a trust shall promptly call a meeting of shareholders for the purpose of voting upon the question of removal of any such trustee or trustees when requested in writing so to do by the record holders of not less than 10 per centum of the outstanding shares.

Whenever ten or more shareholders of record who have been such for at least six months preceding the date of application, and who hold in the aggregate either shares having a net asset value of at least \$25,000 or at least 1 per centum of the outstanding shares, whichever is less, shall apply to the trustees in writing, stating that they wish to communicate with other shareholders with a view to obtaining signatures to a request for a meeting pursuant to this subsection (b) and accompanied by a form of communication and request which they wish to transmit, the trustees shall within five business days after receipt of such application either—

(1) afford to such applicants access to a list of the names and addresses of all shareholders as recorded on the books of the trust; or

(2) inform such applicants as to the approximate number of shareholders of record, and the approximate cost of mailing to them the proposed communication and form of request.

If the trustees elect to follow the course specified in paragraph (2) of this subsection (b) the trustees, upon the written request of such applicants, accompanied by a tender of the material to be mailed and of the reasonable expenses of mailing, shall, with reasonable promptness, mail such material to all shareholders of record at their addresses as recorded on the books, unless within five business days after such tender the trustees shall mail to such applicants and file with the Commission, together with a copy of the material to be

mailed, a written statement signed by at least a majority of the trustees to the effect that in their opinion either such material contains untrue statements of fact or omits to state facts necessary to make the statements contained therein not misleading, or would be in violation of applicable law, and specifying the basis of such opinion.

After opportunity for hearing upon the objections specified in the written statement so filed, the Commission may, and if demanded by the trustees or by such applicants shall, enter an order either sustaining one or more of such objections or refusing to sustain any of them. If the Commission shall enter an order refusing to sustain any of such objections, or if, after the entry of an order sustaining one or more of such objections, the Commission shall find, after notice and opportunity for hearing, that all objections so sustained have been met, and shall enter an order so declaring, the trustees shall mail copies of such material to all shareholders with reasonable promptness after the entry of such order and the renewal of such tender.

Entry of order by Commission.

#### TRANSACTIONS OF CERTAIN AFFILIATED PERSONS AND UNDERWRITERS

SEC. 17. (a) It shall be unlawful for any affiliated person or promoter of or principal underwriter for a registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B)), or any affiliated person of such a person, promoter, or principal underwriter, acting as principal—

Unlawful transactions.

(1) knowingly to sell any security or other property to such registered company or to any company controlled by such registered company, unless such sale involves solely (A) securities of which the buyer is the issuer, (B) securities of which the seller is the issuer and which are part of a general offering to the holders of a class of its securities, or (C) securities deposited with the trustee of a unit investment trust or periodic payment plan by the depositor thereof;

(2) knowingly to purchase from such registered company, or from any company controlled by such registered company, any security or other property (except securities of which the seller is the issuer); or

(3) to borrow money or other property from such registered company or from any company controlled by such registered company (unless the borrower is controlled by the lender) except as permitted in section 21 (b).

(b) Notwithstanding subsection (a), any person may file with the Commission an application for an order exempting a proposed transaction of the applicant from one or more provisions of that subsection. The Commission shall grant such application and issue such order of exemption if evidence establishes that—

Exemption, if transaction fair, etc.

(1) the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under this title; and

(3) the proposed transaction is consistent with the general purposes of this title.

(c) Notwithstanding subsection (a), a person may, in the ordinary course of business, sell to or purchase from any company merchandise or may enter into a lessor-lessee relationship with any person and furnish the services incident thereto.

Transactions allowed.

Joint transaction  
contravening rules,  
etc.

(d) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B)), or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant. Nothing contained in this subsection shall be deemed to preclude any affiliated person from acting as manager of any underwriting syndicate or other group in which such registered or controlled company is a participant and receiving compensation therefor.

(e) It shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person—

Agent.  
Compensation re-  
striction.

(1) acting as agent, to accept from any source any compensation (other than a regular salary or wages from such registered company) for the purchase or sale of any property to or for such registered company or any controlled company thereof, except in the course of such person's business as an underwriter or broker; or

Broker.  
Commission, etc.,  
restriction.

(2) acting as broker, in connection with the sale of securities to or by such registered company or any controlled company thereof, to receive from any source a commission, fee, or other remuneration for effecting such transaction which exceeds (A) the usual and customary broker's commission if the sale is effected on a securities exchange, or (B) 2 per centum of the sales price if the sale is effected in connection with a secondary distribution of such securities, or (C) 1 per centum of the purchase or sale price of such securities if the sale is otherwise effected unless the Commission shall, by rules and regulations or order in the public interest and consistent with the protection of investors, permit a larger commission.

Custody of securi-  
ties, etc.

(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank having the qualifications prescribed in paragraph (1) of section 26 (a) for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors.

48 Stat. 882,  
15 U. S. C. § 78c (1).

Earmarking, etc., of  
securities.

Inspections.

Custodian, restric-  
tion.

Bonding of certain  
personnel.

(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer and

employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities, be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe.

(h) After one year from the effective date of this title, neither the charter, certificate of incorporation, articles of association, indenture of trust, nor the by-laws of any registered investment company, nor any other instrument pursuant to which such a company is organized or administered, shall contain any provision which protects or purports to protect any director or officer of such company against any liability to the company or to its security holders to which he would otherwise be subject by reason of willful misfeasance, bad faith, gross negligence or reckless disregard of the duties involved in the conduct of his office.

In the event that any such instrument does not at the effective date of this Act comply with the requirements of this subsection (h) and is not amended to comply therewith prior to the expiration of said one year, such company may nevertheless continue to be a registered investment company and shall not be deemed to violate this subsection if prior to said expiration date each such director or officer shall have filed with the Commission a waiver in writing of any protective provision of the instrument to the extent that it does not comply with this subsection, and each such person subsequently elected or appointed shall before assuming office file a similar waiver.

(i) After one year from the effective date of this title no contract or agreement under which any person undertakes to act as investment adviser of, or principal underwriter for, a registered investment company shall contain any provision which protects or purports to protect such person against any liability to such company or its security holders to which he would otherwise be subject by reason of willful misfeasance, bad faith, or gross negligence, in the performance of his duties, or by reason of his reckless disregard of his obligations and duties under such contract or agreement.

In the event that any such contract or agreement does not at the effective date of this Act comply with the requirements of this subsection (i) and is not amended to comply therewith prior to the expiration of said one year, this subsection shall not be deemed to have been violated if prior to said expiration date each such investment adviser or principal underwriter shall have filed with the Commission a waiver in writing of any protective provision of the contract or agreement to the extent that it does not comply with this subsection.

#### CAPITAL STRUCTURE

SEC. 18. (a) It shall be unlawful for any registered closed-end company to issue any class of senior security, or to sell any such security of which it is the issuer, unless—

(1) if such class of senior security represents an indebtedness—

(A) immediately after such issuance or sale, it will have an asset coverage of at least 300 per centum;

(B) provision is made to prohibit the declaration of any dividend (except a dividend payable in stock of the issuer), or the declaration of any other distribution, upon any class of the capital stock of such investment company, or the purchase of any such capital stock, unless, in every such

Liability of directors, etc., for willful misfeasance.

Exemption.

Liability of investment advisers, etc., for willful misfeasance.

Exemption.

Closed-end companies.  
Restriction on issuance, etc., of senior securities.  
Exceptions.  
If security represents an indebtedness.

case, such class of senior securities has at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of at least 300 per centum after deducting the amount of such dividend, distribution, or purchase price, as the case may be, except that dividends may be declared upon any preferred stock if such senior security representing indebtedness has an asset coverage of at least 200 per centum at the time of declaration thereof after deducting the amount of such dividend; and

(C) provision is made either—

(i) that, if on the last business day of each of twelve consecutive calendar months such class of senior securities shall have an asset coverage of less than 100 per centum, the holders of such securities voting as a class shall be entitled to elect at least a majority of the members of the board of directors of such registered company, such voting right to continue until such class of senior security shall have an asset coverage of 110 per centum or more on the last business day of each of three consecutive calendar months, or

(ii) that, if on the last business day of each of twenty-four consecutive calendar months such class of senior securities shall have an asset coverage of less than 100 per centum, an event of default shall be deemed to have occurred;

If security is a stock.

(2) if such class of senior security is a stock—

(A) immediately after such issuance or sale it will have an asset coverage of at least 200 per centum;

(B) provision is made to prohibit the declaration of any dividend (except a dividend payable in common stock of the issuer), or the declaration of any other distribution, upon the common stock of such investment company, or the purchase of any such common stock, unless in every such case such class of senior security has at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of at least 200 per centum after deducting the amount of such dividend, distribution or purchase price, as the case may be;

(C) provision is made to entitle the holders of such senior securities, voting as a class, to elect at least two directors at all times, and, subject to the prior rights, if any, of the holders of any other class of senior securities outstanding, to elect a majority of the directors if at any time dividends on such class of securities shall be unpaid in an amount equal to two full years' dividends on such securities, and to continue to be so represented until all dividends in arrears shall have been paid or otherwise provided for;

(D) provision is made requiring approval by the vote of a majority of such securities, voting as a class, of any plan of reorganization adversely affecting such securities or of any action requiring a vote of security holders as in section 13 (a) provided; and

(E) such class of stock shall have complete priority over any other class as to distribution of assets and payment of dividends, which dividends shall be cumulative.

(b) The asset coverage in respect of a senior security provided for in subsection (a) may be determined on the basis of values calculated as of a time within forty-eight hours (not including Sundays

Calculation of asset coverage.

or holidays) next preceding the time of such determination. The time of issue or sale shall, in the case of an offering of such securities to existing stockholders of the issuer, be deemed to be the first date on which such offering is made, and in all other cases shall be deemed to be the time as of which a firm commitment to issue or sell and to take or purchase such securities shall be made.

(c) Notwithstanding the provisions of subsection (a) it shall be unlawful for any registered closed-end investment company to issue or sell any senior security representing indebtedness if immediately thereafter such company will have outstanding more than one class of senior security representing indebtedness, or to issue or sell any senior security which is a stock if immediately thereafter such company will have outstanding more than one class of senior security which is a stock, except that (1) any such class of indebtedness or stock may be issued in one or more series: *Provided*, That no such series shall have a preference or priority over any other series upon the distribution of the assets of such registered closed-end company or in respect of the payment of interest or dividends, and (2) promissory notes or other evidences of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged, and not intended to be publicly distributed, shall not be deemed to be a separate class of senior securities representing indebtedness within the meaning of this subsection (c).

Limitation on  
issuance of designated  
securities.

*Provido.*  
No preferential  
series.

(d) It shall be unlawful for any registered management company to issue any warrant or right to subscribe to or purchase a security of which such company is the issuer, except in the form of warrants or rights to subscribe expiring not later than one hundred and twenty days after their issuance and issued exclusively and ratably to a class or classes of such company's security holders; except that any warrant may be issued in exchange for outstanding warrants in connection with a plan of reorganization.

Issuance of warrant  
to purchase, etc., se-  
curity.

(e) The provisions of this section 18 shall not apply to any senior securities issued or sold by any registered closed-end company—

Nonapplication of  
provisions.

(1) pursuant to any firm contract to purchase or sell entered into prior to March 15, 1940;

Contracts prior to  
March 15, 1940.

(2) for the purpose of refunding through payment, purchase, redemption, retirement, or exchange, any senior security of such registered investment company except that no senior security representing indebtedness shall be so issued or sold for the purpose of refunding any senior security which is a stock; or

Refunding.

(3) pursuant to any plan of reorganization (other than for refunding as referred to in subsection (e) (2)), provided—

Reorganization.

(A) that such senior securities are issued or sold for the purpose of substituting or exchanging such senior securities for outstanding senior securities, and if such senior securities represent indebtedness they are issued or sold for the purpose of substituting or exchanging such senior securities for outstanding senior securities representing indebtedness, of any registered investment company which is a party to such plan of reorganization; or

(B) that the total amount of such senior securities so issued or sold pursuant to such plan does not exceed the total amount of senior securities of all the companies which are parties to such plan, and the total amount of senior securities representing indebtedness so issued or sold pursuant to such plan does not exceed the total amount of senior securities representing indebtedness of all such companies, or, alternatively, the total amount of such senior securities so issued or sold pursuant to such plan does not have the

effect of increasing the ratio of senior securities representing indebtedness to the securities representing stock or the ratio of senior securities representing stock to securities junior thereto when compared with such ratios as they existed before such reorganization.

Issuance or sale of senior securities by open-end companies.

(f) (1) It shall be unlawful for any registered open-end company to issue any class of senior security or to sell any senior security of which it is the issuer, except that any such registered company shall be permitted to borrow from any bank: *Provided*, That immediately after any such borrowing there is an asset coverage of at least 300 per centum for all borrowings of such registered company: *And provided further*, That in the event that such asset coverage shall at any time fall below 300 per centum such registered company shall, within three days thereafter (not including Sundays and holidays) or such longer period as the Commission may prescribe by rules and regulations, reduce the amount of its borrowings to an extent that the asset coverage of such borrowings shall be at least 300 per centum.

*Provisos.*  
Asset coverage of borrowings.

Exclusion of certain preferred, etc., stock.

(2) "Senior security" shall not, in the case of a registered open-end company include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, (A) That such company has outstanding no class or series of stock which is not so preferred over all other classes or series; or (B) that the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities.

*Proviso.*  
Outstanding classes of stock.

"Senior security" and "senior security representing indebtedness" defined

(g) Unless otherwise provided: "Senior security" means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness, and any stock of a class having priority over any other class as to distribution of assets or payment of dividends; and "senior security representing indebtedness" means any senior security other than stock.

Exclusions.

The term "senior security", when used in subparagraphs (B) and (C) of paragraph (1) of subsection (a), shall not include any promissory note or other evidence of indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged, and not intended to be publicly distributed; nor shall such term, when used in this section 18, include any such promissory note or other evidence of indebtedness in any case where such a loan is for temporary purposes only and in an amount not exceeding 5 per centum of the value of the total assets of the issuer at the time when the loan is made. A loan shall be presumed to be for temporary purposes if it is repaid within sixty days and is not extended or renewed; otherwise it shall be presumed not to be for temporary purposes. Any such presumption may be rebutted by evidence.

Temporary loans.

"Asset coverage."

(h) "Asset coverage" of a class of senior security representing an indebtedness of an issuer means the ratio which the value of the total assets of such issuer, less all liabilities and indebtedness not represented by senior securities, bears to the aggregate amount of senior securities representing indebtedness of such issuer. "Asset coverage" of a class of senior security of an issuer which is a stock means the ratio which the value of the total assets of such issuer, less all liabilities and indebtedness not represented by senior securities, bears to the aggregate amount of senior securities representing indebtedness of such issuer plus the aggregate of the involuntary liquidation preference of

such class of senior security which is a stock. The involuntary liquidation preference of a class of senior security which is a stock shall be deemed to mean the amount to which such class of senior security would be entitled on involuntary liquidation of the issuer in preference to a security junior to it.

Involuntary liquidation preference.

(i) Except as provided in subsection (a) of this section, or as otherwise required by law, every share of stock hereafter issued by a registered management company (except a common-law trust of the character described in section 16 (b)) shall be a voting stock and have equal voting rights with every other outstanding voting stock: *Provided*, That this subsection shall not apply to shares issued pursuant to the terms of any warrant or subscription right outstanding on March 15, 1940, or any firm contract entered into before March 15, 1940, to purchase such securities from such company nor to shares issued in accordance with any rules, regulations, or orders which the Commission may make permitting such issue.

Each share a voting stock, etc.

*Proviso.*  
Inapplicable to designated shares.

(j) Notwithstanding any provision of this title, it shall be unlawful, after the date of enactment of this title, for any registered face-amount certificate company—

Registered face-amount certificate company.  
Unlawful acts.

Issuance of certain securities.

(1) to issue, except in accordance with such rules, regulations, or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors, any security other than (A) a face-amount certificate; (B) a common stock having a par value and being without preference as to dividends or distributions and having at least equal voting rights with any outstanding security of such company; or (C) short-term payment or promissory notes or other indebtedness issued in consideration of any loan, extension, or renewal thereof, made by a bank or other person and privately arranged and not intended to be publicly offered;

(2) if such company has outstanding any security, other than such face-amount certificates, common stock, promissory notes, or other evidence of indebtedness, to make any distribution or declare or pay any dividend on any capital security in contravention of such rules and regulations or orders as the Commission may prescribe in the public interest or as necessary or appropriate for the protection of investors or to insure the financial integrity of such company, to prevent the impairment of the company's ability to meet its obligations upon its face-amount certificates; or

Distribution, etc.

(3) to issue any of its securities except for cash or securities including securities of which such company is the issuer.

Payment.

DIVIDENDS

SEC. 19. It shall be unlawful for any registered investment company to pay any dividend, or to make any distribution in the nature of a dividend payment, wholly or partly from any source other than—

Restriction on payment of dividends, etc.

(1) such company's accumulated undistributed net income, determined in accordance with good accounting practice and not including profits or losses realized upon the sale of securities or other properties; or

(2) such company's net income so determined for the current or preceding fiscal year;

unless such payment is accompanied by a written statement which adequately discloses the source or sources of such payment. The Commission may prescribe the form of such statement by rules and regulations in the public interest and for the protection of investors.

Exception.

## PROXIES; VOTING TRUSTS; CIRCULAR OWNERSHIP

Solicitation of proxies,  
etc.

SEC. 20. (a) It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce or otherwise, to solicit or to permit the use of his name to solicit any proxy or consent or authorization in respect of any security of which a registered investment company is the issuer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Voting-trust certifi-  
cate.

(b) It shall be unlawful for any registered investment company or affiliated person thereof, any issuer of a voting-trust certificate relating to any security of a registered investment company, or any underwriter of such a certificate, by use of the mails or any means or instrumentality of interstate commerce, or otherwise, to offer for sale, sell, or deliver after sale, in connection with a public offering, any such voting-trust certificate. The prohibitions of this subsection shall not apply to a class of voting-trust certificates, if any certificate of such class was made the subject of a public offering by the issuer or by or through an underwriter prior to March 15, 1940.

Cross or circular  
ownership of voting  
security.

(c) No registered investment company shall purchase any voting security if, to the knowledge of such registered company, cross-ownership or circular ownership exists, or after such acquisition will exist, between such registered company and the issuer of such security. Cross-ownership shall be deemed to exist between two companies when each of such companies beneficially owns more than 3 per centum of the outstanding voting securities of the other company. Circular ownership shall be deemed to exist between two companies if such companies are included within a group of three or more companies, each of which—

(1) beneficially owns more than 3 per centum of the outstanding voting securities of one or more other companies of the group; and

(2) has more than 3 per centum of its own outstanding voting securities beneficially owned by another company, or by each of two or more other companies, of the group.

Eliminations.

(d) If on the effective date of this title cross-ownership or circular ownership exists between a registered investment company and any other company or companies, it shall be the duty of such registered company, within five years after such effective date, to eliminate such cross-ownership or circular ownership. If at any time after the effective date of this title cross-ownership or circular ownership between a registered investment company and any other company or companies comes into existence upon the purchase by a registered investment company of the securities of another company, it shall be the duty of such registered company, within one year after it first knows of the existence of such cross-ownership or circular ownership, to eliminate the same.

## LOANS

Unlawful loans.

SEC. 21. It shall be unlawful for any registered management company to lend money or property to any person, directly or indirectly, if—

(a) the investment policies of such registered company, as recited in its registration statement and reports filed under this title, do not permit such a loan; or

(b) such person controls or is under common control with such registered company; except that the provisions of this paragraph shall not apply to the extension or renewal of any such loan made prior to March 15, 1940, or to any loan from a reg-

istered company to a company which owns all of the outstanding securities of such registered company, except directors' qualifying shares.

DISTRIBUTION, REDEMPTION, AND REPURCHASE OF REDEEMABLE  
SECURITIES

SEC. 22. (a) A securities association registered under section 15A of the Securities Exchange Act of 1934 may prescribe, by rules adopted and in effect in accordance with said section and subject to all provisions of said section applicable to the rules of such an association—

Securities association.  
Rules for purchase, etc., of securities.  
52 Stat. 1070.  
15 U. S. C., Supp. V, § 780-3.

(1) a method or methods for computing the minimum price at which a member thereof may purchase from any investment company any redeemable security issued by such company and the maximum price at which a member may sell to such company any redeemable security issued by it or which he may receive for such security upon redemption, so that the price in each case will bear such relation to the current net asset value of such security computed as of such time as the rules may prescribe; and

Minimum and maximum price.

(2) a minimum period of time which must elapse after the sale or issue of such security before any resale to such company by a member or its redemption upon surrender by a member;

Resale, etc.

in each case for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company or any other result of such purchase, redemption, or sale which is unfair to holders of such other outstanding securities; and said rules may prohibit the members of the association from purchasing, selling, or surrendering for redemption any such redeemable securities in contravention of said rules.

Protection against dilution, etc.

(b) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and subject to all provisions of said section applicable to the rules of such an association, prohibit its members from purchasing, in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price as such rules may prescribe, in order that the price at which such security is offered or sold to the public shall not include an unconscionable or grossly excessive sales load.

Purchase of certain securities by members, restriction.

(c) After one year from the effective date of this Act, the Commission may make rules and regulations applicable to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any registered securities association, to the same extent, covering the same subject matter and for the accomplishment of the same ends as are prescribed in subsections (a) and (b) of this section in respect of the rules which may be made by a registered securities association governing its members; and any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable.

Commission to make applicable rules.

Sales restriction.

(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus: *Provided, however,* That nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 hereof including any offer made pursuant to clause (1) or (2) of section 11 (b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12.

*Proviso.*  
Exception.

Suspension of right  
of redemption, etc.

(e) No registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except—

Exceptions.

(1) for any period (A) during which the New York Stock Exchange is closed other than customary week-end and holiday closings or (B) during which trading on the New York Stock Exchange is restricted;

(2) for any period during which an emergency exists as a result of which (A) disposal by the company of securities owned by it is not reasonably practicable or (B) it is not reasonably practicable for such company fairly to determine the value of its net assets; or

(3) for such other periods as the Commission may by order permit for the protection of security holders of the company.

Rules for determination of restricted trading and emergency.

The Commission shall by rules and regulations determine the conditions under which (i) trading shall be deemed to be restricted and (ii) an emergency shall be deemed to exist within the meaning of this subsection. Any company which, as of March 15, 1940, was required by provision of its charter, certificate of incorporation, articles of association, or trust indenture, or of a bylaw or regulation duly adopted thereunder, to postpone the date of payment or satisfaction upon redemption of redeemable securities issued by it, shall be exempt from the requirements of this subsection; but such exemption shall terminate upon the expiration of one year from the effective date of this title, or upon the repeal or amendment of such provision, or upon the sale by such company after March 15, 1940, of any security (other than short-term paper) of which it is the issuer, whichever first occurs.

Exemption.

Transferability, etc., of certain securities.

(f) No registered open-end company shall restrict the transferability or negotiability of any security of which it is the issuer except in conformity with the statements with respect thereto contained in its registration statement nor in contravention of such rules and regulations as the Commission may prescribe in the interests of the holders of all of the outstanding securities of such investment company.

Issuance of securities for services, etc.

(g) No registered open-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer),

except as a dividend or distribution to its security holders or in connection with a reorganization.

DISTRIBUTION AND REPURCHASE OF SECURITIES: CLOSED-END COMPANIES

SEC. 23. (a) No registered closed-end company shall issue any of its securities (1) for services; or (2) for property other than cash or securities (including securities of which such registered company is the issuer), except as a dividend or distribution to its security holders or in connection with a reorganization.

Restriction on issue.

(b) No registered closed-end company shall sell any common stock of which it is the issuer at a price below the current net asset value of such stock, exclusive of any distributing commission or discount (which net asset value shall be determined as of a time within forty-eight hours, excluding Sundays and holidays, next preceding the time of such determination), except (1) in connection with an offering to the holders of one or more classes of its capital stock; (2) with the consent of a majority of its common stockholders; (3) upon conversion of a convertible security in accordance with its terms; (4) upon the exercise of any warrant outstanding on the date of enactment of this Act or issued in accordance with the provisions of section 18 (d); or (5) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors.

Sale below current net asset value.

Exceptions.

(c) No registered closed-end company shall purchase any securities of any class of which it is the issuer except—

Purchase, etc., of its own securities.

(1) on a securities exchange or such other open market as the Commission may designate by rules and regulations or orders: *Provided*, That if such securities are stock, such registered company shall, within the preceding six months, have informed stockholders of its intention to purchase stock of such class by letter or report addressed to stockholders of such class; or

*Proviso.*  
Where securities are stock.

(2) pursuant to tenders, after reasonable opportunity to submit tenders given to all holders of securities of the class to be purchased; or

(3) under such other circumstances as the Commission may permit by rules and regulations or orders for the protection of investors in order to insure that such purchases are made in a manner or on a basis which does not unfairly discriminate against any holders of the class or classes of securities to be purchased.

REGISTRATION OF SECURITIES UNDER SECURITIES ACT OF 1933

SEC. 24. (a) In registering under the Securities Act of 1933 any security of which it is the issuer, a registered investment company, in lieu of furnishing a registration statement containing the information and documents specified in schedule A of said Act, may file a registration statement containing the following information and documents:

Registration statement.  
48 Stat. 74.  
15 U. S. C. §§ 77a-77aa; Supp. V, §§ 77a-77x.

(1) such copies of the registration statement filed by such company under this title, and of such reports filed by such company pursuant to section 30 or such copies of portions of such registration statement and reports, as the Commission shall designate by rules and regulations; and

(2) such additional information and documents (including a prospectus) as the Commission shall prescribe by rules and regulations as necessary or appropriate in the public interest or for the protection of investors.

Sales literature.

(b) It shall be unlawful for any of the following companies, or for any underwriter for such a company, in connection with a public offering of any security of which such company is the issuer, to make use of the mails or any means or instrumentalities of interstate commerce, to transmit any advertisement, pamphlet, circular, form letter, or other sales literature addressed to or intended for distribution to prospective investors unless three copies of the full text thereof have been filed with the Commission or are filed with the Commission within ten days thereafter:

- (1) any registered open-end company;
- (2) any registered unit investment trust; or
- (3) any registered face-amount certificate company.

Prospectuses.  
48 Stat. 81.  
15 U. S. C. § 77j;  
Supp. V, § 77j.

(c) In addition to the powers relative to prospectuses granted the Commission by section 10 of the Securities Act of 1933, the Commission is authorized to require, by rules and regulations or order, that the information contained in any prospectus relating to any periodic payment plan certificate or face-amount certificate registered under the Securities Act of 1933 on or after the effective date of this title be presented in such form and order of items, and such prospectus contain such summaries of any portion of such information, as are necessary or appropriate in the public interest or for the protection of investors.

Form and order of items.

Exemption provisions.  
48 Stat. 76.  
15 U. S. C. § 77c  
(a) (8).  
48 Stat. 906.  
15 U. S. C. § 77c  
(a) (11).

(d) The exemption provided by paragraph (8) of section 3 (a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3 (a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title.

#### PLANS OF REORGANIZATION

Filing of plans with Commission.

SEC. 25. (a) Any person who, by use of the mails or any means or instrumentality of interstate commerce or otherwise, solicits or permits the use of his name to solicit any proxy, consent, authorization, power of attorney, ratification, deposit, or dissent in respect of any plan of reorganization of any registered investment company shall file with, or mail to, the Commission for its information, within twenty-four hours after the commencement of any such solicitation, a copy of such plan and any deposit agreement relating thereto and of any proxy, consent, authorization, power of attorney, ratification, instrument of deposit, or instrument of dissent in respect thereto, if or to the extent that such documents shall not already have been filed with the Commission.

Advisory reports.

(b) The Commission is authorized, if so requested, prior to any solicitation of security holders with respect to any plan of reorganization, by any registered investment company which is, or any of the securities of which are, the subject of or is a participant in any such plan, or if so requested by the holders of 25 per centum of any class of its outstanding securities, to render an advisory report in respect of the fairness of any such plan and its effect upon any class or classes of security holders. In such event any registered investment company, in respect of which the Commission shall have rendered any such advisory report, shall mail promptly a copy of such advisory report to all its security holders affected by any such plan: *Provided*, That such advisory report shall have been received by it at least forty-eight hours (not including Sundays and holi-

Copies to security holders.

Proviso.  
Time limitation.

days) before final action is taken in relation to such plan at any meeting of security holders called to act in relation thereto, or any adjournment of any such meeting, or if no meeting be called, then prior to the final date of acceptance of such plan by security holders. In respect of securities not registered as to ownership, in lieu of mailing a copy of such advisory report, such registered company shall publish promptly a statement of the existence of such advisory report in a newspaper of general circulation in its principal place of business and shall make available copies of such advisory report upon request. Notwithstanding the provision of this section the Commission shall not render such advisory report although so requested by any such investment company or such security holders if the fairness or feasibility of said plan is in issue in any proceeding pending in any court of competent jurisdiction unless such plan is submitted to the Commission for that purpose by such court.

(c) Any district court of the United States in the State of incorporation of a registered investment company or any such court for the district in which such company maintains its principal place of business is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine any such plan to be grossly unfair or to constitute gross misconduct or gross abuse of trust on the part of the officers, directors, or investment advisers of such registered company or other sponsors of such plan.

(d) Nothing contained in this section shall in any way affect or derogate from the powers of the courts of the United States and the Commission with reference to reorganizations contained in the Bankruptcy Act of 1898, as amended.

Securities not registered as to ownership.  
Publication in newspapers.

When advisory report not rendered.

Enjoinment of consummation of reorganization plan.

Functions and duties not affected.

30 Stat. 544.  
11 U. S. C.; Supp. V.

#### UNIT INVESTMENT TRUSTS

SEC. 26. (a) No principal underwriter for or depositor of a registered unit investment trust shall sell, except by surrender to the trustee for redemption, any security of which such trust is the issuer (other than short-term paper), unless the trust indenture, agreement of custodianship, or other instrument pursuant to which such security is issued—

Sale of certain trust securities.

(1) designates one or more trustees or custodians, each of which is a bank, and provides that each such trustee or custodian shall have at all times an aggregate capital, surplus, and undivided profits of a specified minimum amount, which shall not be less than \$500,000 (but may also provide, if such trustee or custodian publishes reports of condition at least annually, pursuant to law or to the requirements of its supervising or examining authority, that for the purposes of this paragraph the aggregate capital, surplus, and undivided profits of such trustee or custodian shall be deemed to be its aggregate capital, surplus, and undivided profits as set forth in its most recent report of condition so published);

Designation of bank as trustee.

(2) provides, in substance, (A) that during the life of the trust the trustee or custodian, if not otherwise remunerated, may charge against and collect from the income of the trust, and from the corpus thereof if no income is available, such fees for its services and such reimbursement for its expenses as are provided for in such instrument; (B) that no such charge or collection shall be made except for services theretofore performed or expenses theretofore incurred; (C) that no payment to the

Fees for services, etc.

depositor of or a principal underwriter for such trust, or to any affiliated person or agent of such depositor or underwriter, shall be allowed the trustee or custodian as an expense (except that provision may be made for the payment to any such person of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services, of a character normally performed by the trustee or custodian itself); and (D) that the trustee or custodian shall have possession of all securities and other property in which the funds of the trust are invested, all funds held for such investment, all equalization, redemption, and other special funds of the trust, and all income upon, accretions to, and proceeds of such property and funds, and shall segregate and hold the same in trust (subject only to the charges and collections allowed under clauses (A), (B), and (C)) until distribution thereof to the security holders of the trust;

(3) provides, in substance, that the trustee or custodian shall not resign until either (A) the trust has been completely liquidated and the proceeds of the liquidation distributed to the security holders of the trust, or (B) a successor trustee or custodian, having the qualifications prescribed in paragraph (1), has been designated and has accepted such trusteeship or custodianship; and

(4) provides, in substance, (A) that a record will be kept by the depositor or an agent of the depositor of the name and address of, and the shares issued by the trust and held by, every holder of any security issued pursuant to such instrument, insofar as such information is known to the depositor or agent; and (B) that whenever a security is deposited with the trustee in substitution for any security in which such security holder has an undivided interest, the depositor or the agent of the depositor will, within five days after such substitution, either deliver or mail to such security holder a notice of substitution, including an identification of the securities eliminated and the securities substituted, and a specification of the shares of such security holder affected by the substitution.

(b) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not at the effective date of this title comply with the requirements of subsection (a), such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract or agreement have been filed with the Commission.

(c) Whenever the Commission has reason to believe that a unit investment trust is inactive and that its liquidation is in the interest of the security holders of such trust, the Commission may file a complaint seeking the liquidation of such trust in the district court of the United States in any district wherein any trustee of such trust resides or has its principal place of business. A copy of such complaint shall be served on every trustee of such trust, and notice of the proceeding shall be given such other interested persons in such manner and at such times as the court may direct. If the court determines that such liquidation is in the interest of the security holders of such trust, the court shall order such liquidation and, after payment of necessary expenses, the distribution of the proceeds to the security holders of the trust in such manner and on such terms as may to the court appear equitable.

Trustee, etc., resignation restriction.

Record to be kept.

Notice of substitution.

Trust indenture, etc., not meeting requirements.

Validation.

Liquidation of inactive trusts.

## PERIODIC PAYMENT PLANS

SEC. 27. (a) It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

Sale of periodic payment plan certificates, restrictions.

(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

(2) more than one-half of any of the first twelve monthly payments thereon, or their equivalent, is deducted for sales load;

(3) the amount of sales load deducted from any one of such first payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

(4) the first payment on such certificate is less than \$20, or any subsequent payment is less than \$10;

(5) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C), paragraph (2), of section 26 (a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

(6) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, or any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe.

(b) If it appears to the Commission, upon application or otherwise, that smaller companies are subjected to relatively higher operating costs and that in order to make due allowance therefor it is necessary or appropriate in the public interest and consistent with the protection of investors that a provision or provisions of paragraph (1), (2), or (3) of subsection (a) relative to sales load be relaxed in the case of certain registered investment companies issuing periodic payment plan certificates, or certain specified classes of such companies, the Commission is authorized by rules and regulations or order to grant any such company or class of companies appropriate qualified exemptions from the provisions of said paragraphs.

Exemptions.

(c) It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, unless—

Sale of periodic payment plan certificates, requirements.

(1) such certificate is a redeemable security; and

(2) the proceeds of all payments on such certificate (except such amounts as are deducted for sales load) are deposited with a trustee or custodian having the qualifications prescribed in paragraph (1) of section 26 (a) for the trustees of unit investment trusts, and are held by such trustee or custodian under an indenture or agreement containing, in substance, the provisions required by paragraphs (2) and (3) of section 26 (a) for the trust indentures of unit investment trusts.

## FACE-AMOUNT CERTIFICATE COMPANIES

SEC. 28. (a) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to

Issuance or sale of face-amount certificates.

collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless—

(1) such company, if organized before March 15, 1940, was actively and continuously engaged in selling face-amount certificates on and before that date, and has outstanding capital stock worth upon a fair valuation of assets not less than \$50,000; or if organized on or after March 15, 1940, has capital stock in an amount not less than \$250,000 which has been bona fide subscribed and paid for in cash; and

(2) such company maintains at all times minimum certificate reserves on all its outstanding face-amount certificates in an aggregate amount calculated and adjusted as follows:

(A) the reserves for each certificate of the installment type shall be based on assumed annual, semi-annual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed  $3\frac{1}{2}$  per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first certificate year shall amount to at least 50 per centum of the required gross annual payment for such year and the reserve payment or payments for each of the second to fifth certificate years inclusive shall amount to at least 93 per centum of each such year's required gross annual payment and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided*, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken;

(B) if the foregoing minimum percentages of the gross annual payments required under the provisions of such certificate should produce reserve payments larger than are necessary at  $3\frac{1}{2}$  per centum per annum compounded annually to provide the minimum maturity or face amount of the certificate when due, the reserve shall be based upon reserve payments accumulated as provided under preceding subparagraph (A) of this subsection except that in lieu of the  $3\frac{1}{2}$  per centum rate specified therein, such rate shall be lowered to the minimum rate, expressed in multiples of one-eighth of 1 per centum, which will accumulate such reserve payments to the maturity value when due;

Minimum capitali-  
zation.

Maintenance of  
minimum certificate  
reserves.

(C) if the actual annual gross payment to be made by the certificate holder on any certificate issued prior to or after the effective date of this Act is less than the amount of any assumed reserve payment or payments for a certificate year, such company shall maintain as a part of such minimum certificate reserves a deficiency reserve equal to the total present value of future deficiencies in the gross payments, calculated at a rate not to exceed  $3\frac{1}{2}$  per centum per annum compounded annually;

(D) for each certificate of the installment type the amount of the reserve shall at any time be at least equal to (1) the then amount of the reserve payments set up under section 28 (a) (2) (A) or (B); (2) the accumulations on such reserve payments as computed under subparagraphs (A) or (B) of this paragraph (2); (3) the amount of any deficiency reserve required under subparagraph (C) hereof; and (4) such amount as shall have been credited to the account of each certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity amount specified in such certificate, plus any accumulations on any amount or amounts so credited, at a rate not exceeding  $3\frac{1}{2}$  per centum per annum compounded annually;

(E) for each certificate which is fully paid, including any fully paid obligations resulting from or effected upon the maturity of the previously issued certificate, and for each paid-up certificate issued as provided in subsection (f) of this section prior to maturity, the amount of the reserve shall at any time be at least equal to (1) such amount as and when accumulated at a rate not to exceed  $3\frac{1}{2}$  per centum per annum compounded annually, will provide the amount or amounts payable when due and (2) such amount as shall have been credited to the account of each such certificate holder in the form of any credit, or any dividend, or any interest in addition to the minimum maturity amount specified in the certificate, plus any accumulations on any amount or amounts so credited, at a rate not exceeding  $3\frac{1}{2}$  per centum per annum compounded annually;

(F) for each certificate of the installment type under which gross payments have been made by or credited to the holder thereof covering a payment period or periods or any part thereof beyond the then current payment period as defined by the terms of such certificate, and for which period or periods no reserve has been set up under subparagraph (A) or (B) hereof, an advance payment reserve shall be set up and maintained in the amount of the present value of any such unapplied advance gross payments, computed at a rate not to exceed  $3\frac{1}{2}$  per centum per annum compounded annually;

(G) such appropriate contingency reserves for death and disability benefits and for reinstatement rights on any such certificate providing for such benefits or rights as the Commission shall prescribe by rule, regulation, or order based upon the experience of face-amount companies in relation to such contingencies.

At no time shall the aggregate certificate reserves herein required by subparagraphs (A) to (F), inclusive, be less than the aggregate surrender values and other amounts to which all certificate holders may be then entitled.

For the purpose of this subsection (a), no certificate of the installment type shall be deemed to be outstanding if before a surrender value has been attained the holder thereof has been in continuous default in making his payments thereon for a period of one year.

Minimum assets.

(b) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless such company has, in cash or qualified investments, assets having a value not less than the aggregate amount of the capital stock requirement and certificate reserves as computed under the provisions of subsection (a) hereof. As used in this subsection, "qualified investments" means investments of a kind which life-insurance companies are permitted to invest in or hold under the provisions of the Code of the District of Columbia as heretofore or hereafter amended, and such other investments as the Commission shall by rule, regulation, or order authorize as qualified investments. Such investments shall be valued in accordance with the provisions of said Code where such provisions are applicable. Investments to which such provisions do not apply shall be valued in accordance with such rules, regulations, or orders as the Commission shall prescribe for the protection of investors.

"Qualified investments" defined.

Deposit and maintenance of designated investments.

(c) The Commission shall by rule, regulation, or order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, upon such terms and conditions as the Commission shall prescribe and as are appropriate for the protection of investors, with one or more institutions having the qualifications required by paragraph (1) of section 26 (a) for a trustee of a unit investment trust, all or any part of the investments maintained by such company as certificate reserve requirements under the provisions of subsection (b) hereof: *Provided, however,* That where qualified investments are maintained on deposit by such company in respect of its liabilities under certificates issued to or held by residents of any State as required by the statute of such State or by any order, regulation, or requirement of such State or any official or agency thereof, the amount so on deposit, but not to exceed the amount of reserves required by subsection (a) hereof for the certificates so issued or held, shall be deducted from the amount of qualified investments that may be required to be deposited hereunder.

Proviso. Deductions.

Assets which are qualified investments under subsection (b) and which are deposited under or as permitted by this subsection (c), may be used and shall be considered as a part of the assets required to be maintained under the provisions of said subsection (b).

Issuance of certificates; collection of payments.

(d) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, unless such certificate contains a provision or provisions to the effect—

Surrender value during first certificate year.

(1) that, in respect of any certificate of the installment type, during the first certificate year the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the reserve payments as specified in subparagraph (A) or (B) of paragraph (2) of subsection (a) and at the end of such certificate year, a value payable in cash at least equal to 50 per centum of the amount of the gross annual payment required thereby for such year;

After expiration of first certificate year.

(2) that, in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and

prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by numbered items (1) and (2) of subparagraph (D) of paragraph (2) subsection (a) hereof, less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 50 per centum of the amount of such reserve. The amount of the surrender value for the end of each certificate year shall be set out in the certificate;

(3) that, in respect of any certificate of the installment type, the holder of the certificate, upon surrender thereof for cash or upon receipt of a paid-up certificate as provided in subsection (f) hereof, shall be entitled to a value payable in cash equal to the then amount of any advance payment reserve under such certificate required by subparagraph (F) of paragraph (2) of subsection (a) hereof in addition to any other amounts due the holder hereunder;

(4) that at any time prior to maturity, in respect of any certificate which is fully paid, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by item (1) of subparagraph (E) of paragraph (2) of subsection (a) hereof, less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser: *Provided, however,* That such surrender charge shall not apply as to any obligations of a fully paid type resulting from the maturity of a previously issued certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate;

(5) that in respect of any certificate, the holder of the certificate, upon maturity, upon surrender thereof for cash or upon receipt of a paid-up certificate as provided in subsection (f) hereof, shall be entitled to a value payable in cash equal to the then amount of the reserve, if any, for such certificate required by item (4) of subparagraph (D) of paragraph (2) of subsection (a) hereof or item (2) of subparagraph (E) of paragraph (2) of subsection (a) hereof in addition to any other amounts due the holder hereunder.

The term "certificate year" as used in this section in respect of any certificate of the installment type means a period or periods for which one year's payment or payments as provided by the certificate have been made thereon by the holder and the certificate maintained in force by such payments for the time for which the same have been made, and in respect of any certificate which is fully paid or paid-up means any year ending on the anniversary of the date of issuance of the certificate.

Any certificate may provide for loans or advances by the company to the certificate holder on the security of such certificate upon terms prescribed therein but at an interest rate not exceeding 6 per centum per annum. The amount of the required reserves, deposits, and the surrender values thereof available to the holder may be adjusted to take into account any unpaid balance on such loans or advances and interest thereon, for the purposes of this subsection and subsections (b) and (c) hereof.

Any certificate may provide that the company at its option may, prior to the maturity thereof, defer any payment or payments to the

Surrender for cash or upon receipt of paid-up certificate.

Fully paid certificates.

Surrender charge.

*Proviso.*  
When not applicable.

"Certificate year" as applied to certificate of the installment type; definition.

Loans on certificates.

Optional deferment of payment.

certificate holder to which he may be entitled under this subsection (d), for a period of not more than thirty days: *Provided*, That in the event such option is exercised by the company, interest shall accrue on any payment or payments due to the holder, for the period of such deferment at a rate equal to that used in accumulating the reserves for such certificate: *And provided further*, That the Commission may, by rules and regulations or orders in the public interest or for the protection of investors, make provision for any other deferment upon such terms and conditions as it shall prescribe.

*Proviso.*  
Interest due holder.

Provisions for other  
deferment.

Liability of holder  
for unpaid balance.

(e) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, which certificate makes the holder liable to any legal action or proceeding for any unpaid amount on such certificate.

Paid-up certificate.  
Issuance under cer-  
tain contingencies.

(f) It shall be unlawful for any registered face-amount certificate company to issue or sell any face-amount certificate, or to collect or accept any payment on any such certificate issued by such company on or after the effective date of this title, (1) unless such face-amount certificate contains a provision or provisions to the effect that the holder shall have an optional right to receive a paid-up certificate in lieu of the then attained cash surrender value provided therein and in the amount of such value plus accumulations thereon at a rate to be specified in the paid-up certificate equal to that used in computing the reserve on the original certificate under subparagraph (A) or (B) of paragraph (2) of subsection (a) of this section, such paid-up certificate to become due and payable at the end of a period equal to the balance of the term of such original certificate before maturity; and during the period prior to maturity such paid-up certificate shall have a cash value upon surrender thereof equal to the then amount of the reserve therefor; and (2) unless such face-amount certificate contains a further provision or provisions to the effect that if the holder be in continuous default in his payments on such certificate for a period of six months without having exercised his option to receive a paid-up certificate, as herein provided, the company at the expiration of such six months shall pay the surrender value in cash if such value is less than \$100 or if such value is \$100 or more shall issue such paid-up certificate to such holder and such payment or issuance, plus the payment of all other amounts to which he may be then entitled under the original certificate, shall operate to cancel his original certificate: *Provided*, That in lieu of the issuance of a new paid-up certificate the original certificate may be converted into a paid-up certificate with the same effect; and (3) unless, where such certificate provides, in the event of default, for the deferment of payments thereon by the holder or of the due dates of such payments or of the maturity date of the certificate, it shall also provide in effect for the right of reinstatement by the holder of the certificate after default and for an option in the holder, at the time of reinstatement, to make up the payment or payments for the default period next preceding such reinstatement with interest thereon not exceeding 6 per centum per annum, with the same effect as if no such default in making such payments had occurred.

*Proviso.*  
Conversion of orig-  
inal certificate.

"Default" defined.

The term "default" as used in this subsection (f) shall, without restricting its usual meaning, include a failure to make a payment or payments as and when provided by the certificate.

Exceptions.

(g) The foregoing provisions of this section shall not apply to a face-amount certificate company which on or before the effective date of this Act has discontinued the offering of face-amount certificates

to the public and issues face-amount certificates only to the holders of certificates previously issued pursuant to an obligation expressed or implied in such certificates.

(h) It shall be unlawful for any registered face-amount certificate company which does not maintain the minimum certificate reserve on all its outstanding face-amount certificates issued prior to the effective date of this Act, in an aggregate amount calculated and adjusted as provided in section 28, to declare or pay any dividends on the shares of such company for or during any calendar year which shall exceed one-third of the net earnings for the next preceding calendar year or which shall exceed 10 per centum of the aggregate net earnings for the next preceding five calendar years, whichever is the lesser amount, or any dividend which shall have been forbidden by the Commission pursuant to the provision of the next sentence of this paragraph. At least thirty days before such company shall declare, pay, or distribute any dividend, it shall give the Commission written notice of its intention to declare, pay, or distribute the same; and if at any time it shall appear to the Commission that the declaration, payment or distribution of any dividend for or during any calendar year might impair the financial integrity of such company or its ability to meet its liabilities under its outstanding face-amount certificates, it may by order forbid the declaration, distribution, or payment of any such dividend.

Declaration of dividends.

Prior notice to Commission.

#### BANKRUPTCY OF FACE-AMOUNT CERTIFICATE COMPANIES

SEC. 29. (a) Section 67 of an Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended, is amended by adding at the end thereof the following:

"f. (1) For the purposes of, and exclusively applicable to, this subdivision f (a) 'debtor' shall mean a face-amount certificate company as defined in section 4 of the Investment Company Act of 1940; (b) 'face-amount certificate' shall mean a face-amount certificate as defined in section 2 of the Investment Company Act of 1940; (c) 'depository' is a person or State agency with whom securities or other property of a debtor is deposited or to whom property of a debtor is transferred, in trust or otherwise, pursuant to the requirements of a State law or an agreement by the debtor providing for the distribution of such property or its proceeds to creditors or security holders of the debtor in the event of the insolvency of the debtor or under other specified circumstances; (d) 'deposit creditor' is a creditor who, under the provisions of a State law or agreement providing for a deposit with or transfer to a depository, has rights as to the securities or property so deposited or transferred which exceed the rights of a general creditor; and (e) 'State agency' is an official or agency of a State designated to act as depository or to distribute property, or the proceeds of property held by a depository.

"(2) Every deposit or transfer of securities or other property made by or on behalf of a debtor with or to any depository for the benefit or protection of or to secure the holder of any security sold by or on behalf of the debtor on or after January 1, 1941, shall be voidable as against the trustee of such debtor if the property of the estate is insufficient for the full payment and discharge of all claims on account of all face-amount certificates sold by or on behalf of the debtor, and such deposit or transfer and every lien created thereby shall thereupon be avoided by the trustee subject to the provisions of paragraph 3 of this subdivision f.

"(3) In the event any deposit or transfer described in paragraph 2 of this subdivision f shall be avoided the trustee shall segregate

Liens and fraudulent transfers.  
30 Stat. 564.  
11 U. S. C. § 107;  
Supp. V, § 107.

Definitions.  
"Debtor."

*Ante*, p. 799.

"Face-amount certificate."  
*Ante*, p. 792.  
"Depository."

"Deposit creditor."

"State agency."

Deposits, etc., for benefit of security holders, voidability.

Segregation of property.

- the property received by the trustee from the depositary and charge the same with the costs and expenses of maintenance and liquidation and distribute the net proceeds thereof to the creditors who would have been entitled thereto under the provisions of the law or agreement providing for the deposit or transfer of the property, and each such creditor shall thereafter be entitled to dividends from the estate only after all creditors of the same rank shall have received the same percentage.
- Distributions to creditors.** Dividends, restriction.
- Summary jurisdiction of court.** “(4) The court shall have summary jurisdiction of any proceedings to hear and determine the rights of any parties under this subdivision f and to hear and determine the sufficiency of the property of the estate for the full payment and discharge of all claims on account of all face-amount certificates sold by or on behalf of the debtor. Due notice of any hearing in such proceedings shall be given to every depositary and State agency which is a party in interest.
- Notice of hearing.** “(5) Where the provisions of subsection (c) of section 28 are not applicable, the provisions of this section will not apply.”
- Inapplicability of provisions.** “(b) Section 44 of said Act of July 1, 1898, as amended, is amended by adding at the end of subdivision (a) thereof the following sentence: “If the bankrupt is a face-amount certificate company, as defined in section 4 of the Investment Company Act of 1940, the court alone shall make the appointment; but the court shall not make such appointment without first notifying the Securities and Exchange Commission and giving it an opportunity to be heard.”
- Appointment of trustees.** *Amte*, p. 799.
- Amte*, p. 832.  
30 Stat. 557.  
11 U. S. C. § 72; Supp. V, § 72.

PERIODIC AND OTHER REPORTS; REPORTS OF AFFILIATED PERSONS

- Annual reports, etc.** SEC. 30. (a) Every registered investment company shall file annually with the Commission such information, documents, and reports as investment companies having securities registered on a national securities exchange are required to file annually pursuant to section 13 (a) of the Securities Exchange Act of 1934 and the rules and regulations issued thereunder.
- Data required.** (b) Every registered investment company shall file with the Commission—
- (1) such information and documents (other than financial statements) as the Commission may require, on a semi-annual or quarterly basis, to keep reasonably current the information and documents contained in the registration statement of such company filed under this title; and
- (2) copies of every periodic or interim report or similar communication containing financial statements and transmitted to any class of such company's security holders, such copies to be filed not later than ten days after such transmission.
- Any information or documents contained in a report or other communication to security holders filed pursuant to paragraph (2) may be incorporated by reference in any report subsequently or concurrently filed pursuant to paragraph (1).
- Matter in lieu of prescribed reports.** (c) The Commission shall issue rules and regulations permitting the filing with the Commission, and with any national securities exchange concerned, of copies of periodic reports, or of extracts therefrom, filed by any registered investment company pursuant to subsections (a) and (b), in lieu of any reports and documents required of such company under section 13 or 15 (d) of the Securities Exchange Act of 1934.
- (d) Every registered investment company shall transmit to its stockholders, at least semi-annually, reports containing such of the
- 48 Stat. 894.  
15 U. S. C. § 78m  
(a); Supp. V, § 78m.
- 48 Stat. 894; 49 Stat. 1379.  
15 U. S. C. §§ 78m, 78o; Supp. V, §§ 78m, 78o (d).  
Semiannual reports to stockholders.

following information and financial statements or their equivalent, as of a reasonably current date, as the Commission may prescribe by rules and regulations for the protection of investors, which reports shall not be misleading in any material respect in the light of the reports required to be filed pursuant to subsections (a) and (b):

Contents.

(1) a balance sheet accompanied by a statement of the aggregate value of investments on the date of such balance sheet;

(2) a list showing the amounts and values of securities owned on the date of such balance sheet;

(3) a statement of income, for the period covered by the report, which shall be itemized at least with respect to each category of income and expense representing more than 5 per centum of total income or expense;

(4) a statement of surplus, which shall be itemized at least with respect to each charge or credit to the surplus account which represents more than 5 per centum of the total charges or credits during the period covered by the report;

(5) a statement of the aggregate remuneration paid by the company during the period covered by the report (A) to all directors and to all members of any advisory board for regular compensation; (B) to each director and to each member of an advisory board for special compensation; (C) to all officers; and (D) to each person of whom any officer or director of the company is an affiliated person; and

(6) a statement of the aggregate dollar amounts of purchases and sales of investment securities, other than Government securities, made during the period covered by the report:

*Provided*, That if in the judgment of the Commission any item required under this subsection is inapplicable or inappropriate to any specified type or types of investment company, the Commission may by rules and regulations permit in lieu thereof the inclusion of such item of a comparable character as it may deem applicable or appropriate to such type or types of investment company.

Proviso.

(e) Financial statements contained in annual reports required pursuant to subsections (a) and (d), if required by the rules and regulations of the Commission, shall be accompanied by a certificate of independent public accountants. The certificate of such independent public accountants shall be based upon an audit not less in scope or procedures followed than that which independent public accountants would ordinarily make for the purpose of presenting comprehensive and dependable financial statements, and shall contain such information as the Commission may prescribe, by rules and regulations in the public interest or for the protection of investors, as to the nature and scope of the audit and the findings and opinion of the accountants. Each such report shall state that such independent public accountants have verified securities owned, either by actual examination, or by receipt of a certificate from the custodian, as the Commission may prescribe by rules and regulations.

Financial statements.  
Certificate of independent public accountant.

(f) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities (other than short-term paper) of which a registered closed-end company is the issuer or who is an officer, director, member of an advisory board, investment adviser, or affiliated person of an investment adviser of such a company shall in respect of his transactions in any securities of such company (other than short-term paper) be subject to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 upon certain beneficial owners, directors, and officers in respect of their transactions in certain equity securities.

Transactions of officers, etc.

## ACCOUNTS AND RECORDS

Maintenance and preservation.

**SEC. 31. (a)** Every registered investment company, and every underwriter, broker, dealer, or investment adviser which is a majority-owned subsidiary of such a company, shall maintain and preserve for such period or periods as the Commission may prescribe by rules and regulations, such accounts, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of this title, and of the auditor's certificates relating thereto. Every investment adviser not a majority-owned subsidiary of, and every depositor of any registered investment company, and every principal underwriter for any registered investment company other than a closed-end company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such accounts, books, and other documents as are necessary or appropriate to record such person's transactions with such registered company.

Investment advisers, etc.

Examinations.

(b) All accounts, books, and other records, required to be maintained and preserved by any person pursuant to subsection (a), shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. Any such person shall furnish to the Commission, within such reasonable time as the Commission may prescribe, copies of or extracts from such records which may be prepared without undue effort, expense, or delay, as the Commission may by order require.

Uniformity in accounting policies, etc.

(c) The Commission may, in the public interest or for the protection of investors, issue rules and regulations providing for a reasonable degree of uniformity in the accounting policies and principles to be followed by registered investment companies in maintaining their accounting records and in preparing financial statements required pursuant to this title.

Exemptions.

(d) The Commission, upon application made by any registered investment company, may by order exempt a specific transaction or transactions from the provisions of any rule or regulation made pursuant to subsection (c), if the Commission finds that such rule or regulation should not reasonably be applied to such transaction.

## ACCOUNTANTS AND AUDITORS

Independent public accountants, etc.

**SEC. 32. (a)** After one year from the effective date of this title, it shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

Selection.

(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by a majority of those members of the board of directors who are not investment advisers of, or affiliated persons of an investment adviser of, or officers or employees of, such registered company;

Ratification or rejection.

(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the board of directors;

Right to terminate employment.

(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof:

*Provided*, That if the selection of an accountant has been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3) the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or if not so filled then at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16 (b) no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in said section 16 (b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filled within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (40) of section 2 (a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection.

(b) No registered management company or registered face-amount certificate company shall file with the Commission any financial statement in the preparation of which the controller or other principal accounting officer or employee of such company participated, unless such controller, officer or employee was selected, either by vote of the holders of such company's voting securities at the last annual meeting of such security holders, or by the board of directors of such company.

(c) The Commission is authorized, by rules and regulations or order in the public interest or for the protection of investors, to require accountants and auditors to keep reports, work sheets, and other documents and papers relating to registered investment companies for such period or periods as the Commission may prescribe, and to make the same available for inspection by the Commission or any member or representative thereof.

#### SETTLEMENT OF CIVIL ACTIONS

SEC. 33. (a) Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative capacity against an officer, director, investment adviser, trustee, or depositor of such company for an alleged breach of official duty, which such action or claim is commenced or asserted after the effective date of this title, shall transmit, unless already transmitted to the Commission, the documents specified in subsection (b) hereof if—

- (1) such action has been compromised or settled and such settlement or compromise has had the approval of a court having jurisdiction to approve such settlement or compromise; or
- (2) a verdict has been rendered or final judgment entered on the merits in such action.

(b) Within thirty days after such settlement or compromise, verdict or final judgment, copies of all pleadings and any written record made in such action, together with a statement of the terms

Addressing of report.

*Proviso.*  
Filling of vacancy.

Common-law trust cases, employment status.

Controller, etc.

Reports, work sheets, etc.

Transmittal of specified documents to Commission.

Time limitation.

Use of information. of settlement or compromise, if such terms be not included in the record, shall be transmitted to the Commission; and any information contained in any such documents may be used by the Commission in connection with any report or study which may be made by the Commission of lawsuits whether of investment companies or companies generally: *Provided*, That the names of persons involved shall not be disclosed.

*Proviso.*  
Names of persons  
involved.

#### DESTRUCTION AND FALSIFICATION OF REPORTS AND RECORDS

Unlawful destruction, etc.

SEC. 34. (a) It shall be unlawful for any person, except as permitted by rule, regulation, or order of the Commission, willfully to destroy, mutilate, or alter any account, book, or other document the preservation of which has been required pursuant to section 31 (a) or 32 (c).

Untrue statements.

(b) It shall be unlawful for any person to make any untrue statement of a material fact in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this title or the keeping of which is required pursuant to section 31 (a). It shall be unlawful for any person so filing, transmitting, or keeping any such document to omit to state therein any fact necessary in order to prevent the statements made therein, in the light of the circumstances under which they were made, from being materially misleading. For the purposes of this subsection, any part of any such document which is signed or certified by an accountant or auditor in his capacity as such shall be deemed to be made, filed, transmitted, or kept by such accountant or auditor, as well as by the person filing, transmitting, or keeping the complete document.

Omission of facts.

#### UNLAWFUL REPRESENTATIONS AND NAMES

Unlawful representations.

SEC. 35. (a) It shall be unlawful for any person, in issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof.

(b) It shall be unlawful for any person registered under any section of this title to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or officer thereof.

Statement of fact.

(c) No provision of subsection (a) or (b) shall be construed to prohibit a statement that a person or security is registered under this Act, the Securities Act of 1933, or the Securities Exchange Act of 1934, if such statement is true in fact and if the effect of such registration is not misrepresented.

48 Stat. 74, 881.  
15 U. S. C. §§ 77a-77aa, 78a-78j; Supp. V, §§ 77a-77x, 78c-78j.

Use of misleading name.

(d) It shall be unlawful for any registered investment company hereafter to adopt as a part of the name or title of such company, or of any security of which it is the issuer, any word or words which the Commission finds and by order declares to be deceptive or misleading. The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States alleging that the name or title of any registered investment company, or of any security which it has issued, is materially deceptive or misleading. If the court finds that the Commission's allegations in this respect, taking into consideration the history of the investment company and the length of time which it may have used any such name or title, are established, the court shall enjoin such investment company from continuing to use any such name or title.

Court action.

## INJUNCTIONS AGAINST GROSS ABUSE

SEC. 36. The Commission is authorized to bring an action in the proper district court of the United States or United States court of any Territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has been guilty, after the enactment of this title and within five years of the commencement of the action, of gross misconduct or gross abuse of trust in respect of any registered investment company for which such person so serves or acts:

Injunctions against gross abuse.

(1) as officer, director, member of an advisory board, investment adviser, or depositor; or

(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If the Commission's allegations of such gross misconduct or gross abuse of trust are established, the court shall enjoin such person from acting in such capacity or capacities either permanently or for such period of time as it in its discretion shall deem appropriate.

## LARCENY AND EMBEZZLEMENT

SEC. 37. Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the moneys, funds, securities, credits, property, or assets of any registered investment company shall be deemed guilty of a crime, and upon conviction thereof shall be subject to the penalties provided in section 49. A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts.

Larceny and embezzlement.

## RULES, REGULATIONS, AND ORDERS; GENERAL POWERS OF COMMISSION

SEC. 38. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title, including rules and regulations defining accounting, technical, and trade terms used in this title, and prescribing the form or forms in which information required in registration statements, applications, and reports to the Commission shall be set forth. For the purposes of its rules or regulations the Commission may classify persons, securities, and other matters within its jurisdiction and prescribe different requirements for different classes of persons, securities, or matters.

Rules, regulations, and orders.

(b) The Commission, by such rules and regulations or order as it deems necessary or appropriate in the public interest or for the protection of investors, may authorize the filing of any information or documents required to be filed with the Commission under this title, title II of this Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, or the Trust Indenture Act of 1939, by incorporating by reference any information or documents theretofore or concurrently filed with the Commission under this title or any of such Acts.

Classification of persons, etc.

Filing of information.

48 Stat. 74, 861; 49 Stat. 803; 53 Stat. 1149.

(c) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Act or omission in good faith.

## RULES AND REGULATIONS; PROCEDURE FOR ISSUANCE

Publication.  
49 Stat. 500.  
44 U. S. C., Supp.  
V, §§ 301-314.

SEC. 39. Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

## ORDERS; PROCEDURE FOR ISSUANCE

Issuance of orders,  
requirements.

Notice.

SEC. 40. (a) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

Admissibility of ap-  
plication in evidence.

(b) The Commission may provide, by appropriate rules or regulations, that an application verified under oath may be admissible in evidence in a proceeding before the Commission and that the record in such a proceeding may consist, in whole or in part, of such application.

Admission of inter-  
ested State, etc., as  
party to proceeding.

(c) In any proceeding before the Commission, the Commission, in accordance with such rules and regulations as it may prescribe, shall admit as a party any interested State or State agency, and may admit as a party any representative of interested security holders, or any other person whose participation in the proceeding may be in the public interest or for the protection of investors.

## HEARINGS BY COMMISSION

Hearings.

SEC. 41. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

## ENFORCEMENT OF TITLE

Investigations.

SEC. 42. (a) The Commission may make such investigations as it deems necessary to determine whether any person has violated or is about to violate any provision of this title or of any rule, regulation, or order hereunder, or to determine whether any action in any court or any proceeding before the Commission shall be instituted under this title against a particular person or persons, or with respect to a particular transaction or transactions. The Commission shall permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated.

Powers of members  
of Commission.

(b) For the purpose of any investigation or any other proceeding under this title, any member of the Commission, or any officer thereof designated by it, is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which are relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

Attendance of wit-  
nesses.

Contumacy.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the

United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Court order to compel appearance.

Service of process.

Penalty.

Self-incriminating testimony.

(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Exemption from prosecution.

Perjury.

(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this title, or of any rule, regulation, or order hereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order hereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. In any proceeding under this subsection to enforce compliance with section 7, the court as a court of equity may, to the extent it deems necessary or appropriate, take exclusive jurisdiction and possession of the investment company or companies involved and the books, records, and assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, who with the approval of the court shall have power to dispose of any or all of such assets, subject to such terms and conditions as the court may prescribe. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this title, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this title.

Injunctions, restraining orders, etc.

Jurisdiction of court.

Transmittal of evidence to Attorney General.

## COURT REVIEW OF ORDERS

**Petition for review.** **SEC. 43. (a)** Any person or party aggrieved by an order issued by the Commission under this title may obtain a review of such order in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

**Service of copy upon Commission.**

**Jurisdiction of court.**

**Findings.**

**Additional evidence.**

**Modification.**

**Finality of court's decision.**

**Review by Supreme Court.**  
36 Stat. 1157.  
28 U. S. C. §§ 346, 347; Supp. V. § 347.  
Stay of Commission's orders.

**(b)** The commencement of proceedings under subsection (a) to review an order of the Commission issued under section 8 (e) shall operate as a stay of the Commission's order unless the court otherwise orders. The commencement of proceedings under subsection (a) to review an order of the Commission issued under any provision of this title other than section 8 (e) shall not operate as a stay of the Commission's order unless the court specifically so orders.

## JURISDICTION OF OFFENSES AND SUITS

**Jurisdiction of courts.** **SEC. 44.** The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or orders thereunder. Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. A criminal proceeding based upon a violation of section 34, or upon a failure to file a report or other document required to be filed under this title, may be brought in the district wherein the

**Venue.**

defendant is an inhabitant or maintains his principal office or place of business. Any suit or action to enforce any liability or duty created by, or to enjoin any violation of, this title or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled "An Act to establish a court of appeals for the District of Columbia", approved February 9, 1893. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against the Commission in any court.

Action to enforce any liability, etc.

Judgments, etc., subject to review.  
36 Stat. 1133, 1157.  
28 U. S. C. §§ 225, 347; Supp. V, §§ 225, 347.  
27 Stat. 435.  
18 D. C. Code § 26.

#### INFORMATION FILED WITH COMMISSION

SEC. 45. (a) The information contained in any registration statement, application, report, or other document filed with the Commission pursuant to any provision of this title or of any rule or regulation thereunder (as distinguished from any information or document transmitted to the Commission) shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. It shall be unlawful for any member, officer, or employee of the Commission to use for personal benefit, or to disclose to any person other than an official or employee of the United States or of a State, for official use, or for any such official or employee to use for personal benefit, any information contained in any document so filed or transmitted, if such information is not available to the public.

Availability to public.

Use for personal benefit, etc.

(b) Photostatic or other copies of information contained in documents filed with the Commission under this title and made available to the public shall be furnished any person at such reasonable charge and under such reasonable limitations as the Commission shall prescribe.

Sale of photostatic, etc., copies.

#### ANNUAL REPORTS OF COMMISSION; EMPLOYEES OF THE COMMISSION

SEC. 46. (a) The Commission shall submit annually a report to the Congress covering the work of the Commission for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this title as it may find advisable.

Annual reports.

(b) For the purposes of this title, the Commission may select, employ, and fix the compensation of such attorneys, examiners, and other experts as shall be necessary for the transaction of the business of the Commission in respect of this title without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the Classification Act of 1923, as amended.

Employment of experts.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

#### VALIDITY OF CONTRACTS

SEC. 47. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation, or order thereunder shall be void.

Void conditions, etc.

Contracts in violation of designated provisions.

(b) Every contract made in violation of any provision of this title or of any rule, regulation, or order thereunder, and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of this title, or any rule, regulation, or order thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision, rule, regulation, or order.

#### LIABILITY OF CONTROLLING PERSONS; PREVENTING COMPLIANCE WITH TITLE

Liability provisions.

SEC. 48. (a) It shall be unlawful for any person, directly or indirectly, to cause to be done any act or thing through or by means of any other person which it would be unlawful for such person to do under the provisions of this title or any rule, regulation, or order thereunder.

Preventing compliance with title.

(b) It shall be unlawful for any person without just cause to hinder, delay, or obstruct the making, filing, or keeping of any information, document, report, record, or account required to be made, filed, or kept under any provision of this title or any rule, regulation, or order thereunder.

#### PENALTIES

Willful violations.

SEC. 49. Any person who willfully violates any provision of this title or of any rule, regulation, or order hereunder, or any person who willfully in any registration statement, application, report, account, record, or other document filed or transmitted pursuant to this title or the keeping of which is required pursuant to section 31 (a) makes any untrue statement of a material fact or omits to state any material fact necessary in order to prevent the statements made therein from being materially misleading in the light of the circumstances under which they were made, shall upon conviction be fined not more than \$10,000 or imprisoned not more than two years, or both; but no person shall be convicted under this section for the violation of any rule, regulation, or order if he proves that he had no actual knowledge of such rule, regulation, or order.

Untrue statements, etc.

Penalty.

Restriction.

#### EFFECT ON EXISTING LAW

Effect on existing law.

48 Stat. 74, 881; 49 Stat. 903; 53 Stat. 1149.

SEC. 50. Except where specific provision is made to the contrary, nothing in this title shall affect (1) the jurisdiction of the Commission under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, or title II of this Act, over any person, security, or transaction, or (2) the rights, obligations, duties, or liabilities of any person under such Acts; nor shall anything in this title affect the jurisdiction of any other commission, board, agency, or officer of the United States or of any State or political subdivision of any State, over any person, security, or transaction, insofar as such jurisdiction does not conflict with any provision of this title or of any rule, regulation, or order hereunder.

#### SEPARABILITY OF PROVISIONS

Separability of provisions.

SEC. 51. If any provision of this title or any provision incorporated in this title by reference, or the application of any such provision to

any person or circumstances, shall be held invalid, the remainder of this title and the application of any such provision to person or circumstances other than those as to which it is held invalid shall not be affected thereby.

#### SHORT TITLE

SEC. 52. This title may be cited as the "Investment Company Act of 1940".

Short title.

#### EFFECTIVE DATE

SEC. 53. The effective date of the provisions of this title, so far as the same relate to face-amount certificates or to face-amount certificate companies, is January 1, 1941: *Provided, however,* That any such face-amount certificate company may register prior to said date, as provided by section 8 of this title, and such registration shall not operate to change or affect said effective date as to any such company or any face-amount certificates issued by it. The effective date of provisions hereof, insofar as the same do not apply to face-amount certificates or face-amount certificate companies is November 1, 1940. Except as herein otherwise provided, every provision of this title shall take effect on November 1, 1940.

Effective dates.

*Proviso.*  
Registration provisions, etc.

## TITLE II—INVESTMENT ADVISERS

Investment Advisers Act of 1940.

#### FINDINGS

SEC. 201. Upon the basis of facts disclosed by the record and report of the Securities and Exchange Commission made pursuant to section 30 of the Public Utility Holding Company Act of 1935, and facts otherwise disclosed and ascertained, it is hereby found that investment advisers are of national concern, in that, among other things—

Findings.

49 Stat. 837.  
15 U. S. C., Supp.V,  
§ 792-4.

(1) their advice, counsel, publications, writings, analyses, and reports are furnished and distributed, and their contracts, subscription agreements, and other arrangements with clients are negotiated and performed, by the use of the mails and means and instrumentalities of interstate commerce;

(2) their advice, counsel, publications, writings, analyses, and reports customarily relate to the purchase and sale of securities traded on national securities exchanges and in interstate over-the-counter markets, securities issued by companies engaged in business in interstate commerce, and securities issued by national banks and member banks of the Federal Reserve System; and

(3) the foregoing transactions occur in such volume as substantially to affect interstate commerce, national securities exchanges, and other securities markets, the national banking system and the national economy.

#### DEFINITIONS

SEC. 202. (a) When used in this title, unless the context otherwise requires—

Definitions.

(1) "Assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor; but if the investment adviser is a partnership, no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser, or from the admission to the investment adviser of one or more mem-

"Assignment."

bers who, after such admission, shall be only a minority of the members and shall have only a minority interest in the business.

"Bank."

(2) "Bank" means (A) a banking institution organized under the laws of the United States, (B) a member bank of the Federal Reserve System, (C) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any State or of the United States, a substantial portion of the business of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under section 11 (k) of the Federal Reserve Act, as amended, and which is supervised and examined by State or Federal authority having supervision over banks, and which is not operated for the purpose of evading the provisions of this title, and (D) a receiver, conservator, or other liquidating agent of any institution or firm included in clauses (A), (B), or (C) of this paragraph.

38 Stat. 262.  
12 U. S. C. § 248 (k);  
Supp. V, § 248 (k).

"Broker."

(3) "Broker" means any person engaged in the business of effecting transactions in securities for the account of others, but does not include a bank.

"Commission."

(4) "Commission" means the Securities and Exchange Commission.

"Company."

(5) "Company" means a corporation, a partnership, an association, a joint-stock company, a trust, or any organized group of persons, whether incorporated or not; or any receiver, trustee in bankruptcy, or similar official, or any liquidating agent for any of the foregoing, in his capacity as such.

"Convicted."

(6) "Convicted" includes a verdict, judgment, or plea of guilty, or a finding of guilt on a plea of nolo contendere, if such verdict, judgment, plea, or finding has not been reversed, set aside, or withdrawn, whether or not sentence has been imposed.

"Dealer."

(7) "Dealer" means any person regularly engaged in the business of buying and selling securities for his own account, through a broker or otherwise, but does not include a bank, insurance company, or investment company, or any person insofar as he is engaged in investing, reinvesting or trading in securities, or in owning or holding securities, for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business.

"Director."

(8) "Director" means any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated.

"Exchange."

(9) "Exchange" means any organization, association, or group of persons, whether incorporated or unincorporated, which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood, and includes the market place and the market facilities maintained by such exchange.

"Interstate commerce."

(10) "Interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof.

"Investment adviser."

(11) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities; but does not include (A) a bank, or any holding company affiliate, as defined in the Banking Act of 1933, which is not an investment company; (B) any lawyer, accountant, engineer, or teacher whose performance of such services is solely incidental to the practice of his profession;

48 Stat. 162, 163.  
12 U. S. C. § 221a  
(a), (c); Supp. V, § 221a  
(a), (c).

(C) any broker or dealer whose performance of such services is solely incidental to the conduct of his business as a broker or dealer and who receives no special compensation therefor; (D) the publisher of any bona fide newspaper, news magazine or business or financial publication of general and regular circulation; (E) any person whose advice, analyses, or reports relate to no securities other than securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest which shall have been designated by the Secretary of the Treasury, pursuant to section 3 (a) (12) of the Securities Exchange Act of 1934, as exempted securities for the purposes of that Act; or (F) such other persons not within the intent of this paragraph, as the Commission may designate by rules and regulations or order.

48 Stat. 884.  
15 U. S. C. § 78c (a)  
(12).

(12) "Investment company", "affiliated person", "control", and "insurance company" have the same meanings as in the Investment Company Act of 1940.

"Investment company," etc.

(13) "Investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client.

"Investment supervisory services."

(14) "Means or instrumentality of interstate commerce" includes any facility of a national securities exchange.

"Means or instrumentality of interstate commerce."

(15) "National securities exchange" means an exchange registered under section 6 of the Securities Exchange Act of 1934.

"National securities exchange."

(16) "Person" means a natural person or a company.

48 Stat. 885.  
15 U. S. C. § 78f.  
"Person."

(17) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guaranty of, or warrant or right to subscribe to or purchase any of the foregoing.

"Security."

(18) "State" means any State of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Philippine Islands, the Canal Zone, the Virgin Islands, or any other possession of the United States.

"State."

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

"Underwriter."

(20) "Securities Act of 1933", "Securities Exchange Act of 1934", "Public Utility Holding Company Act of 1935", and "Trust Indenture Act of 1939", mean those Acts, respectively, as heretofore or hereafter amended.

48 Stat. 74, 881; 49 Stat. 803; 53 Stat. 1149.

(b) No provision in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing, or any corporation which is wholly owned

Nonapplicability of provisions to U. S., etc.; exception.

directly or indirectly by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

#### REGISTRATION OF INVESTMENT ADVISERS

Use of mails, etc.,  
registration require-  
ment.

SEC. 203. (a) Except as provided in subsection (b), it shall be unlawful for any investment adviser, unless registered under this section, to make use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser.

Exemptions.

(b) The provisions of subsection (a) shall not apply to—

(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

(2) any investment adviser whose only clients are investment companies and insurance companies; or

(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who does not hold himself out generally to the public as an investment adviser.

Application for reg-  
istration.

(c) Any investment adviser, or any person who presently contemplates becoming an investment adviser, may register under this section by filing with the Commission an application for registration. Such application shall contain such of the following information, in such form and detail, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors:

Information re-  
quired.

(1) information in respect of—

(A) the name and form of organization under which the investment adviser engages or intends to engage in business; the name of the State or other sovereign power under which such investment adviser is organized; the location of his or its principal business office and branch offices, if any; the names and addresses of his or its partners, officers, directors, and persons performing similar functions or, if such an investment adviser be an individual, of such individual; and the number of his or its employees;

(B) the education, the business affiliations for the past ten years, and the present business affiliations of such investment adviser and of his or its partners, officers, directors, and persons performing similar functions and of any controlling person thereof;

(C) the nature of the business of such investment adviser, including the manner of giving advice and rendering analyses or reports;

(D) the nature and scope of the authority of such investment adviser with respect to clients' funds and accounts;

(E) the basis or bases upon which such investment adviser is compensated; and

(F) whether such an investment adviser or any partner, officer, director, person performing similar function or controlling person thereof (i) within ten years of the filing of such application has been convicted of any felony or misdemeanor of the character described in paragraph (1) of subsection (d), or (ii) is permanently or temporarily

enjoined by an order, judgment or decree of the character described in paragraph (2) of subsection (d) and in each case the facts relating to such conviction or injunction; and

(2) a statement as to whether such investment adviser is engaged or is to engage primarily in the business of rendering investment supervisory services.

Except as hereinafter provided, such registration shall become effective thirty days after receipt of such application by the Commission, or within such shorter period of time as the Commission may determine. Any amendment of an application filed not more than fifteen days after the filing of such application shall be deemed to have been filed with and as a part of such application. Any amendment of an application filed more than fifteen days after the filing of such application and before such application becomes effective shall be deemed a new application incorporating by reference the unamended items of the earlier application. Any amendment filed after the application has become effective shall become effective thirty days after the filing thereof, or at such earlier date as the Commission may order.

(d) The Commission after hearing may by order deny registration to or revoke or suspend the registration of an applicant under this section, if the Commission finds that such denial, revocation, or suspension is in the public interest and that such investment adviser or any partner, officer, director, person performing similar function, or controlling person thereof—

(1) within ten years of the issuance of such order, has been convicted of any felony or misdemeanor involving the purchase or sale of any security or arising out of any conduct or practice of such investment adviser or affiliated person as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company;

(2) at the time of the issuance of such order, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security; or

(3) has violated the provisions of section 207 of this title.

(e) The commencement of a proceeding to deny registration under this section shall not operate to postpone the effective date of registration unless the Commission shall find that such postponement is necessary in the public interest and shall so order, but no such order shall operate to postpone such effective date for more than three months.

(f) Any successor to the business of an investment adviser registered under this section shall be deemed likewise registered hereunder, if within thirty days from its succession to such business it shall file an application for registration under this section, unless and until the Commission, pursuant to subsection (d) of this section, shall deny registration to or revoke or suspend the registration of such successor.

(g) Any person registered under this section may, upon such terms and conditions as the Commission finds necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any person registered under this sec-

Statement as to  
primary business.

Effective date of  
registration.

Amendments.

Denial, revocation,  
etc., for cause.

Postponement of  
effective date of regis-  
tration.

Successor to busi-  
ness.

Withdrawal from  
registration.

Cancellation.

tion, or who has pending an application for registration filed under this section, is no longer in business or is not engaged in business as an investment adviser, the Commission shall by order cancel the registration of such person.

#### ANNUAL AND OTHER REPORTS

Filing of reports.

SEC. 204. Every investment adviser registered under section 203 of this title shall file with the Commission such annual and special reports, in such form as the Commission by rules and regulations may prescribe for the purpose of keeping reasonably current the information contained in the registration application.

#### INVESTMENT ADVISORY CONTRACTS

Restriction on use of mails, etc., by investment advisers.

SEC. 205. No investment adviser registered under section 203 shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

"Investment advisory contract" defined.

As used in this section, "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than an investment company. Paragraph (1) of this section shall not be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date.

#### PROHIBITED TRANSACTIONS BY REGISTERED INVESTMENT ADVISERS

Prohibited transactions.

SEC. 206. It shall be unlawful for any investment adviser registered under section 203, by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—

Fraud, etc.

(1) to employ any device, scheme, or artifice to defraud any client or prospective client;

(2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client;

Acting as principal or broker for client without consent.

(3) acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this paragraph (3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

MATERIAL MISSTATEMENTS

SEC. 207. It shall be unlawful for any person willfully to make any untrue statement of a material fact in any registration application or report filed with the Commission under section 203 or 204, or willfully to omit to state in any such application or report any material fact which is required to be stated therein.

Material misstatements.

UNLAWFUL REPRESENTATIONS

SEC. 208. (a) It shall be unlawful for any person registered under section 203 of this title to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved, or that his abilities or qualifications have in any respect been passed upon by the United States or any agency or any officer thereof.

Unlawful representations.

(b) No provision of subsection (a) shall be construed to prohibit a statement that a person is registered under this title or under the Securities Exchange Act of 1934, if such statement is true in fact and if the effect of such registration is not misrepresented.

Statement of fact.

(c) It shall be unlawful for any person registered under section 203 of this title to represent that he is an investment counsel or to use the name investment counsel as descriptive of his business unless such person is primarily engaged in the business of rendering investment supervisory services or unless his registration application as amended or as supplemented by the most recent report on file with the Commission states that such person is engaged or is about to engage primarily in the business of rendering investment supervisory services.

48 Stat. 881.  
15 U. S. C. §§ 78a-78j; Supp. V, §§ 78c-78j.  
Misrepresentations.

ENFORCEMENT OF TITLE

SEC. 209. (a) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this title or of any rule or regulation prescribed under the authority thereof, have been or are about to be violated by any person, it may in its discretion require, and in any event shall permit, such person to file with it a statement in writing, under oath or otherwise, as to all the facts and circumstances relevant to such violation, and may otherwise investigate all such facts and circumstances.

Investigations.

(b) For the purposes of any investigation or any proceeding under this title, any member of the Commission or any officer thereof designated by it is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records which are relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in any State or in any Territory or other place subject to the jurisdiction of the United States at any designated place of hearing.

Powers of members of Commission.

Attendance of witnesses, etc.

(c) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. And such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the

Contumacy.

Court order to compel appearance.

Service of process.

judicial district whereof such person is an inhabitant or wherever he may be found. Any person who without just cause shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records, if in his or its power so to do, in obedience to the subpoena of the Commission, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

Penalty.

Self-incriminating testimony.

(d) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Exemption from prosecution.

Perjury.

Injunctions, restraining orders, etc.

(e) Whenever it shall appear to the Commission that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this title, or of any rule, regulation, or order hereunder, it may in its discretion bring an action in the proper district court of the United States, or the proper United States court of any Territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices and to enforce compliance with this title or any rule, regulation, or order hereunder. Upon a showing that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction or decree or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning any violation of the provisions of this title, or of any rule, regulation, or order thereunder, to the Attorney General, who, in his discretion, may institute the appropriate criminal proceedings under this title.

Transmittal of evidence to Attorney General.

#### PUBLICITY

Availability of information in applications, etc.

SEC. 210. (a) The information contained in any registration application or report or amendment thereto filed with the Commission pursuant to any provision of this title shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors. Photostatic or other copies of information contained in documents filed with the Commission under this title and made available to the public shall be furnished to any person at such reasonable charge and under such reasonable limitations as the Commission shall prescribe.

Sale of photostatic copies, etc.

Investigations.

(b) Subject to the provisions of subsections (c) and (e), of section 209, the Commission shall not make public the fact that any investigation under this title is being conducted, nor shall it make public the results of any such investigation, or any facts ascertained during any such investigation, except that the provisions of this subsection shall not apply—

(1) in the case of any hearing which is public under the provisions of section 212; or

(2) in the case of a resolution or request from either House of Congress.

(c) No provision of this title shall be construed to require, or to authorize the Commission to require any investment adviser engaged in rendering investment supervisory services to disclose the identity, investments, or affairs of any client of such investment adviser, except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this title.

Disclosure of identity or affairs of clients.

#### RULES, REGULATIONS, AND ORDERS

SEC. 211. (a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in this title. For the purposes of its rules or regulations the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for different classes of persons or matters.

Rules, regulations, and orders.

(b) Subject to the provisions of the Federal Register Act and regulations prescribed under the authority thereof, the rules and regulations of the Commission under this title, and amendments thereof, shall be effective upon publication in the manner which the Commission shall prescribe, or upon such later date as may be provided in such rules and regulations.

Publication.  
49 Stat. 500.  
44 U. S. C., Supp. V,  
§§ 301-314.

(c) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

Issuance of orders, notice.

(d) No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or order of the Commission, notwithstanding that such rule, regulation, or order may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

Act or omission in good faith.

#### HEARINGS

SEC. 212. Hearings may be public and may be held before the Commission, any member or members thereof, or any officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

Hearings.

#### COURT REVIEW OF ORDERS

SEC. 213. (a) Any person or party aggrieved by an order issued by the Commission under this title may obtain a review of such order in the circuit court of appeals of the United States within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission, or upon any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside

Petition for review.

Service of copy upon Commission.

Jurisdiction of court.

such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission or unless there were reasonable grounds for failure so to do. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file with the court such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court affirming, modifying, or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended.

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

#### JURISDICTION OF OFFENSES AND SUITS

##### Jurisdiction of courts.

SEC. 214. The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity to enjoin any violation of this title or the rules, regulations, or orders thereunder.

##### Venue.

Any criminal proceeding may be brought in the district wherein any act or transaction constituting the violation occurred. Any suit or action to enjoin any violation of this title or rules, regulations, or orders thereunder, may be brought in any such district or in the district wherein the defendant is an inhabitant or transacts business, and process in such cases may be served in any district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 128 and 240 of the Judicial Code, as amended, and section 7, as amended, of the Act entitled "An Act to establish a court of appeals for the District of Columbia", approved February 9, 1893. No costs shall be assessed for or against the Commission in any proceeding under this title brought by or against the Commission in any court.

##### Judgments, etc., subject to review.

36 Stat. 1133, 1157.  
28 U. S. C. §§ 225, 347; Supp. V. §§ 225, 347.

27 Stat. 435.

18 D. C. Code § 28.

##### Void conditions, etc.

SEC. 215. (a) Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation, or order thereunder shall be void.

(b) Every contract made in violation of any provision of this title and every contract heretofore or hereafter made, the performance of which involves the violation of, or the continuance of any relationship or practice in violation of any provision of this title, or any rule, regulation, or order thereunder, shall be void (1) as regards the rights of any person who, in violation of any such provision, rule, regulation, or order, shall have made or engaged in the performance

##### Contracts in violation of designated provisions.

of any such contract, and (2) as regards the rights of any person who, not being a party to such contract, shall have acquired any right thereunder with actual knowledge of the facts by reason of which the making or performance of such contract was in violation of any such provision.

#### ANNUAL REPORTS OF COMMISSION

SEC. 216. The Commission shall submit annually a report to the Congress covering the work of the Commission for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this title as it may find advisable.

Annual reports.

#### PENALTIES

SEC. 217. Any person who willfully violates any provision of this title shall, upon conviction, be fined not more than \$10,000, imprisoned for not more than two years, or both.

Penalties.

#### EMPLOYEES OF THE COMMISSION

SEC. 218. For the purposes of this title, the Commission may select, employ, and fix the compensation of such attorneys, examiners, and other experts as shall be necessary for the transaction of the business of the Commission in respect of this title without regard to the provisions of other laws applicable to the employment and compensation of officers or employees of the United States; and the Commission may, subject to the civil-service laws, appoint such other officers and employees as are necessary in the execution of the functions of the Commission and fix their salaries in accordance with the Classification Act of 1923, as amended.

Employment of experts.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

#### SEPARABILITY OF PROVISIONS

SEC. 219. If any provision of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of the title and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Separability of provisions.

#### SHORT TITLE

SEC. 220. This title may be cited as the "Investment Advisers Act of 1940".

Short title.

#### EFFECTIVE DATE

SEC. 221. This title shall become effective on November 1, 1940.

Effective date.

### TITLE III—AMENDMENT OF SECURITIES ACT OF 1933

SEC. 301. Section 8 (a) of the Securities Act of 1933, as amended, is amended to read as follows:

48 Stat. 79.  
15 U. S. C. § 77h (a).

"SEC. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine, having due regard to the adequacy of the information respecting the issuer theretofore available to the public, to the facility with which the nature of the securities to be registered, their relationship to the capital structure of the issuer and the rights of holders thereof can be understood, and to the public interest and the protection of investors. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to

Effective date of registration statement.

Amendments.

have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as a part of the registration statement."

Approved, August 22, 1940.

[CHAPTER 687]

AN ACT

Relating to the issuance by the Secretary of the Interior of a patent to the State of Minnesota for certain lands in that State.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior may cancel the patent issued on August 24, 1886, to Joe Blair, as allottee numbered 4 of the Fond du Lac Indian Reservation, Minnesota, for the north half of the northeast quarter of section 30, township 49 north, range 17 west, of the fourth principal meridian in Minnesota, and may issue to the State of Minnesota as a fee-simple patent for the tract of land described. If issued, the fee-simple patent shall operate as a full and complete conveyance of any and all right, title, or interest that the heirs of Joe Blair, deceased allottee numbered 4 of the Fond du Lac Indian Reservation, Minnesota, and that the United States of America may have in and to said described lands. Prior to the issuance of such patent, the Secretary of the Interior may require the State of Minnesota, at its expense, to furnish satisfactory evidence that there are no outstanding liens, encumbrances, or other conveyances of record against said lands other than the original patent issued under date of August 24, 1886, to the said Joe Blair covering the lands hereinabove described.

Approved, August 22, 1940.

[CHAPTER 688]

AN ACT

To provide for the deposit of certain collections for overtime immigration services to the credit of the appropriation chargeable with the payment for such services, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That moneys collected on or after July 1, 1941, as extra compensation for overtime service of inspectors and employees of the Immigration Service pursuant to the Act of March 2, 1931 (46 Stat. 1467), shall be deposited in the Treasury of the United States to the credit of the appropriation for the payment of salaries, field personnel of the Immigration and Naturalization Service, and the appropriation so credited shall be available for the payment of such compensation.

Approved, August 22, 1940.

[CHAPTER 689]

JOINT RESOLUTION

To strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That during the period ending June 30, 1942, the President be, and is hereby, authorized from time to time to order into the active military service of the United States for a period of twelve consecutive months each, any

August 22, 1940

[S. 3954]

[Public, No. 769]

Minnesota.  
Issuance of patent  
for tract of land.

Description.

Condition.

August 22, 1940

[H. R. 5403]

[Public, No. 770]

Immigration Service.

Deposit of collections for overtime services.

8 U. S. C. §§ 109a, 109b.

August 27, 1940

[S. J. Res. 286]

[Pub. Res., No. 96]

National defense.  
Ordering of Army  
reserve components,  
etc., into active military  
service.

Post, p. 966.

or all members and units of any or all reserve components of the Army of the United States (except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States), and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands.

SEC. 2. All National Guard, Reserve, and retired personnel ordered into the active military service of the United States under the foregoing special authority, shall from the dates on which they are respectively required by such order to report for duty in such service, be subject to the respective laws and regulations relating to enlistments, reenlistments, employment, conduct, rights, and privileges, and discharge of such personnel in such service to the same extent in all particulars as if they had been ordered into such service under existing general statutory authorizations.

SEC. 3. (a) Any member of any reserve component of the land or naval forces who is on active duty or who may be assigned to active duty and who, in the judgment of those in authority over him, satisfactorily completes such active duty, and any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution, shall be entitled to a certificate to that effect upon the completion of such active duty or such period of service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service and a medical statement showing any physical defects noted upon such examination; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of active duty or service.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such active duty or service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status and pay.

Persons in National Guard under 18 years of age.

*proviso.*  
Service limited to Western Hemisphere; exception.

Applicability of enlistment laws, etc.

Certificate showing service record, etc.

Physical examinations; medical statements.

Reemployment upon discharge.

By U. S. Government, etc.

By private employer.

By State, etc.

Reemployment without loss of seniority, etc.  
*Post*, p. 891.

Discharge restriction.

Proceedings against noncomplying employers.  
*Post*, p. 891.

Hearing.

U. S. district attorneys to represent claimants.

*Proviso.*  
Fees, etc., not to be taxed against claimant.

Resignation, etc., of certain reserve members having dependents.

Benefits of designated Act extended to personnel on active duty.  
40 Stat. 440.  
*Post*, p. 1191.

Inoperative provisions.  
40 Stat. 440, 441, 444, 447, 449.

"Persons in military service."

"Period of military service."

Suspension of conflicting laws.

(c) Any person who is restored to a position in accordance with the provisions of paragraphs (A) or (B) of subsection (b) shall be so restored without loss of seniority, insurance participation or benefits, or other benefits, and such person shall not be discharged from such position without cause within one year after such restoration.

(d) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

(e) Any member of any reserve component of the Army of the United States below the rank of captain who is ordered into the active military service of the United States pursuant to this joint resolution, who has any person or persons dependent solely upon him for support, and who has no other means of support except the wages, salary or other compensation for personal services that he earns, may resign or shall be discharged upon his own request made within twenty days of the date of his entry into such active military service.

SEC. 4. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all National Guard, Reserve, and retired personnel ordered into the active military service under authority of this joint resolution, so long as such personnel are in such service and for sixty days thereafter, and except as hereinafter provided, the provisions of such Act shall be effective for such purposes.

(b) For the purposes of this section—

(1) the following provisions of such Act of March 8, 1918, shall be inoperative: Section 100; and paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603.

(2) the term "persons in military service", when used in such Act, shall be deemed to mean persons ordered into the active military service under the authority of this joint resolution.

(3) the term "period of military service", when used in such Act, when applicable with respect to any person, shall be deemed to mean the period beginning with the date on which such person is ordered into such active military service and ending with the date on which he is relieved from such service.

SEC. 5. All laws and parts of laws in conflict herewith are hereby suspended to the extent that they may be in conflict with any provision hereof.

Approved, August 27, 1940.

## [CHAPTER 690]

## AN ACT

Authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery.

August 27, 1940  
[S. 769]

[Public, No. 771]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to have prepared mats which may be used for the reproduction in magazines and newspapers of photographs of such of the scenery in the national parks as, in the opinion of the Secretary, would be of interest to the people of the United States and foreign nations. Any such mats may be furnished, without charge and under such regulations as the Secretary may prescribe, to the publishers of magazines, newspapers, and any other publications which may carry photographic reproductions.

Photographs of national park scenery. Preparation of mats for magazines, etc.

No charge for mats.

Appropriation authorized.  
Post, p. 1042.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1941, the sum of \$3,000 for the purpose of carrying out the provisions of this Act.

Approved, August 27, 1940.

## [CHAPTER 691]

## AN ACT

Granting to certain claimants the preference right to purchase certain public lands in the State of Florida.

August 27, 1940  
[S. 3975]

[Public, No. 772]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior, in his discretion, is hereby authorized to sell, in the manner hereinafter provided, lots 3, 4, and 5, section 10, lots 3, 4, 5, and 6, section 11, lots 1 and 2, section 14, township 3 south, range 17 west, Tallahassee meridian, Florida, which lands were omitted from the original survey due to the erroneous meanders of the Gulf of Mexico and shown upon the official plat of the original survey as a water-covered area.

Florida. Sale of designated public lands authorized.

SEC. 2. Any owner in good faith of land in sections 10, 11, and 14, township 3 south, range 17 west, shown by the official plat of the original survey approved May 22, 1849, to be bounded by the Gulf of Mexico, but which in fact is bounded by the omitted area as shown by plat of survey accepted March 6, 1939, and who acquired title to such land prior to this enactment, or any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this Act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this Act, shall have a preferred right to purchase the erroneously omitted land lying adjacent to his privately owned land, or to purchase the land thus improved by him, respectively, at any time within ninety days from the date of the passage of this Act. Every application to purchase must be filed in the General Land Office and must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant under the public land laws. The term "citizen" as herein used shall include any association of citizens, and a corporation organized under the laws of any State and authorized to engage in business in the State of Florida. In event that any such applicant shall have contracted to convey or attempted to convey title to any of the above-described lands with covenants of warranty, express or implied, he may be allowed to make such purchase and to obtain patent in trust for the persons holding under such contract or conveyance, as their interests may appear.

Preferred rights to purchase.

Application to purchase.

"Citizen" construed.

Contract to convey, etc., lands with covenants of warranty.

Appraisal of lands.

SEC. 3. Upon the filing of an application to purchase any lands subject to the operation of this Act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal exclusive of any increased value resulting from the development or improvement thereof by the applicant or his predecessor in interest.

Issuance of patent upon payment of appraised value.

SEC. 4. An applicant to purchase under the provisions of this Act, in order to be entitled to a patent, must, within three months from receipt of notice of appraisal, pay to the Commissioner of the General Land Office the appraised value of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this Act. The proceeds from such sales shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

Proceeds covered into Treasury.

Rules and regulations.

SEC. 5. The Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this Act and determining conflicting claims arising hereunder.

Mineral rights reserved.

SEC. 6. All purchases made and patents issued under the provisions of this Act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same.

Approved, August 27, 1940.

[CHAPTER 692]

AN ACT

August 27, 1940 [S. 4011] [Public, No. 773]

To authorize the Secretary of the Interior to accept payment of an annual equitable overhead charge in connection with the repayment contract between the United States and the Strawberry Water Users' Association of Payson, Utah, in full satisfaction of delinquent billings upon the basis of an annual fixed overhead charge, and for other purposes.

Strawberry Water Users' Association, Payson, Utah. Payment by, of annual overhead charge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in connection with any amendment heretofore or hereafter made to the repayment contract between the Strawberry Water Users' Association of Payson, Utah, and the United States, dated September 28, 1926, as amended, to pay construction charges under the provisions of the Federal reclamation laws providing for payment annually of an amount as is determined by the Secretary each year to be sufficient to cover the Strawberry Valley project's equitable portion of the expense of the Chief Engineer's office, the field legal office, and the other detached offices of the Bureau of Reclamation, the Secretary of the Interior is authorized, subsequent to the effective date of such an amendment, to accept in full satisfaction for all flat overhead charges owing or allocable to the period up to the effective date of the amendment under the contract provisions in effect prior to such amendment a sum determined at the rate of \$400 for each year.

Approved, August 27, 1940.

[CHAPTER 693]

AN ACT

August 27, 1940 [S. 4137] [Public, No. 774]

Relating to transportation of foreign mail by aircraft.

Postal Service. Transportation of foreign mail by aircraft.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases where, pursuant to the provisions of subsection (i) (2) of section 405 of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52

Stat. 973; U. S. C., 1934 edition, Supp. V, title 49, sec. 401, and the following), the Postmaster General shall have heretofore fixed and put into effect, or shall hereafter fix and put into effect, the rates of compensation to be charged foreign countries for the transportation of their mail by air carriers and where the collections from such foreign countries of the amounts owing by them for such transportation are required by such subsection to be made by the United States for the account of such air carriers, the Postmaster General may simplify and expedite the settlement of accounts for such carriage by offsetting against any balance due a foreign country resulting from the transaction of international money order business or otherwise, such amounts as may be then due from such country to the United States and to the United States for the account of such carriers; and the Postmaster General and the General Accounting Office shall thereupon give the foreign country involved the appropriate credit for such payment by offset, paying to the carrier that portion of the amount so charged as may be owing to the carrier for its services in transporting the mail of such foreign country and depositing as "miscellaneous postal receipts" that portion of the amount so charged as may be due the United States on its own account: *Provided*, That no adjustment of accounts authorized by this Act shall apply to appropriations for fiscal years prior to the fiscal year 1940: *Provided further*, That any adjustments made under the authority of this section shall be subject to the right of the United States to deduct from any sums due or thereafter becoming due to a carrier such amounts as may have been paid it on account of foreign countries which amounts, for any reason, the United States shall have been unable to collect, either by offset or otherwise, from the debtor country.

SEC. 2. In any case where collections are to be made by the United States from a foreign country for the transportation of mails of such countries for the account of an air carrier pursuant to section 405 (i) (2) of the Civil Aeronautics Act, whether such transportation occurred before or after the passage of this Act, the Postmaster General, taking into consideration the state of the balance carried in the appropriation, in his discretion, is hereby authorized to make advances to such air carrier out of sums appropriated for "balances due foreign countries", upon determination by the Postmaster General from time to time of the amounts due from any such foreign countries for transportation, and thereafter such amounts shall be collected by the United States from foreign countries by set-off, or otherwise, in the manner hereinbefore provided, and the appropriation for payment of "balances due foreign countries" shall be reimbursed by collections so made by the United States: *Provided, however*, That if the United States shall fail to collect any such amount or any part of such amount from such foreign country owing same within twelve months after the United States has paid such amount to the carrier, the United States may deduct such uncollected amounts from any sums owing by it to the carrier.

SEC. 3. The General Accounting Office shall make the necessary credits and debits in the respective appropriations and accounts involved and adopt such procedure as may be necessary to conform to and effect the purposes of this Act.

Approved, August 27, 1940.

52 Stat. 996.  
49 U. S. C., Supp. V,  
§ 485 (i) (2).

Settlement of accounts for carriage.

Payment to carrier, etc.

*Provisos.*  
Adjustments not applicable prior to fiscal year 1940.  
Adjustments subject to deductions.

Advances to carriers on foreign accounts.

52 Stat. 996.  
49 U. S. C., Supp. V,  
§ 485 (i) (2).

Collection by set-off, etc.

*Proviso.*  
Deduction of uncollected amounts from sums owing to carriers.

Accounting.

## [CHAPTER 694]

## AN ACT

Increasing the number of naval aviators in the line of the Regular Navy and Marine Corps, and for other purposes.

August 27, 1940  
[H. R. 10030]  
[Public, No. 775]

Naval Aviation Personnel Act of 1940.

Naval aviators.  
Appointments from Naval and Marine Corps Reserve.

Grade and precedence.

Provisos.  
Moral, etc., qualifications.

Active service requirement; age.

Waiver of service, etc., requirements.

Aviators having year or more of active service.

Additional numbers in grade.

Credit for longevity.

Eligibility for promotion, etc.

Sea service.  
34 U. S. C., Supp. V, § 311.

Disability and death benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Naval Aviation Personnel Act of 1940".

SEC. 2. The President of the United States is authorized to appoint to the line of the Regular Navy and Marine Corps, by and with the advice and consent of the Senate, as many naval aviators of the Naval and Marine Corps Reserve as he may deem necessary and the authorized number of commissioned officers of the line of the Navy and the Marine Corps is increased accordingly. These officers shall be appointed to the same grade occupied by them in the Naval or Marine Corps Reserve, as the case may be, at the time of such appointment and shall take precedence in such grade in accordance with the provisions of section 8 (e) of this Act: *Provided*, That they shall first establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe: *Provided further*, That officers so appointed shall, on June 30 of the calendar year in which they are appointed, have completed not less than eighteen months of continuous active service next following the completion of their duty as aviation cadets undergoing training and shall, on June 30 of the calendar year in which appointed, be less than twenty-six years of age: *Provided further*, That during a period of six months from the date of approval of this Act the Secretary of the Navy is authorized to waive the foregoing age requirement and continuous service requirements: *Provided further*, That during a period of six months from the date of approval of this Act those naval aviators who have not undergone training as aviation cadets but who have completed not less than one year of active service other than training duty in the Naval or Marine Corps Reserve may also be so appointed regardless of their age. Officers appointed under the authority of this proviso shall, upon appointment, be additional numbers in the grade to which appointed and in any grade to which they may thereafter be promoted: *And provided further*, That in computing the pay of officers appointed under the authority of this Act, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited.

SEC. 3. Each officer appointed pursuant to this Act to the grade of ensign or second lieutenant and each officer so appointed to a grade above that of ensign or second lieutenant shall, respectively, become eligible for promotion, or for consideration by a line selection board as of the date the line officer next junior to him at the date of appointment becomes so eligible. The qualification of sea service prescribed in section 11 (c) of the Act of June 23, 1938 (52 Stat. 948), shall not apply to such officers while in the grade to which originally appointed.

SEC. 4. All officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess of thirty days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and

length of service of the Regular Navy or Marine Corps: *Provided*, That if a person who is eligible for the benefits prescribed by this Act be also eligible for pension under the provisions of the Act of June 23, 1937 (50 Stat. 305), compensation from the United States Employees' Compensation Commission under the provisions of section 304 of the Naval Reserve Act of 1938 (52 Stat. 1181) or retired pay under the provision of section 310 of the Naval Reserve Act of 1938 (52 Stat. 1183), he shall elect which benefit he shall receive.

SEC. 5. Sections 6 and 8 of the Naval Aviation Reserve Act of 1939 (53 Stat. 820; U. S. C., Supp. V, title 34, secs. 849d and 849f) are hereby repealed.

SEC. 6. When officers commissioned in the Naval or Marine Corps Reserve pursuant to the Naval Aviation Reserve Act of 1939 are released from active duty that has been continuous for one or more years, they shall be paid a lump sum of \$500 for each complete year of active service other than duty as aviation cadets undergoing training and if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump-sum payment shall be prorated for fractional parts of each year of such service. The lump-sum payments authorized herein shall be in addition to any pay, allowances, compensation, or benefits which they may otherwise be entitled to receive.

SEC. 7. The Secretary of the Navy is authorized, in his discretion, to distribute the enlisted personnel of the Marine Corps among the various grades in such numbers as he deems to be to the best interests of the naval service.

SEC. 8. The Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat. 1175), as amended, is hereby amended as follows:

(a) Section 7, title I, by inserting after the words "commissioned officers" in line 1 of said section the words "exclusive of chief warrant officers", by inserting after the word "midshipmen", in lines 8 and 13, page 1177, the words "chief warrant officers," and by inserting after the word "days" in line 28, page 1177, the following provisos: "*Provided further*, That no chief warrant officer promoted to other commissioned grade or warrant officer promoted to chief warrant officer or other commissioned grade shall suffer any reduction of pay by reason of such promotion: *Provided further*, That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in the Act of February 16, 1929 (45 Stat. 1186)";

(b) Section 309, title III, by deleting the word "thirty", in line 5 of said section, and inserting in lieu thereof the word "twenty";

(c) Section 312, title III, delete the second proviso beginning on line 8, page 1184, and insert in lieu thereof the following: "*Provided further*, That hereafter all officers of the Naval Reserve and the Marine Corps Reserve who may be advanced to a higher grade or rank in time of peace or in time of war or national emergency under the provisions of this Act, shall be allowed the pay and allowances of the higher grade or rank from the dates of rank as stated in their commissions, as distinguished from the dates of commission, or dates of acceptance of commission, and the dates of rank as stated in their commissions shall be conclusive for all purposes";

(d) Section 313, title III, by inserting after the word "Navy", in line 5 of said section, a comma and the words "including drills performed on Sunday,"

(e) "SEC. 311. In time of peace, officers of the Naval Reserve shall take precedence according to such regulations as the Secretary of the Navy may prescribe: *Provided*, That when mobilized with the Regular Navy for war or a national emergency, each officer of the Naval Reserve shall take precedence next after that officer of the

*Proviso.*  
Election of benefits.

38 U. S. C., Supp. V,  
note at end of ch. 12.

34 U. S. C., Supp. V,  
§ 855c.

34 U. S. C., Supp. V,  
§ 855i.  
Repeal.

Service bonus.  
53 Stat. 819.  
34 U. S. C., Supp. V,  
§§ 849c-849f, 842, 844,  
853c, 850, ch. 14 (note).

In addition to pay,  
etc.

Distribution of des-  
ignated personnel.

Naval Reserve Act  
of 1938, amendments.

34 U. S. C., Supp. V,  
§ 853e.

*Provisos.*  
Promotion of war-  
rant officers; no pay  
reduction.

Computation of  
pay.

37 U. S. C. §§ 5, 11,  
14.

34 U. S. C., Supp. V,  
§ 855h.

34 U. S. C., Supp. V,  
§ 855k.  
*Proviso.*  
Advancements; pay  
and allowances.

34 U. S. C., Supp. V,  
§ 855j.

34 U. S. C., Supp. V,  
§ 855j.  
Peacetime preced-  
ence of Naval Re-  
serve officers.  
*Provisos.*  
Precedence when  
mobilized, etc.

Precedence of appointees after declaration of war, etc.

Regular Navy of the same rank or grade whose length of service in such rank or grade on the date of the declaration of such national emergency or war is one-half or the nearest one-half of that of the Reserve officer: *Provided further*, That a Naval Reserve officer appointed after the declaration of the war or national emergency shall take precedence, upon reporting for active duty, next after the officer of the Regular Navy of the same rank or grade whose length of service in such rank or grade on the date the Reserve officer reports for active duty, is one-half or the nearest one-half of that of the Reserve officer."

34 U. S. C. § 735.

SEC. 9. The Act of June 24, 1926, entitled "An Act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of operating personnel in connection therewith" (44 Stat. 766) is hereby amended by deleting the word "rigid" in line 10 of paragraph 1 of section 3.

Approved, August 27, 1940.

[CHAPTER 695]

AN ACT

August 27, 1940  
[H. R. 10213]  
[Public, No. 776]

To permit American vessels to assist in the evacuation from the war zones of certain refugee children.

Neutrality Act of 1939, amendment.  
*Ante*, pp. 7, 611.  
22 U. S. C., Supp. V,  
§ 245 J-3.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4, as amended, of the Neutrality Act of 1939 is amended by inserting "(a)" after "SEC. 4." and by adding at the end thereof the following new subsection:

Evacuation of refugee children by American vessels.  
*Ante*, pp. 4, 7.  
22 U. S. C., Supp. V,  
§§ 245 J-1, 245 J-2.

"(b) The provisions of sections 2 (a) and 3 shall not prohibit a vessel, in ballast, unarmed, and not under convoy, and transporting refugee children, under sixteen years of age, from war zones, or combat areas, and shall not prohibit such vessel entering into such war zones or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the States named in the proclamations issued under the authority of section 1 (a), and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry: *Provided*, That every such child so brought into the United States shall, previous to departure from the port of embarkation, have been so sponsored by some responsible American person, natural or corporate, that he will not become a public charge."

Approved, August 27, 1940.

Safe conduct.  
*Ante*, p. 4.

Markings on vessels.

*Proviso*.  
American sponsors.

[CHAPTER 704]

AN ACT

August 27, 1940  
[S. 2997]  
[Public, No. 777]

For the relief of the Greenlee County Board of Supervisors.

Greenlee County Board of Supervisors, Clifton, Ariz.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Greenlee County Board of Supervisors at Clifton, Arizona, the sum of \$1,700 in full satisfaction of the claim of said board of supervisors against the United States arising out of damage to the

Greenlee County Fair Grounds at Duncan, Arizona, caused by employees of the Soil Conservation Service between July 23, 1934, and March 25, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 27, 1940.

[CHAPTER 705]

AN ACT

To provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, South Carolina.

August 30, 1940  
[H. R. 10004]  
[Public, No. 778]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in order to replace the books taken in 1862 by the order of an officer of the United States from the library of the Beaufort Library Society of Beaufort, South Carolina, which books were subsequently destroyed by a fire in the Smithsonian Institution where they had been stored for safekeeping pending the termination of the War between the States, the Librarian of the Library of Congress is authorized and directed to transfer to the Beaufort Library of Beaufort, South Carolina, books of the same value as those which were so taken and destroyed. The books transferred under the provisions of this Act shall be from duplicates owned by the Library of Congress and shall not exceed in value, in the aggregate, the value of the books so taken and destroyed, such values to be fixed by the Librarian of the Library of Congress.

Beaufort Library,  
Beaufort, S. C.  
Transfer of books to.

Limitation on value.

Approved, August 30, 1940.

[CHAPTER 706]

AN ACT

To increase the number of midshipmen at the United States Naval Academy.

September 4, 1940  
[S. 4271]  
[Public, No. 779]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this Act but were not accepted for reasons other than physical disqualification: *Provided*, That no such candidate shall be eligible for admission who was more than twenty years of age on April 1, 1940.

U. S. Naval Academy.  
Appointment of additional midshipmen.

*Proviso.*  
Age limitations.

Approved, September 4, 1940.

[CHAPTER 715]

AN ACT

To amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

September 5, 1940  
[H. R. 9575]  
[Public, No. 780]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural

Federal Highway Act of 1940.

23 U. S. C., chs. 1, 2; Supp. V, chs. 1, 2. Federal-aid highway system. Appropriations authorized.

post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended and supplemented: The sum of \$100,000,000 for the fiscal year ending June 30, 1942, and the sum of \$100,000,000 for the fiscal year ending June 30, 1943.

Secondary or feeder roads. Appropriations authorized.

SEC. 2. For the purpose of continuing the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of \$17,500,000 for the fiscal year ending June 30, 1942, and the sum of \$17,500,000 for the fiscal year ending June 30, 1943; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

Use of Federal funds without matching State funds in certain cases.

23 U. S. C. § 55.

SEC. 3. If within the fiscal years 1942 and 1943 the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that at least 90 per centum of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have heretofore been pledged; and (3) that the portion of the proceeds of all such special taxes then available for construction and reconstruction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the regular and secondary Federal-aid road funds apportioned to such State for such fiscal years in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, then such portion of such apportionment as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State: *Provided*, That any such funds made available to any State without being matched by the State shall be expended by the State on the system of Federal-aid highways and on secondary roads in the construction of projects desirable from the standpoint of national defense.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Proviso. Expenditures from standpoint of national defense.

Hawaii. Use of unexpended road funds.

SEC. 4. Any balances of the regular and secondary Federal-aid road funds apportioned for the fiscal years 1939 and 1940 to the Territory of Hawaii which may remain unexpended at the close of the period of their availability shall be available thereafter for expenditure in such Territory by the Public Roads Administrator in the construction of projects desirable from the standpoint of the national defense, and the Commissioner of Public Roads is hereby empowered to enter into any agreements which he may deem necessary with the Territory of Hawaii setting forth the method by which such construction work shall be performed and the conditions which shall apply thereto, and he is further authorized, at his discretion, to pay all or any part of the costs incurred after approval of any such project, including the cost of surveys, the preparation of plans, specifications and estimates, and of necessary new or additional rights-of-way, and to make advances to such Territory under appropriate safeguards to enable it to make prompt payments to contractors on projects that may be agreed shall be constructed under contracts to be let and supervised by the Territory.

Federal participation in project work.

SEC. 5. For the elimination of hazards to life at railroad grade crossings including the separation or protection of grades at crossings, the reconstruction of existing railroad-grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Federal Works Administrator, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$20,000,000 for the fiscal year ending June 30, 1942, and the sum of \$20,000,000 for the fiscal year ending June 30, 1943.

SEC. 6. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$7,000,000 for the fiscal year ending June 30, 1942, and the sum of \$7,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Federal Works Administrator; and (2) for forest development roads and trails the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *And provided further*, That the apportionment for forest highways in Alaska shall be for each of the fiscal years \$500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: *And provided further*, That apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year may be made without regard to the provisions of said section 23 relating to apportionments, but in no case shall the apportionment to any State under this provision be in excess of 20 per centum of the total of funds affected thereby, and the total of the apportionments to each State during the six-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised.

SEC. 7. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the Act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of \$1,500,000 for the fiscal year ending June 30, 1942, and the sum of \$1,500,000 for the fiscal year ending June 30, 1943, to remain available until expended:

Elimination of railroad-grade-crossing hazards.  
Appropriations authorized.

Apportionment.

23 U. S. C. §§ 1-25;  
Supp. V, §§ 2a-24a.

Matching by State not necessary.

Appropriations authorized.  
23 U. S. C. § 23.  
Forest highways.

Provisos.  
Administration.

Forest roads and trails.

Apportionments.

Restriction on apportionments.

Roads through unreserved public lands, etc.  
Appropriations authorized.  
23 U. S. C. § 3.

*Proviso.*  
Basis for apportionments.

*Provided*, That apportionments of funds made under the second paragraph of section 3 of the Federal Highway Act, as amended by the Act of June 24, 1930 (46 Stat. 805), shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make as of June 30 each year.

Roads and trails in national parks, etc.  
Appropriations authorized.

16 U. S. C. §§ 8a-8c.

SEC. 8. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1942, and the sum of \$4,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

*Proviso.*  
Administration.

Parkways.  
Appropriations authorized.

SEC. 9. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$7,500,000 for the fiscal year ending June 30, 1942, and the sum of \$7,500,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service: *Provided further*, That hereafter appropriations for the construction and maintenance of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

*Provisos.*  
Location of parkways.

Administration.

Indian reservation roads.  
Appropriations authorized.  
25 U. S. C. § 318a.

SEC. 10. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location, type, and design of all roads constructed under the provisions of said Act of May 26, 1928, shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of the Public Roads Administration.

*Proviso.*  
Location, etc., of roads.

23 U. S. C., Supp. V, § 10b.

Roadside and landscape development.

SEC. 11. Subsection (c) of section 1 of the Federal Aid Highway Act of 1938 (52 Stat. 633) is hereby amended to read as follows:

"Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act

Purchase of adjacent strips of land.

*Proviso.*  
Limitation on funds available.

may be used for the purchase of such adjacent strips of land without being matched by the States."

SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a "right-of-way") necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

Financing of right-of-way acquisitions.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Approval of project.

(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency.

Aircraft landing strips adjacent to public highways, etc.

SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft.

Traffic surveys.

SEC. 14. The Commissioner of Public Roads, in cooperation with the State highway departments of the respective States, is hereby directed to investigate the service afforded to traffic, population, and lands by all highways of each State, as determined by State-wide surveys adequate for the purpose. Annually a report will be made to the Congress covering the progress made in classifying the highways into groups composed of roads of similar service importance.

Report to Congress.

SEC. 15. The Public Roads Administration is authorized to pay transportation and subsistence expenses of its employees, and of persons appointed under schedule A, subdivision I, paragraph 7, of Civil Service Rules, hereafter assigned to perform engineering services beyond continental United States for any agency or governmental corporation of the United States, including transportation and subsistence expenses of members of the immediate family of any such employee or person in traveling from their headquarters or homes to the post of duty outside continental United States and return; and, with the approval of the Federal Works Administrator, the compensation of any such employee so assigned may be increased during such assignment by not to exceed 25 per centum of his base pay.

Engineering services outside U. S.

Increase in compensation; limitation.

SEC. 16. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

Reapportionment of designated funds.

23 U. S. C. § 55.

23 U. S. C. § 21.

SEC. 17. Any amounts heretofore apportioned to any State under the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law.

Availability of unexpended secondary or feeder road funds.

SEC. 18. Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of

Engineering costs on roads important to national defense.

highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national defense agency.

Priority of approval to projects important to national defense.

SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite and construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

Short title.

SEC. 20. This Act may be cited as the "Federal Highway Act of 1940." Approved, September 5, 1940.

[CHAPTER 717]

AN ACT

September 9, 1940  
[H. R. 10263]  
[Public, No. 781]

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

Second Supplemental National Defense Appropriation Act, 1941.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

Title III, Military Appropriation Act, 1941.

**TITLE I—WAR DEPARTMENT—MILITARY ACTIVITIES**

Additional appropriations.

*Ante*, pp. 350, 352.

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental, and in addition, to the appropriations under the same heads in the Military Appropriation Act, for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, and including under each appropriation the employment of persons and the procurement of supplies and services, printing and binding, and communication service, at the seat of government and elsewhere (the amount for personal services at the seat of government, other than for field service employees, shall not exceed one-fourth of 1 per centum of the total amount of cash appropriated for the Army by this Act), as follows:

*Ante*, p. 357.

**QUARTERMASTER CORPS**

Regular supplies of the Army.

Regular supplies of the Army: For regular supplies of the Army, \$4,685,122, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,280,000, for the purposes for which this appropriation is available.

Clothing and equipage, Army.

Clothing and equipage, Army: For clothing and equipage, Army, \$150,064,813, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$50,700,000, for the purposes for which his appropriation is available.

Army transportation.

Army transportation: For Army transportation, \$87,500,610, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats; and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$7,150,000, for the purposes for which this appropriation is available.

Horses, etc.

Horses, draft and pack animals, \$241,000.

## MILITARY POSTS

*Ante*, p. 360.

Construction of buildings, utilities, and appurtenances at military posts: For construction and installation of buildings, flying fields, and appurtenances thereto, \$201,109,030, of which \$128,107,115 shall be for emergency construction, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$14,000,000, for the purposes for which this appropriation is available: *Provided*, That of the foregoing cash appropriation and contract authorization \$3,000,000 in cash and \$2,000,000 in contract authorization shall be available for storage for aviation gasoline at various locations: *Provided further*, That all construction for the Military Establishment which has been authorized, or may be authorized prior to July 1, 1942, may be prosecuted prior to the approval by the Attorney General of title to the lands upon which such construction is to be placed, to such extent as may be deemed necessary or advantageous by the Secretary of War: *Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the fiscal year 1941, or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the Act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a): *Provided further*, That the fixed fee to be paid the contractor as a result of any such public works contract hereafter entered into shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War.

Construction.

*Proviso.*  
Storage for aviation gasoline.

Construction prior to approval of title.

Waiver of performance, etc., bonds in designated contracts.  
*Post*, p. 967.

40 U. S. C., Supp. V, § 270a.  
Limitation on fixed fees.  
*Post*, p. 967.

Acquisition of land: For the acquisition of land for military purposes, \$7,600,885.

Acquisition of land.  
*Ante*, p. 361.

*Ante*, p. 363.

## SIGNAL CORPS

Signal Service of the Army: For Signal Service of the Army, \$60,646,752, and, in addition, the Chief Signal Officer, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$45,600,000, for the purposes for which this appropriation is available.

## AIR CORPS

*Ante*, p. 364.

Air Corps, Army: For Air Corps, Army, \$520,802,304, and, in addition, the Chief of the Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$1,002,600,000, for the purposes for which this appropriation is available.

## MEDICAL DEPARTMENT

*Ante*, p. 366.

Medical and Hospital Department, Army: For Medical and Hospital Department, Army, \$11,701,039, and, in addition, the Surgeon General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,900,000, for the purposes for which this appropriation is available.

## CORPS OF ENGINEERS

*Ante*, p. 367.

Engineer Service, Army: For Engineer Service, Army, \$17,796,200, and, in addition, the Chief of Engineers, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$24,500,000, for the purposes for which this appropriation is available.

*Ante*, p. 367.

## ORDNANCE DEPARTMENT

Ordnance service and supplies, Army: For ordnance service and supplies, Army, \$540,162,645, and, in addition, the Chief of Ordnance, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$902,000,000, for the purposes for which this appropriation is available.

*Ante*, p. 368.

## CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For Chemical Warfare Service, Army, \$12,028,641, and, in addition, the Chief of Chemical Warfare Service, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$15,400,000, for the purposes for which this appropriation is available.

*Ante*, p. 369.

## SEACOAST DEFENSES

Seacoast defenses, general, \$16,533,491, of which \$8,312,154 shall remain available until expended; and in addition, when authorized by the Secretary of War, contracts may be entered into prior to July 1, 1941, for the purposes authorized by this appropriation to an amount not in excess of \$20,100,000.

*Ante*, p. 374.

## RESERVE OFFICERS' TRAINING CORPS

Funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be detailed for duty in connection with the Reserve Officers' Training Corps.

*Ante*, p. 602; *post*, p. 970.

## EXPEDITING PRODUCTION

Equipment, etc., for Army for emergency national defense.

41 U. S. C. § 5.

To enable the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, and without reference to section 3709, Revised Statutes, to expedite the production of equipment and supplies for the Army for emergency national defense purposes, including all of the objects and purposes specified under each of the appropriations available to the War Department during the fiscal year 1941, for procurement or production of equipment or supplies, for erection of structures, or for acquisition of land; the furnishing of Government-owned facilities at privately owned plants; the procurement and training of civilian personnel in connection with the production of equipment and material and the use and operation thereof; and for any other purposes which in the discretion of the Secretary of War are desirable in expediting production for military purposes and are recommended by the Advisory Commission of the Council of National Defense, and approved by the President, to be immediately available, \$162,500,000, and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$162,500,000: *Provided*, That an account shall be kept of all expenditures made or authorized hereunder and a report thereon shall be submitted to Congress on or before July 1, 1941: *Provided further*, That expenditures from funds appropriated under this head for the fiscal year 1941 shall not be subject to the provisions of section 1136, Revised Statutes, as amended (10 U. S. C. 1339).

Contracts authorized.

*Provisos.*  
Accounting; report to Congress.

Restriction removed.

10 U. S. C., Supp. V,  
§ 1339.

## CONTINGENT EXPENSES, WAR DEPARTMENT

Section 3709, Revised Statutes, shall not apply to any procurement under the appropriation "Contingent expenses, War Department, 1941", which does not exceed \$100 in amount.

SEC. 101. The first sentence of the seventh paragraph of section 127a, National Defense Act, as amended by section 20 of the Act of June 15, 1933 (48 Stat. 161), is hereby amended to read as follows:

"In time of war or national emergency determined by the President any officer of the Regular Army may be appointed to higher temporary grade without vacating his permanent appointment."

SEC. 102. The Secretary of War may, until June 30, 1942, allocate to the Corps of Engineers any of the construction works required to carry out the national-defense program and may transfer to that agency the funds necessary for the execution of the works so allocated.

SEC. 103. Section 1 (c) of the Act of July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress), is amended by deleting therefrom the words "for supplies or construction for", inserting in lieu thereof the word "with", and deleting the words "of such supplies or construction".

SEC. 104. This title may be cited as "Title III, Military Appropriation Act, 1941".

## TITLE II—NAVY DEPARTMENT

For additional amounts for appropriations for the Navy Department and the naval service, fiscal year 1941, to be supplemental, and, in addition, to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except the limitations suspended by Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), and except as otherwise provided herein, as follows:

## NAVAL ESTABLISHMENT

## OFFICE OF THE SECRETARY

Miscellaneous expenses, \$136,000, including not to exceed \$11,700 for allowances for living quarters, including heat, fuel, and light, as authorized by the Act approved June 26, 1930 (5 U. S. C. 118a), and not to exceed \$2,167 for telephone, telegraph, and teletype rentals and tolls, telegrams, radiograms, and cablegrams: *Provided*, That the first proviso under the appropriation "Miscellaneous expenses, Office of the Secretary", contained in title I of the Act making appropriations for the Navy Department and the naval service for the fiscal year 1941, is hereby repealed.

## BUREAU OF NAVIGATION

Training, Education, and Welfare, Navy Naval Reserve Officers' Training Corps, \$210,000.

Naval Reserve, including training for Reserve midshipmen, to be expended without regard to the limitations specified under this head in the Naval Appropriation Act for the fiscal year 1941, \$3,689,780.

The paragraph under the subheading "NAVAL RESERVE" of title I of the Naval Appropriation Act for the fiscal year 1941 is amended by inserting before the period at the end thereof a colon and the following: "*Provided further*, That nothing in the immediately preceding proviso shall be deemed to prevent the use of any such appropriation for the purpose of paying the pay, allowances, travel, or other expenses of any such officer or enlisted man of the Naval or Marine Corps Reserve who

*Ante*, p. 352.

Minor purchases.  
41 U. S. C. § 5.  
*Ante*, pp. 352, 603,  
604.

National Defense  
Act, amendment.  
10 U. S. C. § 513.

Officer of Regular  
Army.  
Temporary grade in  
time of war.

Works allocation to  
Corps of Engineers.  
*Ante*, p. 367.

*Ante*, p. 713.

Citation of title.

Title IV of the  
Naval Appropriation  
Act for the fiscal year  
1941.  
Additional appro-  
priations.  
*Ante*, p. 265.

*Ante*, p. 676.

*Ante*, p. 265.

Miscellaneous ex-  
penses.  
46 Stat. 818.

*Proviso*.  
Repeal of restrictive  
proviso.  
*Ante*, p. 266.

*Ante*, p. 267.

Naval Reserve.  
*Ante*, p. 270.

*Proviso*.  
Pay, etc., on active  
duty.

may surrender such pension, disability allowance, disability compensation, or retired pay for the period of his active duty in the Navy or Marine Corps”.

*Ante*, p. 272; *post*, p. 972.

#### BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the Act approved June 20, 1940 (Public, Numbered 644, Seventy-sixth Congress), \$35,000,000, and, in addition, the Secretary of the Navy may enter into contracts prior to July 1, 1941, to an amount not in excess of \$26,230,000, for the purposes for which this appropriation is available.

*Ante*, p. 493.

*Ante*, p. 273.

#### BUREAU OF ORDNANCE

Ordnance and ordnance stores, Navy, \$67,293,000, and, in addition, the Secretary of the Navy is authorized, prior to July 1, 1941, to enter into contracts to an amount not in excess of \$15,000,000 for the purposes for which this appropriation is available.

*Ante*, p. 274.

#### BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance, Bureau of Supplies and Accounts, \$500,000.

*Ante*, p. 273.

#### BUREAU OF MEDICINE AND SURGERY

Medical Department, \$1,350,000.

*Ante*, p. 279.

#### MAINTENANCE, BUREAU OF YARDS AND DOCKS

Maintenance.

For maintenance, Bureau of Yards and Docks, including the purchase of twelve motor busses at a cost not to exceed \$4,500 each, \$2,000,000: *Provided*, That the limitation fixed in the Naval Appropriation Act for the fiscal year 1941, approved June 11, 1940, for expenditures for the maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, and so forth, is increased during the fiscal year 1941 from \$100,000 to \$110,000.

*Proviso.*  
Increase of limitation.  
*Ante*, p. 280.

*Ante*, p. 279.

#### BUREAU OF YARDS AND DOCKS

#### PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works, etc.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$48,315,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Boston, Mass.

Navy Yard, Boston, Massachusetts: Light shop activities building and accessories, \$750,000; improvement of power plant, \$174,000; improvement of distributing systems, \$565,000.

Charleston, S. C.

Navy Yard, Charleston, South Carolina: Outside power connection to public utility company, \$50,000; services to fitting-out pier, \$35,000; miscellaneous shipbuilding facilities, \$465,000.

Mare Island, Calif.

Navy Yard, Mare Island, California: Galvanizing shop building and accessories, \$150,000; additional fitting-out crane on quaywall, \$150,000.

New York, N. Y.

Navy Yard, New York, New York: Weight-handling and transportation equipment, \$200,000; improvement of power plant, \$190,000; improvement of services to shipbuilding area, \$450,000; boiler and compressor building and accessories, \$100,000.

Navy Yard, Norfolk, Virginia: Improvement of power plant, \$430,000; improvement of distributing systems, \$515,000.	Norfolk, Va.
Navy Yard, Pearl Harbor, Territory of Hawaii: Completion of twenty-five ton floating derrick, YD69, \$150,000; improvement and rearrangement of shop buildings, \$200,000; extension of administration building and accessories, \$270,000; fifteen- and twenty-five-ton traveling cranes for repair basin, \$200,000; automatic telephone system, \$50,000; fire engine, \$10,000; fleet landings and accessories, \$55,000.	Pearl Harbor, T. H.
Navy Yard, Philadelphia, Pennsylvania: Extension of structural assembly shop and accessories, \$385,000; outside power connection to public utility company, \$50,000; lighting boundary fence, \$60,000.	Philadelphia, Pa.
Navy Yard, Portsmouth, New Hampshire: Extension of fitting-out berth, \$275,000; outside power connection to public-utility company, \$50,000.	Portsmouth, N. H.
Navy Yard, Puget Sound, Washington: Extension of shipfitters' shop, assembly bay, and accessories, \$450,000; connecting tunnel, drydock numbered 3 to drydock numbered 1 pumphouse, \$100,000; outside power connection to public-utility company, \$35,000; completion of electric system on pier numbered 6, \$150,000; improvement of electric system on pier numbered 4, \$90,000; improvement of central power plant, \$300,000.	Puget Sound, Wash.
Navy Yard, Washington, District of Columbia: Weight-handling and transportation equipment, \$75,000; replacement of fire-alarm system, \$40,000; extension of gun assembly shop building, \$700,000; extension of optical shop building, \$300,000; improvement of electric system, \$200,000; improvement of electric generating facilities, \$250,000; extension of proof shop building, \$300,000.	Washington, D. C.
Navy Yard, Washington (Alexandria, Virginia), District of Columbia: Extension of torpedo-shop building, \$145,000.	Washington (Alexandria, Va.), D. C.
Naval Academy, Annapolis, Maryland: Additional facilities, \$1,985,000.	Annapolis, Md.
Naval station, Guam: Quarters and accessories and services for officers, \$277,000.	Guam.
Naval station, Key West, Florida: Rehabilitation of submarine-base facilities and construction of marine railway, \$1,250,000.	Key West, Fla.
Naval station, Guantanamo, Cuba: Extension of medical storehouse and dispensary, \$15,000.	Guantanamo, Cuba.
Naval station, Tutuila, Samoa: Dispensary building and accessories, \$180,000.	Tutuila, Samoa.
Fleet-operating base, Guantanamo, Cuba: Dredging and moorings, \$2,000,000; shore facilities, including berthing, fleet landings, recreation facilities, power and service lines, \$3,000,000.	Guantanamo, Cuba.
Naval operating base, Norfolk, Virginia: Storage for experimental-type boats and landing gear, \$400,000; medical-supply storehouse and accessories, \$275,000.	Norfolk, Va.
Submarine base, Charlotte Amalie, Virgin Islands: Diesel-oil storage, \$30,000; administration building and accessories, \$60,000; bachelor officers' quarters and accessories, \$75,000; dispensary building and accessories, \$50,000; storehouse and accessories, \$125,000; extension of tender pier, \$60,000; bulkhead and piers, \$200,000; miscellaneous small buildings and accessories, \$71,000.	Charlotte Amalie, V. I.
Submarine base, Norfolk, Virginia: Replacement of finger piers, \$300,000; rehabilitation of north breakwater, \$135,000; dredging, \$150,000; battery charging and electric service, \$100,000; storage buildings and accessories, \$65,000.	Norfolk, Va.
Submarine base, Pearl Harbor, Territory of Hawaii: Addition to battery overhaul building, \$45,000; addition to utility-shop building, \$55,000; extension of quaywall, \$560,000; individual storehouse and accessories, \$30,000; improvement of battery charging and electric distribution, \$278,000.	Pearl Harbor, T. H.

- San Diego, Calif. Destroyer base, San Diego, California: Brig and marine guard building and accessories, \$80,000; barracks and mess hall building and accessories, \$450,000; shop buildings, \$220,000; cruiser graving dry-dock and accessories, \$3,000,000; improvement of power plant and distributing systems, \$130,000; temporary storehouses, \$500,000.
- Washington, D. C. Naval Observatory, Washington, District of Columbia: Instrument repair and storage building and accessories, \$250,000.
- Great Lakes, Ill. Naval training station, Great Lakes, Illinois: Outside power connection to public-utility company, \$25,000; improvement of power plant, \$450,000; improvement of sewage-disposal system, \$125,000; and temporary construction and facilities for additional enlisted personnel, \$1,750,000.
- Post, p. 973.
- Newport, R. I. Naval Training Station, Newport, Rhode Island: Temporary construction and facilities for additional enlisted personnel, \$800,000.
- Norfolk, Va. Naval Training Station, Norfolk, Virginia: Temporary construction and facilities for additional enlisted personnel, \$1,950,000.
- San Diego, Calif. Naval Training Station, San Diego, California: Temporary construction and facilities for additional enlisted personnel, \$1,250,000.
- Balboa, C. Z. Naval ammunition depot, Balboa, Canal Zone: Road to ammunition depot, \$85,000; quarters and accessories for married enlisted men, \$190,000; quarters and accessories for officer, \$14,500.
- Charleston, S. C. Naval ammunition depot, Charleston, South Carolina: Ammunition storage facilities, \$1,500,000.
- Baldwin, N. Y. Naval ordnance plant, Baldwin, New York: Ammunition loading building, \$53,000.
- Dahlgren, Va. Naval proving ground, Dahlgren, Virginia: Extension of garage, \$20,000; extension of powerhouse, \$75,000; locomotive crane shed, \$20,000; small-boat harbor, Piney Point, \$25,000; carpenter-shop building, \$25,000; transfer tide bridge, \$6,000; extension of service lines to hangar, \$35,000; barracks building for marine guard, \$25,000; quarters and accessories for officers, \$75,000; quarters and accessories for married enlisted men, \$90,000; purchase of land for spotting ranges, \$12,000.
- Fort Mifflin, Pa. Naval ammunition depot, Fort Mifflin, Pennsylvania: Improvement of fire protection, \$36,000; projectile loading plant building, \$45,000; extension of electric system, \$40,000.
- Hawthorne, Nev. Naval ammunition depot, Hawthorne, Nevada: Mine filling plant buildings, \$400,000; loading platform and siding, \$150,000; torpedo storehouse and accessories, \$90,000; quarters and accessories for officers, \$20,000; quarters and accessories for married enlisted men and civilians, \$150,000; alterations to quarters buildings, \$22,000.
- Indianhead, Md. Naval powder factory, Indianhead, Maryland: Marine barracks and accessories, \$125,000; additional power-plant facilities, \$300,000; D loading plant building and equipment, \$300,000; quarters and accessories for officers, \$30,000.
- Iona Island, N. Y. Naval ammunition depot, Iona Island, New York: Extension of main wharf, \$70,000; storage building, \$150,000; sewage-disposal system, \$34,000; extension of D loading plant, \$60,000; outside power connection to public-utilities company, \$30,000.
- Keyport, Wash. Naval torpedo station, Keyport, Washington: Auxiliary electric-power facilities, \$35,000; maintenance building and accessories, \$100,000; extension of torpedo storehouse, \$95,000; extension of garage, \$25,000; torpedo-shop building and accessories, \$275,000; paving and street lighting, \$100,000.
- Lake Denmark, N. J. Naval ammunition depot, Lake Denmark, New Jersey: Equipment-storage building, \$15,000; improvement of power plant, \$62,000; improvement of steam-distribution system, \$15,000.
- Mare Island, Calif. Naval ammunition depot, Mare Island, California: Mine-handling facilities, including assembly plant, \$695,000; guardhouse and barracks, \$100,000; pier, \$525,000; fencing, \$80,000.

Naval torpedo station, Newport, Rhode Island: Extension of fuze and primer building, \$100,000; administration building, \$280,000; extension of dispensary building, \$20,000; extension of sea wall, \$55,000; magazine buildings, \$5,000; coal-handling equipment for power plant, \$50,000; reconstruction of yardcraft building and improvement of water front, \$105,000; alcohol and paint storehouse, \$20,000; torpedo assembly plant and accessories, \$750,000; extension of administration building, \$200,000; extension of barracks for school for torpedo men, \$150,000.

Newport, R. I.

Naval ammunition depot, Oahu, Territory of Hawaii: Storehouse for inert materials, \$25,000.

Oahu, T. H.

Naval ammunition depot, Puget Sound, Washington: Bag filling house, \$100,000; extension of railroad tracks, \$50,000; marine barracks building and accessories, \$120,000; emergency power plant, \$50,000; replacement of pier, \$200,000; quarters and accessories for officer, \$14,500.

Puget Sound, Wash.

Naval ammunition depot, Saint Juliens Creek, Virginia: Fire-proof ceilings for magazine building, \$70,000; powder bag filling house, \$100,000; tracer loading building, \$100,000; projectile and case loading facilities, \$250,000; explosive-loading plant, \$200,000; storage building, \$125,000.

Saint Juliens Creek, Va.

Naval mine depot, Yorktown, Virginia: Roads and railroad barricades, \$125,000; TNT reclamation plant, \$100,000; mine-assembly building, \$150,000; quarters and accessories for officers, \$29,000.

Yorktown, Va.

Additional ordnance facilities at naval air stations, \$1,697,000.

Naval air stations.

Naval air station, Alameda, California: Seaplane ramp, \$60,000; improvement of, and services for, outlying fields, \$150,000.

Alameda, Calif.

Naval air station, Anacostia, District of Columbia: Paint and oil storehouse, \$6,000; outside power connection to public-utility company, \$10,000.

Anacostia, D. C.

Naval air station, Cape May, New Jersey: Improvement of water front, \$350,000.

Cape May, N. J.

Naval air station, Coco Solo, Canal Zone: Relocation of VJ Hangar, building numbered 123, \$15,000; additional sea wall, filling, and grading, \$225,000; seaplane hangar, \$450,000; additional paving and services around hangar, \$160,000; additional gasoline storage, \$260,000; aircraft storehouse, \$285,000; extension of railroad tracks, \$75,000; barracks and messhall building, \$900,000; aircraft operations building, \$125,000; garage, \$60,000; additional gasoline storage, \$620,000.

Coco Solo, C. Z.

Marine aviation facilities, Charlotte Amalie, Virgin Islands: Gasoline storage, pump house, and supply lines, \$60,000; recreation facilities, including buildings, \$15,000; filling lagoon, \$120,000; additional housing for naval personnel, \$92,000; seaplane hangar, \$250,000; bomb sight storehouse and shop building, \$5,000.

Charlotte Amalie, V. I.

Naval air station, Guantanamo, Cuba: Torpedo and bomb sight storehouse and shop, \$25,000; extension of barracks building, \$150,000; landplane hangars, McCalla Hill, \$325,000; extension of runways, McCalla Hill, \$75,000.

Guantanamo, Cuba.

Naval air station, Jacksonville, Florida: Additional gasoline storage, \$260,000.

Jacksonville, Fla.

Naval air station, Kaneohe Bay, Territory of Hawaii: Grading and surfacing landing mat, \$563,000; additional gasoline storage, \$1,400,000; purchase of land, \$500,000.

Kaneohe Bay, T. H.

Naval air station, Kodiak, Alaska: Seaplane ramp and taxiway, Saint Paul Harbor, \$250,000; additional gasoline storage, \$255,000.

Kodiak, Alaska.

Naval air station, Midway Island: Additional gasoline storage, \$100,000; clearing, grading, and surfacing landing field, \$300,000.

Midway Island.

- Pearl Harbor, T. H. Naval air station, Pearl Harbor, Territory of Hawaii: Improvement of landing field, \$250,000; connecting pier to mooring F-6, \$130,000; extension and improvement of roads, \$75,000; aircraft storehouse, \$250,000; laundry building and equipment, \$75,000; practice-bomb storage, \$10,000; first-aid and decontamination station, \$15,000; landplane hangars, \$500,000; warming-up platform and parking area, \$340,000; seaplane ramps and parking area, \$1,054,000; recreation facilities, including buildings, \$175,000; fleet-squadrons storehouse, \$60,000.
- Key West, Fla. Naval air station, Key West, Florida: Purchase of land, \$125,000.  
*Ante*, p. 230.  
 Norfolk, Va. Naval air station, Norfolk, Virginia: Fleet-squadrons storehouse, \$75,000; extension and improvement of engine-test building, \$135,500.
- Pensacola, Fla. Naval air station, Pensacola, Florida: Extension of aircraft storehouse, \$150,000; outside power connections to public utility company, \$55,000.
- Quantico, Va. Marine Corps Flying Field, Quantico, Virginia: Extension of motor-test building, \$70,000; extension of flying field northward, \$110,000; guardhouse and accessories, \$9,000; extension of aircraft storehouse, \$175,000; barracks and mess hall, Brown Field, \$325,000.
- San Juan, P. R. Naval air station, San Juan, Puerto Rico: Additional gasoline storage, \$264,000; replacement of quarantine facilities, \$375,000.
- Seattle, Wash. Naval air station, Seattle, Washington: Grading and improvement of outlying fields, \$150,000; additional gasoline storage, \$100,000.
- Sitka, Alaska. Naval air station, Sitka, Alaska: Extension of seaplane hangar, \$500,000.
- Squantum, Mass. Reserve aviation base, Squantum, Massachusetts: Dredging for seaplane approaches, \$117,000; dredging ship channel to present eighteen-foot channel, \$94,000.
- Philadelphia, Pa. Naval Aircraft Factory, Philadelphia, Pennsylvania: Improvement of water front and extension of flying field, \$190,000.
- Parris Island, S. C. Air activities, marine barracks, Parris Island, South Carolina: Landplane hangar, \$250,000; road from marine barracks to Page Field, \$35,000.
- Brooklyn, N. Y. Medical supply depot, Brooklyn, New York: Extension of medical-supply storehouse, including purchase of land, \$351,000.
- Great Lakes, Ill. Naval hospital, Great Lakes, Illinois: Additional ward buildings, \$340,000.
- Guam. Naval hospital, Guam: Isolation and tuberculosis wards, \$75,000.
- Mare Island, Calif. Naval hospital, Mare Island, California: Administration and subsistence building, \$475,000.
- Norfolk, Va. Naval hospital, Norfolk, Virginia: Additional wards and hospital facilities, \$669,000.
- Pearl Harbor, T. H. Naval hospital, Pearl Harbor, Territory of Hawaii: Medical-supply storehouse, \$275,000.
- Pensacola, Fla. Naval hospital, Pensacola, Florida: Additional ward buildings, \$350,000; barracks and accessories for corpsmen, \$75,000; quarters and accessories for nurses, \$75,000.
- Annapolis, Md. Naval radio station, Annapolis, Maryland: Additional facilities, including buildings, quarters, and services, \$140,000.
- Bainbridge Island, Wash. Naval radio station, Bainbridge Island, Washington: Radio facilities, including buildings and purchase of land, \$75,000.
- Balboa, C. Z. Naval radio station, Balboa, Canal Zone: Radio-receiving station, including buildings and accessories, \$650,000.
- Dutch Harbor, Alaska. Naval radio station, Dutch Harbor, Alaska: Additional radio facilities, including buildings and accessories, \$30,500.
- Eureka, Calif. Naval radio station, Eureka, California: Quarters and accessories, \$15,000.
- Folly Island, S. C. Naval radio-direction-finder station, Folly Island, South Carolina: Reconstruction of station at new location, \$75,000.

Naval radio station, Gatun, Canal Zone: Quarters and accessories, \$40,000.

Naval radio station, Jupiter, Florida: Barracks, compass house, and quarters building, \$65,000.

Naval radio station, Point Arguello, California: Quarters and accessories, \$6,000; powerhouse, garage, and dormitory building, \$27,000.

Naval radio station, Poyners Hill, North Carolina: Barracks, compass house, and quarters building and services, \$72,000.

Naval direction-finder station, Sandy Hook, New Jersey: Radio buildings and facilities and services, \$70,000.

Naval radio station, Summit, Canal Zone: Quarters and accessories for operators, \$72,000; extension of radio facilities, \$196,000.

Naval Research Laboratory, Bellevue, District of Columbia: Extension of chemical laboratory building, \$90,000; improvement of water front, \$160,000.

Marine barracks, Parris Island, South Carolina: Power and ice-plant building and accessories and equipment, \$500,000; outside power connection to public-utility company, \$10,000; magazines, \$10,000; repairs and replacements to make good storm damage of August 12, 1940, \$1,750,000; additional construction for increase in Marine Corps personnel, \$2,000,000.

Marine Corps depot of supplies, Philadelphia, Pennsylvania: Storage buildings and accessories, \$1,300,000.

Marine barracks, Quantico, Virginia: Barracks for school detachment, \$100,000; outside power connection to public-utility company, \$35,000; magazines, \$10,000.

Marine Corps: Extension of training areas, \$2,000,000.

Naval supply depot, Norfolk, Virginia: Replacement of pier and accessories, \$3,200,000.

Naval supply depot, San Diego, California: Extension of pier and transit shed, \$1,700,000.

Naval supply depot, Oakland, California: Medical supply storehouse, \$300,000.

Naval fuel depot, Pearl Harbor, Territory of Hawaii: Additional development of underground fuel storage, \$2,500,000.

Facilities for reserve midshipmen at such locations as the Secretary of the Navy, with the approval of the President, may select, \$250,000.

Tenth naval district: Headquarters facilities, including administration building, quarters for officers and married enlisted men, and barracks building and accessories, \$450,000.

Fourteenth naval district: Dredging of channels and harbors, \$1,500,000; fleet moorings, \$250,000.

Fifteenth naval district: Additional storage facilities, including buildings and accessories, \$1,000,000; housing for naval personnel, including buildings and accessories, \$1,527,000.

Receiving barracks for crews of ships going into commission at various locations, \$2,200,000.

Storage for aviation gasoline at various locations, \$2,500,000.

The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: *Provided*, That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above-mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward

Gatun, C. Z.

Jupiter, Fla.

Point Arguello,  
Calif.

Poyners Hill, N. C.

Sandy Hook, N. J.

Summit, C. Z.

Bellevue, D. C.

Parris Island, S. C.

Philadelphia, Pa.

Quantico, Va.

Marine Corps.  
Norfolk, Va.

San Diego, Calif.

Oakland, Calif.

Pearl Harbor, T. H.

Facilities for reserve  
midshipmen.

Tenth naval district.

Fourteenth naval  
district.

Fifteenth naval district.

Receiving barracks.

Storage for aviation  
gasoline.  
Cost-plus-a-fixed-fee  
contracts.*Proviso.*  
Limitation on fixed  
fee.Variance of cost  
limitations.

or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

Continued employment of personnel.

The Secretary of the Navy is hereby authorized to continue the employment, in the District of Columbia and elsewhere, of such employees now carried on the rolls as will be required for the preparation of plans and specifications and administrative work in connection with the public-works and public-utilities projects mentioned in this Act.

Ante, p. 282.

BUREAU OF AERONAUTICS

Plant expansion, etc.

Aviation, Navy, including plant expansions and facilities in private plants and outfits for messes of aviation cadets and bachelor officers at air stations, \$180,000,000: *Provided*, That in addition to the amount herein appropriated, the Secretary of the Navy may prior to July 1, 1941, enter into contracts for production and purchase of new aircraft and equipment, spare parts, and accessories in an amount not to exceed \$375,000,000: *Provided further*, That not to exceed \$1,000,000 of the total amount herein appropriated and available for contractual obligation may be used for the procurement of nonrigid lighter-than-air craft: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate \$300,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps", to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps".

Provisos. Contracts for new aircraft, etc.

Nonrigid lighter-than-air craft.

Transfer of funds.

Ante, p. 283.

MARINE CORPS

General expenses, Marine Corps, \$7,000,000.

Ante, p. 286.

ALTERATIONS TO NAVAL VESSELS

Proviso. Authority to exceed statutory limit.

Alterations to naval vessels, including the acquisition and conversion of vessels for naval auxiliaries of all kinds, \$75,000,000, to remain available until expended: *Provided*, That the Secretary of the Navy is authorized to exceed the statutory limit in conversion of vessels converted with these funds.

Ante, p. 286.

REPLACEMENT OF NAVAL VESSELS

Construction and machinery.

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), for the necessary tools, equipment, and facilities in naval establishments or private plants for shipbuilding and for the commencement of one hundred and nine thousand three hundred tons of combatant vessels authorized by the Act of March 27, 1934 (48 Stat. 501), eight auxiliary vessels authorized by the Act approved May 17, 1938 (52 Stat. 401-403), seventy-five thousand tons of auxiliary vessels authorized by the Act approved June 14, 1940 (Public, Numbered 629, Seventy-sixth Congress (H. R. 8026)), and one million three hundred and twenty-five thousand tons of combatant vessels, one hundred thousand tons of auxiliary vessels, and patrol craft, authorized by the Act approved July 19, 1940 (Public, Numbered 757, Seventy-sixth Congress), \$93,000,000, to remain available until expended.

48 Stat. 503.  
34 U. S. C. §§ 494-497; Supp. V, § 496.  
34 U. S. C., Supp. V, §§ 498-498k.  
Ante, p. 394.

Ante, p. 779.

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery", to remain available until expended, \$90,000,000, including \$68,000,000 for the necessary machine tools, equipment, land, and facilities for existing or additional naval establishments or private plants for the production of armor, armament, and ammunition, and, in addition, the Secretary of the Navy may enter into contracts not to exceed \$47,000,000 for the same purposes.

The first paragraph of section 2 (b) and subdivision (1) of such section 2 (b) of the Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), are hereby amended to read as follows:

"(b) After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941, no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. 496), as amended—

"(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;"

There may be detailed to the Bureau of Navigation not to exceed at any one time twenty-five enlisted men of the Navy in lieu of the seven enlisted men as authorized by the Naval Appropriation Act for the fiscal year 1941, and to the Bureau of Operations not to exceed at any one time twelve enlisted men of the Navy in addition to those detailed to Naval Communications and the Office of Naval Intelligence.

#### NAVY DEPARTMENT

Salaries: For compensation for personal services in the District of Columbia, as follows:

Office of the Secretary of the Navy, \$20,000.

Office of the Chief of Naval Operations, \$20,000.

Office of the Director of Naval Communications, \$10,080.

Contingent expenses, \$50,000.

Printing and binding, \$50,000.

SEC. 201. To the President for allocation to the War Department and the Navy Department for the acquisition of necessary land and the construction of housing units, including necessary utilities, roads, walks, and accessories, at locations on or near Military or Naval Establishments, now in existence or to be built, or near privately owned industrial plants engaged in military or naval activities, which for the purposes of this Act shall be construed to include activities of the Maritime Commission, where the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall certify that such housing is important for purposes under their respective jurisdiction and necessary to the national defense program, \$100,000,000: *Provided*, That the average unit cost of such housing projects, including acquisitions of land and the installation of necessary utilities, roads, walks, accessories and collateral expenses shall not be in excess of \$3,500: *Provided further*, That in carrying out the purposes of this section the Secretary of War and the Secretary of the Navy may utilize such other agencies of the United States as they may determine upon: *Provided further*, That the Secretary of War and the Secretary of the Navy, at their discretion, are hereby authorized to rent such housing units, upon completion, to enlisted men of the Army, Navy, Marine Corps with families, to field employees of

Armor, armament, and ammunition.

*Ante*, p. 677; *post*, p. 1003.

Contract agreement.

34 U. S. C., Supp. V, § 496.  
*Post*, p. 1003.

Profit in excess of 8 per centum, disposition.

Details to designated Bureaus.

*Ante*, p. 287.

*Ante*, p. 288.

*Ante*, p. 289.

*Ante*, p. 290.

Allocations to War and Navy Departments for construction of housing units, etc.  
*Ante*, p. 681; *post*, pp. 1115, 1125.

*Provisos*.  
Limitation on average unit cost.

Utilization of other U. S. agencies.

Rentals to enlisted men, etc.

Use of rental receipts.

Cost-plus-a-fixed-fee contracts.

Citation of title.

*Ante*, p. 287.

Inapplicability to War and Navy Departments of certain postal requirements.

39 U. S. C., Supp. V, § 321b.

Government contracts.

Applicability of provisions of designated Acts.

40 U. S. C., Supp. V, § 276a.  
41 U. S. C., Supp. V, §§ 35-45.

Wages of laborers, etc.; computation.

Short title.

September 11, 1940  
[S. 4272]  
[Public, No. 782]

Naval Reserve Officers' Training Corps.

Increase of total personnel.

the Military and Naval Establishments with families, and to workers with families who are engaged, or to be engaged, in industries essential to the military and naval national defense programs, including work on ships under the control of the Maritime Commission. The Secretary of War and the Secretary of the Navy are further authorized to use such rentals as may be collected from each housing project for the management and maintenance of the housing units therein, including utilities, roads, walks, and accessories, and to set up special reserve accounts for the amortization of the cost of the project: *Provided further*, That the authority of existing law for the negotiation of cost-plus-a-fixed-fee contracts shall be applicable to housing projects for which funds may be made available to the War and Navy Departments or the Maritime Commission.

SEC. 202. This title may be cited as "Title IV of the Naval Appropriation Act for the fiscal year 1941".

### TITLE III—GENERAL PROVISIONS

SEC. 301. That during the period of the national emergency declared by the President on September 8, 1939, to exist, so much of section 6 of the Act approved May 6, 1939 (53 Stat. 683), as amended by section 2 of the Act approved June 30, 1939 (53 Stat. 989), as requires the head of each executive department (other than the Post Office Department) to submit to the Postmaster General quarterly reports relating to mail matter which has been transmitted free of postage, is hereby suspended, insofar as the War and Navy Departments are concerned.

SEC. 302. Nothing in Titles I and II hereof shall be deemed to render inapplicable the provisions of the Act of March 3, 1931, as amended by the Act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the Act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract or contracts to which the provisions of either or both of such Acts would otherwise apply.

SEC. 303. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any contract of the character specified in the Act of June 19, 1912 (37 Stat. 138; U. S. C., title 40, secs. 324, 325), shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

SEC. 304. This Act may be cited as the "Second Supplemental National Defense Appropriation Act, 1941".

Approved, September 9, 1940, 9 a. m., E. S. T.

#### [CHAPTER 718]

#### AN ACT

To amend the Act approved March 4, 1925, entitled "An Act providing for sundry matters affecting the naval service, and for other purposes", as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 22 of the Act approved March 4, 1925, entitled "An Act providing for sundry matters affecting the naval service, and for other purposes" (43 Stat. 1276; U. S. C., title 34, sec. 821), as amended by the Act approved August 6, 1937 (50 Stat. 563; U. S. C., supp. V, title 34, sec. 821), is hereby further amended by deleting the words "twenty-four hundred" in the last line of the section, and by inserting in lieu thereof the words "seventy-two hundred".

Approved, September 11, 1940.

[CHAPTER 719]

## JOINT RESOLUTION

To authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the Office of Secretary of Commerce.

September 13, 1940  
[H. J. Res. 602]  
[Pub. Res., No. 97]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provision of law to the contrary, Jesse H. Jones, Federal Loan Administrator, may continue in such office and be appointed to, in the manner now provided by law, and may exercise the duties of the Office of Secretary of Commerce: *Provided,* That the total compensation to be paid him as Secretary of Commerce and as Federal Loan Administrator shall be that provided by law for the Secretary of Commerce.

Appointment of  
Jesse H. Jones, Federal  
Loan Administrator,  
to Office of Secretary  
of Commerce.

*Proviso.*  
Total compensation.

Approved, September 13, 1940, 1 p.m., E. S. T.

[CHAPTER 720]

## AN ACT

To provide for the common defense by increasing the personnel of the armed forces of the United States and providing for its training.

September 16, 1940  
[S. 4164]  
[Public, No. 783]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Congress hereby declares that it is imperative to increase and train the personnel of the armed forces of the United States.

Selective Training  
and Service Act of  
1940.  
Declarations of Con-  
gress.

(b) The Congress further declares that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service.

(c) The Congress further declares, in accordance with our traditional military policy as expressed in the National Defense Act of 1916, as amended, that it is essential that the strength and organization of the National Guard, as an integral part of the first-line defenses of this Nation, be at all times maintained and assured. To this end, it is the intent of the Congress that whenever the Congress shall determine that troops are needed for the national security in excess of those of the Regular Army and those in active training and service under section 3 (b), the National Guard of the United States, or such part thereof as may be necessary, shall be ordered to active Federal service and continued therein so long as such necessity exists.

39 Stat. 166.

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

Registration.  
Age limits.

SEC. 3. (a) Except as otherwise provided in this Act, every male citizen of the United States, and every male alien residing in the United States who has declared his intention to become such a citizen, between the ages of twenty-one and thirty-six at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided,* That within the limits of the quota determined under section 4 (b) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and thirty-six, shall be afforded an oppor-

Liability for train-  
ing and service.

Number of men to  
be selected and in-  
ducted.

*Provisos.*  
Volunteering for in-  
duction.

- tunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: *Provided further*, That no man shall be inducted for training and service under this Act unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: *Provided further*, That no men shall be inducted for such training and service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: *Provided further*, That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act. The men inducted into the land or naval forces for training and service under this Act shall be assigned to camps or units of such forces.
- (b) Each man inducted under the provisions of subsection (a) shall serve for a training and service period of twelve consecutive months, unless sooner discharged, except that whenever the Congress has declared that the national interest is imperiled, such twelve-month period may be extended by the President to such time as may be necessary in the interests of national defense.
- (c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be construed to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces.
- (d) With respect to the men inducted for training and service under this Act there shall be paid, allowed, and extended the same pay, allowances, pensions, disability and death compensation, and other benefits as are provided by law in the case of other enlisted men of like grades and length of service of that component of the land or naval forces to which they are assigned, and after transfer to a reserve component of the land or naval forces as provided in subsection (c) there shall be paid, allowed, and extended with respect to them the same benefits as are provided by law in like cases with respect to other members of such reserve component. Men in such training and service and men who have been so transferred to reserve components shall have an opportunity to qualify for promotion.
- (e) Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.
- Fitness required.
- Adequate shelter, etc., for men inducted.
- Peacetime land forces, maximum.
- Camp, etc., assignments.
- Period of service.
- Transfer to reserve component.
- Period of membership.
- Proviso.* Relief of certain persons from liability to serve in time of peace.
- Call to active duty.
- Pay, allowances, pensions, etc.
- Benefits extended.
- Promotions.
- Use of land forces beyond Western Hemisphere, restriction.

(f) Nothing contained in this or any other Act shall be construed as forbidding the payment of compensation by any person, firm, or corporation to persons inducted into the land or naval forces of the United States for training and service under this Act, or to members of the reserve components of such forces now or hereafter on any type of active duty, who, prior to their induction or commencement of active duty, were receiving compensation from such person, firm, or corporation.

Compensation from private parties.

SEC. 4. (a) The selection of men for training and service under section 3 (other than those who are voluntarily inducted pursuant to this Act) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men who are liable for such training and service and who at the time of selection are registered and classified but not deferred or exempted: *Provided*, That in the selection and training of men under this Act, and in the interpretation and execution of the provisions of this Act, there shall be no discrimination against any person on account of race or color.

Impartiality of selection.

*Proviso.*  
No race discrimination.

(b) Quotas of men to be inducted for training and service under this Act shall be determined for each State, Territory, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of men in the several States, Territories, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the land and naval forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

Basis for determining quotas.

Credits.

Computations.

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

Persons exempt from registration.

(b) In time of peace, the following persons shall be relieved from liability to serve in any reserve component of the land or naval forces of the United States and from liability for training and service under section 3 (b)—

Persons exempt from liability to serve in time of peace.

(1) Any man who shall have satisfactorily served for at least three consecutive years in the Regular Army before or after or

Service in Regular Army.

partially before and partially after the time fixed for registration under section 2.

Service in active National Guard and Regular Army.

(2) Any man who as a member of the active National Guard shall have satisfactorily served for at least one year in active Federal service in the Army of the United States, and subsequent thereto for at least two consecutive years in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration under section 2.

Service in active National Guard.

(3) Any man who is in the active National Guard at the time fixed for registration under section 2, and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

Service in Officers' Reserve Corps.

(4) Any man who is in the Officers' Reserve Corps on the eligible list at the time fixed for registration under section 2, and who shall have satisfactorily served therein on the eligible list for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration: *Provided*, That nothing in this subsection shall be construed to prevent the persons enumerated in this subsection, while in reserve components of the land or naval forces of the United States, from being ordered or called to active duty in such forces.

*Proviso.*

Call to active duty.

Deferment of designated public officers.

(c) (1) The Vice President of the United States, the Governors of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of record of the United States and of the several States and Territories and the District of Columbia, shall, while holding such offices, be deferred from training and service under this Act in the land and naval forces of the United States.

Officers necessary to public health, safety, or interest.

(2) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States, of any person holding an office (other than an office described in paragraph (1) of this subsection) under the United States or any State, Territory, or the District of Columbia, whose continued service in such office is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the public health, safety, or interest.

Deferment of ministers of religion, etc.

(d) Regular or duly ordained ministers of religion, and students who are preparing for the ministry in theological or divinity schools recognized as such for more than one year prior to the date of enactment of this Act, shall be exempt from training and service (but not from registration) under this Act.

Deferment of persons employed in essential industry, etc.

(e) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act in the land and naval forces of the United States (1) of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of those men found to be physically, mentally, or morally deficient or defective. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution.

Persons with dependents.

Deficient or defective persons.

(f) Any person who, during the year 1940, entered upon attendance for the academic year 1940-1941—

(1) at any college or university which grants a degree in arts or science, to pursue a course of instruction satisfactory completion of which is prescribed by such college or university as a prerequisite to either of such degrees; or

(2) at any university described in paragraph (1), to pursue a course of instruction to the pursuit of which a degree in arts or science is prescribed by such university as a prerequisite;

and who, while pursuing such course of instruction at such college or university, is selected for training and service under this Act prior to the end of such academic year, or prior to July 1, 1941, whichever occurs first, shall, upon his request, be deferred from induction into the land or naval forces for such training and service until the end of such academic year, but in no event later than July 1, 1941.

(g) Nothing contained in this Act shall be construed to require any person to be subject to combatant training and service in the land or naval forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. Any such person claiming such exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the land or naval forces under this Act, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such non-combatant service, in lieu of such induction, be assigned to work of national importance under civilian direction. Any such person claiming such exemption from combatant training and service because of such conscientious objections shall, if such claim is not sustained by the local board, be entitled to an appeal to the appropriate appeal board provided for in section 10 (a) (2). Upon the filing of such appeal with the appeal board, the appeal board shall forthwith refer the matter to the Department of Justice for inquiry and hearing by the Department or the proper agency thereof. After appropriate inquiry by such agency, a hearing shall be held by the Department of Justice with respect to the character and good faith of the objections of the person concerned, and such person shall be notified of the time and place of such hearing. The Department shall, after such hearing, if the objections are found to be sustained, recommend to the appeal board (1) that if the objector is inducted into the land or naval forces under this Act, he shall be assigned to noncombatant service as defined by the President, or (2) that if the objector is found to be conscientiously opposed to participation in such non-combatant service, he shall in lieu of such induction be assigned to work of national importance under civilian direction. If after such hearing the Department finds that his objections are not sustained, it shall recommend to the appeal board that such objections be not sustained. The appeal board shall give consideration to but shall not be bound to follow the recommendation of the Department of Justice together with the record on appeal from the local board in making its decision. Each person whose claim for exemption from combatant training and service because of conscientious objections is sustained shall be listed by the local board on a register of conscientious objectors.

(h) No exception from registration, or exemption or deferment from training and service, under this Act, shall continue after the cause therefor ceases to exist.

SEC. 6. The President shall have authority to induct into the land and naval forces of the United States under this Act no greater number

Deferment of certain college or university students.

Conscientious objectors.

Assignment.

Appeal.

Hearing.

Recommendations. If objections sustained.

If not sustained.

Register of conscientious objectors.

No exception, etc., after cause therefor ceases.

Number inducted restricted to appropriation therefor.

of men than the Congress shall hereafter make specific appropriation for from time to time.

Bounty and substitute prohibitions.  
*Proviso.*  
 Allowances not regarded as bounties.

SEC. 7. No bounty shall be paid to induce any person to enlist in or be inducted into the land or naval forces of the United States: *Provided*, That the clothing or enlistment allowances authorized by law shall not be regarded as bounties within the meaning of this section. No person liable for service in such forces shall be permitted or allowed to furnish a substitute for such service; no substitute as such shall be received, enlisted, enrolled, or inducted into the land or naval forces of the United States; and no person liable for training and service in such forces under section 3 shall be permitted to escape such training and service or be discharged therefrom prior to the expiration of his period of such training and service by the payment of money or any other valuable thing whatsoever as consideration for his release from such training and service or liability therefor.

Certificate upon completion of training, etc.

SEC. 8. (a) Any person inducted into the land or naval forces under this Act for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3 (b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the land or naval forces under this Act for training and service shall be given a physical examination at the beginning of such training and service and a medical statement showing any physical defects noted upon such examination; and upon the completion of his period of training and service under section 3 (b), each such person shall be given another physical examination and shall be given a medical statement showing any injuries, illnesses or disabilities suffered by him during such period of training and service.

Physical examinations.

Restoration to positions.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after he is relieved from such training and service—

Government or D. C. employees.

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

Private employees.

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

State, etc., employees.

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Status upon restoration.

(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the land or naval forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within one year after such restoration.

(d) Section 3 (c) of the joint resolution entitled "Joint Resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, is amended to read as follows:

*Ante*, p. 860.

"(c) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of active military service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into such service, and shall not be discharged from such position without cause within one year after such restoration."

Restoration without loss of seniority, etc.

(e) In case any private employer fails or refuses to comply with the provisions of subsection (b) or subsection (c), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

Remedial action upon failure to comply.

Representation by U. S. district attorney.

*Proviso*.  
Court fees, etc.

*Ante*, p. 860.

(f) Section 3 (d) of the joint resolution entitled "Joint Resolution to strengthen the common defense and to authorize the President to order members and units of reserve components and retired personnel of the Regular Army into active military service", approved August 27, 1940, is amended by inserting before the period at the end of the first sentence the following: ", and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action".

Recovery of wages or benefits.

Personnel Division. Establishment, functions, etc.

(g) The Director of Selective Service herein provided for shall establish a Personnel Division with adequate facilities to render aid in the replacement in their former positions of, or in securing positions for, members of the reserve components of the land and naval forces of the United States who have satisfactorily completed any period of active duty, and persons who have satisfactorily completed any period of their training and service under this Act.

Right to vote, etc.

(h) Any person inducted into the land or naval forces for training and service under this Act shall, during the period of such training and service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside of such State at the time of such election, if under the laws of such State he is entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence for longer than one day in order to permit him to vote in person in any such election.

Employment of members of Communist Party, etc.

(i) It is the expressed policy of the Congress that whenever a vacancy is caused in the employment rolls of any business or industry by reason of induction into the service of the United States of an employee pursuant to the provisions of this Act such vacancy shall not be filled by any person who is a member of the Communist Party or the German-American Bund.

Placing of orders for material, etc.

SEC. 9. The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance obligatory.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

Precedence over all other orders.

Taking possession of certain manufacturing plants.

Authorization.

Failure to comply.

Penalty.

Compensation for use of plants, etc.

Proviso. Employment standards.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: *Provided*, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

The first and second provisos in section 8 (b) of the Act entitled "An Act to expedite national defense, and for other purposes", approved June 28, 1940 (Public Act Numbered 671, Seventy-sixth Congress), are hereby repealed.

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

(2) to create and establish a Selective Service System, and shall provide for the classification of registrants and of persons who volunteer for induction under this Act on the basis of availability for training and service, and shall establish within the Selective Service System civilian local boards and such other civilian agencies, including appeal boards and agencies of appeal, as may be necessary to carry out the provisions of this Act. There shall be created one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and the District of Columbia. Each local board shall consist of three or more members to be appointed by the President, from recommendations made by the respective Governors or comparable executive officials. No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regulations prescribed by the President. Such local boards, under rules and regulations prescribed by the President, shall have power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this Act of all individuals within the jurisdiction of such local boards. The decisions of such local boards shall be final except where an appeal is authorized in accordance with such rules and regulations as the President may prescribe. Appeal boards and agencies of appeal within the Selective Service System shall be composed of civilians who are citizens of the United States. No person who is an officer, member, agent, or employee of the Selective Service System, or of any such local or appeal board or other agency, shall be excepted from registration, or deferred from training and service, as provided for in this Act, by reason of his status as such officer, member, agent, or employee;

(3) to appoint by and with the advice and consent of the Senate, and fix the compensation at a rate not in excess of \$10,000 per annum, of a Director of Selective Service who shall be directly responsible to him and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this Act: *Provided*, That any officer on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any reserve component thereof or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this Act (except to offices or positions on local boards, appeal boards, or agencies of appeal established or created pursuant to section 10 (a) (2)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Army, Navy, Marine Corps, or Coast Guard or reserve component thereof, or as such officer or employee in any

Provisos repealed.

*Ante*, p. 680.

Rules, etc.

Selective Service System.  
Classification of registrants.

Civilian local boards.

Membership.

Requirements.

Powers.

Finality of board's decisions; exception.

Appeal boards, etc.

Selective Service System personnel not exempt by reason of such status.

Director of Selective Service.  
Appointment; salary.

Other officers, etc.

*Provisos*.  
Assignments not to prejudice status, etc.

Senate approval of designated appointments.

Other employees.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Utilization of Government, etc., agencies.

Printing, binding, etc.

44 U. S. C., Supp. V, § 14.

Parole.

Delegation of authority.

Voluntary services. Penalty envelopes.

Fiscal, disbursing, and accounting agent.

Penal provisions.

department or agency of the United States: *Provided further*, That any person so appointed, assigned or detailed to a position the compensation in respect of which is at a rate in excess of \$5,000 per annum shall be appointed, assigned or detailed by and with the advice and consent of the Senate: *Provided further*, That the President may appoint necessary clerical and stenographic employees for local boards and fix their compensation without regard to the Classification Act of 1923, as amended, and without regard to the provisions of civil-service laws.

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act; and

(5) to purchase such printing, binding, and blankbook work from public, commercial, or private printing establishments or binderies upon orders placed by the Public Printer or upon waivers issued in accordance with section 12 of the Printing Act approved January 12, 1895, as amended by the Act of July 8, 1935 (49 Stat. 475), and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System as he may deem necessary to carry out the provisions of this Act, with or without advertising or formal contract; and

(6) to prescribe eligibility, rules, and regulations governing the parole for service in the land or naval forces, or for any other special service established pursuant to this Act, of any person convicted of a violation of any of the provisions of this Act.

(b) The President is further authorized, under such rules and regulations as he may prescribe, to delegate and provide for the delegation of any authority vested in him under this Act to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

(c) In the administration of this Act voluntary services may be accepted. Correspondence necessary in the execution of this Act may be carried in official penalty envelopes.

(d) The Chief of Finance, United States Army, is hereby designated, empowered, and directed to act as the fiscal, disbursing, and accounting agent of the Director of Selective Service in carrying out the provisions of this Act.

SEC. 11. Any person charged as herein provided with the duty of carrying out any of the provisions of this Act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said Act, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this Act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this Act, or who knowingly counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this Act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required

of him under or in the execution of this Act, or rules or regulations made pursuant to this Act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this Act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by any military or naval court martial in any case arising under this Act unless such person has been actually inducted for the training and service prescribed under this Act or unless he is subject to trial by court martial under laws in force prior to the enactment of this Act. Precedence shall be given by courts to the trial of cases arising under this Act.

SEC. 12. (a) The monthly base pay of enlisted men of the Army and the Marine Corps shall be as follows: Enlisted men of the first grade, \$126; enlisted men of the second grade, \$84; enlisted men of the third grade, \$72; enlisted men of the fourth grade, \$60; enlisted men of the fifth grade, \$54; enlisted men of the sixth grade, \$36; enlisted men of the seventh grade, \$30; except that the monthly base pay of enlisted men with less than four months' service during their first enlistment period and of enlisted men of the seventh grade whose inefficiency or other unfitness has been determined under regulations prescribed by the Secretary of War, and the Secretary of the Navy, respectively, shall be \$21. The pay for specialists' ratings, which shall be in addition to monthly base pay, shall be as follows: First class, \$30; second class, \$25; third class, \$20; fourth class, \$15; fifth class, \$6; sixth class, \$3. Enlisted men of the Army and the Marine Corps shall receive, as a permanent addition to their pay, an increase of 10 per centum of their base pay and pay for specialists' ratings upon completion of the first four years of service, and an additional increase of 5 per centum of such base pay and pay for specialists' ratings for each four years of service thereafter, but the total of such increases shall not exceed 25 per centum. Enlisted men of the Navy shall be entitled to receive at least the same pay and allowances as are provided for enlisted men in similar grades in the Army and Marine Corps.

(b) The pay for specialists' rating received by an enlisted man of the Army or the Marine Corps at the time of his retirement shall be included in the computation of his retired pay.

(c) The pay of enlisted men of the sixth grade of the National Guard for each armory drill period, and for each day of participation in exercises under sections 94, 97, and 99 of the National Defense Act, shall be \$1.20.

(d) No back pay or allowances shall accrue by reason of this Act for any period prior to October 1, 1940.

(e) Nothing in this Act shall operate to reduce the pay now being received by any retired enlisted man.

(f) The provisions of this section shall be effective on and after October 1, 1940. Thereafter all laws and parts of laws insofar as the same are inconsistent herewith or in conflict with the provisions hereof are hereby repealed.

SEC. 13. (a) The benefits of the Soldiers and Sailors Civil Relief Act, approved March 8, 1918, are hereby extended to all persons inducted into the land or naval forces under this Act, and to all members of any reserve component of such forces now or hereafter on active duty for a period of more than one month; and, except as

Enlisted men of  
Army and Marine  
Corps.  
Monthly base pay.

Specialists' ratings.

Increase upon com-  
pleting certain periods  
of service.

Navy, enlisted men.

Specialists' rating  
on retirement.

National Guard,  
pay.  
39 Stat. 206, 207.  
32 U. S. C. §§ 63-65,  
144-146.

Back pay, etc.

Pay of retired en-  
listed men.

Effective date.

Repeal.

Soldiers and Sailors  
Civil Relief Act, 1918.  
Benefits extended.  
40 Stat. 440.  
Post, p. 1191.

hereinafter provided, the provisions of such Act of March 8, 1918, shall be effective for such purposes.

(b) For the purposes of this section—

Inoperative provisions.  
40 Stat. 440, 441, 444-448, 449.

(1) the following provisions of such Act of March 8, 1918, shall be inoperative: Section 100; paragraphs (1), (2), and (5) of section 101; article 4; article 5; paragraph (2) of section 601; and section 603;

Terms defined.  
"Persons in military service."

(2) the term "persons in military service", when used in such Act of March 8, 1918, shall be deemed to mean persons inducted into the land or naval forces under this Act and all members of any reserve component of such forces now or hereafter on active duty for a period of more than one month;

"Period of military service."

(3) the term "period of military service", when used in such Act of March 8, 1918, when applicable with respect to any such person, shall be deemed to mean the period beginning with the date of enactment of this Act, or the date on which such person is inducted into such forces under this Act for any period of training and service or is ordered to such active duty, whichever is the later, and ending sixty days after the date on which such period of training and service or active duty terminates;

"Date of approval of this Act."

(4) the term "date of approval of this Act", when used in such Act of March 8, 1918, shall be deemed to mean the date of enactment of the Selective Training and Service Act of 1940.

40 Stat. 443.

(c) Article III of such Act of March 8, 1918, is amended by adding at the end thereof the following new section :

Installation contracts.  
Termination agreements, etc.

"SEC. 303. Nothing contained in section 301 shall prevent the termination or cancellation of a contract referred to in such section, nor the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during the period of military service of the person concerned."

Notice of requirements.

SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

Separability of provisions.

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

Voluntary enlistments or reenlistments.

(c) Nothing contained in this Act shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the land and naval forces of the United States, including the reserve components thereof.

Terms defined.  
"Between the ages of twenty-one and thirty-six."

SEC. 15. When used in this Act—

(a) The term "between the ages of twenty-one and thirty-six" shall refer to men who have attained the twenty-first anniversary of the day of their birth and who have not attained the thirty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

"United States."

(b) The term "United States", when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Alaska, Hawaii, and Puerto Rico.

"Dependent."

(c) The term "dependent" when used with respect to a person registered under the provisions of this Act includes only an individual (1) who is dependent in fact on such person for support in a reasonable manner, and (2) whose support in such a manner depends on income earned by such person in a business, occupation, or employment.

"Land or naval forces" and "land and naval forces."

(d) The terms "land or naval forces" and "land and naval forces" shall be deemed to include aviation units of such forces.

(e) The term "district court of the United States" shall be deemed to include the courts of the United States for the Territories and the possessions of the United States.

"District court of the United States."

SEC. 16. (a) Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force.

Suspension of conflicting laws.

(b) All the provisions of this Act, except the provisions of sections 3 (c), 3 (d), 8 (g), and 12, shall become inoperative and cease to apply on and after May 15, 1945, except as to offenses committed prior to such date, unless this Act is continued in effect by the Congress.

Period of operation, etc.

(c) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act.

Appropriation authorized. *Post*, p. 970.

SEC. 17. This Act shall take effect immediately.

When effective.

SEC. 18. This Act may be cited as the "Selective Training and Service Act of 1940".

Short title.

Approved, September 16, 1940, 3:08 p. m., E. S. T.

[CHAPTER 721]

AN ACT

To authorize the Reconstruction Finance Corporation to make loans for the development of deposits of strategic and critical minerals which in the opinion of the Corporation would be of value to the United States in time of war, and to authorize the Reconstruction Finance Corporation to make more adequate loans for mineral developmental purposes.

September 16, 1940  
[S. 4008]  
[Public, No. 784]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Act entitled "An Act relating to direct loans for industrial purposes by Federal Reserve banks, and for other purposes," approved June 19, 1934, as amended, is amended to read as follows:*

Reconstruction Finance Corporation.  
48 Stat. 1112.  
15 U. S. C. § 606d;  
Supp. V, § 606d.

"SEC. 14. The Reconstruction Finance Corporation is authorized and empowered to make loans upon sufficient security to recognized and established corporations, individuals, and partnerships engaged in the business of mining, milling, or smelting ores. The Reconstruction Finance Corporation is authorized and empowered also to make loans to corporations, individuals, and partnerships engaged in the development of a quartz ledge, or vein, or other ore body, or placer deposit, containing gold, silver, or tin, or gold and silver, or any strategic or critical mineral which in the opinion of the Reconstruction Finance Corporation would be of value to the United States in time of war, when, in the opinion of the Reconstruction Finance Corporation, there is sufficient reason to believe that, through the use of such loan in the development of a lode, ledge, or vein, or mineral deposit, or placer gravel deposit, there will be developed a sufficient quantity of ore, or placer deposits of a sufficient value to pay a profit upon mining operations: *Provided*, That not to exceed \$20,000 shall be loaned to any corporation, individual, or partnership for such development purposes; except that not in excess of \$40,000 in the aggregate may be loaned to any corporation, individual, or partnership for such purposes, if such corporation, individual, or partnership has expended funds previously obtained from the Reconstruction Finance Corporation for such purposes in such manner as to justify an additional loan for such purposes: *Provided further*, That there shall not be allocated or made available for such development loans a sum in excess of \$10,000,000."

Loans for mineral development purposes.

Strategic or critical minerals.

*Provisos*.  
Maximum loan.

Aggregate amount.

Approved, September 16, 1940.

## [CHAPTER 722]

## AN ACT

September 18, 1940  
[S. 2009]  
[Public, No. 786]

To amend the Act to regulate commerce, approved February 4, 1887, as amended, so as to provide for unified regulation of carriers by railroad, motor vehicle, and water, and for other purposes.

Transportation Act  
of 1940.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, divided into titles and sections according to the following table of contents, may be cited as the Transportation Act of 1940:

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## TITLE I—AMENDMENTS TO EXISTING LAW

- Sec. 1. Short title for act to regulate commerce; declaration of national transportation policy.
- Sec. 2. Amendments to section 1 (3), (4), and (5).
- Sec. 3. Transportation free or at reduced rates.
- Sec. 4. Amendments to section 1 (14), (17), and (18).
- Sec. 5. Amendments to section 3.
- Sec. 6. Long-and-short-haul provision.
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- Sec. 9. Amendments to sections 12 and 13.
- Sec. 10. Amendments to sections 15 and 15a.
- Sec. 11. Amendments to section 16.
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- Sec. 13. Amendments to section 20.
- Sec. 14. Amendments to sections 25, 26, and 27.
- Sec. 15. Short title for part II.
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- Sec. 17. Amendments to section 202.
- Sec. 18. Amendments to section 203.
- Sec. 19. Exemption of certain interstate and foreign commerce operations of motor carriers.
- Sec. 20. Amendments to sections 204, 205, and 206.
- Sec. 21. Amendments to sections 210, 210a, and 212; repeal of section 213.
- Sec. 22. Amendments to sections 214, 216, and 217.
- Sec. 23. Amendments to section 218.
- Sec. 24. Accounts, records, and reports of motor carriers.
- Sec. 25. Amendments to sections 221 and 222.
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## TITLE II—REGULATION OF WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE

- Sec. 201. Part III of Interstate Commerce Act.

## "PART III

- "Sec. 301. Short title.
- "Sec. 302. Definitions.
- "Sec. 303. Application of provisions; exemptions.
- "Sec. 304. General powers and duties of the Commission.
- "Sec. 305. Rates, fares, charges, and practices; through routes.
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## TITLE III—MISCELLANEOUS

## PART I—INVESTIGATION OF VARIOUS MODES OF TRANSPORTATION

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Sec. 331.

## TITLE I—AMENDMENTS TO EXISTING LAW

## SHORT TITLE FOR ACT TO REGULATE COMMERCE; DECLARATION OF NATIONAL TRANSPORTATION POLICY

SECTION 1. The Act entitled "An Act to regulate commerce", approved February 4, 1887, as amended (U. S. C., 1934 edition, title 49, secs. 1-27; Supp. IV, title 49, secs. 3, 6, 11, 15, 18, 21, 22, 25, 26, 301-327), is amended by inserting before part I the following:

24 Stat. 379.

## "SHORT TITLE

"This Act may be cited as the Interstate Commerce Act.

Interstate Commerce Act.

## "NATIONAL TRANSPORTATION POLICY

"It is hereby declared to be the national transportation policy of the Congress to provide for fair and impartial regulation of all modes of transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to cooperate with the several States and the duly authorized officials thereof; and to encourage fair wages and equitable working conditions;—all to the end of developing, coordinating, and preserving a national transportation system by water, highway, and rail, as well as other means, adequate to meet the needs of the commerce of the United States, of the Postal Service, and of the national defense. All of the provisions of this Act shall be administered and enforced with a view to carrying out the above declaration of policy."

National transportation policy.

## AMENDMENTS TO SECTION 1 (3), (4), AND (5)

SEC. 2. (a) Paragraph (3) of section 1 of the Interstate Commerce Act, as amended, is amended by inserting after "(3)" the letter "(a)" and by adding at the end thereof a new sentence as follows: "The term 'person' as used in this part includes an individual, firm, copartnership, corporation, company, association, or joint-stock association; and includes a trustee, receiver, assignee, or personal representative thereof."

Part I of the Interstate Commerce Act.  
 Post, p. 919.  
 "Person" defined.  
 41 Stat. 474.  
 49 U. S. C. § 1 (3).

(b) Such paragraph (3) is amended by adding at the end thereof a new subparagraph (b) as follows:

"(b) For the purposes of sections 5, 12 (1), 20, 204 (a) (7), 210, 220, 304 (b), 310, and 313 of this Act, where reference is made to control (in referring to a relationship between any person or persons and

"Control" construed.  
 Post, pp. 905, 910, 916, 922, 923, 926, 933, 943, 944.

another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control."

(c) Paragraph (4) of such section 1 (which relates to the duty of common carriers subject to part I to establish through routes and rates applicable thereto), is amended to read as follows:

Through routes,  
rates, etc.

"(4) It shall be the duty of every common carrier subject to this part to provide and furnish transportation upon reasonable request therefor, and to establish reasonable through routes with other such carriers, and just and reasonable rates, fares, charges, and classifications applicable thereto; and it shall be the duty of common carriers by railroad subject to this part to establish reasonable through routes with common carriers by water subject to part III, and just and reasonable rates, fares, charges, and classifications applicable thereto. It shall be the duty of every such common carrier establishing through routes to provide reasonable facilities for operating such routes and to make reasonable rules and regulations with respect to their operation, and providing for reasonable compensation to those entitled thereto; and in case of joint rates, fares, or charges, to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such participating carriers."

Post, p. 929.

Operating facilities.

Divisions of joint  
rates.

(d) Paragraph (5) of such section 1 is amended by inserting after "(5)" the letter "(a)" and by striking out the following: "*And provided further*, That nothing in this part shall be construed to prevent telephone, telegraph and cable companies from entering into contracts with common carriers for the exchange of services", and by adding after such paragraph (5) (a) a new paragraph as follows:

41 Stat. 475.  
49 U. S. C. § 1 (5).

Contracts with tele-  
phone, etc., compa-  
nies.

"(b) Nothing in this Act shall be construed to prevent any common carrier subject to this Act from entering into or operating under any contract with any telephone, telegraph, or cable company, for the exchange of their services."

#### TRANSPORTATION FREE OR AT REDUCED RATES

SEC. 3. (a) Paragraph (7) of section 1 of the Interstate Commerce Act, as amended, is amended by striking out "and their families, its officers, agents, surgeons, physicians, and attorneys at law;" and inserting in lieu thereof a comma and the following: "its officers, surgeons, physicians, and attorneys at law, and the families of any of the foregoing; to the executive officers, general chairmen, and counsel of employees' organizations when such organizations are authorized and designated to represent employees in accordance with the provisions of the Railway Labor Act;"

41 Stat. 475.  
49 U. S. C. § 1 (7).

44 Stat. 577.  
45 U. S. C., ch. 8;  
Supp. V, ch. 8.

(b) Such paragraph (7) is further amended by striking out "to Railway Mail Service employees, post-office inspectors," and inserting in lieu thereof "to railway mail-service employees and persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and post-office inspectors while traveling on official business, upon the exhibition of their credentials; to".

(c) The first sentence of paragraph (1) of section 22 of the Interstate Commerce Act, as amended, is amended—

25 Stat. 862.  
49 U. S. C. § 22;  
Supp. V, § 22.

(1) by inserting after "the necessary agents employed in such transportation," the following: "or the transportation of persons for the United States Government free or at reduced rates,"; and

(2) by inserting after "free carriage to their own officers and employees," the following: "or to prevent the free carriage, storage, or handling by a carrier of the household goods and other personal effects of its own officers or employees when such goods and effects must necessarily be moved from one place to another as a result of a change in the place of employment of such officers or employees while in the service of the carrier,"

(d) The last sentence of paragraph (1) of such section 22 (which relates to reduced rates to improve housing conditions, and so forth) is hereby repealed.

(e) Paragraph (1) of such section 22 is hereby amended by striking out "(1)"; and paragraphs (2) and (3) of such section 22 (which relate to the issuance of interchangeable mileage tickets), are hereby repealed.

48 Stat. 1264.  
49 U. S. C. § 22 (1);  
Supp. V, § 22 (1).

42 Stat. 827; 25 Stat.  
862.  
49 U. S. C. § 22;  
Supp. V, § 22.

#### AMENDMENTS TO SECTION 1 (14), (17), AND (18)

SEC. 4. (a) Paragraph (14) of section 1 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(14) (a) The Commission may, after hearing, on a complaint or upon its own initiative without complaint, establish reasonable rules, regulations, and practices with respect to car service by common carriers by railroad subject to this part, including the compensation to be paid and other terms of any contract, agreement, or arrangement for the use of any locomotive, car, or other vehicle not owned by the carrier using it (and whether or not owned by another carrier), and the penalties or other sanctions for nonobservance of such rules, regulations, or practices.

41 Stat. 476.  
49 U. S. C. § 1 (14).

Car service.  
Establishment of  
rules, etc.

"(b) It shall be unlawful for any common carrier by railroad or express company, subject to this part, to make or enter into any contract, agreement, or arrangement with any person for the furnishing to or on behalf of such carrier or express company of protective service against heat or cold to property transported or to be transported in interstate or foreign commerce, or for any such carrier or express company to continue after April 1, 1941, as a party to any such contract, agreement, or arrangement unless and until such contract, agreement, or arrangement has been submitted to and approved by the Commission as just, reasonable, and consistent with the public interest: *Provided*, That if the Commission is unable to make its determination with respect to any such contract, agreement, or arrangement prior to said date, it may extend it to not later than October 1, 1941."

Contracts for protective service against heat or cold.

(b) Paragraph (17) of such section 1 (which relates to the duty of carriers by railroad, and their agents, to obey orders of the Commission relating to car service) is amended by inserting after "(17)" the letter "(a)"; and by adding after such paragraph (17) (a) the following new subparagraph:

*Proviso.*  
Time extension.

41 Stat. 477.  
49 U. S. C. § 1 (17).

"(b) It shall be unlawful for any person to offer or give or cause or procure to be offered or given, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, to any person acting for or employed by any carrier by railroad subject to this part with intent to influence his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation of property. It shall be unlawful for any person acting for or employed by any carrier by railroad subject to this part to solicit, accept, or receive, directly or indirectly, any money, property, or thing of value, or bribe in any other form whatsoever, with intent to be influenced thereby in his decision or action, or because of his decision or action, with respect to the supply, distribution, or movement of cars or other vehicles, or vessels, used in the transportation

Bribery.

Penalty.

of property. Any person who violates the provisions of this subparagraph shall be deemed guilty of a misdemeanor and be subject for each offense to a fine of not more than \$1,000, or imprisonment in the penitentiary for a term of not more than two years, or both such fine and imprisonment."

41 Stat. 477.  
49 U. S. C. § 1 (18).  
Spur, etc., tracks.  
Post, p. 905.

(c) Paragraph (18) of such section 1 is amended by adding at the end thereof a new sentence as follows: "Nothing in this paragraph or in section 5 shall be considered to prohibit the making of contracts between carriers by railroad subject to this part, without the approval of the Commission, for the joint ownership or joint use of spur, industrial, team, switching, or side tracks."

## AMENDMENTS TO SECTION 3

41 Stat. 479.  
49 U. S. C. § 3 (1);  
Supp. V, § 3.  
Ante, p. 899.

SEC. 5. (a) Paragraph (1) of section 3 of the Interstate Commerce Act, as amended (which prohibits the giving of undue or unreasonable preferences or advantages by carriers subject to part I), is amended to read as follows:

Undue preference.

"(1) It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, association, locality, port, port district, gateway, transit point, region, district, territory, or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this paragraph shall not be construed to apply to discrimination, prejudice, or disadvantage to the traffic of any other carrier of whatever description.

Undue disadvantage.

*Proviso.*  
Construction of paragraph, restriction.

Export rates on farm commodities.

"(1a) It is hereby declared to be the policy of Congress that shippers of wheat, cotton, and all other farm commodities for export shall be granted export rates on the same principles as are applicable in the case of rates on industrial products for export. The Commission is hereby directed, on its own initiative or an application by interested persons, to make such investigations and conduct such hearings, and, after appropriate proceedings, to issue such orders, as may be necessary to carry out such policy."

Rate investigations.

(b) The Interstate Commerce Commission is authorized and directed to institute an investigation into the rates on manufactured products, agricultural commodities, and raw materials, between points in one classification territory and points in another such territory, and into like rates within any of such territories, maintained by common carriers by rail or water subject to part I of the Interstate Commerce Act, as amended, for the purpose of determining whether said rates are unjust and unreasonable or unlawful in any other respect in and of themselves or in their relation to each other, and to enter such orders as may be appropriate for the removal of any unlawfulness which may be found to exist: *Provided,* That the Commission in its discretion may confine its investigation to such manufactured products, agricultural commodities, and raw materials, and the rates thereon as shippers thereof may specifically request be included in such investigation.

Ante, p. 899.

*Proviso.*  
Scope of investigation.

41 Stat. 479.  
49 U. S. C. § 3 (2).

Reconignments,  
etc.; liability of beneficial owner.

(c) Paragraph (2) of such section 3 (which requires payment of charges prior to delivery of freight, and prescribes certain rules of liability for payment of charges), is amended by adding at the end the following sentences: "On shipments reconsigned or diverted by an agent who has furnished the carrier in the reconsignment or

diversion order with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith. If the reconsignor or diverter has given to the carrier erroneous information as to who the beneficial owner is, such reconsignor or diverter shall himself be liable for all such charges, and an action for the enforcement of his liability may be begun within the same period provided in the case of an action against a consignee who has given erroneous information as to the beneficial owner.<sup>5</sup>

(d) Such section 3 is amended by adding after paragraph (2) thereof the following new paragraph:

“(3) If a shipper or consignor of a shipment of property (other than a prepaid shipment) is also the consignee named in the bill of lading and, prior to the time of delivery, notifies, in writing, a delivering carrier by railroad or a delivering express company subject to the provisions of this part, (a) to deliver such property at destination to another party, (b) that such party is the beneficial owner of such property, and (c) that delivery is to be made to such party only upon payment of all transportation charges in respect of the transportation of such property, and delivery is made by the carrier to such party without such payment, such shipper or consignor shall not be liable (as shipper, consignor, consignee, or otherwise) for such transportation charges but the party to whom delivery is so made shall in any event be liable for transportation charges billed against the property at the time of such delivery, and also for any additional charges which may be found to be due after delivery of the property, except that if such party prior to such delivery has notified in writing the delivering carrier that he is not the beneficial owner of the property, and has given in writing to such delivering carrier the name and address of such beneficial owner, such party shall not be liable for any additional charges which may be found to be due after delivery of the property; but if the party to whom delivery is made has given to the carrier erroneous information as to the beneficial owner, such party shall nevertheless be liable for such additional charges. If the shipper or consignor has given to the delivering carrier erroneous information as to who the beneficial owner is, such shipper or consignor shall himself be liable for such transportation charges, notwithstanding the foregoing provisions of this paragraph and irrespective of any provisions to the contrary in the bill of lading or in the contract of transportation under which the shipment was made. An action for the enforcement of such liability either against the party to whom delivery is made or the shipper or consignor may be begun within the period provided in paragraph (3) of section 16, or before the expiration of six months after final judgment against the carrier in an action against either of such parties begun within the limitation period provided in paragraph (3) of section 16. The term ‘delivering carrier’ means the line-haul carrier making ultimate delivery.”

(e) Paragraph (3) of such section 3 (which relates to the affording of facilities for interchange of traffic), is amended by striking out “(3)” and substituting in lieu thereof “(4)” and is further amended to read as follows:

“(4) All carriers subject to the provisions of this part shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and

41 Stat. 479.  
49 U. S. C. § 3 (2).

Liability of shipper  
when consignee.

Liability of receiver.

Exception.

Liability of shipper.

Time limitations.  
41 Stat. 492.  
49 U. S. C. § 16 (3).

“Delivering carrier”  
defined.

41 Stat. 479.  
49 U. S. C. § 3 (3).

Facilities for inter-  
change of traffic.

Rates.

"Connecting line" defined.

Post, p. 929.

41 Stat. 479.  
49 U. S. C. § 3 (4).  
Common use of terminals.

charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this paragraph the term 'connecting line' means the connecting line of any carrier subject to the provisions of this part or any common carrier by water subject to part III."

(f) Paragraph (4) of such section 3 (which relates to the Commission's power to require common use of terminals), is amended—

(1) by striking out "(4)" and substituting in lieu thereof "(5)";

(2) by striking out in the first sentence the words "a carrier" and substituting in lieu thereof the words "a common carrier by railroad";

(3) by striking out in the first sentence the words "any carrier, by another carrier or other carriers" and substituting in lieu thereof the words "any common carrier by railroad, by another such carrier or other such carriers"; and

(4) by adding after the words "shall have power" in the first sentence the words "by order".

#### LONG AND SHORT HAUL PROVISION

SEC. 6. (a) Paragraph (1) of section 4 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(1) It shall be unlawful for any common carrier subject to this part or part III to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates subject to the provisions of this part or part III, but this shall not be construed as authorizing any common carrier within the terms of this part or part III to charge or receive as great compensation for a shorter as for a longer distance: *Provided*, That upon application to the Commission such common carrier may in special cases, after investigation, be authorized by the Commission to charge less for longer than for shorter distances for the transportation of passengers or property; and the Commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section, but in exercising the authority conferred upon it in this proviso the Commission shall not permit the establishment of any charge to or from the more distant point that is not reasonably compensatory for the service performed; and no such authorization shall be granted on account of merely potential water competition not actually in existence: *And provided further*, That tariffs proposing rates subject to the provisions of this paragraph may be filed when application is made to the Commission under the provisions hereof, and in the event such application is approved, the Commission shall permit such tariffs to become effective upon one day's notice."

(b) In the case of a carrier heretofore subject to the provisions of paragraph (1) of section 4 of the Interstate Commerce Act, as amended, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed by reason of the amendments made to such paragraph by subsection (a) of this section. In the case of a carrier not heretofore subject to the provisions of such paragraph, no rate, fare, or charge lawfully in effect at the time of the enactment of this Act shall be required to be changed, by reason of the provisions of such paragraph, as amended by subsection (a) of this section, prior to six months after the enactment of this Act, or in case application for the continuance of any such existing rate,

41 Stat. 480.  
49 U. S. C. § 4 (1).

Long and short hauls, through routes, etc.  
Unlawful charges.  
Post, p. 929.

Provisions.  
Special cases.

Tariff proposals.

When effective.

Temporary continuance of existing rates.

fare, or charge is filed with the Interstate Commerce Commission within such six months period, until the Commission has acted upon such application.

POOLING; UNIFICATIONS, MERGERS, AND ACQUISITIONS OF CONTROL

SEC. 7. Section 5 of the Interstate Commerce Act, as amended, is amended to read as follows:

"SEC. 5. (1) Except upon specific approval by order of the Commission as in this section provided, and except as provided in paragraph (16) of section 1 of this part, it shall be unlawful for any common carrier subject to this part, part II, or part III to enter into any contract, agreement, or combination with any other such common carrier or carriers for the pooling or division of traffic, or of service, or of gross or net earnings, or of any portion thereof; and in any case of an unlawful agreement for the pooling or division of traffic, service, or earnings as aforesaid each day of its continuance shall be a separate offense: *Provided*, That whenever the Commission is of opinion, after hearing upon application of any such carrier or carriers or upon its own initiative, that the pooling or division, to the extent indicated by the Commission, of their traffic, service, or gross or net earnings, or of any portion thereof, will be in the interest of better service to the public or of economy in operation, and will not unduly restrain competition, the Commission shall by order approve and authorize, if assented to by all the carriers involved, such pooling or division, under such rules and regulations, and for such consideration as between such carriers and upon such terms and conditions, as shall be found by the Commission to be just and reasonable in the premises: *Provided further*, That any contract, agreement, or combination to which any common carrier by water subject to part III is a party, relating to the pooling or division of traffic, service, or earnings, or any portion thereof, lawfully existing on the date this paragraph as amended takes effect, if filed with the Commission within six months after such date, shall continue to be lawful except to the extent that the Commission, after hearing upon application or upon its own initiative, may find and by order declare that such contract, agreement, or combination is not in the interest of better service to the public or of economy in operation, or that it will unduly restrain competition.

"(2) (a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b)—

"(i) for two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease, or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through ownership of its stock or otherwise; or for a person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise; or for a person which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock or otherwise; or

"(ii) for a carrier by railroad to acquire trackage rights over, or joint ownership in or joint use of, any railroad line or lines owned or operated by any other such carrier, and terminals incidental thereto.

41 Stat. 480.  
49 U. S. C. § 5 (1).

Unlawful agreements.  
Pooling, etc.  
41 Stat. 477.  
49 U. S. C. § 1 (16)  
*Post*, pp. 919, 920.

*Propisos.*  
Approval when in  
interest of better service.

Contract, etc., in  
which carrier by water  
is a party.  
*Post*, p. 929.

Mergers.

- Application. " (b) Whenever a transaction is proposed under subparagraph (a), the carrier or carriers or person seeking authority therefor shall present an application to the Commission, and thereupon the Commission shall notify the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated, and also such carriers and the applicant or applicants (and, in case carriers by motor vehicle are involved, the persons specified in section 205 (e)), and shall afford reasonable opportunity for interested parties to be heard. If the Commission shall consider it necessary in order to determine whether the findings specified below may properly be made, it shall set said application for public hearing, and a public hearing shall be held in all cases where carriers by railroad are involved. If the Commission finds that, subject to such terms and conditions and such modifications as it shall find to be just and reasonable, the proposed transaction is within the scope of subparagraph (a) and will be consistent with the public interest, it shall enter an order approving and authorizing such transaction, upon the terms and conditions, and with the modifications, so found to be just and reasonable: *Provided*, That if a carrier by railroad subject to this part, or any person which is controlled by such a carrier, or affiliated therewith within the meaning of paragraph (6), is an applicant in the case of any such proposed transaction involving a motor carrier, the Commission shall not enter such an order unless it finds that the transaction proposed will be consistent with the public interest and will enable such carrier to use service by motor vehicle to public advantage in its operations and will not unduly restrain competition.
- Notice to Governor.
- Hearing.  
49 Stat. 550.  
49 U. S. C., Supp.  
V, § 305 (f).  
Post, p. 922.
- Approval.
- Proviso.*  
When motor carrier  
involved.
- Considerations. " (c) In passing upon any proposed transaction under the provisions of this paragraph (2), the Commission shall give weight to the following considerations, among others: (1) The effect of the proposed transaction upon adequate transportation service to the public; (2) the effect upon the public interest of the inclusion, or failure to include, other railroads in the territory involved in the proposed transaction; (3) the total fixed charges resulting from the proposed transaction; and (4) the interest of the carrier employees affected.
- Conditions prerequisite to approval. " (d) The Commission shall have authority in the case of a proposed transaction under this paragraph (2) involving a railroad or railroads, as a prerequisite to its approval of the proposed transaction, to require, upon equitable terms, the inclusion of another railroad or other railroads in the territory involved, upon petition by such railroad or railroads requesting such inclusion, and upon a finding that such inclusion is consistent with the public interest.
- Payment of dividends. " (e) No transaction which contemplates a guaranty or assumption of payment of dividends or of fixed charges, shall be approved by the Commission under this paragraph (2) except upon a specific finding by the Commission that such guaranty or assumption is not inconsistent with the public interest. No transaction shall be approved under this paragraph (2) which will result in an increase of total fixed charges, except upon a specific finding by the Commission that such increase would not be contrary to public interest.
- Protection of employees. " (f) As a condition of its approval, under this paragraph (2), of any transaction involving a carrier or carriers by railroad subject to the provisions of this part, the Commission shall require a fair and equitable arrangement to protect the interests of the railroad employees affected. In its order of approval the Commission shall include terms and conditions providing that during the period of four years from the effective date of such order such transaction will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employ-

ment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order, than the period during which such employee was in the employ of such carrier or carriers prior to the effective date of such order. Notwithstanding any other provisions of this Act, an agreement pertaining to the protection of the interests of said employees may hereafter be entered into by any carrier or carriers by railroad and the duly authorized representative or representatives of its or their employees.

“(3) Whenever a person which is not a carrier is authorized, by an order entered under paragraph (2), to acquire control of any carrier or of two or more carriers, such person thereafter shall, to the extent provided by the Commission in such order, be considered as a carrier subject to such of the following provisions as are applicable to any carrier involved in such acquisition of control: Section 20 (1) to (10), inclusive, of this part, sections 204 (a) (1) and (2) and 220 of part II, and section 313 of part III, (which relate to reports, accounts, and so forth, of carriers), and section 20a (2) to (11), inclusive, of this part, and section 214 of part II, (which relate to issues of securities and assumptions of liability of carriers), including in each case the penalties applicable in the case of violations of such provisions. In the application of such provisions of section 20a of this part and of section 214 of part II, in the case of any such person, the Commission shall authorize the issue or assumption applied for only if it finds that such issue or assumption is consistent with the proper performance of its service to the public by each carrier which is under the control of such person, that it will not impair the ability of any such carrier to perform such service, and that it is otherwise consistent with the public interest.

“(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transaction within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph and in violation of its provisions. As used in this paragraph and paragraph (5), the words ‘control or management’ shall be construed to include the power to exercise control or management.

“(5) For the purposes of this section, but not in anywise limiting the application of the provisions thereof, any transaction shall be deemed to accomplish or effectuate the control or management in a common interest of two carriers—

“(a) if such transaction is by a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

“(b) if such transaction is by a person affiliated with a carrier, and if the effect of such transaction is to place such carrier and persons affiliated with it, taken together, in control of another carrier;

“(c) if such transaction is by two or more persons acting together, one of whom is a carrier or is affiliated with a carrier, and if the effect of such transaction is to place such persons and carriers and persons affiliated with any one of them and persons affiliated with any such affiliated carrier, taken together, in control of another carrier.

Control by person  
not a carrier.

Post, p. 916.  
49 Stat. 546.  
Post, pp. 928, 944.  
41 Stat. 494.  
Post, p. 924.

Control in common  
interest.

“Control or manage-  
ment” construed.

Transactions effectuating control in  
common interest.

When person held to be affiliated with carrier.

"(6) For the purposes of this section a person shall be held to be affiliated with a carrier if, by reason of the relationship of such person to such carrier (whether by reason of the method of, or circumstances surrounding organization or operation, or whether established through common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or any other direct or indirect means), it is reasonable to believe that the affairs of any carrier of which control may be acquired by such person will be managed in the interest of such other carrier.

Investigation of violations.

Order to prevent continuance.

Provisions deemed additional.

Jurisdiction of district courts.

"(7) The Commission is hereby authorized, upon complaint or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of paragraph (4). If the Commission finds after such investigation that such person is violating the provisions of such paragraph, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation. The provisions of this paragraph shall be in addition to, and not in substitution for, any other enforcement provisions contained in this part; and with respect to any violation of paragraphs (2) to (12), inclusive, of this section, any penalty provision applying to such a violation by a common carrier subject to this part shall apply to such a violation by any other person.

Supplemental orders.

"(8) The district courts of the United States shall have jurisdiction upon the complaint of the Commission, alleging a violation of any of the provisions of this section or disobedience of any order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

Motor carriers, merger, control, etc.

"(9) The Commission may from time to time, for good cause shown, make such orders, supplemental to any order made under paragraph (1), (2), or (7), as it may deem necessary or appropriate.

Post, p. 919.

Ante, p. 899.

"(10) Nothing in this section shall be construed to require the approval or authorization of the Commission in the case of a transaction within the scope of paragraph (2) where the only parties to the transaction are motor carriers subject to part II (but not including a motor carrier controlled by or affiliated with a carrier as defined in section 1 (3)), and where the aggregate number of motor vehicles owned, leased, controlled, or operated by such parties, for purposes of transportation subject to part II, does not exceed twenty.

Authority conferred deemed exclusive and plenary.

"(11) The authority conferred by this section shall be exclusive and plenary, and any carrier or corporation participating in or resulting from any transaction approved by the Commission thereunder, shall have full power (with the assent, in the case of a purchase and sale, a lease, a corporate consolidation, or a corporate merger, of a majority, unless a different vote is required under applicable State law, in which case the number so required shall assent, of the votes of the holders of the shares entitled to vote of the capital stock of such corporation at a regular meeting of such stockholders, the notice of such meeting to include such purpose, or at a special meeting thereof called for such purpose) to carry such transaction into effect and to own and operate any properties and exercise any control or franchises acquired through said transaction without invoking any approval under State authority; and any carriers or other corporations, and their officers and employees and any other persons, participating in a transaction approved or authorized under the provisions of this section shall be and they are hereby relieved from the operation of the antitrust laws and of all other restraints, limitations, and prohibitions of law, Federal, State, or municipal, insofar as may be necessary to enable them to

When carriers relieved from antitrust laws, etc.

carry into effect the transaction so approved or provided for in accordance with the terms and conditions, if any, imposed by the Commission, and to hold, maintain, and operate any properties and exercise any control or franchises acquired through such transaction. Nothing in this section shall be construed to create or provide for the creation, directly or indirectly, of a Federal corporation, but any power granted by this section to any carrier or other corporation shall be deemed to be in addition to and in modification of its powers under its corporate charter or under the laws of any State.

Federal corporation.

“(12) If any provision of the foregoing paragraphs of this section, or the application thereof to any person or circumstances, is held invalid, the other provisions of such paragraphs, and the application of such provision to any other person or circumstances, shall not be affected thereby.

Saving clause.

“(13) As used in paragraphs (2) to (12), inclusive, the term ‘carrier’ means a carrier by railroad and an express company, subject to this part; a motor carrier subject to part II; and a water carrier subject to part III.

“Carrier” defined.

Post, pp. 910, 920.

“(14) Notwithstanding the provisions of paragraph (2), from and after the 1st day of July 1914, it shall be unlawful for any carrier, as defined in section 1 (3), or (after the date of the enactment of this amendatory section) any person controlling, controlled by, or under common control with, such a carrier to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which such carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense.

Interest in competing water carrier.

Ante, p. 890.

“(15) Jurisdiction is hereby conferred on the Commission to determine questions of fact, arising under paragraph (14), as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of such paragraph and may pray for an order permitting the continuance of any vessel or vessels already in operation, or may pray for an order under the provisions of paragraph (16). The Commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the Commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said Commission shall be final.

Determination of question of competition.

“(16) Notwithstanding the provisions of paragraph (14), the Commission shall have authority, upon application of any carrier, as defined in section 1 (3), and after hearing, by order to authorize such carrier to own or acquire ownership of, to lease or operate, to have or acquire control of, or to have or acquire an interest in, a common carrier by water or vessel, not operated through the Panama Canal, with which the applicant does or may compete for traffic, if the Commission shall find that the continuance or acquisition of such ownership, lease, operation, control, or interest will not prevent such common carrier by water or vessel from being operated in the interest of the public and with advantage to the convenience and commerce of the people, and that it will not exclude, prevent, or reduce competition on the route by water under consideration:

Authority to authorize interest in competing water carrier.

Ante, p. 890.

*Provisos.*  
Application of additional provisions.

Authorization unnecessary if extension order in effect.

37 Stat. 567.  
49 U. S. C. § 5 (21).

*Provided*, That if the transaction or interest sought to be entered into, continued, or acquired is within the scope of paragraph (2) (a), the provisions of paragraph (2) shall be applicable thereto in addition to the provisions of this paragraph: *And provided further*, That no such authorization shall be necessary if the carrier having the ownership, lease, operation, control, or interest has, prior to the date this section as amended becomes effective, obtained an order of extension under the provisions of paragraph (21) of this section, as in effect prior to such date, and such order is still in effect."

#### AMENDMENTS TO SECTION 6

41 Stat. 483.  
49 U. S. C. § 6 (6).  
Schedules.  
*Ante*, p. 899.

Form and manner of filing.

SEC. 8. (a) Paragraph (6) of section 6 of the Interstate Commerce Act, as amended (which relates to the Commission's authority with respect to schedules of carriers subject to part I), is amended to read as follows:

"(6) The schedules required by this section to be filed shall be published, filed, and posted in such form and manner as the Commission by regulation shall prescribe; and the Commission is authorized to reject any schedule filed with it which is not in accordance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful."

Repeal.  
41 Stat. 483.  
49 U. S. C. § 6 (11)-(12).

(b) Paragraphs (11) and (12) of such section 6 (which require any common carrier subject to part I to furnish, on written request, a written statement of the rate applicable to a described shipment, and which require a common carrier by railroad to keep posted in every freight station the name of a resident agent), are hereby repealed.

Through routes.  
Jurisdiction of Commission.  
41 Stat. 483.  
49 U. S. C. § 6 (13).

(c) Paragraph (13) of such section (which relates to the jurisdiction of the Commission as to through routes, joint rates, and other matters in connection with certain combination rail and water transportation), is further amended—

(1) by striking out "(13)" and inserting in lieu thereof "(11)";

(2) by repealing subparagraph (b) thereof;

(3) by striking out "(c)" in subparagraph (c) thereof and inserting in lieu thereof "(b)"; and

(4) by repealing subparagraph (d) thereof.

(d) Such section 6 is further amended by inserting at the end thereof a new paragraph as follows:

Arrangements with water carriers in foreign, etc., trade.

"(12) If any common carrier subject to this Act enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Commission may by order require such common carrier to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

#### AMENDMENTS TO SECTIONS 12 AND 13

41 Stat. 484.  
49 U. S. C. § 12 (1).

SEC. 9. (a) The provisions of paragraph (1) of section 12 of the Interstate Commerce Act, as amended, down to and including the second semicolon therein, are amended to read as follows:

Inquiries and reports on management.

"(1) The Commission shall have authority, in order to perform the duties and carry out the objects for which it was created, to inquire into and report on the management of the business of all common carriers subject to the provisions of this part, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with, such carriers, to the extent that the business of such persons is related to the management of the business of one or more such carriers, and the Commission shall keep

itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary. The Commission is hereby authorized and required to execute and enforce the provisions of this part;”

(b) Paragraph (2) of section 13 of such Act, as amended (which relates to investigations by the Commission upon complaint or upon its own motion), is amended by adding at the end thereof the following sentence: “Representatives of State commissions sitting with the Commission, under the provisions of this section, in cases pending before the Commission, shall receive such allowances for travel and subsistence expense as the Commission shall provide.”

(c) The last two sentences of paragraph (3) of such section 13 (which relates to the authority of the Commission to confer and cooperate with State authorities in certain cases) are amended by striking out the words “this part” where they appear therein and inserting in lieu thereof “this part or part III”.

Recommendations  
to Congress.

Enforcement.

41 Stat. 484.  
49 U. S. C. § 13 (2).  
Investigations.

Representatives of  
State commissions, ex-  
penses.

41 Stat. 484; 49 Stat.  
543.  
49 U. S. C. § 13;  
Supp. V, ch. 1 (note).  
Cooperation with  
States in certain cases.

#### AMENDMENTS TO SECTIONS 15 AND 15A

SEC. 10. (a) Paragraph (1) of section 15 of the Interstate Commerce Act, as amended (which relates to the Commission's power to prescribe just and reasonable rates for carriers subject to part I), is amended by striking out the following: “(or, in the case of a through route where one of the carriers is a water line, the maximum rates, fares, and charges applicable thereto)”.

(b) Paragraphs (3) and (4) of such section 15 (which relate to the Commission's authority to establish through routes and joint rates, fares, and charges, and divisions of such rates, fares, and charges; and which impose certain limitations on the Commission's power to prescribe through routes) are amended to read as follows:

“(3) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by carriers subject to this part, or by carriers by railroad subject to this part and common carriers by water subject to part III, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business, and railroads of a different character. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancelation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of this section.

“(4) In establishing any such through route the Commission shall not (except as provided in section 3, and except where one of the carriers is a water line) require any carrier by railroad, without its

41 Stat. 484.  
49 U. S. C. § 15 (1).

41 Stat. 485.  
49 U. S. C. § 15 (3)  
and (4).

Establishment of  
through routes, joint  
rates, etc.

Post, p. 929.

Restriction.

Burden of proof in  
cancelations.

Through routes to  
embrace entire length;  
exception.

consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management or control therewith, which lies between the termini of such proposed through route, (a) unless such inclusion of lines would make the through route unreasonably long as compared with another practicable through route which could otherwise be established, or (b) unless the Commission finds that the through route proposed to be established is needed in order to provide adequate, and more efficient or more economic, transportation: *Provided, however,* That in prescribing through routes the Commission shall, so far as is consistent with the public interest, and subject to the foregoing limitations in clauses (a) and (b), give reasonable preference to the carrier by railroad which originates the traffic. No through route and joint rates applicable thereto shall be established by the Commission for the purpose of assisting any carrier that would participate therein to meet its financial needs. In time of shortage of equipment, congestion of traffic, or other emergency declared by the Commission, it may (either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleadings by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the Commission may determine) establish temporarily such through routes as in its opinion are necessary or desirable in the public interest."

*Proviso.*  
Preference to carrier  
originating traffic.

Financial considera-  
tions.

Temporary through  
routes in emergencies.

41 Stat. 487.  
49 U. S. C. § 15 (7).

Burden of proof on  
change of rates, rules,  
etc.

41 Stat. 488.  
49 U. S. C. § 15 (13).  
Allowances for serv-  
ices rendered.

41 Stat. 488.  
49 U. S. C. § 15a (2).  
*Ante*, p. 899.

Rate-making policy.

(c) The last sentence of paragraph (7) of such section 15 is amended to read as follows:

"At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, after the date this amendatory provision takes effect, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable, and the Commission shall give to the hearing and decision of such questions preference over all other questions pending before it and decide the same as speedily as possible."

(d) Paragraph (13) of such section 15 (which relates to allowances to owners of property for services rendered to carriers in connection with transportation) is amended by inserting after "the charge and allowance therefor shall be", the following: "published in tariffs or schedules filed in the manner provided in this part and shall be".

(e) Paragraph (2) of section 15a of the Interstate Commerce Act, as amended (which contains the rule of rate making for part I), is amended to read as follows:

"(2) In the exercise of its power to prescribe just and reasonable rates the Commission shall give due consideration, among other factors, to the effect of rates on the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient railway transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable the carriers, under honest, economical, and efficient management to provide such service."

#### AMENDMENTS TO SECTION 16

SEC. 11. (a) Section 16 of the Interstate Commerce Act, as amended (which relates to orders of the Commission and enforcement thereof), is amended—

(1) by striking out in paragraph (2) thereof the word "circuit" before "court" wherever it appears and substituting in lieu thereof the word "district"; by striking out the word "petition" in the

41 Stat. 491.  
49 U. S. C. § 16;  
Supp. V, § 16 (note).  
Orders of Commis-  
sion.

first sentence and substituting in lieu thereof the word "complaint"; by striking out the word "petitioner" in the second and third sentences and substituting in lieu thereof the word "plaintiff";

(2) by striking out in paragraph (3) (a) thereof the words "three years" and substituting in lieu thereof the words "two years";

(3) by striking out in paragraph (3) (c) thereof the words "three years" and substituting in lieu thereof the words "two years", and by striking out the word "three-year" and substituting in lieu thereof the word "two-year";

(4) by striking out in paragraph (3) (d) thereof the word "three-year" and substituting in lieu thereof the word "two-year";

(5) by striking out in paragraph (3) (f) thereof the word "petition" and substituting in lieu thereof the word "complaint"; and

(6) by striking out in paragraph (12) thereof the words "the Commerce Court" and substituting in lieu thereof the words "any district court of the United States of competent jurisdiction" and by striking out the words "that Court" and the words "the Court" in the second sentence and substituting in lieu thereof the words "such court".

(b) Paragraph (5) of such section 16 is amended by adding at the end thereof a new sentence as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier, except where the carrier has designated an agent in the city of Washington, District of Columbia, upon whom service of notices and processes may be made, as provided in section 6 of the Act of June 18, 1910 (U. S. C., 1934 edition, title 49, sec. 50)."

(c) The amendments made by subsection (a) of this section to paragraph (3) (a) and (c) of section 16 of the Interstate Commerce Act, as amended, shall apply only in the case of causes of action accruing after the date this section takes effect.

41 Stat. 492.  
49 U. S. C. § 16 (5).  
Service of notice.

36 Stat. 544.

Application of  
amendments.

#### COMMISSION PROCEDURE; DELEGATION OF DUTIES; REHEARINGS

SEC. 12. Section 16a of the Interstate Commerce Act, as amended, is hereby repealed, and section 17 of such Act, as amended, is amended to read as follows:

"SEC. 17. (1) The Commission is hereby authorized by its order to divide the members thereof into as many divisions (each to consist of not less than three members) as it may deem necessary, which may be changed from time to time. Such divisions shall be designated, respectively, division one, division two, and so forth, or by a term descriptive of the principal subject, work, business, or function assigned or referred to such divisions. The Commission may designate one or more of its divisions as appellate divisions. Any Commissioner may be assigned to such division or divisions as the Commission may direct, and the senior in service of the Commissioners constituting a division shall act as chairman thereof unless otherwise directed by the Commission. When a vacancy occurs in any division or when a Commissioner because of absence, or other cause, is unable to serve thereon, the Chairman of the Commission or any Commissioner designated by him for that purpose may serve temporarily on such division until the Commission otherwise orders.

"(2) The Commission may by order direct that any of its work, business, or functions under any provision of law (except matters

34 Stat. 592.  
49 U. S. C. § 16a.  
41 Stat. 492.  
49 U. S. C. § 17.

Division of Com-  
mission, designations.

Assignment of Com-  
missioners.

Temporary service.

Assignment of work.

49 Stat. 548,  
49 U. S. C. Supp. V,  
§ 305.  
Post, p. 922.

Boards.

Employees eligible  
for designation.

Basis of assign-  
ments.

Conduct of proceed-  
ings.

Official seal.

Quorum.

Hearings.

Powers of division,  
individual Commis-  
sioner, or board.

required to be referred to joint boards by section 205, and except functions vested in the Commission under this section), or any matter which shall have been or may be referred to it by Congress or by either branch thereof, be assigned or referred to any division, to an individual Commissioner, or to a board to be composed of three or more eligible employees of the Commission (hereinafter in this section called a 'board') to be designated by such order, for action thereon, and the Commission may by order at any time amend, modify, supplement, or rescind any such assignment or reference. The following classes of employees shall be eligible for designation by the Commission to serve on such boards: examiners, directors or assistant directors of bureaus, chiefs of sections, and attorneys. The assignment or reference, to divisions, of work, business, or functions relating to the lawfulness of rates, fares, or charges shall be made according to the character of regulation to be exercised and not according to the kind or class of the carriers involved or to the form or mode of transportation in which such carriers may be engaged. When an individual Commissioner, or any employee, is unable to act upon any matter so assigned or referred because of absence or other cause, the Chairman of the Commission may designate another Commissioner or employee, as the case may be, to serve temporarily until the Commission otherwise orders.

"(3) The Commission shall conduct its proceedings under any provision of law in such manner as will best conduce to the proper dispatch of business and to the ends of justice. The Commission shall have an official seal, which shall be judicially noticed. Any member of the Commission, the Secretary of the Commission, or any member of a board may administer oaths and affirmations and any member of the Commission or the Secretary of the Commission (or any member of a board in connection with the performance of any work, business, or functions referred under this section to a board upon which he serves) may sign subpoenas. A majority of the Commission, of a division, or of a board shall constitute a quorum for the transaction of business. The Commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, or before any division, individual Commissioner, or board, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before the Commission or any division, individual Commissioner, or board and be heard in person or by attorney. Every vote and official act of the Commission, or of any division, individual Commissioner, or board, shall be entered of record, and such record shall be made public upon the request of any party interested. All hearings before the Commission, a division, individual Commissioner, or board shall be public upon the request of any party interested. No Commissioner or employee shall participate in any hearing or proceeding in which he shall have any pecuniary interest.

"(4) A division, an individual Commissioner, or a board shall have authority to hear and determine, order, certify, report, or otherwise act as to any work, business, or functions assigned or referred thereto under the provisions of this section, and with respect thereto shall have all the jurisdiction and powers conferred by law upon the Commission, and be subject to the same duties and obligations. The secretary and seal of the Commission shall be the secretary and seal of each division, individual Commissioner, or board. Except as otherwise provided in this section, any order, decision, or requirement of a division, an individual Commissioner, or a board, with respect to any matter so assigned or referred, shall have the same force and effect, and may be made and evidenced in the same manner as if made or taken by the Commission.

“(5) Any finding, report, or requirement of an individual Commissioner or board, with respect to any matter so assigned or referred involving the taking of testimony at a public hearing, shall be accompanied by a statement in writing of the reasons therefor, together with a recommended order, which shall be filed with the Commission. Copies thereof shall be served upon interested parties (including, in proceedings under part II, persons specified in section 205 (e)), who may file exceptions thereto, but if within twenty days after service upon such persons, or within such further period as the Commission or a duly designated division thereof may authorize, no exceptions shall have been filed, such recommended order shall become the order of the Commission and become effective unless within such period the order shall have been stayed or postponed by the Commission or by a duly designated division thereof. The Commission, or a duly designated division thereof, upon its own motion may, and where exceptions are filed it shall, reconsider the matter either upon the same record or after further hearing, and such recommended order shall thereupon be stayed or postponed pending final determination thereof.

“(6) After a decision, order, or requirement shall have been made by the Commission, a division, an individual Commissioner, or a board, or after an order recommended by an individual Commissioner or a board shall have become the order of the Commission as provided in paragraph (5), any party thereto may at any time, subject to such limitations as may be established by the Commission as hereinafter authorized, make application for rehearing, reargument, or reconsideration of the same, or of any matter determined therein. Such applications shall be governed by such general rules as the Commission may establish. Any such application, if the decision, order, or requirement was made by the Commission, shall be considered and acted upon by the Commission. If the decision, order, or requirement was made by a division, an individual Commissioner, or a board, such application shall be considered and acted upon by the Commission or referred to an appropriate appellate division for consideration and action. Rehearing, reargument, or reconsideration may be granted if sufficient reason therefor be made to appear; but the Commission may, from time to time, make or amend general rules or orders establishing limitations upon the right to apply for rehearing, reargument, or reconsideration of a decision, order, or requirement of the Commission or of a division so as to confine such right to proceedings, or classes of proceedings, involving issues of general transportation importance. Notwithstanding the foregoing provisions of this paragraph, any application for rehearing, reargument, or reconsideration of a matter assigned or referred to an individual Commissioner or a board, under the provisions of paragraph (2), if such application shall have been filed within twenty days after the recommended order in the proceeding shall have become the order of the Commission as provided in paragraph (5), and if such matter shall not have been reconsidered or reheard as provided in such paragraph, shall be referred to an appropriate appellate division of the Commission and such division shall reconsider the matter either upon the same record or after a further hearing.

“(7) If after rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission or appellate division may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after rehearing, reargument, or reconsideration, reversing, changing, or modifying the original determination shall be subject to the same provisions with respect to rehearing, reargument, or reconsideration as an original order.

Taking of testimony.

Service of order.  
Post, pp. 919, 922.

When order effective.

Reconsideration where exceptions filed.

Application for rehearing.

Rules.

Appeal.

Reversal of decision.

Postponement of order pending decision.

"(8) Where application for rehearing, reargument, or reconsideration of a decision, order, or requirement of a division, an individual Commissioner, or board is made in accordance with the provisions of this section and the rules and regulations of the Commission, and the decision, order, or requirement has not yet become effective, the decision, order, or requirement shall be stayed or postponed pending disposition of the matter by the Commission or appellate division; but otherwise the making of such an application shall not excuse any person from complying with or obeying the decision, order, or requirement, or operate to stay or postpone the enforcement thereof, without the special order of the Commission.

Suits to enforce, etc., orders.

"(9) When an application for rehearing, reargument, or reconsideration of any decision, order, or requirement of a division, an individual Commissioner, or a board with respect to any matter assigned or referred to him or it shall have been made and shall have been denied, or after rehearing, reargument, or reconsideration otherwise disposed of, by the Commission or an appellate division, a suit to enforce, enjoin, suspend, or set aside such decision, order, or requirement, in whole or in part, may be brought in a court of the United States under those provisions of law applicable in the case of suits to enforce, enjoin, suspend, or set aside orders of the Commission, but not otherwise.

Hearings on matters respecting motor carriers.  
*Post*, p. 919.

"(10) Any matter arising in the administration of part II of this Act as to which a hearing is to be held may be referred to an examiner of the Commission, for action thereon, subject to the conditions and limitations provided in this section in the case of reference of work, business or functions, as to which a hearing is to be held, to an individual Commissioner or board.

Intervention allowed.

"(11) Representatives of employees of a carrier, duly designated as such, may intervene and be heard in any proceeding arising under this Act affecting such employees.

Admission to practice.

"(12) The Commission is authorized to promulgate reasonable rules and regulations relating to admission to practice before it, and is authorized to impose a reasonable fee for such admission, and such fees shall be covered into the Treasury of the United States as miscellaneous receipts."

#### AMENDMENTS TO SECTION 20

41 Stat. 493.  
49 U. S. C. § 20.  
*Ante*, p. 899.

SEC. 13. (a) Paragraphs (1) to (8), inclusive, of section 20 of the Interstate Commerce Act, as amended (which relate to accounts, records, reports, etc., of carriers subject to part I), are amended to read as follows:

Reports from carriers and lessors.

"SEC. 20. (1) The Commission is hereby authorized to require annual, periodical, or special reports from carriers (as defined in this section) and from lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary, classifying such carriers and lessors as it may deem proper for any of these purposes. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission.

Information required.

"(2) Said annual reports shall contain all the required information for the period of twelve months ending on the 31st day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports

as may be required by the Commission under paragraph (1) hereof, shall also be under oath whenever the Commission so requires.

“(3) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of carriers subject thereto, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.

Uniform system of accounts.

“(4) The Commission shall, as soon as practicable, prescribe for carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this paragraph, carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modifications.

“(5) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers and their lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents, of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. Such carriers, lessors, and other persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment to inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

Forms of accounts, records, and memoranda.

Inspection and examination of accounts, lands, equipment, etc.

“(6) The Commission or any duly authorized special agent, accountant, or examiner thereof shall at all times have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to this part: *Provided, however,* That such authority shall be limited to accounts, books, records, memoranda, correspondence, or other documents which pertain or relate to the cars or protective service so furnished. The Commission shall further have authority, in its discretion, to prescribe the forms of any or all accounts, records, and memoranda which it is authorized by this

Inspection of accounts on heat and cold service.

*Provided.*  
Authority limited.

Forms.

paragraph to inspect and copy, and to require the persons furnishing such cars or protective service, as aforesaid, to submit such reports and specific and full, true, and correct answers to such questions, relative to such cars or service, as the Commission may deem necessary. Persons furnishing such cars or protective service shall submit their accounts, books, records, memoranda, correspondence, or other documents, to the extent above provided, for inspection or copying to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

Submission of accounts or other documents.

Failure to keep or submit proper accounts, etc.

Penalty.

False entries, destruction of records, etc.

“(7) (a) In case of failure or refusal on the part of any carrier, lessor, or other person to keep any accounts, records, and memoranda in the form and manner prescribed, under authority of this section, by the Commission, or to submit any accounts, books, records, memoranda, correspondence, or other documents to the Commission or any of its authorized agents, accountants, or examiners for inspection or copying, as required under this section, such carrier, lessor, or person shall forfeit to the United States not to exceed \$500 for each such offense and for each day during which such failure or refusal continues.

“(b) Any person who shall knowingly and willfully make, cause to be made, or participate in the making of, any false entry in any annual or other report required under this section to be filed, or in the accounts of any book of accounts or in any records or memoranda kept by a carrier, or required under this section to be kept by a lessor or other person, or who shall knowingly and willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such accounts, records, or memoranda, or who shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, lessor, or person, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly or willfully file with the Commission any false report or other document, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction to a fine of not more than five thousand dollars or imprisonment for not more than two years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of such carriers, lessors, or other persons as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

Penalty.

*Proviso.*  
Preservation of records; destruction.

Failure to report on cars or protective service.

Penalty.

Failure to permit examination of equipment.

Penalty.

“(c) Any carrier or lessor, or person furnishing cars or protective service, or any officer, agent, employee, or representative thereof, who shall fail to make and file an annual or other report with the Commission within the time fixed by the Commission, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto.

“(d) In case of failure or refusal on the part of any carrier or lessor to accord to the Commission or its duly authorized special agents, accountants, or examiners, access to, and opportunity for the inspection and examination of, any lands, buildings, or equipment of said carrier or lessor, as provided in this section, such carrier or lessor shall forfeit to the United States the sum of one hundred dollars for each day during which such failure or refusal continues.

“(e) All forfeitures authorized in this paragraph (7) shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this part.

Recovery of forfeitures.

“(f) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of this section, except insofar as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for not exceeding six months, or both.

Examiner, etc., divulging information.

Penalty.

“(8) As used in this section the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘carrier’ means a common carrier subject to this part, and includes a receiver or trustee of such carrier; and the term ‘lessor’ means a person owning a railroad, a water line, or a pipe line, leased to and operated by a common carrier subject to this part, and includes a receiver or trustee of such lessor.”

“Keep” and “kept.”

“Carrier.”

“Lessor.”

(b) Paragraph (11) of such section 20 (which relates to liability of carriers for loss of property), is amended by striking out the first proviso contained therein and inserting in lieu thereof the following: “Provided, That if the loss, damage, or injury occurs while the property is in the custody of a carrier by water the liability of such carrier shall be determined by the bill of lading of the carrier by water and by and under the laws and regulations applicable to transportation by water, and the liability of the initial or delivering carrier shall be the same as that of such carrier by water.”

41 Stat. 494.  
49 U. S. C. § 20 (11).

Responsibility for losses.

AMENDMENTS TO SECTIONS 25, 26, AND 27

SEC. 14. (a) Section 25 of the Interstate Commerce Act, as amended, is hereby repealed.

41 Stat. 497.  
49 U. S. C. § 25;  
Supp. V, § 25.

(b) Section 26 of the Interstate Commerce Act, as amended, is amended by striking out “26” and inserting in lieu thereof “25”.

41 Stat. 498.  
49 U. S. C. § 26;  
Supp. V, § 26.

(c) Section 27 of the Interstate Commerce Act, as amended, is amended to read as follows:

41 Stat. 499.  
49 U. S. C. § 27.

“SEC. 26. This part may be cited as part I of the Interstate Commerce Act.”

Part I of the Interstate Commerce Act.

SHORT TITLE FOR PART II

SEC. 15. Section 201 of the Interstate Commerce Act, as amended, is amended to read as follows:

49 Stat. 543.  
49 U. S. C., Supp. V, § 301.

“SHORT TITLE

“SEC. 201. This part may be cited as part II of the Interstate Commerce Act.”

Part II of the Interstate Commerce Act.

REFERENCES TO POLICY DECLARED IN PART II

SEC. 16. Part II of the Interstate Commerce Act, as amended, is amended by striking out the following wherever appearing therein: “the policy declared in section 202 (a) of this part”, and “the policy of Congress enunciated in section 202”, and by inserting in lieu thereof the following: “the national transportation policy declared in this Act”.

49 Stat. 543.  
49 U. S. C., Supp. V, ch. 8.

Post, p. 920.

## AMENDMENTS TO SECTION 202

49 Stat. 543.  
49 U. S. C., Supp. V,  
§ 302.

SEC. 17. (a) Section 202 of the Interstate Commerce Act, as amended (which relates to the scope of the application of part II), is amended—

Amendments.

(1) by striking out the heading thereof, "DECLARATION OF POLICY AND DELEGATION OF JURISDICTION", and inserting in lieu thereof a new heading as follows: "APPLICATION OF PROVISIONS"; and

(2) by repealing subsection (a) of such section, by striking out "(b)" and inserting in lieu thereof "(a)", and by striking out "(c)" and inserting in lieu thereof "(b)".

(b) Such section 202 is amended by adding at the end thereof a new subsection as follows:

Inapplicable provisions.

"(c) Notwithstanding any provision of this section or of section 203, the provisions of this part shall not apply—

*Ante*, p. 899; *post*, p. 929.

"(1) to transportation by motor vehicle by a carrier by railroad subject to part I or by a water carrier subject to part III, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be and shall be regulated as transportation subject to part I when performed by such carrier by railroad, and transportation subject to part III when performed by such water carrier.

"(2) to transportation by motor vehicle by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to this part, or a water carrier subject to part III, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental."

## AMENDMENTS TO SECTION 203

49 Stat. 544.  
49 U. S. C., Supp. V,  
§ 303 (a) (14), (15).  
Definitions.

SEC. 18. (a) Paragraphs (14) and (15) of subsection (a) of section 203 of the Interstate Commerce Act, as amended, are amended to read as follows:

"Common carrier by motor vehicle."

"(14) The term 'common carrier by motor vehicle' means any person which holds itself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes, except transportation by motor vehicle by an express company to the extent that such transportation has heretofore been subject to part I, to which extent such transportation shall continue to be considered to be and shall be regulated as transportation subject to part I.

*Ante*, p. 899.

"Contract carrier by motor vehicle."

"(15) The term 'contract carrier by motor vehicle' means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (14) and the exception therein) by motor vehicle of passengers or property in interstate or foreign commerce for compensation."

(b) Section 203 of the Interstate Commerce Act, as amended, is further amended—

49 Stat. 544.  
49 U. S. C., Supp. V,  
§ 303 (a) (13).

(1) by striking out the period at the end of paragraph 13 of subsection (a) and substituting in lieu thereof a comma and the following: "or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service."

(2) by striking out clause (5) of subsection (b) of said section.

(3) by amending clause (4a) of such subsection (b) to read as follows: "(4a) motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or".

(4) by amending clause (4b) of such subsection (b) to read as follows: "(5) motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined; or".

(5) by inserting in clause (6) of such subsection (b) the word "ordinary" before the word "livestock".

(6) by amending clause (9) of subsection (b) to read as follows: "(9) the casual, occasional, or reciprocal transportation of passengers or property by motor vehicle in interstate or foreign commerce for compensation by any person not engaged in transportation by motor vehicle as a regular occupation or business, unless, in the case of transportation of passengers, such transportation is sold or offered for sale, or provided or procured or furnished or arranged for, by a broker, or by any other person who sells or offers for sale transportation furnished by a person lawfully engaged in the transportation of passengers by motor vehicle under a certificate or permit issued under this part or under a pending application for such a certificate or permit."

49 U. S. C., Supp. V,  
§ 303 (b) (5).  
49 U. S. C., Supp. V,  
§ 303 (b) (4a).

49 U. S. C., Supp. V,  
§ 303 (b) (4b).

46 Stat. 18.  
12 U. S. C. § 1141j.

49 U. S. C., Supp. V,  
§ 303 (b) (6).

49 U. S. C., Supp. V,  
§ 303 (b) (9).

#### EXEMPTION OF CERTAIN INTERSTATE AND FOREIGN COMMERCE OPERATIONS OF MOTOR CARRIERS

SEC. 19. Subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended by adding after subparagraph (4) thereof the following new subparagraph:

49 Stat. 546.  
49 U. S. C., Supp. V,  
§ 304 (a).

"(4a) To determine, upon its own motion, or upon application by a motor carrier, a State board, or any other party in interest, whether the transportation in interstate or foreign commerce performed by any motor carrier or class of motor carriers lawfully engaged in operation solely within a single State is in fact of such nature, character, or quantity as not substantially to affect or impair uniform regulation by the Commission of transportation by motor carriers engaged in interstate or foreign commerce in effectuating the national transportation policy declared in this Act. Upon so finding, the Commission shall issue a certificate of exemption to such motor carrier or class of motor carriers which, during the period such certificate shall remain effective and unrevoked, shall exempt such carrier or class of motor carriers from compliance with the provisions of this part, and shall attach to such certificate such reasonable terms and conditions as the public interest may require. At any time after the issuance of any such certificate of exemption, the Commission may by order revoke all or any part thereof, if it shall find that the transportation in interstate or foreign commerce performed by the carrier or class of carriers designated in such certificate shall be, or shall have become, or is reasonably likely to become, of such nature, character, or quantity as in fact substantially to affect or impair uniform regulation by the Commission of interstate or foreign transportation by motor carriers in effectuating the national transportation policy declared in this Act. Upon revocation of any such certificate, the Commission shall restore to the carrier or carriers affected thereby, without further proceedings, the authority, if any, to operate in interstate or foreign commerce held by such carrier or carriers at

Certain operations  
solely within a single  
State.

Certificate of exemp-  
tion.

Revocation provi-  
sion.

Restoration of au-  
thority to operate in  
interstate, etc., com-  
merce.

Hearings.

Application accom-  
panied by certificate  
of State board, etc.,  
effect.Exempted motor  
carriers.  
Effect of State regu-  
lation.Applications here-  
under.

the time the certificate of exemption pertaining to such carrier or carriers became effective. No certificate of exemption shall be denied, and no order of revocation shall be issued, under this subparagraph, except after reasonable opportunity for hearing to interested parties. Where an application is made in good faith for the exemption of a motor carrier under this subparagraph, accompanied by a certificate of a State board of the State in which the operations of such carrier are carried on stating that in the opinion of such board such carrier is entitled to a certificate of exemption under this subparagraph, such carrier shall be exempt from the provisions of this part beginning with the sixtieth day following the making of such application to the Commission unless prior to such time the Commission shall have by order denied such application, and such exemption shall be effective until such time as the Commission, after such sixtieth day, may by order deny such application or may by order revoke all or any part thereof as hereinbefore authorized. In any case where a motor carrier has become exempt from the provisions of this part as provided in this subparagraph, it shall not be considered to be a burden on interstate or foreign commerce for a State to regulate such carrier with respect to the operations covered by such exemption. Applications under this subparagraph shall be made in writing to the Commission, verified under oath, and shall be in such form and contain such information as the Commission shall by regulations require."

## AMENDMENTS TO SECTIONS 204, 205, AND 206

49 Stat. 547.  
49 U. S. C., Supp. V,  
§ 304 (a) (7).  
Inquiry into busi-  
ness management.

SEC. 20. (a) Paragraph (7) of subsection (a) of section 204 of the Interstate Commerce Act, as amended, is amended to read as follows:

"(7) For purposes of the administration of the provisions of this part, to inquire into the management of the business of motor carriers and brokers, and into the management of the business of persons controlling, controlled by, or under common control with, motor carriers to the extent that the business of such persons is related to the management of the business of one or more motor carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted, and may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary."

Codes of fair compe-  
tition.  
49 Stat. 547.  
49 U. S. C., Supp. V,  
§ 304 (b).  
Rehearing.Relettering of sub-  
sections.

Textual changes.

49 Stat. 548.  
49 U. S. C., Supp. V,  
§ 305.

(b) Such section 204 is further amended—

(1) by repealing subsection (b) thereof (which relates to codes of fair competition under the National Industrial Recovery Act);

(2) by repealing subsection (e) thereof (which relates to rehearing by the Commission on matters arising under part II);

(3) by relettering subsections (c), (d), and (f) as (b), (c), and (d), respectively; and

(4) by striking out in subsection (a) (3) thereof "204 (d) and (e)" and inserting in lieu thereof "204 (c)".

(c) Section 205 of such Act, as amended, is amended—

(1) by repealing subsection (a) thereof (which relates to procedure in connection with recommended orders under part II);

(2) by striking out in the remaining subsections thereof the letters "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)", and inserting in lieu thereof "(a)", "(b)", "(c)", "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", and "(j)", respectively;

(3) by striking out in the new subsection (a) thereof the words "paragraph (a) of this section" in the first proviso and substituting in lieu thereof the following: "section 17";

*Ante*, p. 922.

(4) by striking out in the new subsection (a) thereof the words "this section" in the third proviso, and substituting in lieu thereof the following: "section 17";

(5) by striking out in the new subsection (b) thereof the words "paragraph (a) of this section" in the second sentence and substituting in lieu thereof the following: "section 17".

*Ante*, p. 922.

(d) The new subsection (b) of such section 205 (which relates to the creation, procedure, and powers of joint boards), is amended by inserting after the eighth sentence thereof a new sentence as follows: "The failure of a duly appointed member of a joint board to participate in any hearing on a matter referred to such joint board, after notice thereof, shall be considered to constitute, as to the matter referred, a waiver of action on the part of the State from which such member was appointed."

Joint boards.

(e) Subsection (a) of section 206 of such Act, as amended (which relates to the issuance of certificates to common carriers by motor vehicle), is amended by inserting after the words "during the season ordinarily covered by its operation", which appear in the first sentence of such subsection, the following: "and has so operated since that time".

Issuance of certificates to common carriers by motor vehicle.

49 Stat. 551.

49 U. S. C., Supp. V, § 306 (a).

#### AMENDMENTS TO SECTIONS 210, 210a, AND 212; REPEAL OF SECTION 213

SEC. 21. (a) Section 210 of the Interstate Commerce Act, as amended, is amended to read as follows:

49 Stat. 554.

49 U. S. C., Supp. V, § 310.

#### "DUAL OPERATIONS

"SEC. 210. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this Act—

Operations under certificate and permit.

"(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory; and

"(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over a route or within a territory, if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier authorizing operation for the transportation of property by motor vehicle over the same route or within the same territory."

(b) Subsection (b) of section 210a of such Act, as amended (which relates to temporary operation of motor carrier properties pending action on application for consolidation, merger, and so forth), is amended by striking out "as contemplated in section 213 (a) of this part,".

Temporary operation authority.

52 Stat. 1238.

49 U. S. C., Supp. V, § 310 (a).

Textual changes.  
49 Stat. 555.  
49 U. S. C., Supp. V,  
§ 312.

(c) Subsection (a) of section 212 of such Act, as amended (which relates to suspension, change, revocation, and transfer of certificates, permits, and licenses), is amended by striking out in the first proviso "section 204 (d)" and inserting in lieu thereof "section 204 (c)".

49 Stat. 555.  
49 U. S. C., Supp. V,  
§ 312 (b).

(d) Subsection (b) of section 212 of such Act, as amended, is amended by striking out "section 213" and inserting in lieu thereof "section 5".

Repeal.  
49 Stat. 555.  
49 U. S. C., Supp. V,  
§ 313.

(e) Section 213 of such Act, as amended (which relates to consolidations, mergers, and acquisitions of control in case of motor carriers), is hereby repealed.

#### AMENDMENTS TO SECTIONS 214, 216, AND 217

Issuance of securities.  
49 Stat. 557.  
49 U. S. C., Supp. V,  
§ 314.

SEC. 22. (a) Section 214 of the Interstate Commerce Act, as amended, is amended by striking out "entered under section 213 (a) (1)" and inserting in lieu thereof "of the Commission".

Discriminations.  
49 Stat. 558.  
49 U. S. C., Supp. V,  
§ 316 (d).

(b) Subsection (d) of section 216 of such Act, as amended (which prohibits the giving of undue preferences or advantages by common carriers by motor vehicle), is amended to read as follows:

"(d) All charges made for any service rendered or to be rendered by any common carrier by motor vehicle engaged in interstate or foreign commerce in the transportation of passengers or property as aforesaid or in connection therewith shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof, is prohibited and declared to be unlawful. It shall be unlawful for any common carrier by motor vehicle engaged in interstate or foreign commerce to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, gateway, locality, region, district, territory, or description of traffic, in any respect whatsoever; or to subject any particular person, port, gateway, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided, however,* That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description."

*Proviso.*  
Construction of subsection, restriction.

Investigation of new rates; suspension.  
49 Stat. 559.  
49 U. S. C., Supp. V,  
§ 316 (g).

(c) Subsection (g) of such section 216 (which relates to investigations by the Commission as to lawfulness of proposed new rates involving common carriers by motor vehicle, and the suspension of such rates), is amended—

(1) by inserting before the words "suspend the operation of such schedule", in the first sentence thereof, the words "from time to time".

(2) by striking out in the first sentence thereof the words "for a period of ninety days and if the proceeding has not been concluded and a final order made within such period the Commission may, from time to time, extend the period of suspension by order, but not for a longer period in the aggregate than one hundred and eighty days" and substituting in lieu thereof the words "but not for a longer period than seven months".

52 Stat. 1240.  
49 U. S. C., Supp. V,  
§ 316 (g).

(3) by amending the second sentence in the proviso therein to read as follows: "At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable."

49 Stat. 560.  
49 U. S. C., Supp. V,  
§ 316 (i).

(d) Subsection (i) of such section 216 (which contains the rule of rate making for part II), is amended to read as follows:

"(i) In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of passengers or property by common carriers by motor vehicle, and classifications,

Rate-making policy.

regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent advantages of transportation by such carriers; to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers, under honest, economical, and efficient management, to provide such service."

(e) The proviso in subsection (b) of section 217 of the Interstate Commerce Act, as amended, is amended by striking out "22 (1)" and inserting in lieu thereof "22".

49 Stat. 561.  
49 U. S. C., Supp. V,  
§ 317 (b).

AMENDMENTS TO SECTION 218

SEC. 23. (a) Subsection (a) of section 218 of the Interstate Commerce Act, as amended, is amended—

49 Stat. 561.  
49 U. S. C., Supp. V,  
§ 318 (a).

(1) by striking out the first sentence thereof (which relates to the duty of contract carriers by motor vehicle to file schedules and contracts including minimum rates, etc.) and substituting in lieu thereof two new sentences as follows: "It shall be the duty of every contract carrier by motor vehicle to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable minimum rates, fares, and charges. It shall be the duty of every contract carrier by motor vehicle to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of passengers or property in interstate or foreign commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder."

Schedules and contracts.

(2) by striking out, in the third sentence thereof, the words "or copies of contracts".

(b) Subsection (b) of such section 218 (which relates to the Commission's authority to prescribe minimum charges of contract carriers by motor vehicle), is amended to read as follows:

49 Stat. 562.  
49 U. S. C., Supp. V,  
§ 318 (b).

"(b) Whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, for the transportation of passengers or property or in connection therewith, contravenes the national transportation policy declared in this Act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All com-

Revision of minimum rates.

Undue preference.

Complaints.

plaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath."

49 Stat. 562.  
49 U. S. C., Supp. V,  
§ 318 (c).

(c) Subsection (c) of such section 218 (which relates to inquiries as to the lawfulness of reductions in charges of contract carriers by motor vehicle, and suspension of such charges) is amended to read as follows:

Modifications of  
schedules.

"(c) Whenever there shall be filed with the Commission by any such contract carrier any schedule stating a charge for a new service or a reduced charge directly, or by means of any rule, regulation, or practice, for the transportation of passengers or property in interstate or foreign commerce, the Commission is hereby authorized and empowered upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, to enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this paragraph shall not apply to any initial schedule or schedules filed on or before July 31, 1938, by any such carrier in bona fide operation when this section takes effect. The rule as to burden of proof specified in section 216 (g) shall apply to this paragraph."

Hearing.

Temporary suspen-  
sion.

*Proviso*.  
Exception.

49 Stat. 559.  
49 U. S. C., Supp. V,  
§ 316 (g).  
*Ante*, p. 924.

#### ACCOUNTS, RECORDS, AND REPORTS OF MOTOR CARRIERS

SEC. 24. Section 220 of the Interstate Commerce Act, as amended, is amended to read as follows:

49 Stat. 563.  
49 U. S. C., Supp. V,  
§ 320.  
Authority of Com-  
mission.

"SEC. 220. (a) The Commission is hereby authorized to require annual, periodical, or special reports from all motor carriers, brokers, and lessors (as defined in this section), to prescribe the manner and form in which such reports shall be made, and to require from such carriers, brokers, and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier, broker, or lessor in such form and detail as may be prescribed by the Commission. The Commission may also require any motor carrier or broker to file with it a true copy of any contract, agreement, or arrangement between such carrier and any other carrier or person in relation to any traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, agreement, or arrangement between a contract carrier by motor vehicle and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by motor vehicle as required by section 218 (a), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

Filing of contracts,  
etc.

Confidential treat-  
ment accorded.

*Proviso*.  
Failure to conform  
to published schedule.  
*Ante*, p. 925.

“(b) Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under subsection (a) hereof shall also be under oath, whenever the Commission so requires.

Annual, etc., reports.

“(c) The Commission may prescribe for motor carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, motor carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modification of classes and rates.

“(d) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by motor carriers, brokers, and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys; and it shall be unlawful for such carriers, brokers, and lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto. The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of motor carriers, brokers, or lessors as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of motor carriers, brokers, and lessors; and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers, brokers, and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier, as the Commission deems relevant to such person's relation to or transactions with such carrier. Motor carriers, brokers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this paragraph, and motor carriers, brokers, and lessors shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

Forms of accounts, records, and memoranda.

Inspection and examination of lands, equipment, accounts, etc.

“(e) As used in this section, the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘lessor’ means a lessor of any right to operate as a motor carrier; and the term ‘motor carrier’, ‘broker’, or ‘lessor’ includes a receiver or trustee of any such motor carrier, broker, or lessor.

“Keep” and “kept.”

“Lessor.”  
“Motor carrier,”  
“broker,” or “lessor.”

“(f) No report by any motor carrier of any accident arising in the course of the operations of such carrier, made pursuant to any requirement of the Commission, and no report by the Commission of

Accident reports.

any investigation of any such accident, shall be admitted as evidence, or used for any other purpose, in any suit or action for damages growing out of any matter mentioned in such report or investigation."

AMENDMENTS TO SECTIONS 221 AND 222

Service of notice,  
etc.  
49 Stat. 563.  
49 U. S. C., Supp. V,  
§ 321 (a).

SEC. 25. (a) Subsection (a) of section 221 of the Interstate Commerce Act, as amended (which relates to the designation of an agent to receive service, and the making of service), is amended by adding at the end thereof a new sentence as follows: "In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier."

Effective date and  
duration of orders.  
49 Stat. 564.  
49 U. S. C., Supp. V,  
§ 321 (b).

(b) Subsection (b) of such section 221 (which relates to the time of taking effect of orders of the Commission under part II) is amended by inserting after the words "within such reasonable time" a comma and the following: "not less than thirty days."

49 Stat. 565.  
49 U. S. C., Supp. V,  
§ 322 (d).

(c) Subsection (d) of section 222 of such Act, as amended (which imposes penalties for unlawful disclosure of information by a special agent or examiner), is amended to read as follows:

Unlawful disclo-  
sures.

"(d) Any special agent, accountant, or examiner who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 220, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for not exceeding six months, or both."

Penalty.

49 Stat. 565.  
49 U. S. C., Supp. V,  
§ 322 (g).

(d) Subsection (g) of such section 222 (which imposes penalties for failure or refusal to make reports, keep accounts, and so forth) is amended to read as follows:

Failure to make re-  
ports, etc.

"(g) Any motor carrier, broker, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this part to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof be subject for each offense to a fine of not more than \$5,000. As used in this subsection, the words 'keep' and 'kept' shall be construed to mean made, prepared, or compiled, as well as retained."

False reports.

Penalty.

"Keep" and "kept."

NEW SECTION RELATING TO ALLOWANCES TO SHIPPERS

49 Stat. 566.

SEC. 26. (a) Part II of the Interstate Commerce Act, as amended, is amended by adding after section 224 the following new section:

"ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

Allowances to ship-  
pers.

"SEC. 225. If the owner of property transported under this part directly or indirectly renders any service connected with such trans-

portation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order."

(b) Sections 225, 226, and 227 of such Act, as amended, are amended by renumbering such sections as 226, 227, and 228, respectively, and such section renumbered as 228 is further amended by striking out "(a)".

Renumbering, etc., of sections.  
49 Stat. 566.  
49 U. S. C., Supp. V, §§ 325-327.

#### INVESTIGATION OF NEED FOR REGULATING SIZES AND WEIGHT OF MOTOR VEHICLES

SEC. 27. The Interstate Commerce Commission is authorized and directed to expedite the investigation of the need for Federal regulation of the sizes and weight of motor vehicles, authorized by section 226 of the Interstate Commerce Act, as amended, and to report to Congress thereon at the earliest practicable date.

Regulation of sizes and weight of motor vehicles.  
49 Stat. 566.  
49 U. S. C., Supp. V, § 325.

### TITLE II—REGULATION OF WATER CARRIERS IN INTERSTATE AND FOREIGN COMMERCE

#### PART III OF INTERSTATE COMMERCE ACT

SEC. 201. The Interstate Commerce Act, as amended, is further amended by adding after part II thereof the following part III:

#### "PART III

#### "SHORT TITLE

"SEC. 301. This part, divided into sections according to the following table of contents, may be cited as part III of the Interstate Commerce Act:

Part III of the Interstate Commerce Act.

#### "TABLE OF CONTENTS

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Application of provisions; exemptions.
- Sec. 304. General powers and duties of the Commission.
- Sec. 305. Rates, fares, charges, and practices; through routes.
- Sec. 306. Tariffs and schedules.
- Sec. 307. Commission's authority over rates, and so forth.
- Sec. 308. Reparation awards; limitation of actions.
- Sec. 309. Certificates of public convenience and necessity and permits.
- Sec. 310. Dual operations under certificates and permits.
- Sec. 311. Temporary operations.
- Sec. 312. Transfer of certificates and permits.
- Sec. 313. Accounts, records, and reports.
- Sec. 314. Allowances to shippers for transportation services.
- Sec. 315. Notices, orders, and service of process.
- Sec. 316. Enforcement and procedure.
- Sec. 317. Unlawful acts and penalties.
- Sec. 318. Collection of rates and charges.
- Sec. 319. Employees.
- Sec. 320. Repeals.
- Sec. 321. Transfer of employees, records, property, and appropriations.
- Sec. 322. Existing orders, rules, tariffs, and so forth; pending matters.
- Sec. 323. Separability of provisions.

#### "DEFINITIONS

"SEC. 302. For the purposes of this part—

"(a) The term 'person' includes any individual, firm, copartnership, corporation, company, association, joint stock association, and any trustee, receiver, assignee, or personal representative thereof.

"Person."

- “Commission.” “(b) The term ‘Commission’ means the Interstate Commerce Commission.
- “Water carrier.” “(c) The term ‘water carrier’ means a common carrier by water or a contract carrier by water.
- “Common carrier by water.” “(d) The term ‘common carrier by water’ means any person which holds itself out to the general public to engage in the transportation by water in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, except transportation by water by an express company subject to part I in the conduct of its express business, which shall be considered to be and shall be regulated as transportation subject to part I.
- Exception. *Ante*, p. 899. “(e) The term ‘contract carrier by water’ means any person which, under individual contracts or agreements, engages in the transportation (other than transportation referred to in paragraph (d) and the exception therein) by water of passengers or property in interstate or foreign commerce for compensation.
- Chartered, etc., vessels. The furnishing for compensation (under a charter, lease, or other agreement) of a vessel, to a person other than a carrier subject to this Act, to be used by the person to whom such vessel is furnished in the transportation of its own property, shall be considered to constitute, as to the vessel so furnished, engaging in transportation for compensation by the person furnishing such vessel, within the meaning of the foregoing definition of ‘contract carrier by water’. Whenever the Commission, upon its own motion or upon application of any interested party, determines that the application of the preceding sentence to any person or class of persons is not necessary in order to effectuate the national transportation policy declared in this Act, it shall by order exempt such person or class of persons from the provisions of this part for such period of time as may be specified in such order. The Commission may by order revoke any such exemption whenever it shall find that the application of such sentence to the exempted person or class of persons is necessary in order to effectuate such national transportation policy. No such exemption shall be denied or revoked except after reasonable opportunity for hearing.
- Exemption. “(f) The term ‘vessel’ means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.
- “Vessel” defined. “(g) The term ‘transportation facility’ includes any vessel, warehouse, wharf, pier, dock, yard, grounds, or any other instrumentality or equipment of any kind, used in or in connection with transportation by water subject to this part.
- “Transportation facility.” “(h) The term ‘transportation’ includes the use of any transportation facility (irrespective of ownership or of any contract, express or implied, for such use), and includes any and all services in or in connection with transportation, including the receipt, delivery, elevation, transfer in transit, refrigeration or icing, ventilation, storage, and handling of property transported or the interchange thereof with any other agency of transportation.
- “Transportation.” “(i) The term ‘interstate or foreign transportation’ or ‘transportation in interstate or foreign commerce’, as used in this part, means transportation of persons or property—
- “Interstate or foreign transportation” or “transportation in interstate or foreign commerce.” “(1) wholly by water from a place in a State to a place in any other State, whether or not such transportation takes place wholly in the United States;
- “(2) partly by water and partly by railroad or motor vehicle, from a place in a State to a place in any other State; except that with respect to such transportation taking place partly in the United States and partly outside thereof, such terms shall include transportation by railroad or motor vehicle only insofar

as it takes place within the United States, and shall include transportation by water only insofar as it takes place from a place in the United States to another place in the United States;

“(3) wholly by water, or partly by water and partly by railroad or motor vehicle, from or to a place in the United States to or from a place outside the United States, but only (A) insofar as such transportation by rail or by motor vehicle takes place within the United States, and (B) in the case of a movement to a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein prior to transshipment at a place within the United States for movement to a place outside thereof, and, in the case of a movement from a place outside the United States, only insofar as such transportation by water takes place from any place in the United States to any other place therein after transshipment at a place within the United States in a movement from a place outside thereof.

“(j) The term ‘United States’ means the States of the United States and the District of Columbia.

“United States.”

“(k) The term ‘State’ means a State of the United States or the District of Columbia.

“State.”

“(l) The term ‘common carrier by railroad’ means a common carrier by railroad subject to the provisions of part I.

“Common carrier by railroad.”  
*Ante*, p. 899.

“(m) The term ‘common carrier by motor vehicle’ means a common carrier by motor vehicle subject to the provisions of part II.

“Common carrier by motor vehicle.”  
*Ante*, p. 919.

“APPLICATION OF PROVISIONS; EXEMPTIONS

“SEC. 303. (a) In the case of transportation which is subject both to this part and part I, the provisions of part I shall apply only to the extent that part I imposes, with respect to such transportation, requirements not imposed by the provisions of this part.

Application of provisions.  
*Ante*, p. 899.

“(b) Nothing in this part shall apply to the transportation by a water carrier of commodities in bulk when the cargo space of the vessel in which such commodities are transported is being used for the carrying of not more than three such commodities. This subsection shall apply only in the case of commodities in bulk which are (in accordance with the existing custom of the trade in the handling and transportation of such commodities as of June 1, 1939) loaded and carried without wrappers or containers and received and delivered by the carrier without transportation mark or count. For the purposes of this subsection two or more vessels while navigated as a unit shall be considered to be a single vessel. This subsection shall not apply to transportation subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended.

Commodities in bulk.

“(c) Nothing in this part shall apply to transportation by a contract carrier by water of commodities in bulk in a non-ocean-going vessel on a normal voyage during which (1) the cargo space of such vessel is used for the carrying of not more than three such commodities, and (2) such vessel passes within or through waters which are made international for navigation purposes by any treaty to which the United States is a party.

Vessels while navigated as a unit.  
47 Stat. 1425.  
46 U. S. C. §§ 843-848; Supp. V. §§ 844-848.

Non-ocean-going vessel.

“(d) Nothing in this part shall apply to the transportation by water of liquid cargoes in bulk in tank vessels designed for use exclusively in such service and certified under regulations approved by the Secretary of Commerce pursuant to the provisions of section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a).

International waters.

Tank vessels.

49 Stat. 1889.  
46 U. S. C., Supp. V. § 391a.

Exclusion of certain noncompetitive transportation.

*Ante*, pp. 899, 919.

47 Stat. 1425.  
46 U. S. C. §§ 843-848; Supp. V, §§ 844-848.

Nonapplicability of designated provisions.  
*Ante*, p. 929.

*Ante*, pp. 899, 919.

Transportation within a single harbor.

Contiguous harbors.

Transportation by small craft.

“(e) It is hereby declared to be the policy of Congress to exclude from the provisions of this part, in addition to the transportation otherwise excluded under this section, transportation by contract carriers by water which, by reason of the inherent nature of the commodities transported, their requirement of special equipment, or their shipment in bulk, is not actually and substantially competitive with transportation by any common carrier subject to this part or part I or part II. Upon application of a carrier, made in such manner and form as the Commission may by regulations prescribe, the Commission shall, subject to such reasonable conditions and limitations as the Commission may prescribe, by order exempt from the provisions of this part such of the transportation engaged in by such carrier as it finds necessary to carry out the policy above declared. A carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended) making such application prior to January 1, 1941, shall be exempt from the provisions of this part until a final determination has been made upon such application if such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, for interruptions of service over which such carrier or its predecessor in interest had no control.

“(f) Notwithstanding any provision of this section or of section 302, the provisions of this part shall not apply—

“(1) to transportation by water by a carrier by railroad subject to part I or by a motor carrier subject to part II, incidental to transportation subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be transportation subject to part I when performed by such carrier by railroad, and transportation subject to part II when performed by such motor carrier.

“(2) to transportation by water by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to part I, an express company subject to part I, a motor carrier subject to part II, or a water carrier subject to this part, in the performance within terminal areas of transfer, collection, or delivery services, or in the performance of floatage, car ferry, lighterage, or towage; but such transportation shall be considered to be performed by such carrier or express company as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water to which such services are incidental.

“(g) Except to the extent that the Commission shall from time to time find, and by order declare, that such application is necessary to carry out the national transportation policy declared in this Act, the provisions of this part shall not apply (1) to transportation in interstate commerce by water solely within the limits of a single harbor or between places in contiguous harbors, when such transportation is not a part of a continuous through movement under a common control, management, or arrangement to or from a place without the limits of any such harbor or harbors, or (2) to transportation by small craft of not more than one hundred tons carrying capacity or not more than one hundred indicated horsepower, or to

vessels carrying passengers only and equipped to carry no more than sixteen passengers, or to ferries, or to the movement by water carriers of contractors' equipment employed or to be employed in construction or repair for such water carrier, or to the operation of salvors.

“(h) The Commission shall have the power to determine, upon its own motion or upon application of any party in interest, whether any water carrier is engaged solely in transporting the property of a person which owns all or substantially all of the voting stock of such carrier. Upon so finding the Commission shall issue a certificate of exemption to such carrier, and such carrier shall not be subject to the provisions of this part during the period such certificate shall remain in effect. At any time after the issuance of such certificate the Commission may by order revoke such certificate if it finds that such carrier is no longer entitled to the exemption under the foregoing provisions of this subsection. Upon revocation of any such certificate the Commission shall restore to such carrier, without further proceedings, the authority, if any, to engage in transportation subject to the provisions of this part held by such carrier at the time the certificate of exemption pertaining to such carrier became effective. No certificate of exemption shall be denied and no order of revocation shall be issued, under this subsection, except after reasonable opportunity for hearing.

Transportation of owner's, etc., property.

Certificate of exemption.

Revocation.

“(i) In the application of the provisions of this part to any carrier owned or controlled by the United States, no different policy, rule of rate making, system of accounting, or method of determining costs of service, value of property, or rate of return shall be applied than is applied in the case of carriers not so owned or controlled.

Carrier under U. S. control.

“(j) Nothing in this part shall be construed to interfere with the exclusive exercise by each State of the power to regulate intrastate commerce by water carriers within the jurisdiction of such State.

State regulatory powers.

“(k) Nothing in this part shall authorize the Commission to prescribe or regulate any rate, fare, or charge for intrastate transportation, or for any service connected therewith, for the purpose of removing discrimination against interstate commerce or for any other purpose.

Intrastate transportation.

“(l) Whenever transportation exempted under the provisions of subsection (g), or by order of the Commission under subsection (e), becomes subject to the provisions of this part, the carrier may continue to engage in such transportation for a period of one hundred and twenty days without a certificate or permit covering such transportation, and, if application for a certificate or permit covering such transportation is made to the Commission within such period, the Commission shall, without further proceedings, issue to the carrier a certificate or permit, whichever is appropriate, authorizing such transportation previously exempted.

Authorization of transportation previously exempted.

#### “GENERAL POWERS AND DUTIES OF THE COMMISSION

“SEC. 304. (a) It shall be the duty of the Commission to administer the provisions of this part, and to that end the Commission shall have authority to make and amend such general or special rules and regulations and to issue such orders as may be necessary to carry out such provisions.

General powers and duties of the Commission.

“(b) The Commission shall have authority, for purposes of the administration of the provisions of this part, to inquire into and report on the management of the business of water carriers, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with water carriers, to the extent that the business of such persons is related to the management of

Inquiries and reports on management.

the business of one or more such carriers, and the Commission shall keep itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such carriers and persons such information as the Commission deems necessary to carry out the provisions of this part; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary.

Recommendations to Congress.

Classification of groups of carriers.

“(c) The Commission may establish from time to time such just and reasonable classifications of groups of carriers included in the terms ‘common carrier by water’, or ‘contract carrier by water’, as the special nature of the services performed by such carriers shall require; and such just and reasonable rules, regulations, and requirements consistent with the provisions of this part to be observed by the carriers so classified or grouped, as the Commission, after hearing, finds necessary or desirable in the public interest.

Rules, regulations, and requirements.

Undue disadvantage.

“(d) Whenever it shall appear from complaint made to the Commission or otherwise that the rates, fares, regulations, or practices of persons engaged in transportation by water to or from a port or ports of any foreign country in competition with common carriers by water or contract carriers by water, cause undue disadvantage to such carriers by reason of such competition, the Commission may relieve such carriers from the provisions of this part to such extent, and for such time, and in such manner as in its judgment may be necessary to avoid or lessen such undue disadvantage, consistently with the public interest and the national transportation policy declared in this Act.

Noncompliance with requirements.

“(e) Upon complaint in writing to the Commission by any person, or upon its own initiative without complaint, the Commission may investigate whether any water carrier has failed to comply with any provision of this part or with any requirement established pursuant thereto, and if, after notice of and hearing upon any such investigation, the Commission finds that any such carrier has failed to comply with any such provision or requirement, it shall issue an appropriate order to compel such carrier to comply therewith. Whenever the Commission is of opinion that any complaint does not state reasonable grounds for action on its part, it may dismiss such complaint.

#### “RATES, FARES, CHARGES, AND PRACTICES; THROUGH ROUTES

Prescribed requirements.

“SEC. 305. (a) It shall be the duty of every common carrier by water, with respect to transportation subject to this part which it undertakes or holds itself out to perform, or which it is required by or under authority of this part to perform, to provide and furnish such transportation upon reasonable request therefor, and to establish, observe, and enforce just and reasonable rates, fares, charges, and classifications, and just and reasonable regulations and practices, relating thereto and to the issuance, form, and substance of tickets, receipts, bills of lading, and manifests, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with such transportation in interstate or foreign commerce. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Rates, tickets, bills of lading, etc.

Charges.

Through routes.

“(b) It shall be the duty of common carriers by water to establish reasonable through routes with other such carriers and with common carriers by railroad, for the transportation of persons or property, and just and reasonable rates, fares, charges, and classifications appli-

cable thereto, and to provide reasonable facilities for operating such through routes, and to make reasonable rules and regulations with respect to their operation and providing for reasonable compensation to those entitled thereto. Common carriers by water may establish reasonable through routes and rates, fares, charges, and classifications applicable thereto with common carriers by motor vehicle. In the case of joint rates, fares, or charges it shall be the duty of the carriers parties thereto to establish just, reasonable, and equitable divisions thereof, which shall not unduly prefer or prejudice any of such carriers.

“(c) It shall be unlawful for any common carrier by water to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic in any respect whatsoever; or to subject any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided*, That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any other carrier of whatever description. Differences in the classifications, rates, fares, charges, rules, regulations, and practices of a water carrier in respect of water transportation from those in effect by a rail carrier with respect to rail transportation shall not be deemed to constitute unjust discrimination, prejudice, or disadvantage, or an unfair or destructive competitive practice, within the meaning of any provision of this Act.

“(d) All common carriers by water shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines and connecting lines, and for the receiving, forwarding, and delivering of passengers or property to and from connecting lines; and shall not discriminate in their rates, fares, and charges between connecting lines, or unduly prejudice any connecting line in the distribution of traffic that is not specifically routed by the shipper. As used in this subsection the term ‘connecting line’ means the connecting line of any common carrier by water or any common carrier subject to part I.

#### “TARIFFS AND SCHEDULES

“SEC. 306. (a) Every common carrier by water shall file with the Commission, and print, and keep open to public inspection tariffs showing all rates, fares, charges, classifications, rules, regulations, and practices for the transportation in interstate or foreign commerce of passengers and property between places on its own route, and between such places and places on the route of any other such carrier or on the route of any common carrier by railroad or by motor vehicle, when a through route and joint rate shall have been established. Such tariffs shall plainly state the places between which property or passengers will be carried, the classification of property or passengers and, separately, all terminal charges, or other charges which the Commission shall require to be so stated, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates, fares, or charges, or the value of the service rendered to the passenger, shipper, or consignee.

“(b) All charges of common carriers by water shall be stated in lawful money of the United States. The Commission shall by regulations prescribe the form and manner in which the tariffs

Joint rates.

Undue preference.

Unjust discrimination.

*Proviso.*  
Application of subsection.

Rail and water rates.

Facilities for interchange of traffic.

Rates.

“Connecting line” defined.

*Ante*, p. 899.

Tariffs and schedules.

Rejection authorized.

required by this section shall be published, filed, and posted; and the Commission is authorized to reject any tariff filed with it which is not in accordance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

Unauthorized charges, etc., forbidden.

“(c) No common carrier by water shall charge or demand or collect or receive a greater or less or different compensation for transportation subject to this part or for any service in connection therewith than the rates, fares, or charges specified for such transportation or such service in the tariffs lawfully in effect; and no such carrier shall refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation affecting the value thereof except such as are specified in its tariff: *Provided*, That the provisions of sections 1 (7) and 22 of part I (which relate to transportation free and at reduced rates), together with such other provisions of such part (including penalties) as may be necessary for the enforcement of such provisions, shall apply to common carriers by water.

*Proviso.*  
Application of certain provisions.  
*Ante*, p. 900.

Filing and publication of rates, etc.

“(d) No common carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this part. No change shall be made in any rate, fare, charge, classification, regulation, or practice specified in any effective tariff of a common carrier by water except after thirty days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow changes upon notice less than that herein specified, or modify the requirements of this section, either in particular instances or by general order applicable to special circumstances or conditions.

Notice required for change.

Establishment of minimum rates.

“(e) It shall be the duty of every contract carrier by water to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of passengers or property or in connection therewith and to establish and observe reasonable regulations, and practices to be applied in connection with said reasonable minimum rates and charges. It shall be the duty of every contract carrier by water to file with the Commission, post, and keep open for public inspection, in accordance with such rules and regulations as the Commission shall prescribe, schedules of minimum rates or charges actually maintained and charged for interstate and foreign transportation to which it is a party, and any rule, regulation, or practice affecting such charges and the value of the service thereunder. No contract carrier by water, unless otherwise provided by this part, shall engage in transportation subject to this part unless the minimum rates or charges actually maintained and charged have been published, filed, and posted in accordance with the provisions of this part. No new rate or charge shall be established and no reduction shall be made in any rate or charge, either directly or by means of any change in any rule, regulation, or practice affecting such rate or charge, or the value of service thereunder, except after thirty days' notice of the proposed new rate or charge, or of the proposed change, filed in accordance with this section. The Commission may, in its discretion and for good cause shown, allow the establishment of any such new rate or charge, or any such change, upon notice less than herein specified, or modify the requirement of this section with respect to posting and filing of such schedules, either in particular instances or by general order applicable to special or peculiar circumstances or

Schedules open for inspection.

Publication, etc., required.

Changes.

Discretionary time reduction permitted.

conditions. Such notice shall plainly state the new rate or charge, or the change proposed to be made, and the time when it will take effect. It shall be unlawful for any such carrier to transport passengers or property or to furnish facilities or services in connection therewith for a less compensation, either directly or by means of a change in the terms and conditions of any contract, charter, agreement, or undertaking, than the rates or charges so filed with the Commission: *Provided*, That the Commission, in its discretion and for good cause shown, either upon application of any such carrier or carriers, or any class or group thereof, or upon its own initiative may, after hearing, grant relief from the provisions of this subsection to such extent, and for such time, and in such manner as, in its judgment, is consistent with the public interest and the national transportation policy declared in this Act.

Rates, etc., below schedule.

*Proviso.*  
Exemption for good cause shown.

#### "COMMISSION'S AUTHORITY OVER RATES, AND SO FORTH

"SEC. 307. (a) Any person may make complaint in writing to the Commission that any individual or joint rate, fare, charge, classification, regulation, or practice of any common carrier by water or any contract carrier by water is or will be in violation of this part. Every complaint shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

Complaints.

"(b) Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of opinion that any individual or joint rate, fare, or charge demanded, charged, or collected by any common carrier or carriers by water for transportation subject to this part, or any regulation, practice, or classification of such carrier or carriers relating to such transportation, is or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any provision of this part, it may determine and prescribe the lawful rate, fare, or charge or the maximum or minimum, or maximum and minimum rate, fare, or charge thereafter to be observed, or the lawful regulation, practice, or classification thereafter to be made effective.

Adjustment authorized.

"(c) In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any common carrier by water there shall not be taken into consideration or allowed as evidence or elements of value of the property of such carrier either goodwill, earning power, or the certificate under which such carrier is operating; and in applying for and receiving a certificate under this part any such carrier shall be deemed to have agreed to the provisions of this subsection on its own behalf and on behalf of all transferees of such certificate.

Inadmissible evidence, etc.

"(d) The Commission may, and it shall whenever deemed by it to be necessary or desirable in the public interest, after full hearing upon complaint or upon its own initiative without a complaint, establish through routes, joint classifications, and joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and carriers by railroad, or the maxima or minima, or maxima and minima, to be charged, and the divisions of such rates, fares, or charges as hereinafter provided, and the terms and conditions under which such through routes shall be operated. In the case of a through route, where one of the carriers is a common carrier by water, the Commission shall prescribe such reasonable differentials as it may find to be justified between all-rail rates and the joint rates in connection with such common carrier by water. The Commission shall not, however, establish any through route, classification, or practice, or any rate, fare, or charge, between street electric passenger railways not

Establishment of through routes, joint rates, etc.

Differentials.

Street railways excluded.

Burden of proof in cancellations.

*Ante*, p. 911.

Divisions of joint rates.

engaged in the general business of transporting freight in addition to their passenger and express business, and common carriers by water. If any tariff or schedule canceling any through route or joint rate, fare, charge, or classification, without the consent of all carriers parties thereto or authorization by the Commission, is suspended by the Commission for investigation, the burden of proof shall be upon the carrier or carriers proposing such cancellation to show that it is consistent with the public interest, without regard to the provisions of paragraph (4) of section 15.

“(e) Whenever, after hearing upon complaint or upon its own initiative, the Commission is of opinion that the divisions of joint rates, fares, or charges, applicable to the transportation of passengers or property by common carriers by water, or by such carriers and common carriers by railroad or by motor vehicle, are or will be unjust, unreasonable, inequitable, or unduly preferential or prejudicial as between the carriers parties thereto, the Commission shall by order prescribe the just, reasonable, and equitable divisions thereof to be received by the several carriers. In cases where the joint rate, fare, or charge, was established pursuant to a finding or order of the Commission and the divisions thereof are found by it to have been unjust, unreasonable, or inequitable, or unduly preferential or prejudicial, the Commission may also by order determine what (for the period subsequent to the filing of the complaint or petition or the making of the order of investigation) would have been the just, reasonable, and equitable divisions thereof to be received by the several carriers, and require adjustment to be made in accordance therewith. In so prescribing and determining the divisions of joint rates, fares and charges, the Commission shall give due consideration, among other things, to the efficiency with which the carriers concerned are operated, the amount of revenue required to pay their respective operating expenses, taxes, and a fair return on their property held for and used in the service of transportation, and the importance to the public of the transportation services of such carriers and also whether any particular participating carrier is an originating, intermediate, or delivering line, and any other fact or circumstance which would ordinarily, without regard to the mileage haul, entitle one carrier to a greater or less proportion than another carrier of the joint rate, fare, or charge.

Rate-making policy.

“(f) In the exercise of its power to prescribe just and reasonable rates, fares, and charges of common carriers by water, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the effect of rates upon the movement of traffic by the carrier or carriers for which the rates are prescribed; to the need, in the public interest, of adequate and efficient water transportation service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable water carriers, under honest, economical, and efficient management, to provide such service.

Suspension of new rate, etc., pending decision.

*Post*, p. 951.

“(g) Whenever there shall be filed with the Commission any schedule (except a schedule referred to in section 322) stating a new rate, fare, charge, classification, regulation, or practice for the interstate or foreign transportation of passengers or property by a common carrier or carriers by water, the Commission may upon protest of interested parties or upon its own initiative at once, and, if it so orders, without answer or other formal pleading by such carrier or carriers, but upon reasonable notice, enter upon an investigation concerning the lawfulness of such rate, fare, charge, classification, regulation, or practice, and pending such hearing and the decision thereon, the Commission, by filing with such schedule and delivering to the carrier or carriers affected thereby a statement in

writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto, as would be proper in a proceeding instituted after such rate, fare, charge, classification, regulation, or practice had become effective. If the proceeding shall not have been concluded and an order made within the period of suspension, the proposed rate, fare, charge, classification, regulation, or practice shall go into effect at the end of such period: *Provided, however*, That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names rates on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. At any hearing involving a change in a rate, fare, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is just and reasonable.

“(h) Whenever, after hearing, upon complaint or its own initiative, the Commission finds that any minimum rate or charge of any contract carrier by water, or any rule, regulation, or practice of any such carrier affecting such minimum rate or charge, or the value of the service thereunder, contravenes the national transportation policy declared in this Act, or is in contravention of any provision of this part, the Commission may prescribe such just and reasonable minimum rate or charge, or such rule, regulation, or practice as in its judgment may be necessary or desirable in the public interest and to promote such policy and will not be in contravention of any provision of this part. Such minimum rate or charge, or such rule, regulation, or practice, so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by water subject to this part, which the Commission may find to be undue or inconsistent with the public interest and the national transportation policy declared in this Act, and the Commission shall give due consideration to the cost of the services rendered by such carriers, and to the effect of such minimum rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and the reasons for such complaint and shall be made under oath.

“(i) Whenever there shall be filed with the Commission by any such contract carrier any schedule (except a schedule referred to in section 322) stating a charge for a new service or a reduced charge, directly or by means of any rule, regulation, or practice, for transportation in interstate or foreign commerce, the Commission may upon complaint of interested parties or upon its own initiative at once and, if it so orders, without answer or other formal pleading by the interested party, but upon reasonable notice, enter upon a hearing concerning the lawfulness of such charge, or such rule, regulation, or practice, and pending such hearing and the decision thereon the Commission, by filing with such schedule and delivering to the carrier affected thereby a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such schedule and defer the use of such charge, or such rule, regulation, or practice, but not

Suspension period.

*Proriso.*  
Exceptions.47 Stat. 1425.  
46 U. S. C. §§ 843-  
848; Supp. V, §§ 844-  
848.  
39 Stat. 728.  
46 U. S. C., ch. 23;  
Supp. V, ch. 23.

Burden of proof.

Revision of mini-  
mum rates.

Undue preference.

Complaints.

Modification of  
schedules.  
*Post*, p. 951.

Hearing.

Temporary suspen-  
sion.

for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the charge, or rule, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after it had become effective. If the proceeding has not been concluded and an order made within the period of suspension, the proposed change in any charge or rule, regulation, or practice shall go into effect at the end of such period: *Provided*, That this subsection shall not apply to any initial schedule filed prior to October 1, 1941, by any such carrier (other than a carrier subject, at the time this part takes effect, to the provisions of the Intercoastal Shipping Act, 1933, as amended, or the Shipping Act, 1916, as amended) insofar as such schedule names charges on traffic, or for services connected therewith, as to which such carrier was in bona fide operation on January 1, 1940. The rule as to burden of proof specified in subsection (g) of this section shall apply to this subsection.

“REPARATION AWARDS; LIMITATION OF ACTIONS

“Carrier” defined.

“SEC. 308. (a) For the purposes of this section the term ‘carrier’ means a water carrier engaged in transportation subject to this part (1) by way of the Panama Canal, or (2) as a common carrier by water on the high seas or the Great Lakes on regular routes from port to port.

Liability for damages.

“(b) In case any carrier shall do, cause to be done, or permit to be done any act, matter, or thing in this part prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this part required to be done, such carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation, together with a reasonable counsel or attorney’s fee, to be fixed by the court in every case of recovery, which attorney’s fee shall be taxed and collected as part of the costs in the case.

Right of person damaged; remedies.

“(c) Any person or persons claiming to be damaged by any carrier may either make complaint to the Commission or may bring suit in his or their own behalf for the recovery of the damages for which such carrier may be liable under the provisions of subsection (b), in any district court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies.

Award.

“(d) If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this part for a violation thereof by any carrier, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

Suit for recovery.

“(e) If such carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file with the district court of the United States for the district in which he or it resides or in which is located the principal operating office of such carrier or in which is located any port of call on a route operated by such carrier, or in any State court of general jurisdiction having jurisdiction of the parties, a complaint setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except

*Proviso.*

*Exception.*

47 Stat. 1425.

46 U. S. C. §§ 843-848; Supp. V, §§ 844-848.

39 Stat. 728.

46 U. S. C., ch. 23; Supp. V, ch. 23.

Burden of proof.

that the plaintiff shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the plaintiff shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

"(f) (1) All complaints against carriers for the recovery of damages or overcharges shall be filed with the Commission within three years from the time the cause of action accrues, and not after.

"(2) The cause of action in respect of a shipment of property shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier and not after.

"(3) A complaint for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within one year from the date of the order, and not after.

"(4) The term 'overcharges' as used in this section means charges for transportation services in excess of those applicable thereto under the tariffs lawfully on file with the Commission.

"(5) The provisions of this subsection (f) shall take effect six months after this section becomes effective and extend to and embrace cases in which the cause of action has heretofore accrued.

"(g) In such suits all parties in whose favor the Commission may have made an award of damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant has his or its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

Attorney's fee.

Time limitations.

"Overcharges" defined.

Effective date; scope.

Joinder of parties.

Service of process.

Judgment.

#### "CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND PERMITS

"SEC. 309. (a) Except as otherwise provided in this section and section 311, no common carrier by water shall engage in transportation subject to this part unless it holds a certificate of public convenience and necessity issued by the Commission: *Provided, however,* That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a common carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in subsection (b) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such operation shall be lawful. If the application for such certificate is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (c),

Certificates of public convenience and necessity.

Proviso. Waiver of provisions.

Time limitation.

Provisional continuance of operation.

and such certificate shall be issued or denied accordingly. Any person, not included within the provisions of the foregoing proviso, who is engaged in transportation as a common carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a certificate, and, if application for such certificate is made to the Commission within such period, the continuance of such operation shall be lawful pending determination of such application.

Application for certificate.

“(b) Application for a certificate shall be made in writing to the Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require.

Qualifications for issuance.  
*Post*, p. 943.

“(c) Subject to section 310, upon application as provided in this section the Commission shall issue a certificate to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if the Commission finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied.

Routes; ports.

“(d) Such certificate shall specify the route or routes over which, or the ports to and from which, such carrier is authorized to operate, and, at the time of issuance and from time to time thereafter, there shall be attached to the exercise of the privileges granted by such certificate such reasonable terms, conditions, and limitations as the public convenience and necessity may from time to time require, including terms, conditions, and limitations as to the extension of the route or routes of the carrier, and such other terms, and conditions, and limitations as are necessary to carry out, with respect to the operations of the carrier, the requirements of this part or those established by the Commission pursuant thereto: *Provided, however*, That no terms, conditions, or limitations shall restrict the right of the carrier to add to its equipment, facilities, or service within the scope of such certificate, as the development of the business and the demands of the public shall require, or the right of the carrier to extend its services over uncompleted portions of waterway projects now or hereafter authorized by Congress, over the completed portions of which it already operates, as soon as such uncompleted portions are open for navigation.

Terms, conditions, and limitations.

*Proviso*.  
Right to add equipment.

Extension of services.

“(e) No certificate issued under this part shall confer any proprietary or exclusive right or rights in the use of public waterways.

Use of public waterways.

Permit prerequisite to operation.

“(f) Except as otherwise provided in this section and section 311, no person shall engage in the business of a contract carrier by water unless he or it holds an effective permit, issued by the Commission authorizing such operation: *Provided*, That, subject to section 310, if any such carrier or a predecessor in interest was in bona fide operation as a contract carrier by water on January 1, 1940, over the route or routes or between the ports with respect to which application is made, and has so operated since that time (or, if engaged in furnishing seasonal service only, was in bona fide operation during the seasonal period, prior to or including such date, for operations of the character in question) except, in either event, as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such permit, without further proceedings, if application for such permit is made to the Commission as provided in subsection (g) of this section and prior to the expiration of one hundred and twenty days after this section takes effect. Pending the determination of any such application, the continuance of such

*Proviso*.  
Waiver of provisions.

Provisional continuance of operation.

operation shall be lawful. If the application for such permit is not made within one hundred and twenty days after this section takes effect, it shall be decided in accordance with the standards and procedure provided for in subsection (g), and such permit shall be issued or denied accordingly. Any person, not included within the provision of the foregoing proviso, who is engaged in transportation as a contract carrier by water when this section takes effect may continue such operation for a period of one hundred and twenty days thereafter without a permit, and, if application for such permit is made to the Commission within such period, the continuance of such operation shall be lawful pending the determination of such application.

“(g) Application for such permit shall be made to the Commission in writing, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require. Subject to section 310, upon application the Commission shall issue such permit if it finds that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this part and the requirements, rules, and regulations of the Commission thereunder, and that such operation will be consistent with the public interest and the national transportation policy declared in this Act. The business of the carrier and the scope thereof shall be specified in such permit and there shall be attached thereto at time of issuance and from time to time thereafter such reasonable terms, conditions, and limitations, consistent with the character of the holder as a contract carrier by water, as are necessary to carry out the requirements of this part or those lawfully established by the Commission pursuant thereto: *Provided, however,* That no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his equipment, facilities, or service, within the scope of the permit, as the development of the business and the demands of the carrier's patrons shall require.

Application for permit.

Issuance.

Proviso. Certain rights not restricted.

#### “DUAL OPERATIONS UNDER CERTIFICATES AND PERMITS

“SEC. 310. Unless, for good cause shown, the Commission shall find, or shall have found, that both a certificate and a permit may be so held consistently with the public interest and with the national transportation policy declared in this Act—

Operation under certificate and permit.

“(1) no person, or any person controlling, controlled by, or under common control with such person, shall hold a certificate as a common carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a permit as a contract carrier by water; and

“(2) no person, or any person controlling, controlled by, or under common control with such person, shall hold a permit as a contract carrier by water if such person, or any such controlling person, controlled person, or person under common control, holds a certificate as a common carrier by water.

#### “TEMPORARY OPERATIONS

“SEC. 311. (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier by water or a contract carrier by water, as the case may be.

Temporary operation authority.

Duration.

Such temporary authority shall be valid for such time as the Commission shall specify but not for more than an aggregate of one hundred and eighty days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

Merger.

"(b) Pending the determination of an application filed with the Commission under this Act for approval of a consolidation or merger of the properties of two or more water carriers, or of a purchase, lease, or contract to operate the properties of one or more water carriers, the Commission may, for good cause shown, and without hearings or other proceedings, grant temporary approval, for a period not exceeding one hundred and eighty days, of operation of the properties of such carriers by water by the person proposing to acquire them, as aforesaid.

#### "TRANSFER OF CERTIFICATES AND PERMITS

Transfer of certificates and permits.

"SEC. 312. Except as provided in this part, any such certificate or permit may be transferred in accordance with such regulations as the Commission shall prescribe for the protection of the public interest and to insure compliance with the provisions of this part.

#### "ACCOUNTS, RECORDS, AND REPORTS

Authority of Commission.

"SEC. 313. (a) The Commission is hereby authorized to require annual, periodical, or special reports from water carriers and lessors (as defined in this section), and to prescribe the manner and form in which such reports shall be made, and to require from such carriers and lessors specific and full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the carrier or lessor in such form and detail as may be prescribed by the Commission. Said annual reports shall contain all the required information for the period of twelve months ending on the thirty-first day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under this paragraph shall also be under oath whenever the Commission so requires.

Information required.

"(b) The Commission may also require any such carrier to file with it a true copy of any contract, charter, or agreement between such carrier and any other carrier or person in relation to transportation facilities, service, or traffic affected by the provisions of this part. The Commission shall not, however, make public any contract, charter, or agreement between a contract carrier by water and a shipper, or any of the terms or conditions thereof, except as a part of the record in a formal proceeding where it considers such action consistent with the public interest: *Provided*, That if it appears from an examination of any such contract that it fails to conform to the published schedule of the contract carrier by water as required by section 306 (e), the Commission may, in its discretion, make public such of the provisions of the contract as the Commission considers necessary to disclose such failure and the extent thereof.

Filing of copy of contract, charter, or agreement.

Confidential treatment accorded.

Proviso. Failure to conform to published schedule.

Ante, p. 936.

Uniform system of accounts.

"(c) The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part, prescribe a uniform system of accounts applicable to any class of water carriers, and a period of time within which such class shall have such uniform system of accounts, and the manner in which such accounts shall be kept.

“(d) The Commission shall, as soon as practicable, prescribe for water carriers the classes of property for which depreciation charges may properly be included under operating expenses, and the rate or rates of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and rates so prescribed. When the Commission shall have exercised its authority under the foregoing provisions of this subsection, water carriers shall not charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or charge with respect to any class of property a rate of depreciation other than that prescribed therefor by the Commission, and no such carrier shall in any case include under operating expenses any depreciation charge in any form whatsoever other than as prescribed by the Commission.

Depreciation charges; rates.

Modifications.

“(e) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by water carriers and lessors, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and it shall be unlawful for such carriers or lessors to keep any accounts, records, and memoranda contrary to any rules, regulations, or orders of the Commission with respect thereto.

Forms of accounts, records, and memoranda.

“(f) The Commission or its duly authorized special agents, accountants, or examiners shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents, of such water carriers and lessors, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any such carrier as the Commission deems relevant to such person’s relation to or transactions with such carrier. The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to all lands, buildings, or equipment of such carriers or lessors, and shall have authority under its order to inspect and examine any and all such lands, buildings, and equipment. All such carriers, lessors, and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and for copying authorized by this paragraph, and such carriers and lessors shall submit their lands, buildings, and equipment for inspection and examination, to any duly authorized special agent, accountant, or examiner of the Commission, upon demand and the display of proper credentials.

Inspection and examination of accounts, lands, equipment, etc.

“(g) The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents of water carriers or lessors as may, after a reasonable time, be destroyed, and prescribing the length of time the same shall be preserved.

Preservation of records; destruction.

“(h) As used in this section, the words ‘keep’ and ‘kept’ shall be construed to mean made, prepared, or compiled, as well as retained; the term ‘lessor’ means a lessor of any right to operate as a water carrier; and the term ‘water carrier’ or ‘lessor’ includes a receiver or trustee of such water carrier or lessor.

“Keep” and “kept.”

“Lessor.”  
“Water carrier” or “lessor.”

“ALLOWANCES TO SHIPPERS FOR TRANSPORTATION SERVICES

“SEC. 314. If the owner of property transported under this part directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be published in tariffs or schedules filed in the manner provided in this part and shall be no more than is just and reasonable; and the Commission may, after hearing on a com-

Allowances.

plaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order.

“NOTICES, ORDERS, AND SERVICE OF PROCESS

Designation of agent upon whom service may be made.

“SEC. 315. (a) It shall be the duty of every water carrier to file with the Commission a designation in writing of the name and post-office address of an agent upon whom or which service of notices or orders may be made under this part. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this part may be made upon such carrier by personal service upon it or upon an agent so designated by it, or by registered mail addressed to it or to such agent at the address filed. In default of such designation, service of any notice or order may be made by posting in the office of the secretary of the Commission. Whenever notice or order is served by mail, as provided herein, the date of mailing shall be considered as the time of service. In proceedings before the Commission involving the lawfulness of rates, fares, charges, classifications, or practices, service of notice upon an attorney in fact of a carrier who has filed a tariff or schedule in behalf of such carrier shall be deemed to be due and sufficient service upon the carrier.

Hearing or investigation prerequisite.

“(b) No order, based upon a finding that any water carrier has violated any provision of this part, shall be made by the Commission except after hearing upon complaint or after an investigation upon its own initiative.

“(c) The Commission may suspend, modify, or set aside its orders under this part upon such notice and in such manner as it shall deem proper.

Effective dates.

“(d) Except as otherwise provided in this part, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended, modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

Observance of orders.

“(e) It shall be the duty of every water carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect.

“ENFORCEMENT AND PROCEDURE

Enforcement and procedure.  
Ante, pp. 910, 913.  
49 U. S. C. § 46.  
15 U. S. C. §§ 32, 33.

“SEC. 316. (a) The provisions of section 12 and section 17 of part I, and the Compulsory Testimony Act (27 Stat. 443), and the Immunity of Witnesses Act (34 Stat. 798; 32 Stat. 904, ch. 755, sec. 1), shall apply with full force and effect in the administration and enforcement of this part.

Failure to comply with designated provisions, etc.

“(b) If any water carrier fails to comply with or operates in violation of any provision of this part (except provisions as to the reasonableness of rates, fares, or charges, and the discriminatory character thereof), or any rule, regulation, requirement, or order thereunder (except an order for the payment of money), or of any term or condition of any certificate or permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdic-

tion of the parties for the enforcement of such provision of this part or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such carrier and any officer, agent, employee, or representative thereof from further violation of such provision of this part or of such rule, regulation, requirement, order, term, or condition and enjoining obedience thereto.

Enforcement of obedience.

“(c) The Commission shall enter of record a written report of hearings conducted upon complaint, or upon its own initiative without complaint, stating its conclusions, decision, and order and, if reparation is awarded, the findings of fact upon which the award is made; and shall furnish a copy of such report to all parties of record. The Commission may provide for the publication of such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be received as competent evidence of such reports in any court of competent jurisdiction.

Written report of hearings.

Publication.

“(d) Subject to the provisions of section 313, the copies of schedules, and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements of water carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the Commission as required, under the provisions of this part shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals.

*Ante*, p. 944.

Public records.

Certified copies as evidence.

#### “UNLAWFUL ACTS AND PENALTIES

“SEC. 317. (a) Any person who knowingly and willfully violates any provision of this part, or any rule, regulation, requirement, or order thereunder, or any term or condition of any certificate or permit, for which no penalty is otherwise provided, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was in whole or in part committed shall be subject for each offense to a fine not exceeding \$500. Each day of such violation shall constitute a separate offense.

Unlawful acts and penalties.

“(b) Any water carrier or any officer, agent, employee, or representative thereof, who shall knowingly and willfully offer, grant, or give, or cause to be offered, granted, or given, any rebate, deferred rebate, or other concession, in violation of the provisions of this part, or who, by any device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person to obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was wholly or in part committed shall be subject for each offense to a fine of not more than \$5,000.

Offering of rebates, etc.

Penalty.

“(c) Any person who shall knowingly and willfully solicit, accept, or receive any rebate, deferred rebate, or other concession in violation of the provisions of this part, or who shall by any device or means, whether with or without the consent or connivance of any water carrier

Soliciting or receiving rebates.

or his or its officer, agent, employee, or representative, knowingly and willfully obtain transportation subject to this part at less than the rates, fares, or charges lawfully in effect, or shall knowingly and willfully, directly or indirectly, by false claim, false billing, false representation, or other device or means, obtain or attempt to obtain any allowance, refund, or repayment in connection with or growing out of such transportation, whether with or without the consent or connivance of such carrier or his or its officer, agent, employee, or representative, whereby the compensation of such carrier for such transportation or service, either before or after payment, shall be less than the rates, fares, or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than \$5,000.

False claims, etc.

Penalty.

Failure to make required report.

“(d) Any water carrier or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this part, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall willfully falsify, destroy, mutilate, or alter any report, account, record, memorandum, book, correspondence, or other document, required under this part to be kept, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions as required under this part, or shall willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed, be subject for each offense to a fine of not more than \$5,000. As used in this subsection, the word ‘keep’ shall be construed to mean made, prepared, or compiled, as well as retained.

False reports.

Penalty.

“Keep” construed.

Unlawful disclosures by Commission employee.

*Ante*, p. 944.

Penalty.

Unlawful disclosures by carrier, etc.

“(e) Any special agent, accountant, or examiner of the Commission who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of section 313, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than \$500 or imprisonment for a term not exceeding six months, or both.

“(f) It shall be unlawful for any common carrier by water, or any officer, receiver, trustee, lessee, agent, or employee of such carrier, or for any other person authorized by such carrier or person to receive information, knowingly and willfully to disclose to or permit to be acquired by any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such carrier for transportation subject to this part, which information may be used to the detriment or prejudice of such shipper or consignee, or which may or does improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly and

willfully receive any such information which may be or is so used. Any person violating any provisions of this subsection shall be guilty of a misdemeanor and upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was in whole or in part committed shall be subject to a fine of not more than \$2,000. Nothing in this part shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, Territory, or District thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes, or to another carrier, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such carriers.

Penalty.

Exceptions.

“COLLECTION OF RATES AND CHARGES

“SEC. 318. No common carrier by water shall deliver or relinquish possession at destination of any freight transported by it until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges, including rules and regulations for periodical settlement, and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this paragraph shall not be construed to prohibit any such carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or Territory or political subdivision thereof, or for the District of Columbia. Where such carrier is instructed by a shipper or consignor to deliver property transported by such carrier to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of such property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (1) is an agent only and had no beneficial title in the property, and (2) prior to delivery of the property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has notified the delivering carrier in writing of the name and address of the beneficial owner of the property. In such cases the shipper or consignor, or in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges irrespective of any provisions to the contrary in the bill of lading or in the contract under which the shipment was made or handled. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action against the consignee begun within said period. If the consignee has given to the carrier erroneous information as to who is the beneficial owner, such consignee shall himself be liable for such additional charges, notwithstanding the foregoing provisions of this paragraph. An action for the enforcement of such liability may be begun within two years from the time the cause of action accrues, or before the expiration of six months after final judgment against the carrier in an action

Collection of rates and charges.

*Provido.*  
Governmental freight.

Nonliability of consignee.

Liability of shipper, consignor, or beneficial owner.

Time limitations.

Liability of consignee.

Time limitations.

Reconsignments,  
etc., liability of benefi-  
cial owner.

against the beneficial owner named by the consignee begun within said period. On shipments reconsigned or diverted by an agent who has furnished the carrier with a notice of agency and the proper name and address of the beneficial owner, and where such shipments are refused or abandoned at ultimate destination, the said beneficial owner shall be liable for all legally applicable charges in connection therewith.

#### “EMPLOYEES

Employees.

“SEC. 319. The Commission is authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary or advisable for the convenience of the public and for the efficient administration of this part. Such examiners shall have power to administer oaths, examine witnesses, and receive evidence.

Power to administer  
oaths, etc.

#### “REPEALS

39 Stat. 728.  
47 Stat. 1425.  
46 U. S. C. §§ 801-  
842, 843-848; Supp. V,  
§§ 804-848.

“SEC. 320. (a) The Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, are hereby repealed insofar as they are inconsistent with any provision of this part and insofar as they provide for the regulation of, or the making of agreements relating to, transportation of persons or property by water in commerce which is within the jurisdiction of the Commission under the provisions of this part; and any other provisions of law are hereby repealed insofar as they are inconsistent with any provision of this part.

49 Stat. 1987.  
46 U. S. C., Supp. V,  
§ 1115.

“(b) Nothing in subsection (a) shall be construed to repeal—

“(1) section 205 of the Merchant Marine Act, 1936, as amended, or any provision of law providing penalties for violations of such section 205;

47 Stat. 1425, 1427.  
46 U. S. C. §§ 844,  
847; Supp. V, §§ 844,  
847.

“(2) the third sentence of section 2 of the Intercoastal Shipping Act, 1933, as amended, as extended by section 5 of such Act, or any provision of law providing penalties for violations of such section 2;

39 Stat. 728.  
46 U. S. C. § 801.

“(3) the provisions of the Shipping Act, 1916, as amended, insofar as such Act provides for the regulation of persons included within the term ‘other person subject to this Act’, as defined in such Act;

41 Stat. 990.  
46 U. S. C. §§ 883, 884;  
Supp. V, §§ 883, 884.

“(4) sections 27 and 28 of the Merchant Marine Act, 1920, as amended.

39 Stat. 733.  
46 U. S. C. § 814.

“(c) Nothing in subsection (a) shall be construed to affect the provisions of section 15 of the Shipping Act, 1916, so as to prevent any water carrier subject to the provisions of this part from entering into any agreement under the provisions of such section 15 with respect to transportation not subject to the provisions of this part in which such carrier may be engaged.

“(d) Nothing in this part shall be construed to affect any law of navigation, the admiralty jurisdiction of the courts of the United States, liabilities of vessels and their owners for loss or damage, or laws respecting seamen, or any other maritime law, regulation, or custom not in conflict with the provisions of this part.

Repeal.  
45 Stat. 980.  
49 U. S. C., Supp. V,  
§ 153 (e).

“(e) Subsection (e) of section 3 of the Inland Waterways Corporation Act of June 7, 1924, as amended (U. S. C., title 49, sec. 153 (e)), is hereby repealed as of October 1, 1940: *Provided, however*, That (1) any certificate of public convenience and necessity granted to any carrier pursuant to the provisions of such subsection (e) shall continue in effect as though issued under the provisions of section 309 of the Interstate Commerce Act, as amended; and (2) through routes and joint rates, and rules, regulations, and practices relating thereto, put into effect pursuant to the provisions of such subsection (e) shall, after

*Proviso.*  
Continuance of cer-  
tificates of public con-  
venience, etc.  
*Ante*, p. 941.

the repeal of such subsection (e), be held and considered to have been put into effect pursuant to the provisions of the Interstate Commerce Act, as amended.

“TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND APPROPRIATIONS

“SEC. 321. (a) Such officers and employees of the United States Maritime Commission as the President shall determine to have been employed in the administration of the provisions of law repealed by section 320, and whose retention by the United States Maritime Commission is not necessary, in the opinion of the President, for the performance of other duties, are transferred to the Interstate Commerce Commission upon such date or dates as the President shall specify by Executive order. Such transfer of such personnel shall be without reduction in classification or compensation, except that this requirement shall not operate after the end of the fiscal year during which such transfer is made to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned.

Transfer of personnel.

*Ante*, p. 950.

“(b) All files, reports, records, tariff schedules, property (including office furniture and equipment), contracts, agreements, documents, or papers kept or used by, made to, or filed with the United States Maritime Commission under or in the administration of any provision of law repealed by this part, are hereby transferred to the jurisdiction and control of the Interstate Commerce Commission, and may be used for such purposes as the Interstate Commerce Commission may deem necessary in the administration of this part; except that in the case of files, reports, records, tariff schedules, contracts, agreements, documents, or papers, the retention of which is necessary for purposes of the administration by the United States Maritime Commission of matters within its jurisdiction, the furnishing to the Interstate Commerce Commission of copies thereof shall constitute sufficient compliance with the provisions of this subsection.

Records, property, etc.

“(c) All appropriations and unexpended balances of appropriations available for expenditure by the United States Maritime Commission in the administration of any provision of law repealed by this part shall be available for expenditure by the Interstate Commerce Commission for any objects of expenditure authorized by this part, in the discretion of the Interstate Commerce Commission, without regard to the requirement of apportionment under the Anti-Deficiency Act of February 27, 1906.

Funds available.

34 Stat. 48.  
31 U. S. C. § 665.

“EXISTING ORDERS, RULES, TARIFFS, AND SO FORTH; PENDING MATTERS

“SEC. 322. (a) Notwithstanding the provisions of section 320, or any other provision of this part, all orders, rules, regulations, permits, tariffs (including rates, fares, charges, classifications, rules, and regulations relating thereto), contracts, or agreements, to the extent that they were issued, authorized, approved, entered into, or filed under any provision of law repealed by this part, and are still in effect, shall continue in force and effect according to the terms thereof as though this part had not been enacted, except that the Commission may modify, set aside, or rescind any such order, rule, regulation, permit, tariff, contract, or agreement to the extent that it finds the same to be in violation of any provision of this part or inconsistent with the national transportation policy declared in this Act.

Continuance of certain orders, etc.  
*Ante*, p. 950.

Exception.

“(b) Any proceeding, hearing, or investigation commenced or pending before the United States Maritime Commission at the time this section takes effect, to the extent that it relates to the administra-

Proceedings, hearings, or investigations.

tion of any provision of law repealed by this part, shall be continued or otherwise acted upon by the Commission as though such proceeding, hearing, or investigation had been instituted under the provisions of this part.

Judicial proceed-  
ings.

“(c) Any pending judicial proceeding arising under any provision of law repealed by the provisions of this part shall be continued, heard, and determined in the same manner and with the same effect as if this part had not been enacted; except that in the case of any such proceeding to which the United States Maritime Commission is a party, the court, upon motion or supplemental petition, may direct that the Commission be substituted for the United States Maritime Commission as a party to the proceeding or made an additional party thereto.

#### “SEPARABILITY OF PROVISIONS

Separability of pro-  
visions.

“SEC. 323. If any provision of this part or the application thereof to any person, or commerce, or circumstance is held invalid, the remainder of the part and the application of such provision to other persons, or commerce, or circumstances shall not be affected thereby.”

#### TIME EFFECTIVE

Time effective.

SEC. 202. Part III of the Interstate Commerce Act shall take effect on the date of the enactment of this Act, except that sections 304 (c), 305 to 308, inclusive, 309 (a) and (f), 313 to 318, inclusive, 320, 321, and 322 shall take effect on the 1st day of January 1941: *Provided, however,* That the Interstate Commerce Commission shall, if found by it necessary or desirable in the public interest, by general or special order postpone the taking effect of any of the provisions above enumerated to such time, but not beyond the 1st day of April 1942, as the Commission shall prescribe.

Proviso.  
Postponement per-  
mitted.

### TITLE III—MISCELLANEOUS

#### PART I—INVESTIGATION OF VARIOUS MODES OF TRANSPORTATION

Board of investiga-  
tion and research.  
Composition.

SEC. 301. There is hereby established a board of investigation and research (hereinafter referred to as the “Board”) to be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, for the period of the existence of the Board as hereinafter provided. Not more than two members of said Board shall be members of the same political party. The President shall designate the member to act as Chairman of the Board and the Board may elect another of its members as Vice Chairman, who shall act as Chairman in the case of absence or incapacity of the Chairman. A majority of the Board shall constitute a quorum and the powers conferred upon the Board by this section may be exercised by a majority vote of its members. A vacancy on the Board shall not affect the powers of the remaining members to execute the functions of the Board, and shall be filled in the same manner as the original selection. The members of the Board shall receive compensation at the rate of \$10,000 per annum, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the exercise of the functions vested in the Board. Carriers by railroad, motor carriers, and water carriers shall be permitted to provide free transportation and other carrier service to the Board and its employees while traveling on official business, regardless of any provisions in the Interstate Commerce Act, as amended, restricting such carriers from furnishing free transportation or service.

Compensation of  
members.

Free transporta-  
tion, etc.

24 Stat. 379.  
49 U. S. C., ch. 1;  
Supp. V, ch. 1.

SEC. 302. (a) It shall be the duty of the Board to investigate—

(1) the relative economy and fitness of carriers by railroad, motor carriers, and water carriers for transportation service, or any particular classes or descriptions thereof, with the view of determining the service for which each type of carrier is especially fitted or unfitted; the methods by which each type can and should be developed so that there may be provided a national transportation system adequate to meet the needs of the commerce of the United States, of the Postal Service and of the national defense;

(2) the extent to which right-of-way or other transportation facilities and special services have been or are provided from public funds for the use, within the territorial limits of the continental United States, of each of the three types of carriers without adequate compensation, direct or indirect, therefor, and the extent to which such carriers have been or are aided by donations of public property, payments from public funds in excess of adequate compensation for services rendered in return therefor, or extensions of Government credit; and

(3) the extent to which taxes are imposed upon such carriers by the United States, and the several States, and by other agencies of government, including county, municipal, district, and local agencies.

(b) The Board is further authorized, in its discretion, to investigate or consider any other matter relating to rail carriers, motor carriers, or water carriers, which it may deem important to investigate for the improvement of transportation conditions and to effectuate the national transportation policy declared in the Interstate Commerce Act, as amended.

SEC. 303. The Board is authorized to employ, without regard to the civil service laws or the Classification Act, 1923, as amended, a secretary who shall receive compensation at the rate of \$7,500 per annum and a general counsel who shall receive compensation at the rate of \$9,000 per annum; and to employ, without regard to the civil service laws, a clerk to each member of the Board. The Board is also authorized to employ such experts, assistants, special agents, examiners, attorneys, and other employees as in its judgment may be necessary for the performance of its duties, and is authorized to utilize the services, information, facilities, and personnel of the various departments and agencies of the Government to the extent that such services, information, facilities, and personnel, in the opinion of such departments and agencies, can be furnished without undue interference with the performance of the work and duties of such departments and agencies.

SEC. 304. (a) The Board and its agents shall at all times have access to all accounts, records, and memoranda of the carriers and to their properties, and it shall be the duty of the carriers to furnish the Board or its agents such information and reports as it may desire in investigating any matter within the scope of its duties.

(b) For the purpose of carrying out the provisions of this part the Board may seek information from such sources and conduct its investigations in such manner as it deems advisable in the interest of a correct ascertainment of the facts, and the Board and its examiners shall be entitled to exercise the same powers with respect to conducting hearings and requiring the attendance of witnesses and the production of books, papers, correspondence, memoranda, contracts, agreements, or other records and documents as are conferred upon the Interstate Commerce Commission and its examiners by sections 17 and 12 of the Interstate Commerce Act, as amended, and the provisions of paragraphs (3), (4), and (7) of section 12 of such Act shall be applicable

Investigations.  
Economy and fitness of carriers.

Right-of-way, etc., facilities.

Extent taxes are imposed.

Improvement of transportation.

24 Stat. 379.  
49 U. S. C., ch. 1;  
Supp. V, ch. 1.

Secretary, general counsel, etc.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Experts and other employees.

Utilization of Government agencies.

Accessibility of accounts, records, and memoranda.

Information from other sources.

*Ante*, pp. 910, 913.

to all persons summoned by subpoena or otherwise to attend and testify or to produce books, papers, correspondence, memoranda, contracts, agreements, or other records and documents before the Board.

Preliminary reports, etc., to the President and to Congress.

Annual report, etc.

SEC. 305. On or before May 1, 1941, the Board shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with such findings and recommendations as it is by that time prepared to make. In addition to such preliminary reports the Board shall submit to the President and to the Congress an annual report, a final report, and such other reports as it may deem necessary, of the studies and investigations carried out by it pursuant to the provisions of this section, together with its findings and recommendations based thereon.

Termination.

SEC. 306. This part shall cease to have effect at the end of two years after its enactment unless extended by a proclamation of the President for an additional period which shall not exceed two years.

## PART II—RATES ON GOVERNMENT TRAFFIC

### GOVERNMENT TO PAY FULL RATES

Government to pay full rates.  
*Ante*, p. 900.

Exception.

Transportation of U. S. mail.

*Provisos.*  
Mail contracts.

Advertising for bids.

If carrier a grantee of lands from U. S.

Release of claim against U. S.

Issuance of patents to lands.

SEC. 321. (a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of the Interstate Commerce Act, as amended, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to such Act of any persons or property for the United States, or on its behalf, except that the foregoing provision shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or of property of such members) when such members are traveling on official duty; and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however*, That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further*, That section 3709, Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), shall not hereafter be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed.

(b) If any carrier by railroad furnishing such transportation, or any predecessor in interest, shall have received a grant of lands from the United States to aid in the construction of any part of the railroad operated by it, the provisions of law with respect to compensation for such transportation shall continue to apply to such transportation as though subsection (a) of this section had not been enacted until such carrier shall file with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have against the United States to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands which have been granted, claimed to have been granted, or which it is claimed should have been granted to such carrier or any such predecessor in interest under any grant to such carrier or such predecessor in interest as aforesaid. Such release must be filed within one year from the date of the enactment of this Act. Nothing in this section shall be construed as requiring any such carrier to reconvey to the United States lands which have been heretofore patented or certified to it, or to prevent the issuance of patents confirming the title to such lands as the Secretary

of the Interior shall find have been heretofore sold by any such carrier to an innocent purchaser for value or as preventing the issuance of patents to lands listed or selected by such carrier, which listing or selection has heretofore been fully and finally approved by the Secretary of the Interior to the extent that the issuance of such patents may be authorized by law.

#### DEDUCTION OF OVERPAYMENTS

SEC. 322. Payment for transportation of the United States mail and of persons or property for or on behalf of the United States by any common carrier subject to the Interstate Commerce Act, as amended, or the Civil Aeronautics Act of 1938, shall be made upon presentation of bills therefor, prior to audit or settlement by the General Accounting Office, but the right is hereby reserved to the United States Government to deduct the amount of any overpayment to any such carrier from any amount subsequently found to be due such carrier.

Deduction of over-payments.

24 Stat. 379.  
49 U. S. C., ch. 1;  
Supp. V, ch. 1.  
52 Stat. 973.  
49 U. S. C., Supp.  
V, ch. 9.

#### PART III—AMENDMENTS TO RECONSTRUCTION FINANCE CORPORATION ACT

SEC. 331. (a) Section 5 of the Reconstruction Finance Corporation Act, as amended, is amended by amending that portion of the third sentence, of the third paragraph, which precedes the last proviso in such sentence to read as follows: "Within the foregoing limitations of this section, the Corporation, notwithstanding any limitation of law as to maturity, with the approval of the Interstate Commerce Commission, including approval of the price to be paid, may, to aid in the financing, reorganization, consolidation, maintenance, or construction thereof, purchase for itself, or for account of a railroad obligated thereon, the obligations of railroads engaged in interstate commerce, or of receivers or trustees thereof, including equipment trust certificates, or guarantee the payment of the principal of, and/or interest on, such obligations, including equipment trust certificates, or, when, in the opinion of the Corporation, funds are not available on reasonable terms through private channels, make loans, upon full and adequate security, to such railroads or to receivers or trustees thereof for the purposes aforesaid: *Provided*, That in the case of loans to or the purchase or guarantee of obligations, including equipment trust certificates, of railroads not in receivership or trusteeship, the Interstate Commerce Commission shall, in connection with its approval thereof, also certify that such railroad, on the basis of present and prospective earnings, may reasonably be expected to meet its fixed charges, without a reduction thereof through judicial reorganization, except that such certificate shall not be required in case of such loans, purchases, or guaranties made for the maintenance of, or purchase of equipment for, such railroads: *Provided further*, That for the purpose of determining the general funds of the Corporation available for further loans or commitments, such guaranties shall, to the extent of the principal amount of the obligations guaranteed, be interpreted as loans or commitments for loans: *And provided further*, That the total amount of loans and commitments to railroads, receivers, and trustees, and purchases and guaranties of obligations of railroads, under this paragraph, as amended, shall not exceed at any one time \$500,000,000, in addition to loans and commitments made prior to January 31, 1935, and renewals of loans and commitments so made."

Purchase of railroad obligations.  
47 Stat. 6.  
15 U. S. C. § 605;  
Supp. V, § 605.

Loans.

*Provisos.*  
Purchase or guarantee of obligations.

Guaranties to be interpreted as loans, etc.

Maximum amount.

Title to property leased, etc., to railroad financed by R. F. C.

(b) Such section 5, as amended, is further amended by adding at the end of the third paragraph thereof the following sentence: "The title of any owner, whether as trustee or otherwise, to any property leased or conditionally sold to a railroad, or a receiver or trustee

thereof, which the Corporation has financed, or in the financing of which the Corporation has aided, any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sales contract, and the title of any owner of a collateral note evidencing a loan from the Corporation to a railroad not now in receivership or involved in proceedings under section 77 of the Bankruptcy Act, or a receiver or trustee thereof, and the right of any such owner to acquire title to the collateral securing such note, free and clear of any equity of redemption, in compliance with the contract of pledge, and thereafter to deal with the same as the absolute owner thereof, shall not be affected, restricted, or restrained by or pursuant to the provisions of the Act of July 1, 1898, entitled 'An Act to establish a uniform system of bankruptcy throughout the United States', as amended, or by or pursuant to any other provision of law applicable to any proceedings thereunder."

47 Stat. 1474.  
11 U. S. C. § 205;  
Supp. V, § 205.

30 Stat. 544.  
11 U. S. C.; Supp. V.

49 Stat. 2.  
15 U. S. C., Supp. V,  
§ 605m.

(c) The first sentence of section 3 of the Act approved January 31, 1935 (49 Stat., ch. 2, pp. 1-2), is hereby amended by striking out "January 31, 1945" and inserting in lieu thereof "January 31, 1955".

Approved, September 18, 1940.

[CHAPTER 723]

AN ACT

To authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized to proceed with the construction of the following public work projects at a cost not to exceed the amount stated after each item enumerated:

Third naval district: Graving drydock and accessory construction in New York Harbor, including acquisition of site, \$10,000,000.

Caribbean area: Graving drydock and accessory construction, including acquisition of site, \$7,500,000.

First naval district: Improvements to South Boston drydock, \$6,180,000.

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

Approved, September 18, 1940.

September 18, 1940  
[S. 4165]  
[Public, No. 786]

Navy.  
Public work proj-  
ects.

Appropriation au-  
thorized.  
Post, p. 972.

[CHAPTER 724]

AN ACT

To authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, California.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized on behalf of the United States to accept from the city of National City, California, without cost to the United States, all right, title, and interest of the said city in and to the following-described area of tide and submerged lands:

All lands situated on the National City side of the San Diego Bay, lying between the line of the mean high tide line and the pierhead line in said bay, as the same has been or may hereafter be established by the Federal Government, and between the prolongation into the Bay of San Diego, to the pierhead line of the boundary line between the city of National City and the city of San Diego

September 21, 1940  
[S. 2991]  
[Public, No. 787]

National City,  
Calif.  
Acceptance of cer-  
tain lands by U. S.

Description.

and a prolongation into the Bay of San Diego to the pierhead line of the southerly line of the street commonly known as Seventh Street, containing approximately ninety-six and forty-two one-hundredths acres of tidelands, and more particularly described as all or any portion or portions of those tidelands, situated in the city of National City, San Diego County, State of California, commencing at a concrete monument on the northerly line of National City, designated as U. S. C. & G. S. point numbered 49; thence south seventy-one degrees forty-three minutes fifteen seconds west along said northerly line a distance of seventy-two and one-tenth feet to a concrete monument on the mean high tide line of San Diego Bay, the true point of beginning; thence south forty-eight degrees sixteen minutes east two hundred and sixty-seven and fifty-eight one-hundredths feet; thence south seventy-three degrees fifty-four minutes east one hundred and seventy-nine and four-tenths feet; thence south forty-nine degrees fifty-three minutes thirty-four seconds east two hundred and sixty-one and ninety-five one-hundredths feet; thence south sixty-four degrees five minutes forty-four seconds east four hundred and four and ninety-five one-hundredths feet; thence south forty-nine degrees two minutes fourteen seconds east one hundred and forty-nine and sixty-four one-hundredths feet; thence south sixty-two degrees forty-one minutes fifty-three seconds east two hundred and fifty-one and eighty-one one-hundredths feet; thence south thirty-six degrees thirty-nine minutes eight seconds east two hundred and six and twenty-nine one-hundredths feet; thence south thirty-seven degrees forty-eight minutes forty-one seconds east one thousand and ninety-five and six-tenths feet; thence south sixty-three degrees three minutes fifty-nine seconds west two thousand and ninety-four and two-tenths feet to the bulkhead line of San Diego Bay; thence north twenty-six degrees fifty-six minutes one second west along said bulkhead line two thousand seven hundred and twenty-two and two-tenths feet to an intersection with the westerly prolongation of the northerly line of National City; thence north seventy-one degrees forty-three minutes fifteen seconds east along said northerly line one thousand and eighty-six and sixty-seven one-hundredths feet to the point of beginning, excepting and reserving therefrom a roadway approximately one hundred feet in width along the easterly side.

SEC. 2. The Secretary is authorized to accept title to the above-described tract from the city of National City, California, upon the following conditions recited in the city of National City, California, Resolution Numbered 2024:

That the conveyance shall be subject to any and all existing leases on the aforesaid property or tidelands.

That the city of National City may reserve perpetual easements for laying and maintaining sewers and drains across any and all of the above-described land wherever necessary and convenient.

That the above-described tract shall be used for military purposes of the United States and particularly for the purpose of establishing and maintaining thereon piers, landings, buildings, and structures to be used by the United States Navy.

SEC. 3. The acceptance by the Secretary of the Navy of the transfer or quitclaim by the city of National City of any of the lands herein mentioned shall not be construed as a relinquishment by the United States of its claim of title or interest in said land in any manner arising.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, September 21, 1940.

Conditions of acceptance.

Existing leases.

Easements.

Military and naval use.

U. S. claim of title.

Right reserved.

## [CHAPTER 725]

## JOINT RESOLUTION

September 24, 1940  
[H. J. Res. 596]  
[Pub. Res., No. 98]

To authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission.

U. S. Maritime  
Commission.  
Comdr. Howard L.  
Vickery authorized to  
hold office as member.

Compensation.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provision of law contrary hereto or inconsistent herewith, Commander Howard L. Vickery, being a commissioned officer on the active list, United States Navy, is authorized to hold the office of a member of the United States Maritime Commission without loss of or prejudice to his status as a commissioned officer on the active list of the United States Navy, and if appointed to such civil office he shall receive, in addition to his pay and allowances as such commissioned officer, an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

Approved, September 24, 1940.

## [CHAPTER 726]

## JOINT RESOLUTION

September 24, 1940  
[H. J. Res. 607]  
[Pub. Res., No. 99]

Making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1941.

Military Establish-  
ment.  
Additional appro-  
priations.

Military posts.  
*Ante*, pp. 360, 704;  
*post*, p. 967.

Acquisition of land.  
*Ante*, pp. 361, 705.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Military Establishment for the fiscal year ending June 30, 1941, namely:

**Military Posts:** For construction and installation of buildings, flying fields, and appurtenances thereto, including the acquisition of land, rights appertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of Sections 355, 1136, and 3648, Revised Statutes, as amended (10 U. S. C. 1339; 40 U. S. C. 255; 31 U. S. C. 529), \$329,519,902.

**Acquisition of Land:** For acquisition of land, including rights pertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of Sections 355, 1136, and 3648, Revised Statutes, as amended, (10 U. S. C. 1339; 40 U. S. C. 255; 31 U. S. C. 529), \$8,744,000.

Approved, September 24, 1940.

## [CHAPTER 727]

## AN ACT

September 24, 1940  
[H. R. 10026]  
[Public, No. 788]

To provide for the disposition of certain photographed records of the United States Government, and for other purposes.

Disposition of pho-  
tographed, etc., U. S.  
records.

Preservation, etc.,  
of photographs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any agency of the United States Government shall have photographed or microphotographed all or any part of the records kept by or in the agency in a manner and on film that complies with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and whenever such photographs or microphotographs shall be placed in conveniently accessible files and provision made for preserving, examining, and using the same, the head of such agency may, with the approval of the Archivist of the United States, cause the original records from which the photographs or microphotographs have been made or any part thereof to be dis-

posed of according to methods prescribed by law, provided records of the same specific kind in the particular agency have been previously authorized for disposition by Congress.

SEC. 2. Photographs or microphotographs of any record photographed or microphotographed as herein provided shall have the same force and effect as the originals thereof would have had, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated copies of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

Approved, September 24, 1940.

Force and effect of photographs, etc.

Admissibility in evidence of certified, etc., copies.

[CHAPTER 728]

AN ACT

Authorizing the Secretary of the Interior to issue patents for lands held under color of title.

September 24, 1940  
[H. R. 10176]  
[Public, No. 789]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if within five years after passage of this Act it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in Monroe County in the State of Michigan, not exceeding in the aggregate one hundred and sixty acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than twenty years prior to the approval of this Act under claim or color of title, and that improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary shall, upon the payment of \$1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen", as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof: *Provided further*, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands for the purpose of prospecting for and mining such deposits.

Michigan.  
Issuance of patents for certain lands held under color of title.

Price per acre.

*Provisos.*  
"Citizen" defined.

Mineral rights reserved.

Approved, September 24, 1940.

[CHAPTER 729]

AN ACT

To extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy.

September 24, 1940  
[H. R. 10438]  
[Public, No. 790]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter all candidates for admission to the Naval Academy must be not less than seventeen years of age nor more than twenty-one years of age on April 1 of the calendar year in which they enter the academy: *Provided*, That for entrance in the year 1941, the minimum age shall be not less than sixteen years.

U. S. Naval Academy.  
Age limits for candidates for admission.

*Proviso.*  
Minimum age for entrance in 1941.

SEC. 2. All laws or parts of laws inconsistent with this Act are hereby repealed to the extent of such inconsistency.

Repeal.

Approved, September 24, 1940.

## [CHAPTER 730]

## JOINT RESOLUTION

To establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a Commission to be known as the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson (hereinafter referred to as the Commission), and to be composed of nineteen commissioners, as follows:

## Composition.

The President of the United States; presiding officer of the Senate; and the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the President pro tempore of the Senate; and four Representatives by the Speaker of the House of Representatives. The Commissioners shall serve without compensation and shall select a chairman from among their number.

Appropriation authorized.  
Post, p. 1037.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to be expended by the Commission in accordance with the provisions of this joint resolution.

## Duty of Commissioners.

SEC. 3. That it shall be the duty of the Commissioners, after promulgating to the American people an address relative to the reason of its creation and of its purpose, to prepare a plan or plans and a program for the signaling of the event, to commemorate which they are brought into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissioners, or by bodies created under appointment by the Governors of the respective States and by representative civic bodies; and if the participation of other nations in the commemoration be deemed advisable, to communicate with governments of such nations.

## Plan of celebration.

SEC. 4. That when the Commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, insofar as it or they may relate to the fine arts, to the Commission of Fine Arts in Washington, for their approval, and in accordance with statutory requirements.

## Employment of personnel.

SEC. 5. That the Commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the Commission and may also engage the services of expert advisors; and may fix their respective compensations within the amount appropriated for such purposes.

## Traveling, etc., expenses.

SEC. 6. The Commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties, out of the amount appropriated.

Report to Congress.  
Post, p. 1227.

SEC. 7. The Commission shall, on or before the 1st of January 1941, make a report to the Congress in order that enabling legislation may be enacted.

## Expiration of Commission.

SEC. 8. That the Commission hereby created shall expire upon the completion of its duties but not later than April 13, 1945.

## When joint resolution effective.

SEC. 9. This joint resolution shall take effect immediately.

Approved, September 24, 1940.

## [CHAPTER 733]

## AN ACT

Granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between Saint Ignace, Michigan, and the Lower Peninsula of Michigan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the State of Michigan to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac, at a point suitable to the interests of navigation, at or near a point between Saint Ignace, Michigan, and the Lower Peninsula of Michigan, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridge or series of bridges, causeways, and approaches thereto, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge or series of bridges, causeways, and approaches thereto, under economical management and to provide a sinking fund sufficient to amortize the cost of the bridge or series of bridges, causeways, and approaches thereto, including at a rate not to exceed 5 per centum per annum interest and reasonable financing cost, as soon as possible under reasonable charges, but within a period of not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridge or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

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

Approved, September 25, 1940.

September 25, 1940  
[S. 1379]  
[Public, No. 791]

Michigan.  
Bridges authorized  
across Straits of Mac-  
kinac.

34 Stat. 84.  
33 U. S. C. §§ 491-  
498.

Application of tolls  
to operation, sinking  
fund, etc.

Maintenance as free  
bridge after amortiz-  
ing costs, etc.

Record of expendi-  
tures, costs, and re-  
ceipts.

Right reserved.

## [CHAPTER 734]

## AN ACT

To provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the fourth paragraph of section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by renumbering subsections "(1)" and "(2)" thereof "(2)" and "(3)", respectively, and inserting therein the following new subsection:

"(1) To assist in the development of the resources, the stabilization of the economies, and the orderly marketing of the products of the countries of the Western Hemisphere by supplying funds, not to exceed \$500,000,000 outstanding at any one time, to the Export-Import Bank of Washington, through loans to, or by subscriptions to preferred stock of, such bank, to enable such bank, to make loans to any governments, their central banks, or any other acceptable banking institutions and, when guaranteed by any such government, a central bank, or any other acceptable banking institution, to a political subdivision, agency, or national of any such government,

September 26, 1940  
[H. R. 10361]  
[Public, No. 792]

Reconstruction Fi-  
nance Corporation  
Act, amendments.  
*Ante*, p. 573.

Lending authority  
of Export-Import  
Bank.

Loans to govern-  
ments, etc., of West-  
ern Hemisphere.

*Proviso.*  
Loans not to be in violation of international law.  
31 U. S. C. § 804a.  
*Ante*, p. 4.  
22 U. S. C., Supp. V, §§ 245j-245j-19.

Terms, etc., of loans.

*Ante*, p. 573.

Increase of outstanding obligations authorized.

*Ante*, p. 38.  
15 U. S. C., Supp. V, § 713b.

notwithstanding any other provisions of law insofar as they may restrict or prohibit loans or other extensions of credit to, or other transactions with, the governments of the countries of the Western Hemisphere or their agencies or nationals: *Provided*, That no such loans shall be made in violation of international law as interpreted by the Department of State, or of the Act of April 13, 1934 (48 Stat. 574), or of the Neutrality Act of 1939. Upon the written request of the Federal Loan Administrator, with the approval of the President, the bank is authorized, subject to such conditions and limitations as may be set forth in such request or approval, to exercise the powers and perform the functions herein set forth. Such loans may be made and administered in such manner and upon such terms and conditions as the bank may determine."

SEC. 2. Section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by adding at the end thereof the following new paragraph:

"The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by \$1,500,000,000."

SEC. 3. That section 9 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is hereby amended by (a) striking out "June 30, 1941" and inserting in lieu thereof "January 22, 1947"; (b) deleting from the first proviso thereof the figure "\$200,000,000" and inserting in lieu thereof the figure "\$700,000,000"; and (c) striking out the second proviso thereof.

Approved, September 26, 1940.

[CHAPTER 735]

AN ACT

September 27, 1940  
[S. 3929]  
[Public, No. 793]

To extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tennessee.

Mississippi River.  
Time extended for bridging, at Memphis, Tenn.

53 Stat. 1338.

Right reserved.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near Memphis, authorized to be built by the Memphis and Arkansas Bridge Commission by an Act of Congress approved August 10, 1939, are hereby extended one and three years, respectively, from August 10, 1940.

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

Approved, September 27, 1940.

[CHAPTER 736]

AN ACT

October 4, 1940  
[H. R. 9688]  
[Public, No. 794]

To provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the Act of June 23, 1938.

Navy or Marine Corps officers.  
Retired pay.

34 U. S. C., Supp. V, §§ 398a, 687.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any officer of the Navy or Marine Corps who has heretofore been placed on the retired list pursuant to the provisions of section 13 or 15 (e) of the Act of June 23, 1938 (52 Stat. 944), or both of such sections, shall receive the retired pay of a rear admiral of the upper half.

Approved, October 4, 1940.

## [CHAPTER 742]

## AN ACT

To further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes.

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

SEC. 1. The fourth and fifth provisos of section 13a of the National Defense Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and the sixth proviso of said Act as amended by section 2 of the Act of July 2, 1926 (44 Stat. 781), and section 3 of the Act of June 16, 1936 (49 Stat. 1524), including the two provisos added by the Act last-mentioned, are further amended to read as follows: "*Provided further*, That in order to insure that the commissioned officers of the Air Corps shall be properly qualified flying officers and, for the purpose of giving officers of the Army an opportunity so to qualify, the Secretary of War is hereby authorized to detail officers to the Air Corps for training as flying officers, and such officers shall start flying training immediately upon being so detailed: *Provided further*, That nothing in this Act shall be construed to limit the number of officers who may be detailed to the Air Corps for training as flying officers: *Provided further*, That the limitation on the number of officers of the several branches of the Army who may be required by competent authority to participate regularly and frequently in aerial flights imposed by section 20 of the Act of June 10, 1922 (42 Stat. 632), as amended by section 6 of the Act of July 2, 1926 (44 Stat. 782), shall not apply to officers of the several branches of the Army detailed to the Air Corps for training and duty as aircraft observers or as other members of combat crews: *Provided further*, That flying units shall in all cases be commanded by flying officers who have received aeronautical ratings as pilots of service types of aircraft and who are commissioned in the Air Corps, or qualified permanent general officers of the line who have received aeronautical ratings as pilots of service types of aircraft: *Provided further*, That a flying officer is defined as one who has received an aeronautical rating as a pilot of service types of aircraft or one who has received an aeronautical rating as an aircraft observer or as any other member of a combat crew under such regulations as the Secretary of War may prescribe."

SEC. 2. Such laws and parts of laws as may be inconsistent with the foregoing are hereby repealed.

Approved, October 4, 1940.

October 4, 1940  
[H. R. 9898]  
[Public, No. 795]

National Defense Act, amendment.  
Army Air Corps.  
10 U. S. C. §§ 291b, 291c; Supp. V, § 291c.

Provisos.  
Detail of officers for flying training.

Number.

Participation in aerial flights.  
Nonapplicability of designated limitation.

10 U. S. C. § 292.

Command of flying units.

Flying officer defined.

Repeal.

## [CHAPTER 743]

## AN ACT

To provide for the burial and funeral expenses of deceased veterans of the Regular Establishment who were discharged for disability incurred in the service in line of duty, or in receipt of pension for service connected disability.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first sentence of paragraph II of Veterans Regulations Numbered 9 (a), as amended, is hereby amended to read as follows:

"II. Where an honorably discharged veteran of any war, a veteran of any war in receipt of pension or compensation, a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service connected

October 5, 1940  
[H. R. 7731]  
[Public, No. 796]

Deceased veterans.  
Burial and funeral expenses.  
Post, p. 1193.

disability dies after discharge, the Administrator, in his discretion and with due regard to the circumstances in each case, shall pay, for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, a sum not exceeding \$100 to cover such items and to be paid to such person or persons as may be prescribed by the Administrator."

Approved, October 5, 1940.

[CHAPTER 744]

AN ACT

Authorizing the Administrator of Veterans' Affairs to grant an easement in certain land to the city of Memphis, Tennessee, for street-widening purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs is authorized and directed to grant an easement to the city of Memphis, Tennessee, for street-widening purposes, in a strip of land along the western boundary of the Veterans' Administration facility in such city, described as follows:

Part of the homestead lot and the north part of lot 50 of the Barnett Graham subdivision, beginning at the point in the south property line of Lamar Avenue, ten feet east of the east property line of Dudley Street, running thence south and parallel to the proposed new center line of Dudley Street, as widened, a distance of six hundred and twenty-two and one-tenth feet; thence continuing southwardly a distance of one hundred and fifty-one and one-tenth feet to a point, which said point is seven and two-tenths feet east of the old east property line of Dudley Street; thence west a distance of seven and two-tenths feet to a point in the old east property line of Dudley Street; thence north with the old east property line of Dudley Street, a distance of seven hundred and seventy-three and one-tenth feet to a point in the south property line of Lamar Avenue; thence east with the south property line of Lamar Avenue a distance of ten feet to the point of beginning, containing an area of approximately eight thousand three hundred and fifty-three square feet, and being all of that property lying within the described limits twenty-eight and five-tenths feet east of the new center line of Dudley Street.

SEC. 2. Such grant shall be conditioned upon the approval by the proper authorities of the city of Memphis of an agreement to (a) construct a concrete wall with stone coping along the facility limits on Dudley Street in accordance with specifications to be furnished by the Administrator of Veterans' Affairs so as to provide a wall identical with the one now existing along the Lamar Boulevard, (b) move the existing chain link fence and gates, and place the fence on top of the wall, (c) move and replant such trees and shrubs as have to be removed from their present locations, replace such trees as will not stand moving and replace any such trees and shrubs that do not survive, and (d) restore all areas within the reservation affected by this work as nearly as possible to their original condition including any necessary sodding; all without expense to the United States. The easement authorized by this Act shall contain the express reservation that should the land cease to be used for street-widening purposes then all right, title, and interest therein shall immediately revert to and revest in the United States.

Approved, October 5, 1940.

October 5, 1940

[H. R. 9889]

[Public, No. 797]

Memphis, Tennessee.  
Easement for street-widening purposes.

Description.

Conditions.

Reservation.

## [CHAPTER 745]

## AN ACT

To amend section 4021 of the Revised Statutes and to repeal section 4023 of the Revised Statutes relating to establishment of postal agencies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4021 of the Revised Statutes (39 U. S. C., sec. 672) is amended to read as follows:

“SEC. 4021. The Postmaster General may establish postal agencies at such foreign seaports or airports at which United States mail steamers or airships touch to land and receive mails, as may in his judgment promote the efficiency of the foreign mail service; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for office rent, office furniture, clerk hire, and incidental expenses.”

Sec. 2. Section 4023 of the Revised Statutes (39 U. S. C., sec. 674) is hereby repealed.

Approved, October 5, 1940.

October 5, 1940  
[H. R. 9991]  
[Public, No. 798]

Postal Service.  
R. S. § 4021, amend-  
ment.

Establishment of  
postal agencies at for-  
eign seaports, etc.

Compensation of  
postal agents.

Repeal.

## [CHAPTER 746]

## AN ACT

To authorize the Administrator of Veterans' Affairs to grant an easement in a small strip of land at Veterans' Administration Facility, Los Angeles, California, to the county of Los Angeles, California, for sidewalk purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to grant an easement for sidewalk purposes to the county of Los Angeles, State of California, in the following-described property located at Veterans' Administration Facility, Los Angeles, California:

The southerly ten feet of lot 1, block 23, of the subdivision of Rancho San Jose de Buenos Ayres, as shown on map recorded in book 26, pages 19 and the following, of Miscellaneous Records of the County of Los Angeles, this property being a strip of land ten feet in width abutting the north line of Wilshire Boulevard and extending between the east street line of Veteran Avenue and the west street line of Gayley Avenue.

The easement authorized by this Act shall contain the express reservation that should the land cease to be used for sidewalk purposes then all right, title, and interest therein shall immediately revert to and revest in the United States.

Approved, October 5, 1940.

October 5, 1940  
[H. R. 10287]  
[Public, No. 799]

Los Angeles, Cali-  
fornia.  
Easement for side-  
walk purposes.

Description.

Reservation.

## [CHAPTER 756]

## AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal year ending June 30, 1941, namely:

October 8, 1940  
[H. R. 10572]  
[Public, No. 800]

Third Supple-  
mental National De-  
fense Appropriation  
Act, 1941.

## TITLE I—WAR DEPARTMENT

## MILITARY ACTIVITIES

Title IV, Military  
Appropriation Act,  
1941.  
*Ante*, pp. 350, 352.

Additional appro-  
priations.

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental to, and merged with, the appropriations under the same heads in the Military Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein except as otherwise provided herein, and for all purposes necessary to carry into effect the provisions of the Act of August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), authorizing the President to order members and units of reserve components into active military service, and of the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), as follows:

*Ante*, p. 350.

*Ante*, p. 858.

*Ante*, p. 885.

*Ante*, p. 352.

## CONTINGENCIES OF THE ARMY

For contingencies of the Army, \$10,000.

## GENERAL STAFF CORPS

*Ante*, p. 353.

## MILITARY INTELLIGENCE ACTIVITIES

For military intelligence activities, \$100,000.

*Ante*, p. 353.

## FIELD EXERCISES

For special field exercises, \$22,313,909.

## ADJUTANT GENERAL'S DEPARTMENT

*Ante*, p. 354.

## WELFARE OF ENLISTED MEN

For welfare of enlisted men, \$2,572,594.

## FINANCE DEPARTMENT

*Ante*, p. 354.

## PAY OF THE ARMY

Pay of the Army.

For pay of the Army, including not more than eight hundred thousand selective trainees under the provisions of the Selective Training and Service Act of 1940, and including not to exceed \$345,000 for the employment of civilian clerks at military headquarters, \$280,174,562: *Provided*, That this appropriation shall not be subject to any limitation on the enlisted strength of the Army, on the number of retired officers who may be called to active duty, on the number of medical officers entitled to aviation increase, nor on the number of assistant superintendents of the Army Nurse Corps: *Provided further*, That, exclusive of officers of the Army Air Corps, including those assigned thereto for training, the number of officers of the Army who may be required to participate regularly and frequently in aerial flights during the fiscal year 1941 shall not exceed 5 per centum of the total authorized commissioned strength of the Army, notwithstanding the provisions of section 20, Act of June 10, 1922, as amended.

*Ante*, p. 885.

*Provisos.*  
Appropriation not  
subject to designated  
limitations.

Participation in ae-  
rial flights, limitation.

42 Stat. 632.  
10 U. S. C. § 292.

*Ante*, p. 356.

## TRAVEL OF THE ARMY

For travel of the Army, including travel of dependents of retired warrant officers, retired enlisted men of the first three grades, and enlisted men of the first three grades of the Regular Army Reserve, when such warrant officers or enlisted men are ordered to active duty and upon relief therefrom, \$21,138,331.

## EXPENSES OF COURTS MARTIAL

*Ante*, p. 357.

For expenses of courts martial, \$60,000.

## FINANCE SERVICE

*Ante*, p. 357.

For finance service, Army, \$1,220,890.

## QUARTERMASTER CORPS

## SUBSISTENCE OF THE ARMY

*Ante*, p. 357.

For subsistence of the Army, \$82,858,520.

## REGULAR SUPPLIES OF THE ARMY

*Ante*, p. 358.

For regular supplies of the Army, \$10,565,985.

## CLOTHING AND EQUIPAGE

*Ante*, p. 358.

For clothing and equipage, \$165,262,093.

## INCIDENTAL EXPENSES

*Ante*, p. 359.

For incidental expenses of the Army, including not to exceed \$40,000 for activities of chaplains (excluding ritual garments and personal services), \$8,843,752.

## ARMY TRANSPORTATION

*Ante*, p. 359.

For Army transportation, including packing and crating and transportation of authorized baggage of retired warrant officers, retired enlisted men, and enlisted men of the Regular Army Reserve when ordered to active duty and upon relief therefrom, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles, or for purchase or construction, alteration, operation, and repair of boats, and including not to exceed \$800,000 for cost of converting into transports and equipping two vessels under construction by the United States Maritime Commission, \$174,549,843.

*Ante*, p. 360.

## HORSES, DRAFT, AND PACK ANIMALS

For horses, draft, and pack animals, \$3,366,340.

## MILITARY POSTS

*Ante*, p. 360.

For military posts, \$29,500,000, which sum shall be restored to the Emergency fund for the President, created by the Military Appropriation Act, 1941, in reimbursement of a like amount advanced therefrom: *Provided*, That the appropriation under this title contained in Public Resolution Numbered 99, approved September 24, 1940, shall be available for all the objects and subject to the limitations and conditions specified under the same head in the Military Appropriation Act, 1941, except as otherwise provided therein: *Provided further*, That the last two provisos under this heading in title I of the Second Supplemental National Defense Appropriation Act, 1941 (Public, Numbered 781, Seventy-sixth Congress), are amended to read as follows: "*Provided further*, That the Secretary of War may, with respect to contracts for public works for the Military Establishment, whether or not for construction at military posts, entered into upon a cost-plus-a-fixed-fee basis out of funds appropriated for the

Reimbursement.

*Ante*, p. 377.

*Provisos.*  
Availability of funds.  
*Ante*, p. 958.

*Ante*, p. 360.

Amendments.

*Ante*, p. 873.

Contracts for public works.  
Waiver of certain bond requirements.

40 U. S. C., Supp.  
V, § 270a.  
Limitation on fixed  
fee.

Monthly reports to  
chairmen of desig-  
nated Congressional  
Committees.

fiscal year 1941 or authorized to be entered into prior to July 1, 1941, waive the requirements as to performance and payment bonds of the Act approved August 24, 1935 (49 Stat. 793; 40 U. S. C. 270a): *Provided further*, That the fixed fee to be paid the contractor as a result of any contract for public works entered into on or after September 9, 1940, for the construction and installation of buildings, utilities, and appurtenances at military posts shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War.”: *Provided further*, That the Secretary of War and Secretary of the Navy shall submit monthly, within ten days following the last day of each month, commencing on or before November 10, 1940, to the respective chairmen of the Committees on Military and Naval Affairs and Appropriations of the Senate and House of Representatives a report where such Secretaries are respectively concerned of (1) all cost-plus-a-fixed-fee contracts concluded within the period embraced by each report, and (2) of all land acquisitions accomplished within such periods, such reports to show (1) as to cost-plus-a-fixed-fee contracts the object or objects thereof, the name and place of business of the contractor, the estimated cost of the contract exclusive of the fee, the amount of the fee, and the date of the contract, and (2) as to land acquisitions the location, area, intended use, the purchase price, the amount appropriated therefor, and the assessed value (first reports shall cover the period July 1 to October 31, 1940).

*Ante*, p. 362.

#### BARRACKS AND QUARTERS AND OTHER BUILDINGS AND UTILITIES

For barracks and quarters and other buildings and utilities, \$33,717,489.

*Ante*, p. 363.

#### CONSTRUCTION AND REPAIR OF HOSPITALS

For construction and repair of hospitals, \$1,729,357.

#### SIGNAL CORPS

*Ante*, p. 363.

#### SIGNAL SERVICE OF THE ARMY

For signal service of the Army, \$11,242,208.

#### AIR CORPS

*Ante*, p. 364.

#### AIR CORPS, ARMY

Travel of officers,  
etc., by air.

Transportation of  
new aircraft.

Contracts.

For Air Corps, Army, \$109,995,957, which sum may be used for the travel of officers and enlisted men of the Air Corps by air in connection with the administration of this appropriation, including travel by air or rail required in connection with the transportation of new aircraft from factory to first destination; and, in addition, the Chief of Air Corps, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, in an amount not in excess of \$60,000,000 for the purposes for which this appropriation is available.

*Ante*, p. 364.

The paragraph under the heading “Air Corps, Army”, appearing in the Military Appropriation Act, 1941, is hereby amended by striking therefrom the words and figures “\$76,205,988 shall be available under the appropriation ‘Air Corps, Army, 1940,’” and inserting in lieu thereof the words and figures “\$32,205,988 shall be available under the appropriation ‘Air Corps, Army, 1939–1940’ and \$44,000,000 under the appropriation ‘Air Corps, Army, 1940’ ”.

MEDICAL DEPARTMENT, ARMY

MEDICAL AND HOSPITAL DEPARTMENT

*Ante*, p. 366.

For Medical and Hospital Department, Army, \$46,766,288.

CORPS OF ENGINEERS

ENGINEER SERVICE, ARMY

*Ante*, p. 367.

For Engineer Service, Army, \$4,008,992.

ORDNANCE DEPARTMENT

ORDNANCE SERVICE AND SUPPLIES, ARMY

*Ante*, p. 367.

For ordnance service and supplies, Army, including not to exceed \$150,000 for the services of such consultants as the Secretary of War may deem necessary at rates of pay to be fixed by him, not to exceed \$50 per day, and for their necessary traveling expenses, \$36,441,426.

CHEMICAL WARFARE SERVICE

*Ante*, p. 368.

For Chemical Warfare Service, Army, \$1,879,454.

CHIEF OF INFANTRY

INFANTRY SCHOOL, FORT BENNING, GEORGIA

*Ante*, p. 369.

For Infantry School, Fort Benning, Georgia, \$14,320.

CHIEF OF CAVALRY

INSTRUCTION IN CAVALRY ACTIVITIES

*Ante*, p. 369.

For instruction in Cavalry Activities, \$26,245.

ARMORED FORCE

INSTRUCTION IN ARMORED FORCE ACTIVITIES

For supplies, services, and other expenses essential in conducting instruction of the Army in armored force activities, \$296,121.

CHIEF OF FIELD ARTILLERY

INSTRUCTION IN FIELD ARTILLERY ACTIVITIES

*Ante*, p. 369.

For instruction in Field Artillery Activities, \$45,750.

CHIEF OF COAST ARTILLERY

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA

*Ante*, p. 369.

For Coast Artillery School, Fort Monroe, Virginia, \$16,940.

SEACOAST DEFENSES

*Ante*, p. 369.

For seacoast defenses, general, \$309,000.

## NATIONAL GUARD

*Ante*, p. 371.  
Reduction in appropriation for National Guard.  
Reappropriation.

The appropriation for the National Guard contained in the Military Appropriation Act for the fiscal year 1941 is reduced by the following amounts, which are reappropriated and transferred for use under the following heads, subject to the same authority, limitations, and conditions applicable to said appropriations except as modified in this Act:

*Ante*, p. 354. Pay of the Army, \$12,188,343;  
*Ante*, p. 356. Travel of the Army, \$38,000;  
*Ante*, p. 358. Clothing and equipage, \$45,000;  
*Ante*, p. 359. Incidental expenses, \$2,521,337;  
*Ante*, p. 359. Army transportation, \$127,612;  
*Ante*, p. 364. Air Corps, Army, \$840,000;  
*Ante*, p. 367. Engineer Service, Army, \$30,000;  
*Ante*, p. 367. Ordnance service and supplies, \$2,000,000;  
In all, \$17,790,292.

## ORGANIZED RESERVES

*Provisos*.  
Flight training.

For Organized Reserves, \$86,161,608: *Provided*, That this appropriation shall be available for flight training of officers of the Officers' Reserve Corps without regard to any limitation as to such training in the Military Appropriation Act, 1941: *Provided further*, That regardless of the limitation heretofore imposed, funds appropriated for Organized Reserves for the fiscal year 1941 shall be available for the pay and allowances of members of the Officers' Reserve Corps who may have been or may hereafter be given flight training and detailed as officer navigators, officer bombardiers, officer bombardier-observers and officer balloon observers with combat units of the Air Corps.

*Ante*, p. 374.  
Availability of funds.

## RESERVE OFFICERS' TRAINING CORPS

Motor-transport and tank units.

Funds appropriated under this title may be used for the establishment and maintenance of additional motor-transport and tank units in the Reserve Officers' Training Corps, notwithstanding any limitation in the Military Appropriation Act, 1941.

*Ante*, p. 375.

*Ante*, p. 602.

## EXPEDITING PRODUCTION

For an additional amount for expediting production, including the same objects and subject to the same conditions and limitations specified under this head in the Second Supplemental National Defense Appropriation Act, 1941, \$88,000,000; and, in addition, the Secretary of War, upon the recommendation of the Advisory Commission of the Council of National Defense, and with the approval of the President, is authorized to enter into contracts prior to July 1, 1941, for the same purposes to an amount not exceeding \$90,000,000.

*Ante*, p. 874.

Contracts.

## SELECTIVE SERVICE SYSTEM

For the operation and maintenance of the Selective Service System as authorized by the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), including personal services in the District of Columbia and elsewhere, lawbooks, periodicals, and books of reference, payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of persons serving while away from their homes, without other compensation from the United States, in an advisory capacity to the Director of Selective Service; and purchase and

Operation and maintenance.

*Ante*, pp. 885, 897.

exchange, and hire, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, including one automobile (at a cost not exceeding \$1,500) for the Director of Selective Service, \$24,825,108, to remain available until June 30, 1942: *Provided*, That the travel of persons engaged in the administration of the Selective Service System, including commissioned, warrant, or enlisted personnel of the Army, Navy, Marine Corps, or their reserve components, may be ordered by the Director or by such persons as he may authorize, and persons so traveling shall be entitled to transportation and subsistence or per diem in lieu of subsistence, at rates authorized by law.

*Proviso.*  
Travel.

### MILITARY AND CIVIL ADMINISTRATIVE EXPENSES

The Secretary of War is authorized to employ such additional personnel at the seat of government and elsewhere, and to provide out of any appropriations available for the Military Establishment for their salaries and for such printing and binding, communication service, and supplies as he may deem necessary to carry out the purposes of this Act (the amount for personal services at the seat of government, other than for field-service employees, shall not exceed one-half of 1 per centum of the total amount of cash appropriated for the Army by this Act: *Provided*, That the amount authorized in the Military Appropriation Act, 1941, for expenses or compensation of persons who serve in an advisory capacity to the Secretary of War is increased from \$50,000 to \$150,000.

Additional personnel, etc.

Limitation.

*Proviso.*  
Expenses, etc., of persons serving in advisory capacity.  
*Ante*, p. 350.

Citation of title.

SEC. 101. This title may be cited as "Title IV, Military Appropriation Act, 1941".

### TITLE II—CIVIL FUNCTIONS, WAR DEPARTMENT

For additional amounts for appropriations for civil functions administered by the War Department, fiscal year 1941, to be supplemental to, and merged with, the appropriations under the same heads in the War Department Civil Appropriation Act, 1941, including the objects and subject to the limitations and conditions specified therein except as otherwise provided herein, as follows:

Title II, War Department Civil Appropriation Act, 1941.

*Ante*, pp. 505, 601.

#### QUARTERMASTER CORPS

#### CEMETERIAL EXPENSES

*Ante*, p. 505.

For cemeterial expenses, \$779,554.

SEC. 201. This title may be cited as "Title II, War Department Civil Appropriation Act, 1941".

Citation of title.

### TITLE III—NAVY DEPARTMENT

For additional amounts for appropriations for the Navy Department and the naval service, fiscal year 1941, to be supplemental, and, in addition, to the appropriations in the Naval Appropriation Act for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except the limitations suspended by Act approved June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress), and except as otherwise provided herein, as follows:

Title V of the Naval Appropriation Act for the fiscal year 1941.

*Ante*, p. 265.  
Additional appropriations.

*Ante*, p. 265.

*Ante*, p. 676.

## NAVAL ESTABLISHMENT

## OFFICE OF THE SECRETARY

*Ante*, p. 265.Miscellaneous ex-  
penses.

Miscellaneous expenses: For an additional amount for the pay of employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department for the fiscal year 1941, \$165,000.

Services of experts.

Not to exceed \$5,000 of the appropriation "Miscellaneous expenses, 1941", shall be available in the discretion of the Secretary of the Navy, for the payment of the services of experts now engaged on a survey and study of the methods of transacting the business of the Navy Department.

*Ante*, pp. 272, 276.

## BUREAU OF SHIPS

Maintenance, Bureau of Ships: For the same objects specified under the appropriations or portions of appropriations transferred to and consolidated under this head in accordance with section 1 (h) of the Act approved June 20, 1940 (Public, Numbered 644, Seventy-sixth Congress), \$11,000,000.

*Ante*, p. 493.

## BUREAU OF ORDNANCE

Ordnance and ordnance stores: For the manufacture and procurement of antiaircraft batteries for auxiliary vessels now being acquired and those to be acquired for naval use including labor, material, and personal services for the manufacture and procurement of ordnance material including ammunition in connection therewith and including additional equipment, tools, and facilities at ordnance stations or private plants for the production, handling, and storage of like ordnance material and ammunition for both combatant and auxiliary vessels, \$36,000,000.

*Ante*, p. 274.

## BUREAU OF SUPPLIES AND ACCOUNTS

Maintenance, Bureau of Supplies and Accounts, \$400,000.

Reserve material, Navy: For an additional amount for reserve material, Navy, including the same objects specified under this head in the Naval Appropriation Act for the fiscal year 1940 and in title III of the Naval Appropriation Act for the fiscal year 1941, \$700,000, to remain available until expended.

53 Stat. 757.  
*Ante*, p. 605.*Ante*, p. 279.

## BUREAU OF YARDS AND DOCKS

*Ante*, p. 280.

## PUBLIC WORKS, BUREAU OF YARDS AND DOCKS

Public works and  
public utilities proj-  
ects.

Toward the following public works and public utilities projects, including the purchase of necessary land, at a cost not to exceed the amount stated for each project, respectively, \$9,500,000, which amount, together with unexpended balances of appropriations herein and heretofore made under this head, shall be disbursed and accounted for in accordance with existing law and shall constitute one fund:

Third naval district.  
*Ante*, p. 956.

Third naval district: Graving drydock and accessory construction, New York Harbor, \$10,000,000.

Naval Supply De-  
pot, Bayonne, N. J.

Naval Supply Depot, Bayonne, New Jersey, area: Fleet supply facilities, including buildings and accessories, and acquisition of land, \$5,000,000.

Naval Air Station, Corpus Christi, Texas: Additional facilities, including the acquisition of land, \$3,000,000.

Naval Air Station,  
Corpus Christi, Tex.

Naval Training Station, Great Lakes, Illinois: The project under the head of "Public Works, Bureau of Yards and Docks" for improvement of sewage disposal system at the Naval Training Station, Great Lakes, Illinois, contained in the Second Supplemental National Defense Appropriation Act, 1941, is amended to read as follows: Improvement of sewage disposal system and extension of roads, walks, and services.

Naval Training Station,  
Great Lakes, Ill.

*Ante*, p. 878.

The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590-592), shall be applicable to all public works and public utilities projects provided in this title, regardless of location: *Provided*, That the fixed fee to be paid the contractor as a result of any contract hereafter entered into under the authority of the above mentioned Act shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

Cost-plus-a-fixed-fee  
contracts.

*Proviso.*  
Limitation on fixed  
fee.

*Ante*, p. 677.

To enable the Secretary of the Navy to expedite the construction or provision of the public works and public utilities projects mentioned in this Act, the limit of cost indicated for each of such projects may, in the discretion of the Secretary of the Navy, be varied upward or downward by an amount not to exceed 10 per centum, but the aggregate of all such limits of cost shall not be exceeded.

Variance of limits of  
cost.

#### BUREAU OF AERONAUTICS

*Ante*, p. 282.

Aviation, Navy, including plant expansions and facilities in private plants, \$15,000,000.

#### MARINE CORPS

*Ante*, p. 283.

#### PAY, MARINE CORPS

For an additional amount for pay of enlisted men, active list, and for pay and allowances of the Marine Corps Reserve, comprising the same objects specified under this head in title I of the Naval Appropriation Act for the fiscal year 1941, to carry out the provisions of the Selective Training and Service Act of 1940 (Public, Numbered 783, Seventy-sixth Congress), \$2,401,000.

*Ante*, p. 283.

*Ante*, p. 888.

#### NAVY DEPARTMENT

Salaries, Office of the Chief of Naval Operations, \$35,000.

Contingent expenses, \$50,000.

Printing and binding, \$50,000.

Contingent and miscellaneous expenses, Hydrographic Office, including purchase of five additional offset presses, \$100,000.

*Ante*, p. 288.

*Ante*, p. 289.

*Ante*, p. 290.

*Ante*, p. 290.

SEC. 301. During the remainder of the fiscal year ending June 30, 1941, all retired officers of the Navy and Marine Corps, and retired officers and enlisted men of those services, shall, when on active duty, receive full pay and allowances.

Retired officers and  
enlisted men.  
Pay, etc., when on  
active duty.

SEC. 302. This title may be cited as "Title V of the Naval Appropriation Act for the fiscal year 1941".

Citation of title.

#### TITLE IV—GENERAL PROVISIONS

SEC. 401. This Act may be cited as the "Third Supplemental National Defense Appropriation Act, 1941".

Short title.

Approved, October 8, 1940.

## [CHAPTER 757]

## AN ACT

To provide revenue, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Second Revenue Act of 1940".

## TITLE I—CORPORATION INCOME TAX

## SEC. 101. CORPORATION INCOME TAX.

(a) **TAX ON CORPORATIONS IN GENERAL.**—Section 13 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(b) **IMPOSITION OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than \$25,000 (except a corporation subject to the tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

"(1) **GENERAL RULE.**—A tax of 22 $\frac{1}{10}$  per centum of the normal-tax net income; or

"(2) **ALTERNATIVE TAX (CORPORATIONS WITH NORMAL-TAX NET INCOME SLIGHTLY MORE THAN \$25,000).**—A tax of \$3,775, plus 35 per centum of the amount of the normal-tax net income in excess of \$25,000."

(b) **TAX ON FOREIGN CORPORATIONS.**—Section 14 (c) (1) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(c) **FOREIGN CORPORATIONS.**—

"(1) In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the tax shall be an amount equal to 22 $\frac{1}{10}$  per centum of the normal-tax net income, regardless of the amount thereof."

(c) **TAX ON MUTUAL INVESTMENT COMPANIES.**—Section 362 (b) of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1940, is amended to read as follows:

"(b) **IMPOSITION OF TAX.**—There shall be levied, collected, and paid for each taxable year upon the Supplement Q net income of every mutual investment company a tax equal to 22 $\frac{1}{10}$  per centum of the amount thereof."

(d) **DEFENSE TAX FOR FIVE YEARS.**—The first sentence of section 15 of the Internal Revenue Code, added to such Code by section 201 of the Revenue Act of 1940, is amended to read as follows: "In the case of any taxpayer, the amount of tax under this chapter for any taxable year beginning after December 31, 1939, and before January 1, 1945, shall be the tax computed without regard to this section, increased by 10 per centum; except that in the case of a corporation the increase shall be limited to 10 per centum of the tax computed without regard to the amendments made by section 101 (a), (b), and (c) of the Second Revenue Act of 1940."

(e) **TAXABLE YEARS TO WHICH APPLICABLE.**—Amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

October 8, 1940  
[H. R. 10413]

[Public, No. 801]

Second Revenue Act  
of 1940.

Corporations in general.  
53 Stat. 7, 863.  
26 U. S. C., Supp.  
V, § 13 (b).  
*Ante*, p. 517.

53 Stat. 8, 78, 71, 98.  
26 U. S. C., Supp.  
V, §§ 14, 231 (a), 201-  
208, 361-362.

Foreign corporations.  
53 Stat. 8, 864.  
26 U. S. C., Supp.  
V, § 14 (e), § 14 (note).  
*Ante*, p. 518.

Mutual investment  
companies.  
53 Stat. 99, 866.  
26 U. S. C., Supp.  
V, § 362 (b).  
*Ante*, p. 518.

Defense tax.  
53 Stat. 9.  
26 U. S. C., Supp.  
V, § 15.  
*Ante*, p. 520.

*Supra*.

Taxable years to  
which applicable.

## TITLE II—EXCESS PROFITS TAX

### SEC. 201. EXCESS PROFITS TAX OF 1940.

The Internal Revenue Code is amended by inserting after section 706 the following new subchapter which may be cited as the "Excess Profits Tax Act of 1940":

Excess Profits Tax Act of 1940.  
53 Stat. 117.  
26 U. S. C., Supp. V.

### "SUBCHAPTER E—EXCESS PROFITS TAX

#### "Part I

#### "SEC. 710. IMPOSITION OF TAX.

"(a) IMPOSITION.—There shall be levied, collected, and paid, for each taxable year beginning after December 31, 1939, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax as follows:

Adjusted excess profits net income.

Post, p. 988.

Rates.

"(1) Upon adjusted excess profits net incomes of less than \$20,000, 25 per centum of the adjusted excess profits net income.

"\$5,000 upon adjusted excess profits net incomes of \$20,000; and upon adjusted excess profits net incomes in excess of \$20,000, and not in excess of \$50,000, 30 per centum in addition of such excess.

"\$14,000 upon adjusted excess profits net incomes of \$50,000; and upon adjusted excess profits net incomes in excess of \$50,000, and not in excess of \$100,000, 35 per centum in addition of such excess.

"\$31,500 upon adjusted excess profits net incomes of \$100,000; and upon adjusted excess profits net incomes in excess of \$100,000, and not in excess of \$250,000, 40 per centum in addition of such excess.

"\$91,500 upon adjusted excess profits net incomes of \$250,000; and upon adjusted excess profits net incomes in excess of \$250,000, and not in excess of \$500,000, 45 per centum in addition of such excess.

"\$204,000 upon adjusted excess profits net incomes of \$500,000; and upon adjusted excess profits net incomes in excess of \$500,000, 50 per centum in addition of such excess.

"(2) APPLICATION OF RATES IN CASE OF CERTAIN EXCHANGES.—If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than \$500,000, then in the application of paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such paragraph, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to \$500,000.

Application of rates in case of certain exchanges.  
Post, p. 995.

"(b) DEFINITION OF ADJUSTED EXCESS PROFITS NET INCOME.—As used in this section, the term 'adjusted excess profits net income' in the case of any taxable year means the excess profits net income (as defined in section 711) minus the sum of:

"Adjusted excess profits net income" defined.

Post, p. 976.

"(1) SPECIFIC EXEMPTION.—A specific exemption of \$5,000;

"(2) EXCESS PROFITS CREDIT.—The amount of the excess profits credit allowed under section 712; and

Post, p. 979.

"(3) UNUSED EXCESS PROFITS CREDIT.—In the case of a taxpayer the normal-tax net income of which for the taxable year is not

more than \$25,000, the amount by which the excess profits credit for the preceding taxable year (if beginning after December 31, 1939) exceeds the excess profits net income for such preceding taxable year.

**"SEC. 711. EXCESS PROFITS NET INCOME.**

Taxable years after Dec. 31, 1939.

53 Stat. 7.  
26 U. S. C., Supp. V, § 13 (note).

Post, p. 980.

Income taxes.

53 Stat. 35.  
26 U. S. C., Supp. V, § 102.

Long-term gains and losses.

53 Stat. 14.  
26 U. S. C., Supp. V, § 23 (D).

Income from retirement or discharge of bonds, etc.

Refunds and interest on Agricultural Adjustment Act taxes.  
48 Stat. 31.  
7 U. S. C., ch. 26; Supp. V, ch. 26.

Recoveries of bad debts.

Dividends received.

Post, p. 981.

Dividends received.

Interest.

Post, p. 984.

"(a) **TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1939.**—The excess profits net income for any taxable year beginning after December 31, 1939, shall be the normal-tax net income, as defined in section 13 (a) (2), for such year except that the following adjustments shall be made:

"(1) **EXCESS PROFITS CREDIT COMPUTED UNDER INCOME CREDIT.**—If the excess profits credit is computed under section 713, the adjustments shall be as follows:

"(A) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

"(B) **Long-term Gains and Losses.**—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

"(C) **Income From Retirement or Discharge of Bonds, and So Forth.**—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

"(D) **Refunds and Interest on Agricultural Adjustment Act Taxes.**—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

"(E) **Recoveries of Bad Debts.**—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940;

"(F) **Dividends Received.**—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

"(2) **EXCESS PROFITS CREDIT COMPUTED UNDER INVESTED CAPITAL CREDIT.**—If the excess profits credit is computed under section 714, the adjustments shall be as follows:

"(A) **Dividends Received.**—The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except dividends (actual or constructive) on stock of foreign personal-holding companies;

"(B) **Interest.**—The deduction for interest shall be reduced by an amount equal to 50 per centum of so much of such interest as represents interest on the indebtedness included in the daily amounts of borrowed capital (determined under section 719 (a));

“(C) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) under Chapter 1 for such taxable year;

Income taxes.

53 Stat. 35.  
26 U. S. C., Supp.  
V, § 102.

“(D) **Long-term Gains and Losses.**—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

Long-term gains and losses.

53 Stat. 14.  
26 U. S. C., Supp.  
V, § 23 (1).

“(E) **Income From Retirement or Discharge of Bonds, and So Forth.**—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

Income from retirement or discharge of bonds, etc.

“(F) **Refunds and Interest on Agricultural Adjustment Act Taxes.**—There shall be excluded income attributable to refund of tax paid under the Agricultural Adjustment Act of 1933, as amended, and interest upon any such refund;

Refunds and interest on Agricultural Adjustment Act taxes.  
48 Stat. 31.  
7 U. S. C., ch. 26;  
Supp. V, ch. 26.

“(G) **Interest on Certain Government Obligations.**—The normal-tax net income shall be increased by an amount equal to the amount of the interest on obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income, if the taxpayer has so elected under section 720 (d); and

Interest on certain Government obligations.

53 Stat. 10.  
26 U. S. C., Supp.  
V, § 22 (b) (4).

“(H) **Recoveries of Bad Debts.**—There shall be excluded income attributable to the recovery of a bad debt if a deduction with reference to such debt was allowable from gross income for any taxable year beginning prior to January 1, 1940.

Post, p. 985.

Recoveries of bad debts.

Taxable year less than 12 months.

“(3) **TAXABLE YEAR LESS THAN TWELVE MONTHS.**—If the taxable year is a period of less than twelve months the excess profits net income shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the taxable year and dividing by the number of days in the taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year.

“(b) **TAXABLE YEARS IN BASE PERIOD.**—

Taxable years in base period.

“(1) **GENERAL RULE AND ADJUSTMENTS.**—The excess profits net income for any taxable year subject to the Revenue Act of 1936 shall be the normal-tax net income, as defined in section 13 (a) of such Act; and for any other taxable year beginning after December 31, 1937, and before January 1, 1940, shall be the special-class net income, as defined in section 14 (a) of the applicable revenue law. In either case the following adjustments shall be made (for additional adjustments in case of certain reorganizations, see section 742 (e)):

General rule and adjustments.  
49 Stat. 1655.  
26 U. S. C., Supp.  
V, § 13 (note).

53 Stat. 8.  
26 U. S. C., Supp.  
V, § 14 (a).

“(A) **Income Taxes.**—The deduction for taxes shall be increased by an amount equal to the tax (not including the tax under section 102) for such taxable year under Title I or Chapter 1, as the case may be, of the revenue law applicable to such year;

Post, p. 993.

Income taxes.

53 Stat. 35.  
26 U. S. C., Supp.  
V, § 102.

Long-term gains and losses.

“(B) Long-Term Gains and Losses.—There shall be excluded long-term capital gains and losses. There shall be excluded the excess of gains from the sale or exchange of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (1) over the losses from the sale or exchange of such property;

53 Stat. 14.  
26 U. S. C., Supp.  
V, § 23 (f).

Income from retirement or discharge of bonds, etc.

“(C) Income From Retirement or Discharge of Bonds, and So Forth.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

Deductions on account of retirement or discharge of bonds, etc.

“(D) Deductions on Account of Retirement or Discharge of Bonds, and So Forth.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, the following deductions for such taxable year shall not be allowed:

53 Stat. 12.  
26 U. S. C., Supp.  
V, § 23 (a).

“(i) The deduction allowable under section 23 (a) for expenses paid or incurred in connection with such retirement or discharge;

“(ii) The deduction for losses allowable by reason of such retirement or discharge; and

“(iii) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge;

Casualty, demolition, etc., losses.

53 Stat. 13.  
26 U. S. C., Supp.  
V, § 23 (f).

“(E) Casualty, Demolition, and Similar Losses.—Deductions under section 23 (f) for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise, shall not be allowed;

Repayment of processing tax to vendees.

53 Stat. 12.  
26 U. S. C., Supp.  
V, § 23 (a).

“(F) Repayment of Processing Tax to Vendees.—The deduction under section 23 (a), for any taxable year, for expenses shall be decreased by an amount which bears the same ratio to the amount deductible on account of any repayment or credit by the corporation to its vendee of any amount attributable to any tax under the Agricultural Adjustment Act of 1933, as amended, as the excess of the aggregate of the amounts so deductible in the base period over the aggregate of the amounts attributable to taxes under such Act collected from its vendees which were includible in the corporation's gross income in the base period and which were not paid, bears to the aggregate of the amounts so deductible in the base period;

48 Stat. 31.  
7 U. S. C. ch. 26;  
Supp. V, ch. 28.

“(G) Payment of Judgments, and So Forth.—Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, shall not be allowed if in the light of the taxpayer's business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years;

Payment of judgments, etc.

“(H) All expenditures for intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, or expenditures for development costs in the case of mines, which the taxpayer has deducted from gross income as an expense, shall not be allowed to the extent that in the light of the taxpayer’s business it was abnormal for the taxpayer to incur a liability of such character or, if the taxpayer normally incurred such liability, to the extent that the amount of such liability in the taxable year was grossly disproportionate to the amount of such liability in the four previous taxable years; and

“(I) Dividends Received.—The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations.

“(2) CAPITAL GAINS AND LOSSES.—For the purposes of this subsection the normal-tax net income and the special-class net income referred to in paragraph (1) shall be computed as if section 23 (g) (2), section 23 (k) (2), and section 117 were part of the revenue law applicable to the taxable year the excess profits net income of which is being computed, with the exception that the net short-term capital loss carry-over provided in subsection (e) of section 117 shall be applicable to net short-term capital losses for taxable years beginning after December 31, 1934. Such exception shall not apply for the purposes of computing the tax under this subchapter for any taxable year beginning before January 1, 1941.

#### “SEC. 712. EXCESS PROFITS CREDIT—ALLOWANCE.

“(a) DOMESTIC CORPORATIONS.—In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall, at the election of the taxpayer made in its return for such taxable year, be an amount computed under section 713 or section 714. (For election in case of certain reorganizations of corporations not qualified under the preceding sentence, see section 741.) In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a domestic corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

“(b) FOREIGN CORPORATIONS.—In the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States or had an office or place of business therein, the excess profits credit for any taxable year shall, at the election of the taxpayer in its return for such taxable year, be an amount computed under section 713 or section 714. In the case of all other such foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714. In the case of a foreign corporation which for any taxable year does not file a return before the expiration of the time prescribed by law for filing such return, the excess profits credit for such taxable year shall be an amount computed under section 714.

Oil or gas wells,  
etc.

Dividends received.

Capital gains and  
losses.

53 Stat. 13, 50.  
26 U. S. C., Supp.  
V, §§ 23 (g) (2), (k)  
(2), 117.

53 Stat. 52.  
26 U. S. C., Supp.  
V, § 117 (e).

Domestic corpora-  
tions.

Post, pp. 980, 981.

Post, p. 992.

Failure to file re-  
turn.

Foreign corpora-  
tions.

Post, pp. 980, 981.

Failure to file re-  
turn.

**"SEC. 713. EXCESS PROFITS CREDIT—BASED ON INCOME.**

Amount of excess profits credit.

Domestic corporations.

Foreign corporations.

Average base period net income.

"(a) **AMOUNT OF EXCESS PROFITS CREDIT.**—The excess profits credit for any taxable year, computed under this section, shall be—

"(1) **DOMESTIC CORPORATIONS.**—In the case of a domestic corporation—

"(A) 95 per centum of the average base period net income, as defined in subsection (b),

"(B) Plus 8 per centum of the net capital addition as defined in subsection (c), or

"(C) Minus 6 per centum of the net capital reduction as defined in subsection (c).

"(2) **FOREIGN CORPORATIONS.**—In the case of a foreign corporation, 95 per centum of the average base period net income.

"(b) **AVERAGE BASE PERIOD NET INCOME.**—For the purposes of this section the average base period net income of the taxpayer shall be determined as follows:

"(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer beginning after December 31, 1935, and before January 1, 1940, reduced, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, by the amount attributable to such excess under paragraph (4);

"(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

"(3) By multiplying the amount ascertained under paragraph (2) by twelve.

"(4) For the purposes of paragraph (1)—

"(A) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made; and

"(B) The amount attributable to any taxable year in which there is such an excess shall be the amount of such excess, except that such amount shall be zero if there is only one such year, or, if more than one, shall be zero for the year in which such excess is the greatest.

"(5) For the purposes of paragraph (1), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter (hereinafter in this paragraph called 'base period'), its excess profits net income—

"(A) for each taxable year of twelve months (beginning with the beginning of such base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

"(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

"(ii) an amount equal to the same percentage of such daily invested capital as is applicable under section 720 in reduction of the average invested capital of the preceding taxable year;

"(B) for the taxable year of less than twelve months consisting of that part of the remainder of the base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than

*Ante*, p. 977.

*Post*, p. 985.

twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

“(6) In no case shall the average base period net income be less than zero.

“(7) For computation of average base period net income in case of certain reorganizations, see section 742.

*Post*, p. 992.

“(c) ADJUSTMENTS IN EXCESS PROFITS CREDIT ON ACCOUNT OF CAPITAL CHANGES.—For the purposes of this section—

Adjustments on account of capital changes.

“(1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

Net capital addition.

“(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

Net capital reduction.

“(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer’s first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer’s first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

Daily capital addition.

*Post*, p. 982.

“(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

53 Stat. 10.  
26 U. S. C., Supp.  
V, § 22 (b) (4) (A),  
(B), (C).

“(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

Minimum daily capital addition.

*Post*, p. 994.

“(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer’s first taxable year under this subchapter and prior to such day.

Daily capital reduction.

“SEC. 714. EXCESS PROFITS CREDIT—BASED ON INVESTED CAPITAL.

“The excess profits credit, for any taxable year, computed under this section, shall be an amount equal to 8 per centum of the taxpayer’s invested capital for the taxable year, determined under section 715.

*Post*, p. 982.

**"SEC. 715. DEFINITION OF INVESTED CAPITAL.**

"For the purposes of this subchapter the invested capital for any taxable year shall be the average invested capital for such year, determined under section 716, reduced by an amount computed under section 720 (relating to inadmissible assets). If the Commissioner finds that in any case the determination of invested capital, on a basis other than a daily basis, will produce an invested capital differing by not more than \$1,000 from an invested capital determined on a daily basis, he may, under regulations prescribed by him with the approval of the Secretary, provide for such determination on such other basis. (For computation of invested capital in case of foreign corporations and corporations entitled to the benefits of section 251, see section 724.)

*Post*, p. 985.

53 Stat. 79; *post*, p. 987.  
26 U. S. C., Supp. V, § 251.

**"SEC. 716. AVERAGE INVESTED CAPITAL.**

"The average invested capital for any taxable year shall be the aggregate of the daily invested capital for each day of such taxable year, divided by the number of days in such taxable year.

**"SEC. 717. DAILY INVESTED CAPITAL.**

"The daily invested capital for any day of the taxable year shall be the sum of the equity invested capital for such day plus the borrowed invested capital for such day determined under section 719.

*Post*, p. 984.

**"SEC. 718. EQUITY INVESTED CAPITAL.**

"(a) **DEFINITION.**—The equity invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following amounts, reduced as provided in subsection (b)—

Definition.

Money paid in.

"(1) **MONEY PAID IN.**—Money previously paid in for stock, or as paid-in surplus, or as a contribution to capital;

Property paid in.

"(2) **PROPERTY PAID IN.**—Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined in the same manner as if the property were still held at the beginning of such taxable year. If such unadjusted basis is a substituted basis it shall be adjusted, with respect to the period before the property was paid in, in the manner provided in section 113 (b) (2);

53 Stat. 44.  
26 U. S. C., Supp. V, § 113 (b) (2).

Distributions in stock.

"(3) **DISTRIBUTIONS IN STOCK.**—Distributions in stock—

"(A) Made prior to such taxable year to the extent to which they are considered distributions of earnings and profits; and

"(B) Previously made during such taxable year to the extent to which they are considered distributions of earnings and profits other than earnings and profits of such taxable year;

Earnings and profits.

"(4) **EARNINGS AND PROFITS AT BEGINNING OF YEAR.**—The accumulated earnings and profits as of the beginning of such taxable year; and

Gain on tax-free liquidation.

"(5) **INCREASE ON ACCOUNT OF GAIN ON TAX-FREE LIQUIDATION.**—In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation,

53 Stat. 43.  
26 U. S. C., Supp. V, § 113 (a) (15).  
53 Stat. 38.  
26 U. S. C., Supp. V, § 112 (b) (6).

equal to the amount by which the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received, exceeds the sum of:

“(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

“(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received.

“(b) **REDUCTION IN EQUITY INVESTED CAPITAL.**—The amount by which the equity invested capital for any day shall be reduced as provided in subsection (a) shall be the sum of the following amounts—

“(1) **DISTRIBUTIONS IN PREVIOUS YEARS.**—Distributions made prior to such taxable year which were not out of accumulated earnings and profits;

“(2) **DISTRIBUTIONS DURING THE YEAR.**—Distributions previously made during such taxable year which are not out of the earnings and profits of such taxable year;

“(3) **EARNINGS AND PROFITS OF ANOTHER CORPORATION.**—The earnings and profits of another corporation which previously at any time were included in accumulated earnings and profits by reason of a transaction described in section 112 (b) to (e), both inclusive, or in the corresponding provision of a prior revenue law, or by reason of the transfer by such other corporation to the taxpayer of property the basis of which in the hands of the taxpayer is or was determined with reference to its basis in the hands of such other corporation, or would have been so determined if the property had been other than money; and

“(4) **REDUCTION ON ACCOUNT OF LOSS ON TAX-FREE LIQUIDATION.**—In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the sum of—

“(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

“(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received,

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received. The amount of the reduction under this paragraph shall not exceed the accumulated earnings and profits as of the beginning of such taxable year.

Reduction in equity invested capital.

Distributions in previous years.

Distributions during the year.

Earnings and profits of another corporation.

53 Stat. 37-39.  
26 U. S. C., Supp. V, § 112 (b)-(e).

Loss on tax-free liquidation.

53 Stat. 43.  
26 U. S. C., Supp. V, § 113 (a) (15).  
53 Stat. 38.  
26 U. S. C., Supp. V, § 112 (b) (6).

Limitation.

Rules for application of subsections (a) and (b).

Distributions to shareholders.

Distributions in first 60 days of taxable year.

Computation of earnings, etc.  
*Ante*, pp. 982, 983.

Stock in case of merger or consolidation.

Computation of property.

*Post*, p. 995.

Equity invested capital.  
*Post*, p. 986.

Borrowed capital.

Outstanding indebtedness.

*Post*, p. 995.

Contracts with foreign governments.

*Ante*, p. 974; *post*, p. 1012.

“(c) RULES FOR APPLICATION OF SUBSECTIONS (A) AND (B).—For the purposes of subsections (a) and (b)—

“(1) DISTRIBUTIONS TO SHAREHOLDERS.—The term ‘distribution’ means a distribution by a corporation to its shareholders, and the term ‘distribution in stock’ means a distribution by a corporation in its stock or rights to acquire its stock. To the extent that a distribution in stock is not considered a distribution of earnings and profits it shall not be considered a distribution. A distribution in stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital.

“(2) DISTRIBUTIONS IN FIRST SIXTY DAYS OF TAXABLE YEAR.—In the application of such subsections to any taxable year beginning after December 31, 1940, so much of the distributions (taken in the order of time) made during the first sixty days thereof as does not exceed the accumulated earnings and profits as of the beginning thereof (computed without regard to this paragraph) shall be considered to have been made on the last day of the preceding taxable year.

“(3) COMPUTATION OF EARNINGS AND PROFITS OF TAXABLE YEAR.—For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

“(4) STOCK IN CASE OF MERGER OR CONSOLIDATION.—If a corporation owns stock in another corporation, and—

“(A) such corporations are merged or consolidated in a statutory merger or consolidation, or

“(B) such corporations are parties to a transaction which results in the elimination of such stock in a manner similar to that resulting from a statutory merger or consolidation, then such stock shall not be considered as property paid in for stock of, or as paid-in surplus of, or as a contribution to capital of, the corporation resulting from the transaction referred to in subparagraph (A) or (B).

“(d) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see section 751 (a).

“(e) For determination of equity invested capital in special cases, see section 723.

#### “SEC. 719. BORROWED INVESTED CAPITAL.

“(a) BORROWED CAPITAL.—The borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

“(1) The amount of the outstanding indebtedness (not including interest, and not including indebtedness described in section 751 (b) relating to certain exchanges) of the taxpayer which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus,

“(2) In the case of a taxpayer having a contract (made before the expiration of 30 days after the date of the enactment of the Second Revenue Act of 1940) with a foreign government to

furnish articles, materials, or supplies to such foreign government, if such contract provides for advance payment and for repayment by the vendor of any part of such advance payment upon cancellation of the contract by such foreign government, the amount which would be required to be so repaid if cancellation occurred at the beginning of such day, but no amount shall be considered as borrowed capital under this paragraph which has been includible in gross income.

“(b) **BORROWED INVESTED CAPITAL.**—The borrowed invested capital for any day of any taxable year shall be determined as of the beginning of such day and shall be an amount equal to 50 per centum of the borrowed capital for such day.

Borrowed invested capital.

“**SEC. 720. ADMISSIBLE AND INADMISSIBLE ASSETS.**

“(a) **DEFINITIONS.**—For the purposes of this subchapter—

Definitions.

“(1) The term ‘inadmissible assets’ means—

“Inadmissible assets.”

“(A) Stock in corporations except stock in a foreign personal-holding company; and

“(B) Except as provided in subsection (d), obligations described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income.

*Infra.*  
53 Stat. 10,  
26 U. S. C., Supp.  
V, § 22 (b) (4).

“(2) The term ‘admissible assets’ means all assets other than inadmissible assets.

“Admissible assets.”

“(b) **RATIO OF INADMISSIBLES TO TOTAL ASSETS.**—The amount by which the average invested capital for any taxable year shall be reduced as provided in section 715 shall be an amount which is the same percentage of such average invested capital as the percentage which the total of the inadmissible assets is of the total of admissible and inadmissible assets. For such purposes, the amount attributable to each asset held at any time during such taxable year shall be determined by ascertaining the adjusted basis thereof (or, in the case of money, the amount thereof) for each day of such taxable year so held and adding such daily amounts. The determination of such daily amounts shall be made under regulations prescribed by the Commissioner with the approval of the Secretary. The adjusted basis shall be the adjusted basis for determining loss upon sale or exchange as determined under section 113.

Ratio of inadmissibles to total assets.

*Ante*, p. 982.

“(c) **COMPUTATION IF SHORT-TERM CAPITAL GAIN.**—If during the taxable year there has been a short-term capital gain with respect to an inadmissible asset, then so much of the amount attributable to such inadmissible asset under subsection (b) as bears the same ratio thereto as such gain bears to the sum of such gain plus the dividends and interest on such asset for such year, shall, for the purpose of determining the ratio of inadmissible assets to the total of admissible and inadmissible assets, be added to the total of admissible assets and subtracted from the total of inadmissible assets.

53 Stat. 40,  
26 U. S. C., Supp. V,  
§ 113.

Computation if short-term capital gain.

“(d) **TREATMENT OF GOVERNMENT OBLIGATIONS AS ADMISSIBLE ASSETS.**—If the excess profits credit for any taxable year is computed under section 714, the taxpayer may in its return for such year elect to increase its normal-tax net income for such taxable year by an amount equal to the amount of the interest on all obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income. In such case, for the purposes of this section, the term ‘admissible assets’ includes such obligations, and the term ‘inadmissible assets’ does not include such obligations.

Government obligations as admissible assets.

*Ante*, p. 981.

53 Stat. 10,  
26 U. S. C., Supp. V,  
§ 22 (b) (4).

**"SEC. 721. ABNORMALITIES IN INCOME IN TAXABLE PERIOD.**

Abnormalities in income.

"If there is includible in the gross income of the taxpayer for any taxable year an item of income of any one or more of the following classes:

"(a) Arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

"(b) Constituting an amount payable under a contract the performance of which required more than 12 months; or

"(c) Resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

"(d) Includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

"(e) In the case of a lessor of real property, amounts included in gross income for the taxable year by reason of the termination of the lease; or

"(f) Dividends on stock of foreign corporations, except foreign personal holding companies;

and, in the light of the taxpayer's business, it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class, the item includible in the gross income of the taxable year is grossly disproportionate to the gross income of the same class in the four previous taxable years, then: (1) the amount of such item attributable to any previous taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary; (2) the amount of such item attributable to any future taxable year or years shall be determined under rules and regulations prescribed by the Commissioner with the approval of the Secretary and shall, for the purposes of this subchapter, be included in the gross income for the future year or years to which attributable; and (3) the tax under this subchapter for the taxable year (in which the whole of such item would, without regard to this section, be includible) shall not exceed the sum of:

"(A) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of such item which is attributable to any other taxable year, and

"(B) The aggregate of the increase in the tax under this subchapter which would have resulted for each previous taxable year to which any portion of such item is attributable, computed as if an amount equal to such portion had been included in gross income for such previous taxable year.

**"SEC. 722. ADJUSTMENT OF ABNORMALITIES IN INCOME AND CAPITAL BY THE COMMISSIONER.**

"For the purposes of this subchapter, the Commissioner shall also have authority to make such adjustments as may be necessary to adjust abnormalities affecting income or capital, and his decision shall be subject to review by the United States Board of Tax Appeals.

**"SEC. 723. EQUITY INVESTED CAPITAL IN SPECIAL CASES.**

"Where the Commissioner determines that the equity invested capital as of the beginning of the taxpayer's first taxable year under this subchapter cannot be determined in accordance with section 718, the equity invested capital as of the beginning of such year shall

Determination of equity invested capital.

be an amount equal to the sum of (a) the money plus (b) the aggregate of the adjusted basis of the assets of the taxpayer held by the taxpayer at such time, such sum being reduced by the indebtedness outstanding at such time. The amount of the money, assets, and indebtedness at such time shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary. In such case, the equity invested capital for each day after the beginning of the taxpayer's first taxable year under this subchapter shall be determined, in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, using as the basic figure the equity invested capital as so determined.

**"SEC. 724. FOREIGN CORPORATIONS AND CORPORATIONS ENTITLED TO BENEFITS OF SECTION 251—INVESTED CAPITAL.**

"Notwithstanding section 715, in the case of a foreign corporation engaged in trade or business within the United States or having an office or place of business therein, and in the case of a corporation entitled to the benefits of section 251, the invested capital for any taxable year shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, under which—

"(a) **GENERAL RULE.**—The daily invested capital for any day of the taxable year shall be the aggregate of the adjusted basis of each United States asset held by the taxpayer on the beginning of such day. In the application of section 720 in reduction of the average invested capital (determined on the basis of such daily invested capital), the terms 'admissible assets' and 'inadmissible assets' shall include only United States assets; or

"(b) **EXCEPTION.**—If the Commissioner determines that the United States assets of the taxpayer cannot satisfactorily be segregated from its other assets, the invested capital for the taxable year shall be an amount which is the same percentage of the aggregate of the adjusted basis of all assets held by the taxpayer as of the end of the last day of the taxable year which the net income for the taxable year from sources within the United States is of the total net income of the taxpayer for such year.

"(c) **DEFINITION OF UNITED STATES ASSET.**—As used in this subsection, the term 'United States asset' means an asset held by the taxpayer in the United States, determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary.

**"SEC. 725. PERSONAL SERVICE CORPORATIONS.**

"(a) **DEFINITION.**—As used in this subchapter, the term 'personal service corporation' means a corporation whose income is to be ascribed primarily to the activities of shareholders who are regularly engaged in the active conduct of the affairs of the corporation and are the owners at all times during the taxable year of at least 70 per centum in value of each class of stock of the corporation, and in which capital is not a material income-producing factor; but does not include any foreign corporation, nor any corporation 50 per centum or more of whose gross income consists of gains, profits, or income derived from trading as a principal. For the purposes of this subsection, an individual shall be considered as owning, at any time, the stock owned at such time by his spouse or minor child or by any guardian or trustee representing them.

Determination of invested capital.  
*Ante*, p. 982.

53 Stat. 79.  
26 U. S. C., Supp. V,  
§ 251.

General rule.

*Ante*, p. 985.

Exception.

"United States asset" defined.

Definition.

Election as to taxability.  
53 Stat. 4.  
26 U. S. C., Supp. V, ch. 1.

Post, p. 1005.

“(b) **ELECTION AS TO TAXABILITY.**—If a personal service corporation signifies, in its return under Chapter 1 for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of Chapter 1 shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation.

“**SEC. 726. CORPORATIONS COMPLETING CONTRACTS UNDER MERCHANT MARINE ACT, 1936.**

Tax provisions.

49 Stat. 1998.  
46 U. S. C., Supp. V, § 1155 (b).

Ante, p. 975.

Computation.

“(a) If the United States Maritime Commission certifies to the Commissioner that the taxpayer has completed within the taxable year any contracts or subcontracts which are subject to the provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, then the tax imposed by this subchapter for such taxable year shall be, in lieu of a tax computed under section 710, a tax computed under subsection (b) of this section, if, and only if, the tax computed under subsection (b) is less than the tax computed under section 710.

“(b) The tax computed under this subsection shall be the excess of—

“(1) A tentative tax computed under section 710 with the normal-tax net income increased by the amount of any payments made, or to be made, to the United States Maritime Commission with respect to such contracts or subcontracts; over

“(2) The amount of such payments.

“**SEC. 727. EXEMPT CORPORATIONS.**

Exempt corporations.

53 Stat. 33.  
26 U. S. C., Supp. V, § 101.

53 Stat. 92.  
26 U. S. C., Supp. V, § 331.

53 Stat. 98.  
26 U. S. C., Supp. V, § 361.  
Ante, p. 789.

“The following corporations shall be exempt from the tax imposed by this subchapter:

“(a) Corporations exempt under section 101 from the tax imposed by Chapter 1.

“(b) Foreign personal-holding companies, as defined in section 331.

“(c) Mutual investment companies, as defined in section 361.

“(d) Investment companies which under the Investment Company Act of 1940 are registered as diversified companies at all times during the taxable year. For the purposes of this subsection, if a company is so registered before July 1, 1941, it shall be considered as so registered at all times prior to the date of such registration.

“(e) Personal-holding companies, as defined in section 501.

“(f) Foreign corporations not engaged in trade or business within the United States and not having an office or place of business therein.

“(g) Domestic corporations satisfying the following conditions:

“(1) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

“(2) If 50 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

“(h) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938, in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less.

52 Stat. 967.  
49 U. S. C., Supp. V, §§ 481-496.

**“SEC. 728. MEANING OF TERMS USED.**

“The terms used in this subchapter shall have the same meaning as when used in Chapter 1.

53 Stat. 4.  
26 U. S. C., Supp.  
V, ch. 1.

**“SEC. 729. LAWS APPLICABLE.**

“(a) **GENERAL RULE.**—All provisions of law (including penalties) applicable in respect of the taxes imposed by Chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter.

General rule.

“(b) **RETURNS.**—Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than \$5,000.

Returns.  
53 Stat. 27.  
26 U. S. C., Supp.  
V, § 52 (a).

*Ante*, pp. 976, 977.

“(c) **FOREIGN TAXES PAID.**—In the application of section 131 for the purposes of this subchapter the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed with respect to such tax against the tax imposed by Chapter 1.

Foreign taxes paid.  
53 Stat. 56.  
26 U. S. C., Supp.  
V, § 131.

53 Stat. 4.  
26 U. S. C., Supp.  
V, ch. 1.

“(d) **LIMITATIONS ON AMOUNT OF FOREIGN TAX CREDIT.**—The amount of the credit taken under this section shall be subject to each of the following limitations:

Limitations on amount of foreign tax credit.

“(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within such country bears to its entire excess profits net income for the same taxable year; and

“(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

**“SEC. 730. CONSOLIDATED RETURNS.**

“(a) **PRIVILEGE TO FILE CONSOLIDATED RETURNS.**—An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all the corporations which have been members of the affiliated group at any time during the taxable year for which the return is made consent to all the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; and the making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

Affiliated group of corporations.

“(b) **REGULATIONS.**—The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the excess profits tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

Regulations.

Computation and payment of tax.

“(c) COMPUTATION AND PAYMENT OF TAX.—In any case in which a consolidated return is made the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return. Only one specific exemption of \$5,000 provided in section 710 (b) (1) shall be allowed for the entire affiliated group of corporations.

*Ante*, p. 975.

Definition of “affiliated group.”

“(d) DEFINITION OF ‘AFFILIATED GROUP’.—As used in this section, an ‘affiliated group’ means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

“(1) At least 95 per centum of each class of the stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

“(2) The common parent corporation owns directly at least 95 per centum of each class of the stock of at least one of the other includible corporations.

“Stock.”

As used in this subsection, the term ‘stock’ does not include nonvoting stock which is limited and preferred as to dividends.

Definition of “includible corporation.”

“(e) DEFINITION OF ‘INCLUDIBLE CORPORATION’.—As used in this section, the term ‘includible corporation’ means any corporation except—

“(1) Corporations exempt from the tax imposed by this subchapter.

“(2) Foreign corporations.

“(3) Corporations organized under the China Trade Act, 1922.

“(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from possessions of the United States.

“(5) Personal service corporations.

“(6) Insurance companies subject to taxation under section 201, 204, or 207.

42 Stat. 849.  
15 U. S. C. §§ 141-162; Supp. V, §§ 142-160.

53 Stat. 79.  
26 U. S. C., Supp. V, § 251.

53 Stat. 71, 72, 74.  
26 U. S. C., Supp. V, §§ 201, 204, 207.

Includible insurance companies.

53 Stat. 4.  
26 U. S. C., Supp. V, ch. 1.

Subsidiary formed to comply with foreign law.

“(f) INCLUDIBLE INSURANCE COMPANIES.—Despite the provisions of paragraph (6) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of Chapter 1 shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

“(g) SUBSIDIARY FORMED TO COMPLY WITH FOREIGN LAW.—In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors’ qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this subchapter as a domestic corporation.

“(h) SUSPENSION OF RUNNING OF STATUTE OF LIMITATIONS.—If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

Suspension of running of statute of limitations.

53 Stat. 82.  
26 U. S. C., Supp. V, § 272 (a).

53 Stat. 87.  
26 U. S. C., Supp. V, § 277.

#### “SEC. 731. CORPORATIONS ENGAGED IN MINING OF STRATEGIC METALS.

“In the case of any domestic corporation engaged in the mining of tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin, the portion of the adjusted excess profits net income attributable

Tax exemptions.

to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income.

## “Part II—Rules in Connection With Certain Exchanges

### “Supplement A—Excess Profits Credit Based on Income

#### “SEC. 740. DEFINITIONS.

“For the purposes of this Supplement—

“(a) **ACQUIRING CORPORATION.**—The term ‘acquiring corporation’ means—

“Acquiring corporation.”

“(1) A corporation which has acquired—

“(A) substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

“(B) substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

“(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation.

For the purposes of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (B) or (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

“(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6) of Chapter 1 or a corresponding provision of a prior revenue law;

53 Stat. 38.  
26 U. S. C., Supp.  
V, § 112 (b) (6).

“(3) A corporation the result of a statutory merger of two or more corporations; or

“(4) A corporation the result of a statutory consolidation of two or more corporations.

“(b) **COMPONENT CORPORATION.**—The term ‘component corporation’ means—

“Component corporation.”

“(1) In the case of a transaction described in subsection (a) (1), the corporation which transferred the assets;

“(2) In the case of a transaction described in subsection (a) (2), the corporation the property of which was acquired;

“(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

“(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation.

“Qualified component corporation.”

“(c) **QUALIFIED COMPONENT CORPORATION.**—The term ‘qualified component corporation’ means a component corporation which was in existence on the date of the beginning of the taxpayer’s base period.

Base period.

“(d) **BASE PERIOD.**—In the case of a taxpayer which is an acquiring corporation the base period shall be:

“(1) If the tax is being computed for any taxable year beginning in 1940, the forty-eight months preceding the beginning of such taxable year; or

“(2) If the tax is being computed for any taxable year beginning after December 31, 1940, the forty-eight months preceding what would have been its first taxable year beginning in 1940 if it had had a taxable year beginning in 1940 on the date on which the taxable year for which the tax is being computed began.

Base period years.

“(e) **BASE PERIOD YEARS.**—In the case of a taxpayer which is an acquiring corporation its base period years shall be the four successive twelve-month periods beginning on the same date as the beginning of its base period.

Existence of acquiring corporation.

“(f) **EXISTENCE OF ACQUIRING CORPORATION.**—For the purposes of subsection (c) and section 741, if any component corporation was in existence on the date of the beginning of the taxpayer’s base period (either actually or by reason of this subsection), its acquiring corporation shall be considered to have been in existence on such date.

Component corporations of component corporations.

“(g) **COMPONENT CORPORATIONS OF COMPONENT CORPORATIONS.**—If a corporation is a component corporation of an acquiring corporation, under subsection (b) or under this subsection, it shall (except for the purposes of section 742 (d) (1) and (2) and section 743 (a)) also be a component corporation of the corporation of which such acquiring corporation is a component corporation.

Post, pp. 993, 994.

#### “SEC. 741. ELECTION OF INCOME CREDIT.

Ante, pp. 979, 980, 981.

“In addition to the corporations which under section 712 (a) may elect the excess profits credit computed under section 713 or the excess profits credit computed under section 714, a taxpayer which is an acquiring corporation which was in existence on the date of the beginning of its base period shall have such election.

#### “SEC. 742. AVERAGE BASE PERIOD NET INCOME.

Average base period net income.

“In the case of a taxpayer which is an acquiring corporation which was actually in existence on the date of the beginning of its base period, or which is entitled under section 741 to elect the excess profits credit computed under section 713, its average base period net income (for the purpose of the credit computed under section 713) shall be computed as follows, in lieu of the method provided in section 713:

Ante, p. 980.

Computation.

“(a) By ascertaining with respect to each of its base period years—

“(1) The amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

“(2) With respect to each of its qualified component corporations, the amount of its excess profits net income for each of its taxable years beginning after December 31, 1935, and ending with or within such base period year of the taxpayer; or, in the case of each such taxable year in which the deductions plus the credit for dividends received exceeded the gross income, the amount of such excess;

“(3) (A) The aggregate of the amounts of excess profits net income ascertained under paragraphs (1) and (2); (B) the aggregate of the excesses ascertained under paragraphs (1) and (2); and (C) the difference between the aggregates found under clause (A) and clause (B). If the aggregate ascertained under clause (A) is greater than the aggregate found under clause (B), the difference shall for the purposes of subsection (b) be designated a ‘plus amount’, and if the aggregate ascertained under clause (B) is greater than the aggregate found under clause (A), the difference shall for the purposes of subsection (b) be designated a ‘minus amount’.

“Plus amount.”

“Minus amount.”

“(b) By adding the plus amounts ascertained under subsection (a) (3) for each year of the base period; and by subtracting from such sum, if for two or more years of the base period there was a minus amount, the sum of such minus amounts, excluding the greatest.

“(c) By dividing the amount ascertained under subsection (b) by four.

“(d) In no case shall the average base period net income be less than zero. In the case of a taxpayer which becomes an acquiring corporation in any taxable year beginning after December 31, 1939, if, on September 11, 1940, and at all times until the taxpayer became an acquiring corporation—

Minimum average base period net income.

“(1) the taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

“(2) one of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction.

“(e) For the purposes of subsection (a) (1) and (2) of this section—

*Ante*, p. 992.

“(1) There shall be excluded, in the various computations, any dividends paid by the taxpayer or any of its qualified component corporations during any of the taxable years of the payor which are included in the computation of the taxpayer's average base period net income. If the payor corporation is a corporation described in subsection (f) (1) or (2) of this section, the dividends to be excluded under this paragraph shall be only such as are paid after such payor corporation first became an acquiring corporation; and

Exclusion of certain dividends.

“(2) In determining whether, for any taxable year, the deductions plus the credit for dividends received exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made.

*Ante*, p. 977.

“(f) (1) In the case of a taxpayer which is an acquiring corporation and which was not actually in existence on the date of the beginning of its base period, there shall be excluded from the various computations under subsection (a) (1) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

Income before becoming an acquiring corporation.

Exclusions in case of certain component corporations.  
*Ante*, p. 992.

“(2) In the case of a component corporation which became a qualified component corporation only by reason of section 740 (f), there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to any period before it first became an acquiring corporation.

Qualified component corporations.

“(3) In the case of a qualified component corporation which was actually in existence on the date of the beginning of the taxpayer's base period, there shall be excluded from the various computations under subsection (a) (2) of this section the portion of its excess profits net income, or of the excess over gross income therein referred to, which is attributable to the period before such date.

Acquisitions during taxable year.

“(4) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a) (2), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this paragraph as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

#### “SEC. 743. NET CAPITAL CHANGES.

*Ante*, p. 981.

“(a) For the purposes of section 713 (c), upon the date of the transaction which constitutes a corporation an acquiring corporation, there shall be added to its daily capital addition or reduction for such day, the net capital addition or reduction, as the case may be, of each of the component corporations involved in such transaction, but no other capital addition or reduction shall be considered as having been made by reason of such transaction.

“(b) For the purposes of this section—

“(1) In computing the net capital addition of each such component corporation there shall be disregarded property paid in to such corporation by the taxpayer or by any of its component corporations.

“(2) In computing the net capital reduction of each such component corporation there shall be disregarded distributions made to the taxpayer or to any of such component corporations.

#### “SEC. 744. FOREIGN CORPORATIONS.

Use of term “corporation.”

“The term ‘corporation’ as used in this Supplement does not include a foreign corporation.

#### “Supplement B—Highest Bracket Amount and Invested Capital

#### “SEC. 750. DEFINITIONS.

“As used in this Supplement—

“Exchange.”  
53 Stat. 37.  
26 U. S. C., Supp. V, § 112 (b) (4), (5).  
53 Stat. 39.  
26 U. S. C., Supp. V, § 112 (c), (d), (e).

“(a) EXCHANGE.—The term ‘exchange’ means an exchange, to which section 112 (b) (4) or (5) or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (4) or (5), or to which a corresponding provision of a prior revenue law, is or was applicable, by one corporation of its property wholly or in part for stock or securities of another corporation, or a transfer of property by one corporation to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

53 Stat. 42.  
26 U. S. C., Supp. V, § 113 (a) (8) (B).

“(b) **TRANSFEROR UPON AN EXCHANGE.**—The term ‘transferor upon an exchange’ means a corporation which upon an exchange transfers property to another corporation in exchange, wholly or in part, for stock or securities of such other corporation, or transfers property to another corporation after December 31, 1917, the basis of which in the hands of such other corporation is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

“Transferor upon an exchange.”

“(c) **TRANSFEEE UPON AN EXCHANGE.**—The term ‘transferee upon an exchange’ means a corporation which upon an exchange acquires property from another corporation in exchange, wholly or in part, for its stock or securities, or which acquires property from another corporation after December 31, 1917, the basis of which in its hands is or was determined under section 113 (a) (8) (B), or would have been so determined had such section been in effect.

53 Stat. 42.  
26 U. S. C., Supp.  
V, § 113 (a) (8) (B).

“Transferee upon an exchange.”

“(d) **CONTROL.**—The term ‘control’ means the ownership of stock possessing at least 90 per centum of the total combined voting power of all classes of stock entitled to vote and at least 90 per centum of the total value of shares of all classes of stock of the corporation.

53 Stat. 42.  
26 U. S. C., Supp.  
V, § 113 (a) (8) (B).

“Control.”

“(e) **HIGHEST BRACKET AMOUNT.**—The term ‘highest bracket amount’ means \$500,000 or the highest bracket amount computed under section 752, whichever is the smaller.

“Highest bracket amount.”

**“SEC. 751. DETERMINATION OF PROPERTY PAID IN FOR STOCK AND OF BORROWED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES.**

“(a) **PROPERTY PAID IN FOR STOCK.**—In the application of section 718 (a) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

Property paid in for stock.  
*Ante*, p. 982.

“(1) Any liability of the transferor assumed upon such exchange and any liability subject to which the property was received upon such exchange, plus

“(2) The aggregate of the amount of money and the fair market value of any other property transferred to the transferor not permitted to be received by such transferor without the recognition of gain.

“(b) **BORROWED CAPITAL.**—In the application of section 719 (a) to a transferee upon an exchange, the term ‘borrowed capital’ shall not include indebtedness originally evidenced by securities issued by the transferee upon such exchange as consideration for the property of the transferor received by the transferee upon such exchange if (1) such securities were property permitted to be received by the person to whom such securities were issued without the recognition of gain and (2) the indebtedness originally evidenced by such securities did not arise out of indebtedness of the transferor (other than indebtedness which in the transferor’s hands was subject to the limitations of this subsection) assumed by the transferee in connection with such exchange.

Borrowed capital.  
*Ante*, p. 984.

**“SEC. 752. COMPUTATION OF HIGHEST BRACKET AMOUNT IN CONNECTION WITH EXCHANGES.**

“(a) **SPECIAL APPLICATION OF DAILY INVESTED CAPITAL OF TRANSFEROR UPON EXCHANGE.**—For the purposes of this section, the daily invested capital of a transferor upon an exchange for the day after

Daily invested capital of transferor.

*Ante*, p. 982.

Highest bracket amount of transferor.  
Taxable year of exchange.

Taxable years after exchange involving control.

Not involving control.

Taxable years after certain exchanges, etc.  
53 Stat. 37.  
26 U. S. C., Supp. V, § 112 (b) (5).

53 Stat. 39.  
26 U. S. C., Supp. V, § 112 (c), (e).

the exchange shall be the daily invested capital determined under section 717 reduced by an amount equal to the amount by which the equity invested capital of the transferee upon such exchange was increased by reason of the receipt of property from such transferor upon such exchange.

“(b) HIGHEST BRACKET AMOUNT OF TRANSFEROR.—

“(1) TAXABLE YEAR OF EXCHANGE.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, its highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

“(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

“(B) Its highest bracket amount for the taxable year after the exchange, multiplied by the number of days in the taxable year remaining after the day of the exchange,

divided by the number of days in the taxable year.

“(2) TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.—In the case of a transferor upon an exchange after the beginning of its first taxable year under this subchapter, if immediately after the exchange the transferor or its shareholders, or both, are in control of the transferee, the transferor's highest bracket amount for any taxable year after the taxable year in which the exchange takes place shall be an amount which is a percentage of its highest bracket amount immediately preceding the exchange equal to the percentage which its daily invested capital for the day after the exchange is of its daily invested capital for the day of the exchange.

“(3) TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.—In the case of a transferor upon an exchange (other than a transferor described in paragraph (4) of this subsection) after the beginning of its first taxable year under this subchapter, if immediately after the exchange no transferor or its shareholders, or both, upon the exchange are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferor's highest bracket amount for any taxable year after the exchange shall be the excess, if any, of the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, over \$500,000.

“(4) TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (b) (5).—In the case of an exchange after the beginning of the first taxable year under this subchapter of any transferor or transferee upon such exchange, involving two or more transferors, or one or more transferors and one or more other persons, if immediately after the exchange no one of such transferors, or its shareholders, or both, and no one or more of such other persons are in control of the transferee and if such exchange is an exchange described in section 112 (b) (5) or so much of section 112 (c) or 112 (e) as refers to section 112 (b) (5), the highest bracket amount of any such transferor for any taxable year after the exchange shall be an amount equal to its highest bracket amount immediately preceding the exchange—

“(A) Minus an amount which bears the same ratio to its highest bracket amount immediately preceding the exchange as the excess of its daily invested capital for the day of the exchange over its daily invested capital for the day after the exchange bears to its daily invested capital for the day of the exchange, and

“(B) Plus an amount which bears the same ratio to the excess over \$500,000 of the sum of the amounts computed under subparagraph (A) with respect to each transferor, as the amount computed under subparagraph (A) with respect to such transferor bears to the sum of the amounts computed under such subparagraph with respect to each transferor.

“(c) HIGHEST BRACKET AMOUNT OF TRANSFEREE.—

“(1) TAXABLE YEAR OF EXCHANGE INVOLVING CONTROL.—In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange the transferee's highest bracket amount for the taxable year in which the exchange takes place shall be the sum of—

Highest bracket amount of transferee. Taxable year of exchange involving control.

“(A) Its highest bracket amount immediately preceding the exchange multiplied by the number of days in the taxable year up to and including the day of the exchange, plus

“(B) Its highest bracket amount for the taxable year after the exchange multiplied by the number of days in the taxable year remaining after the day of the exchange,

divided by the number of days in the taxable year. For the purposes of this paragraph and subsection (d) of this section ‘exchange’ includes a liquidation described in paragraph (5) of this subsection, and such exchange shall be deemed to have taken place on the day such liquidation was completed.

“(2) TAXABLE YEARS AFTER EXCHANGE INVOLVING CONTROL.—In the case of a transferee upon an exchange after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange any transferor upon such exchange or its shareholders, or both, are in control of the transferee, the transferee's highest bracket amount for any taxable year after the exchange shall be an amount which is a percentage of such transferor's highest bracket amount immediately preceding the exchange equal to the percentage which the excess of the transferee's daily invested capital for the day after the exchange over its daily invested capital for the day of the exchange is of such transferor's daily invested capital for the day of the exchange.

Taxable years after exchange involving control.

“(3) TAXABLE YEARS AFTER EXCHANGE NOT INVOLVING CONTROL.—In the case of a transferee upon an exchange (other than a transferee described in paragraph (4) of this subsection) after the beginning of the first taxable year under this subchapter of a transferor upon such exchange, if immediately after the exchange no transferor or its shareholders, or both, are in control of the transferee, and if the shareholders of the transferee immediately preceding the exchange are not in control of the transferee immediately after the exchange, the transferee's highest bracket amount for any taxable year after the exchange shall be an amount equal to (A) the sum of the transferor's highest bracket amount immediately preceding the exchange and the transferee's highest bracket amount immediately preceding the exchange, or (B) \$500,000, whichever is the smaller.

Not involving control.

“(4) TAXABLE YEARS AFTER CERTAIN EXCHANGES UNDER SECTION 112 (b) (5).—In the case of an exchange described in subsection (b) (4) of this section, the highest bracket amount of the transferee upon such exchange for any taxable year after the exchange shall be an amount equal (A) to the sum of the amounts computed under subparagraph (A) of such subsection with respect to each transferor or (B) \$500,000, whichever is the smaller.

Taxable years after certain exchanges, etc. 53 Stat. 37. 26 U. S. C., Supp. V, § 112 (b) (5).

Taxable years after liquidation, etc.  
53 Stat. 38.  
26 U. S. C., Supp.  
V, § 112 (b) (6).

“(5) TAXABLE YEARS AFTER LIQUIDATION IN CASE OF CORPORATION RECEIVING PROPERTY UNDER SECTION 112 (b) (6).—Upon the receipt by a corporation during any taxable year under this subchapter of property in complete liquidation of another corporation, gain or loss upon which is not recognized by reason of section 112 (b) (6), the highest bracket amount of the corporation receiving such property for any taxable year after the liquidation is completed shall be an amount equal to its highest bracket amount immediately preceding the completion of the liquidation increased, but in no case to an amount above \$500,000, by an amount equal to the highest bracket amount of such other corporation immediately preceding the completion of such liquidation, if previously and after the beginning of the first taxable year under this subchapter of the corporation receiving such property such corporation was a transferor upon an exchange with respect to which such other corporation was a transferee.

Two or more exchanges in same taxable year.

“(d) HIGHEST BRACKET AMOUNT IN CASE OF TWO OR MORE EXCHANGES IN SAME TAXABLE YEAR.—

*Ante*, p. 996.

“(1) If a transferor upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for such taxable year shall be the amount determined under subsection (b) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (b) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

*Ante*, p. 997.

“(2) If a transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferee or transferor), its highest bracket amount for such taxable year shall be the amount determined under subsection (c) (1) with respect to the last exchange in such taxable year. Its highest bracket amount immediately preceding any exchange in such taxable year subsequent to the first exchange therein shall be the amount computed under subsection (c) (1) with respect to the immediately preceding exchange as if the taxable year closed on the day of such subsequent exchange.

“(3) If a transferor or transferee upon an exchange is in the same taxable year involved in more than one exchange (either as transferor or transferee), its highest bracket amount for any taxable year after the taxable year in which such exchanges took place shall be the amount computed under subsection (b) (2), (3), or (4), or (c) (2), (3), (4), or (5), as the case may be, with respect to the last such exchange.”

### TITLE III—AMORTIZATION DEDUCTION

#### SEC. 301. ALLOWANCE OF AMORTIZATION DEDUCTION.

53 Stat. 16, 867.  
26 U. S. C., Supp.  
V, § 23.

Section 23 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

“(t) AMORTIZATION DEDUCTION.—The deduction for amortization provided in section 124.”

*Post*, p. 999.

#### SEC. 302. COMPUTATION OF AMORTIZATION DEDUCTION.

53 Stat. 879.  
26 U. S. C., Supp.  
V, § 123.

The Internal Revenue Code is amended by inserting after section 123 the following new section:

**"SEC. 124. AMORTIZATION DEDUCTION.**

"(a) **GENERAL RULE.**—Every corporation, at its election, shall be entitled to a deduction with respect to the amortization of the adjusted basis of any emergency facility (as defined in subsection (e)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (g) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (1), relating to exhaustion, wear and tear, and obsolescence. The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

"(b) **ELECTION OF AMORTIZATION.**—The election of the taxpayer to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed or acquired shall (except as provided in subsection (d) (3)) be made only by a statement to that effect in its return for the taxable year in which the facility was completed or acquired. Its election to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in its return for such succeeding taxable year.

"(c) **TERMINATION OF AMORTIZATION DEDUCTION.**—A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Commissioner before the beginning of such month. The deduction provided under section 23 (1) shall be allowed, beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not (except as provided in subsection (d)) be entitled to any further amortization deductions with respect to such emergency facility.

"(d) **TERMINATION OF AMORTIZATION PERIOD.**—

"(1) If the President has proclaimed the ending of the emergency period (as defined in subsection (e)), or if the Secretary of War or the Secretary of the Navy has, in accordance with regulations prescribed by the President, certified to the Commissioner that an emergency facility ceased, on the date specified in the certificate, to be necessary in the interest of national defense during the emergency period, and if the date of such proclamation or the date specified in such certificate occurs within sixty months from the beginning of the amortization period with respect to such emergency facility, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) to terminate the amortization period with respect to such emergency facility as of the end of the month in which such proclamation was issued or in which occurred the date specified in such certificate, whichever is the earlier. In such case the amortization period with respect to such facility shall end with the end of such month in lieu of the end of the sixty-month period.

Emergency facilities.

General rule.

Post, p. 1001.

53 Stat. 14,  
26 U. S. C., Supp.  
V, § 23 (f).

Election of amortization.

Post, p. 1000.

Termination of amortization deduction.

53 Stat. 14,  
26 U. S. C., Supp.  
V, § 23 (f).

End of emergency period or cessation of emergency facility.  
Post, p. 1001.

Election by taxpayer.

Date of proclamation, etc., effect.

53 Stat. 14.  
26 U. S. C., Supp.  
V, § 23 (1).  
Election by taxpayer.

Nonelection of amortization deduction.

Election by taxpayer.

Manner, form, etc., of election.

Computation of taxes.

Recomputation of tax, etc.

Compromises.  
53 Stat. 462.  
26 U. S. C., Supp.  
V, § 3761.

Limitation of adjustment.

“(2) If the date of the proclamation or the date specified in the certificate referred to in paragraph (1) of this subsection occurs within sixty months from the beginning of the amortization period with respect to such emergency facility and after the beginning of the month which the taxpayer has previously fixed under subsection (c) for the taking, in lieu of the amortization deduction provided in this section, of the deduction allowed by section 23 (1), the taxpayer may elect (in accordance with paragraph (4) of this subsection) to terminate the amortization period with respect to such emergency facility as of the end of the month in which such proclamation was issued or in which occurred the date specified in such certificate, whichever is the earlier. In such case the amortization period with respect to such facility shall end with the end of such month in lieu of the end of the sixty-month period, and the termination of the amortization deduction under subsection (c) shall be disregarded.

“(3) In the case of a taxpayer which has not in either of its returns specified in subsection (b) elected to take an amortization deduction with respect to an emergency facility, if the date of the proclamation or the date specified in the certificate, referred to in paragraph (1) of this subsection, whichever is earlier, is before the expiration of sixty months from the last day of the month in which such emergency facility was completed or acquired, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month following the month in which the emergency facility was completed or acquired and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in such certificate, whichever is the earlier.

“(4) The election provided in paragraph (1), (2), or (3) shall be made by filing with the Commissioner, in such manner, in such form, and within such time, as the Commissioner with the approval of the Secretary may by regulations prescribe, a statement of such election. When such election has been so made, then, under regulations prescribed by the Commissioner with the approval of the Secretary, the taxes for all taxable years, beginning with the taxable year in which the amortization period began, shall be computed in accordance with an amortization deduction computed in accordance with the method provided in subsection (a), but using (in lieu of the sixty-month period provided in such subsection) the amortization period specified in paragraph (1), (2), or (3), as the case may be.

“(5) RECOMPUTATION OF TAX IN CASE OF ELECTION UNDER THIS SUBSECTION.—If the adjustment of the income or excess-profits tax liability for any taxable year necessary to give effect to paragraph (4) of this subsection is prevented (A) on the date of the certificate of the Secretary of War or the Secretary of the Navy or on the date of the President's proclamation, whichever is the basis of the taxpayer's election under this subsection, or (B) within one year from such date, by any provision of law (other than this paragraph and other than section 3761, relating to compromises), an adjustment of the tax liability shall nevertheless be made if in respect of such taxable year a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within one year after the date of such certificate or such proclamation, whichever is the basis of the taxpayer's election under this subsection. If at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the

adjustment is so prevented, then the amount of the adjustment authorized in this paragraph shall be limited to the increase or decrease in the tax previously determined for such taxable year which results solely from the effect of paragraph (4) of this subsection, and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if on the date of such certificate or such proclamation, whichever is the basis of the taxpayer's election under this subsection, one year remained before the expiration of the periods of limitation upon assessment or filing claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 3801 (d). The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency, or to be refunded or credited in the same manner as if it were an overpayment, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of paragraph (4) of this subsection. Such amount, if paid, shall not be recovered by a claim or suit for refund or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of paragraph (4) of this subsection.

Ascertainment of tax.  
53 Stat. 473.  
26 U. S. C., Supp. V, § 3901 (d).

No recovery by claim, etc.

“(e) DEFINITIONS.—

“(1) EMERGENCY FACILITY.—As used in this section, the term ‘emergency facility’ means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection, or installation of which was completed after June 10, 1940, or which was acquired after such date, and with respect to which a certificate under subsection (f) has been made.

“Emergency facility.”

“(2) EMERGENCY PERIOD.—As used in this section, the term ‘emergency period’ means the period beginning June 10, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (f) have been made, is no longer required in the interest of national defense.

“Emergency period.”

“(f) DETERMINATION OF ADJUSTED BASIS OF EMERGENCY FACILITY.—In determining, for the purposes of subsection (a) or subsection (h), the adjusted basis of an emergency facility—

Determination of adjusted basis of emergency facility.  
A<sup>nt</sup>c. p. 999; post, p. 1002.

“(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after June 10, 1940, as the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy have certified, within the time specified in paragraph (3) of this subsection, and under such regulations as the President may prescribe, as necessary in the interest of national defense during the emergency period;

Amount included.

“(2) After the completion or acquisition of any emergency facility with respect to which a certificate under paragraph (1) has been made, any expenditure (attributable to such facility and to the period after such completion or acquisition) which does not represent construction, reconstruction, erection, installation, or acquisition included in such certificate, but with respect to which a separate certificate is made under paragraph (1), shall not be applied in adjustment of the basis of such facility and shall be considered as an expenditure with respect to a new emergency facility; and

Expenditures.

Validity of certificate.

“(3) The certificate provided for in paragraph (1) shall have no effect unless made before whichever of the following dates is the later: (A) The beginning of such construction, reconstruction, erection, or installation, or the date of such acquisition, or (B) the one hundred and twentieth day after the date of the enactment of the Second Revenue Act of 1940.

*Anle*, p. 974; *post*, p. 1018.

Depreciation deduction.

“(g) DEPRECIATION DEDUCTION.—If the adjusted basis of the emergency facility computed without regard to subsection (f) of this section is in excess of the adjusted basis computed under such subsection, the deduction provided by section 23 (1) shall, despite the provisions of subsection (a) of this section, be allowed with respect to such emergency facility as if its adjusted basis were an amount equal to the amount of such excess.

53 Stat. 14.  
26 U. S. C., Supp. V, § 23 (l).

Payment by U. S. of unamortized cost of facility.

“(h) PAYMENT BY UNITED STATES OF UNAMORTIZED COST OF FACILITY.—If an amount is properly includible in the gross income of the taxpayer on account of a payment with respect to an emergency facility and such payment is certified as provided in this paragraph, then, at the election of the taxpayer in its return for the taxable year in which such amount is so includible—

Amortization deduction.

“(1) The amortization deduction for the month in which such amount is so includible shall (in lieu of the amount of the deduction for such month computed under subsection (a)) be the amount so includible, but such deduction shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amortization deduction for such month). Payments referred to in this paragraph shall be payments the amounts of which are certified, under such regulations as the President may prescribe, by either the Secretary of War or the Secretary of the Navy as compensation to the taxpayer for the unamortized cost of the emergency facility made because—

Payments.

“(A) A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or

“(B) the taxpayer had reasonable grounds (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made.

“(2) In case the taxpayer is not entitled to any amortization deduction with respect to the emergency facility the deduction allowable under section 23 (1) on account of the month in which such amount is so includible shall be increased by such amount, but such deduction on account of such month shall not be in excess of the adjusted basis of the emergency facility as of the end of such month (computed without regard to any amount allowable, on account of such month, under section 23 (1) or this paragraph).

If taxpayer not entitled to amortization deduction.

53 Stat. 14.  
26 U. S. C., Supp. V, § 23 (l).

Protection of U. S. If taxpayer reimbursed.

“(i) PROTECTION OF THE UNITED STATES.—If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract with the United States, either—

Directly.

“(1) directly, by a provision therein dealing expressly with such reimbursement, or

Indirectly.

“(2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear and tear,

no amortization deduction with respect to such emergency facility shall be allowed for any month after the end of the month in which such contract is made, unless, before the expiration of ninety days after the making of such contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, the Advisory Commission to the Council of National Defense, and either the Secretary of War or the Secretary of the Navy certify to the Commissioner that such contract adequately protects the United States with reference to the future use and disposition of such emergency facility. A certificate by the Advisory Commission to the Council of National Defense and either the Secretary of War or the Secretary of the Navy, made to the Commissioner before the expiration of ninety days after the making of a contract or one hundred and twenty days after the date of the enactment of the Second Revenue Act of 1940, whichever of such periods expires the later, to the effect that, under such contract, reimbursement for all or a part of the cost of any emergency facility is not provided for within the meaning of clause (1) or clause (2), shall be conclusive for the purposes of this subsection.

"The terms and conditions of contracts with reference to reimbursement of the cost of emergency facilities and the protecting of the United States with reference to the future use and disposition of such emergency facilities shall be made available to the public."

Nonallowance of amortization deduction.

Exception.

*Ante*, p. 974.

Reimbursement not provided for under contract.

Availability to public of terms of contracts.

## TITLE IV—SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE VINSON ACT AND CERTAIN PROVISIONS OF THE MERCHANT MARINE ACT, 1936

### SEC. 401. SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE VINSON ACT.

The provisions of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C., sec. 496), as amended, beginning with the first proviso thereof, and section 2 (b) of the Act of June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress, third session), shall not apply to contracts or subcontracts for the construction or manufacture of any complete naval vessel or any Army or Navy aircraft, or any portion thereof, which are entered into in any taxable year to which the excess profits tax provided in subchapter E of Chapter 2 of the Internal Revenue Code is applicable or would be applicable if the contractor or subcontractor, as the case may be, were a corporation, and any agreement to pay into the Treasury profit in excess of 10 per centum, 12 per centum, or 8 per centum, as the case may be, of the contract prices of any such contracts or subcontracts shall be without effect. This section shall also apply to such contracts or subcontracts which were entered into before the date of the beginning of the contractor's or subcontractor's first taxable year which begins in 1940 and which are not completed before such date.

34 U. S. C., Supp. V. § 496.

*Ante*, pp. 677, 883.

*Ante*, p. 975.

### SEC. 402. SUSPENSION OF PROFIT-LIMITING PROVISIONS OF THE MERCHANT MARINE ACT, 1936, AS TO CERTAIN SUBCONTRACTS.

(a) The provisions of section 505 (b) of the Merchant Marine Act of 1936, as amended, shall not apply to any subcontract which would otherwise be within such provisions if such subcontract is entered into in any taxable year of the subcontractor to which Subchapter E of Chapter 2 of the Internal Revenue Code is applicable and if the

49 Stat. 1996.  
46 U. S. C., Supp. V. § 1155 (b).

*Ante*, p. 975.

principal contractor and the subcontractor between which such subcontract is entered into are not affiliated within the meaning of subsection (b) of this section at the time such subcontract is entered into or at any time thereafter up to and including the date of its completion; and any agreement, pursuant to which the subcontractor is required to pay to the United States Maritime Commission profit in excess of 10 per centum of the contract price of any such subcontract or pursuant to which such an agreement is required to be obtained from such subcontractor relative to such subcontract, shall be without effect. This subsection shall apply only if both the principal contractor and the subcontractor are corporations.

Affiliated corporations.

(b) For the purposes of this section, two or more corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per centum of the stock of the other or others, or (2) if at least 95 per centum of the stock of two or more corporations is owned by the same interests. As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

"Stock" construed.

## TITLE V—AMENDMENTS TO INTERNAL REVENUE CODE

### SEC. 501. EARNINGS AND PROFITS OF CORPORATIONS.

Internal Revenue Code, amendments. 53 Stat. 48. 26 U. S. C., Supp. V, § 115 (k).

Effect of gain or loss and of receipt of tax-free distributions.

(a) UNDER INTERNAL REVENUE CODE.—Section 115 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsections:

"(1) EFFECT ON EARNINGS AND PROFITS OF GAIN OR LOSS AND OF RECEIPT OF TAX-FREE DISTRIBUTIONS.—The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

"(1) for the purpose of the computation of earnings and profits of the corporation, shall be determined, except as provided in paragraph (2), by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

"(2) for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided. Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

"(1) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made.

“(2) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received.

“(m) EARNINGS AND PROFITS—INCREASE IN VALUE ACCRUED BEFORE MARCH 1, 1913.—

Increase in value accrued before March 1, 1913.

“(1) If any increase or decrease in the earnings or profits for any period beginning after February 28, 1913, with respect to any matter would be different had the adjusted basis of the property involved been determined without regard to its March 1, 1913, value, then, except as provided in paragraph (2), an increase (properly reflecting such difference) shall be made in that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.

“(2) If the application of subsection (1) to a sale or other disposition after February 28, 1913, results in a loss which is to be applied in decrease of earnings and profits for any period beginning after February 28, 1913, then, notwithstanding subsection (1) and in lieu of the rule provided in paragraph (1) of this subsection, the amount of such loss so to be applied shall be reduced by the amount, if any, by which the adjusted basis of the property used in determining the loss, exceeds the adjusted basis computed without regard to the value of the property on March 1, 1913, and if such amount so applied in reduction of the decrease exceeds such loss, the excess over such loss shall increase that part of the earnings and profits consisting of increase in value of property accrued before March 1, 1913.”

(b) EFFECTIVE DATE OF AMENDMENT.—The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

Effective date of amendment.

(c) UNDER PRIOR ACTS.—For the purposes of the Revenue Act of 1938 or any prior Revenue Act the amendments made to the Internal Revenue Code by subsection (a) of this section shall be effective as if they were a part of each such Revenue Act on the date of its enactment. Nothing in this subsection shall affect the tax liability of any taxpayer for any year which, on September 20, 1940, was pending before, or was theretofore determined by, the Board of Tax Appeals, or any court of the United States.

Under prior Acts.  
52 Stat. 447.

Ante, p. 1004.

## SEC. 502. TAX OF SHAREHOLDERS OF PERSONAL SERVICE CORPORATIONS.

The Internal Revenue Code is amended by inserting after section 373 the following new Supplement:

53 Stat. 102.  
26 U. S. C., Supp.  
V, § 373.

### “Supplement S—Tax of Shareholders of Personal Service Corporations

#### “SEC. 391. APPLICABILITY OF SUPPLEMENT.

“If a personal service corporation (as defined in section 725) is exempt under such section for any taxable year from the excess profits tax imposed by such subchapter, the provisions of this Supplement shall be applicable with respect to each shareholder of such corporation who was a shareholder in such corporation on the last day of such taxable year of the corporation.

Applicability of Supplement.  
Ante, p. 987.

#### “SEC. 392. UNDISTRIBUTED SUPPLEMENT S NET INCOME.

“For the purposes of this chapter, the term ‘undistributed Supplement S net income’ means the Supplement S net income (as defined in section 393) minus the amount of the dividends paid during the

“Undistributed Supplement S net income.”  
Post, p. 1006.

taxable year. For the purposes of this section the amount of dividends paid shall be computed in the same manner as provided in subsections (d), (e), (f), (g), (h), and (i) of section 27 for the purpose of the basic surtax credit provided in section 27.

53 Stat. 20.  
26 U. S. C., Supp.  
V, § 27 (d)-(i).

#### “SEC. 393. SUPPLEMENT S NET INCOME.

“Supplement S net income” defined; exception.

“For the purposes of this chapter ‘Supplement S net income’ means the net income, except that there shall be allowed as additional deductions—

“(a) The Federal income tax payable under this chapter for the taxable year; and

“(b) In lieu of the deduction allowed by section 23 (q), contributions or gifts, payment of which is made within the taxable year, to or for the use of donees described in section 23 (q) for the purposes therein specified, to an amount which does not exceed 15 per centum of the corporation’s net income, computed without the benefit of this subsection and section 23 (q).

53 Stat. 15.  
26 U. S. C., Supp.  
V, § 23 (q).

#### “SEC. 394. CORPORATION INCOME TAXED TO SHAREHOLDERS.

General rule.

“(a) GENERAL RULE.—The undistributed Supplement S net income of a personal service corporation shall be included in the gross income of the shareholders in the manner and to the extent set forth in this Supplement.

Amount included in gross income.

“(b) AMOUNT INCLUDED IN GROSS INCOME.—Each shareholder who, on the last day of the taxable year of the corporation, was a shareholder in such corporation shall include in his gross income, as a dividend, for the taxable year in which or with which the taxable year of the corporation ends, the amount he would have received as a dividend if on such last day there had been distributed by the corporation, and received by the shareholders, an amount equal to the undistributed Supplement S net income of the corporation for its taxable year.

Credit for obligations of U. S., etc.  
53 Stat. 5, 7, 8, 71,  
72, 74, 99.  
26 U. S. C., Supp.  
V, § 11, 13, 14, 201, 204,  
207, or 362.

“(c) CREDIT FOR OBLIGATIONS OF THE UNITED STATES AND ITS INSTRUMENTALITIES.—Each such shareholder shall be allowed a credit against net income, for the purposes of the tax imposed by section 11, 13, 14, 201, 204, 207, or 362, of his proportionate share of the interest specified in section 25 (a) (1) or (2) which is included in the gross income of the corporation.

53 Stat. 17.  
26 U. S. C., Supp.  
V, § 25 (a) (1) or (2).  
Effect on capital account of personal service corporation.

“(d) EFFECT ON CAPITAL ACCOUNT OF PERSONAL SERVICE CORPORATION.—An amount equal to the undistributed Supplement S net income of the personal service corporation for its taxable year shall be considered as paid in as of the close of such taxable year as paid-in surplus or as a contribution to capital, and the accumulated earnings and profits as of the close of such taxable year shall be correspondingly reduced, if such amount or any portion thereof is required to be included as a dividend in the gross income of the shareholders.

Basis of stock in hands of shareholders.

“(e) BASIS OF STOCK IN HANDS OF SHAREHOLDERS.—The amount required to be included in the gross income of the shareholder under subsection (b) shall, for the purpose of adjusting the basis of his stock with respect to which the distribution would have been made (if it had been made), be treated as having been reinvested by the shareholder as a contribution to the capital of the corporation; but only to the extent to which such amount is included in his gross income in his return, increased or decreased by any adjustment of such amount in the last determination of the shareholder’s tax liability, made before the expiration of seven years after the date prescribed by law for filing the return.

Period of limitation on assessment and collection.

“(f) PERIOD OF LIMITATION ON ASSESSMENT AND COLLECTION.—For period of limitation on assessment and collection without assessment,

in the case of failure to include in gross income the amount properly includible therein under subsection (b), see section 275 (d).

53 Stat. 87.  
26 U. S. C., Supp.  
V, § 275 (d).  
*Infra.*

**“SEC. 395. NONRESIDENT ALIEN INDIVIDUALS AND FOREIGN CORPORATIONS.**

“In the case of a shareholder taxable under section 211 (a) or 231 (a), his distributive share of the undistributed Supplement S net income of the corporation required to be included in the gross income shall be considered as a dividend received by him from sources within the United States.

53 Stat. 75, 78.  
26 U. S. C., Supp.  
V, §§ 211 (a), 231 (a).

**“SEC. 396. SHAREHOLDER'S TAX PAID BY CORPORATION.**

“If a personal service corporation is exempt for any taxable year under section 725 from excess profits tax, it shall, at the time of filing its return, pay to the collector an amount equal to the amount that would be required by section 143 (b) or section 144 to be deducted and withheld by the corporation if any amount required by this Supplement to be included in the gross income of the shareholder had been, on the last day of the taxable year of the corporation, paid to the shareholder in cash as a dividend. Such amount shall be collected and paid in the same manner as the amount of tax due in excess of that shown by the taxpayer upon a return in the case of a mathematical error appearing on the face of the return.”

*Ante*, p. 987.

53 Stat. 61, 62.  
26 U. S. C., Supp.  
V, §§ 143 (b), 144.  
*Ante*, p. 519.

**SEC. 503. STATUTE OF LIMITATIONS IN CASE OF CONSTRUCTIVE DIVIDENDS.**

Section 275 (d) of the Internal Revenue Code (relating to statute of limitations) is amended to read as follows:

“(d) **CONSTRUCTIVE DIVIDENDS.**—If the taxpayer omits from gross income an amount properly includible therein—

53 Stat. 87.  
26 U. S. C., Supp.  
V, § 275 (d).

Constructive dividends.

“(1) **FOREIGN PERSONAL-HOLDING COMPANIES.**—Under section 337 (b) (relating to the inclusion in the gross income of United States shareholders of their distributive shares of the undistributed Supplement P net income of a foreign personal-holding company); or

Foreign personal-holding companies.

53 Stat. 96.  
26 U. S. C., Supp.  
V, § 337 (b).  
53 Stat. 92.

“(2) **PERSONAL SERVICE CORPORATIONS.**—Under section 394 (b) (relating to the inclusion in the gross income of shareholders of their distributive shares of undistributed Supplement S net income of a personal service corporation);

Personal service corporations.

*Ante*, p. 1006.

the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within seven years after the return was filed.”

**SEC. 504. CREDIT OF NONRESIDENT ALIEN OF TAX AS SHAREHOLDER IN PERSONAL SERVICE CORPORATION.**

Section 216 of the Internal Revenue Code (relating to credit against tax of a nonresident alien individual) is amended by adding at the end thereof a new sentence to read as follows: “A nonresident alien individual shall be allowed as a credit against his tax the amount required by section 396 to be paid by the personal service corporation of which he is a shareholder with respect to his tax liability under Supplement S.”

53 Stat. 77.  
26 U. S. C., Supp.  
V, § 216.

*Supra.*

*Ante*, p. 1005.

**SEC. 505. CREDIT OF FOREIGN CORPORATION OF TAX AS SHAREHOLDER IN PERSONAL SERVICE CORPORATION.**

Section 234 of the Internal Revenue Code (relating to credits against tax of foreign corporations) is amended by adding at the end thereof a new sentence to read as follows: “A foreign corpora-

53 Stat. 79.  
26 U. S. C., Supp.  
V, § 234.

*Ante*, p. 1007.

*Ante*, p. 1005.

tion shall be allowed as a credit against its tax the amount required by section 396 to be paid by the personal service corporation of which it is a shareholder with respect to its tax liability under Supplement S.”.

#### SEC. 506. CHANGE OF NAME OF EXISTING EXCESS-PROFITS TAX.

53 Stat. 111.  
26 U. S. C., Supp.  
V, §§ 600-604.

(a) Subchapter B of Chapter 2 of the Internal Revenue Code is amended, effective February 10, 1939, by striking out, in the heading of such subchapter, “EXCESS-PROFITS TAX” and inserting in lieu thereof “DECLARED VALUE EXCESS-PROFITS TAX”, and by striking out, in the first paragraph of section 600 of such subchapter, “excess-profits tax” and inserting in lieu thereof “declared value excess-profits tax”.

53 Stat. 12.  
26 U. S. C., Supp.  
V, § 23 (c) (1).

(b) Section 23 (c) (1) of the Internal Revenue Code (relating to taxes not deductible in computing net income) is amended, effective February 10, 1939, to read as follows:

“(1) Federal income, war-profits, and excess-profits taxes (other than the excess-profits tax imposed by section 106 of the Revenue Act of 1935 (49 Stat. 1019), or by section 602 of the Revenue Act of 1938 (52 Stat. 567), and other than the declared value excess-profits tax imposed by section 600);”.

53 Stat. 111.  
26 U. S. C., Supp.  
V, §§ 600-603.

#### SEC. 507. PUBLICITY OF RETURNS OF SUBCHAPTER E EXCESS PROFITS TAX.

53 Stat. 29.  
26 U. S. C., Supp.  
V, § 55 (a) (2).

Section 55 (a) (2) of the Internal Revenue Code is amended by striking out “Subchapters A, B, and D of Chapter 2” and inserting in lieu thereof “Subchapters A, B, D, and E of Chapter 2”.

#### SEC. 508. TECHNICAL AMENDMENTS.

Limitation on assessment and collection.  
53 Stat. 400.  
26 U. S. C., Supp.  
V, § 3312.

(a) **LIMITATION ON ASSESSMENT AND COLLECTION.**—Section 3312 of the Internal Revenue Code (relating to period of limitation on assessment and collection of taxes) is amended by striking out “Except in the case of income, estate, and gift taxes” and inserting in lieu thereof “Except in the case of income, war-profits, excess-profits, estate, and gift taxes”.

Abatement, credit, and refund of taxes.

53 Stat. 464.  
26 U. S. C., Supp.  
V, § 3770 (a) (1).

(b) **ABATEMENT, CREDIT, AND REFUND OF TAXES.**—Section 3770 (a) (1) of the Internal Revenue Code (relating to authority to abate, credit, or refund tax) is amended by striking out “Except as otherwise provided by law in the case of income, estate, and gift taxes” and inserting in lieu thereof “Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes”.

## TITLE VI—NATIONAL SERVICE LIFE INSURANCE AND PROVISIONS AFFECTING THE RAILROAD RETIREMENT BOARD

### Part I—National Service Life Insurance

National Service Life Insurance Act of 1940.

“Person” defined.

SEC. 601. When used in this part—

(a) The term “person” means (1) a commissioned officer; (2) a warrant officer; (3) enlisted personnel (including persons selected for training and service under the Selective Training and Service Act of 1940); (4) a member of the Army Nurse Corps (female); and (5) a member of the Navy Nurse Corps (female);

*Ante*, p. 885.

“Administrator.”

(b) The term “Administrator” means the Administrator of Veterans’ Affairs;

(c) The term "active service" means active service in the land or naval forces (including the Coast Guard) of the United States and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940, but the service of any person ordered to active duty in any such force for a period of thirty days or less, shall not be deemed to be active service in such force during such period;

"Active service."

*Ante*, p. 885.

"Insurance."

"Child."

Persons eligible for such insurance.

(d) The term "insurance" means National Service Life Insurance;

(e) The term "child" includes an adopted child.

SEC. 602. (a) Every person who is commissioned and hereafter ordered into, or who is hereafter examined, accepted, and enrolled in, the active service and while in such active service shall, upon application in writing (made within one hundred and twenty days after entrance into such active service) and payment of premiums as hereinafter provided and without further medical examination, be granted insurance on the five-year level premium term plan by the United States against the death of such person occurring while such insurance is in force.

Persons released from active service.

(b) Any person who is released from active service within one hundred and twenty days after such enrollment shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after a subsequent enrollment or entrance into active service and before discharge or resignation therefrom), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

Reenlistment, etc.

(c) Any person upon reenlistment or reentrance into or reemployment in active service and before discharge or resignation therefrom and any person in the active service upon discharge to accept a commission and before resignation therefrom, shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days following such reenlistment, reentrance, reemployment, or discharge to accept a commission), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

Persons in active service on date of enactment of this Act.

(d) Any person who has been commissioned, or examined, accepted, and enrolled, in the active service and is in such active service on the date of enactment of this Act shall be granted such insurance upon application therefor in writing (made within one hundred and twenty days after the date of enactment of this Act and before discharge or resignation from such active service), and upon payment of premiums and evidence satisfactory to the Administrator showing such person to be in good health at the time of such application.

Premium rates.

(e) The premium rates for such insurance shall be the net rates based upon the American Experience Table of Mortality and interest at the rate of 3 per centum per annum. All cash, loan, paid up, and extended values, and all other calculations in connection with such insurance, shall be based upon said American Experience Table of Mortality and interest at the rate of 3 per centum per annum.

Issuance upon term plan; conversion.

(f) Such insurance shall be issued upon the five year level premium term plan, with the privilege of conversion as of the date when any premium becomes or has become due, or exchange as of the date of the original policy, upon payment of the difference in reserve, at any time after such policy has been in effect for one year and within the five year term period, to policies of insurance upon the following plans: Ordinary life, twenty payment life, thirty payment life. All five year level premium term policies shall cease and terminate at the expiration of the five year term period. Provisions for cash, loan,

paid up, and extended values, dividends from gains and savings, refund of unearned premiums, and such other provisions as may be found to be reasonable and practicable, may be provided for in the policy of insurance or from time to time by regulations promulgated by the Administrator.

Beneficiary.

(g) The insurance shall be payable only to a widow, widower, child (including a stepchild or an illegitimate child if designated as beneficiary by the insured), parent (including person in loco parentis if designated as beneficiary by the insured), brother or sister of the insured. The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes herein provided, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries but only within the classes herein provided.

Payments.

(h) Such insurance shall be payable in the following manner:

(1) If the beneficiary to whom payment is first made is under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments.

(2) If the beneficiary to whom payment is first made is thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary.

(3) Any installments certain of insurance remaining unpaid at the death of any beneficiary shall be paid in equal monthly installments in an amount equal to the monthly installments paid to the first beneficiary, to the person or persons then in being within the classes hereinafter specified and in the order named, unless designated by the insured in a different order—

(A) to the widow or widower of the insured, if living;

(B) if no widow or widower, to the child or children of the insured, if living, in equal shares;

(C) if no widow, widower, or child, to the parent or parents of the insured, if living, in equal shares;

(D) if no widow, widower, child, or parent, to the brothers and sisters of the insured, if living, in equal shares.

(i) If no beneficiary is designated by the insured or if the designated beneficiary does not survive the insured, the beneficiary shall be determined in accordance with the order specified in subsection (h) (3) of this section and the insurance shall be payable in equal monthly installments in accordance with subsection (h) (1) or (2), as the case may be. The right of any beneficiary to payment of any installments shall be conditioned upon his or her being alive to receive such payments. No person shall have a vested right to any installment or installments of any such insurance and any installments not paid to a beneficiary during such beneficiary's lifetime shall be paid to the beneficiary or beneficiaries within the permitted class next entitled to priority, as provided in subsection (h).

(j) No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and in the event that no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made.

(k) When the amount of an individual monthly payment is less than \$5, such amount may, in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually.

(l) Any payments of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be

Determination of beneficiary if none designated, etc.

Restriction on installment payments.

Monthly payments less than \$5.

Payments to designated persons.

deemed to have been properly made and to satisfy fully the obligation of the United States under such insurance policy to the extent of such payments.

(m) The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active service pay or be otherwise made.

(n) Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during continuous total disability of the insured which commenced subsequent to the effective date of such insurance and which has existed for six consecutive months or more prior to the attainment by the insured of the age of sixty years, effective as of the due date of the monthly premium becoming payable on or after the first day of the seventh consecutive month of such disability: *Provided*, That application for waiver is made while the insurance is currently kept in force by the payment of premiums, and the insured furnishes proof satisfactory to the Administrator showing that he is and has been continuously totally disabled for six or more months prior to attaining sixty years of age. Any waiver granted by the Administrator under this subsection shall not become effective prior to the date of application therefor; except that, in the discretion of the Administrator, it may be made effective at any time within a period of not more than six months prior to such date but in no event prior to the first day of the seventh month of such continuous disability. Any premiums tendered to cover a period during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for reexaminations of beneficiaries under this subsection and, in the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof.

(o) The Administrator shall promptly determine and publish the terms and conditions of such insurance. Pending the promulgation of the terms and conditions of the five year level premium term policy and the printing of such policy, the Administrator may issue a certificate in lieu thereof as evidence that insurance has been granted and the rights and liabilities of the applicant and of the United States shall be those specified by the terms and conditions of the policy when published.

(p) Such insurance may be made effective, as specified in the application, not later than the first day of the calendar month following the date of application therefor, but the United States shall not be liable thereunder for death occurring prior to such effective date.

(q) Such insurance shall be issued in any multiple of \$500 and the amount of such insurance with respect to any one person shall be not less than \$1,000 or more than \$10,000.

SEC. 603. No person may carry a combined amount of National Service Life Insurance and United States Government life insurance in excess of \$10,000 at any one time.

SEC. 604. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this part, to be known as the National Service Life Insurance appropriation, for the payment of

Payment of pre-  
miums.

Waiver of pre-  
miums.

*Proviso.*  
Conditions.

Reexaminations of  
beneficiaries.

Promulgation of  
terms, etc.

Effective date.

Multiple and  
amount.

Combined amount,  
maximum.

National Service  
Life Insurance appro-  
priation.

Payments.

liabilities under National Service Life Insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.

National Service Life Insurance Fund.

SEC. 605. (a) There is hereby created in the Treasury a permanent trust fund to be known as the National Service Life Insurance Fund. All premiums paid on account of National Service Life Insurance shall be deposited and covered into the Treasury to the credit of such fund, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

Payments.

Reserve amounts.

(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

Cost of administration.

SEC. 606. The United States shall bear the cost of administration in connection with this part, including expenses for medical examinations, printing and binding, and for such other expenditures as are necessary in the discretion of the Administrator. The appropriations made for the Veterans' Administration for the fiscal year 1941 for administrative expenses shall be available for the payment of such costs of administration under this part.

Funds available.  
*Ante*, p. 139.

Excess mortality cost, etc.

SEC. 607. (a) The United States shall bear the excess mortality cost and the cost of waiver of premiums on account of total disability traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator.

Benefits where death traceable to extra hazard of service.

(b) Whenever benefits under such insurance become payable because of the death of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the liability for payment of such benefits shall be borne by the United States in an amount which, when added to the reserve of the policy at the time of death of the insured, will equal the then value of such benefits under such policy. The Administrator is authorized and directed to transfer from time to time from the National Service Life Insurance appropriation to the National Service Life Insurance Fund such sums as may be necessary to carry out the provisions of this section.

Transfer of sums.

Transfer of amounts to cover waiver of premiums.  
*Ante*, p. 1011.

(c) Whenever the premiums under such insurance are waived as provided in section 602 (n) because of the total disability of the insured as the result of disease or injury traceable to the extra hazard of military or naval service, as such hazard may be determined by the Administrator, the premiums so waived shall be paid by the United States and the Administrator is authorized and directed to transfer from time to time an amount equal to the amount of such premiums from the National Service Life Insurance appropriation to the National Service Life Insurance Fund.

Authority of Administrator.

SEC. 608. The Administrator, subject to the general direction of the President, shall administer, execute and enforce the provisions of this part, shall have power to make such rules and regulations, not inconsistent with the provisions of this part, as are necessary or appropriate to carry out its purposes, and shall decide all questions arising hereunder. All officers and employees of the Veterans' Administration shall perform such duties in connection with the administration of this part as may be assigned to them by the Administrator. All official

Veterans' Administration employees.

acts performed by such officers or employees designated therefor by the Administrator shall have the same force and effect as though performed by the Administrator in person. Except in the event of suit as provided in section 617 hereof, all decisions rendered by the Administrator under the provisions of this part, or regulations issued pursuant thereto, shall be final and conclusive on all questions of law and fact, and no other official or court of the United States shall have jurisdiction to review by motion or otherwise any such decision.

Post, p. 1014.

SEC. 609. (a) There shall be no recovery of payments made under this part from any person who, in the judgment of the Administrator, is without fault on his part and where, in the judgment of the said Administrator, such recovery would defeat the purpose of benefits otherwise authorized herein or would be against equity and good conscience. No disbursing officer or certifying officer shall be held liable for any amount paid to any person where the recovery of such amount is waived under this section.

Recovery of payments.

(b) Where, under the provisions of this section, the recovery of a payment made from the National Service Life Insurance Fund is waived, the National Service Life Insurance Fund shall be reimbursed for the amount of such payment from the current appropriation for National Service Life Insurance.

Reimbursement where recovery waived.

SEC. 610. No State law providing for presumption of death shall be applicable to claims for National Service Life Insurance. If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purposes of this part, be considered as sufficiently proved.

Inapplicability of State law providing for presumption of death.

SEC. 611. No United States Government life insurance shall be granted hereafter to any person under the provisions of section 300 of the World War Veterans' Act, 1924, as amended: *Provided*, That this section shall not be construed to prohibit the issue of United States Government life insurance policies in cases in which acceptable applications accompanied by proper and valid remittances or authorizations for the payment of premiums have, prior to the date of enactment of this Act, been received by the Veterans' Administration or which have, prior to said date, been placed in the mails properly directed to said Veterans' Administration, or been delivered to an authorized representative of the War Department, the Navy Department, or the Coast Guard, and which are forwarded to the Veterans' Administration not later than one hundred and twenty days subsequent to said date.

U. S. Government life insurance.  
43 Stat. 624.  
38 U. S. C. § 511.  
*Proviso.*  
Applications received prior to enactment.

SEC. 612. Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such force, shall forfeit all rights to insurance under this part. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but the cash surrender value, if any, of such insurance on the date of such death shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in accordance with the order specified in section 602 (h) (3).

Forfeiture of rights to insurance.

SEC. 613. Whoever in any claim for insurance issued under the provisions of this part makes any sworn statement of a material fact knowing it to be false, shall be guilty of perjury and shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

And, p. 1010.

Perjury.

Penalty.

Fraud.

SEC. 614. Whoever, with intent to defraud the United States or any beneficiary of such insurance, shall obtain or receive any money or check for National Service Life Insurance without being entitled to the same, shall, upon conviction thereof, be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

False or fraudulent affidavits, etc.

SEC. 615. Any person who shall knowingly make or cause to be made, or conspire, combine, aid, or assist in, agree to, arrange for, or in any wise procure the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, or writing purporting to be such, concerning any application for insurance or reinstatement thereof, waiver of premiums or claim for benefits under National Service Life Insurance for himself or any other person, shall, upon conviction thereof, be punished by a fine of not more than \$1,000, or imprisonment for not more than one year, or by both such fine and imprisonment.

Penalty.

Application of existing laws.  
38 U. S. C., Supp. V, § 450.  
49 Stat. 2031, 2033.  
38 U. S. C., Supp. V, §§ 101-104, 131-134.

Suit.  
*Post*, p. 1197, § 11.

43 Stat. 612, 628.  
38 U. S. C. §§ 445, 551;  
Supp. V, §§ 445, 551.

*Proviso.*  
Decision of Administrator.  
*Ante*, p. 1011.

Citation of Part I.

SEC. 616. The provisions of Public Law Numbered 262, Seventy-fourth Congress, approved August 12, 1935 (49 Stat. 607), and titles II and III of Public Law Numbered 844, Seventy-fourth Congress, approved June 29, 1936 (49 Stat. 2031), insofar as they are applicable, shall apply to the provisions of this part.

SEC. 617. In the event of a disagreement as to claim arising under this part, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government (converted) life insurance under the provisions of sections 19 and 500 of the World War Veterans' Act, 1924, as amended: *Provided*, That in any such suit the decision of the Administrator as to waiver or non-waiver of premiums under section 602 (n) shall be conclusive and binding on the court.

SEC. 618. This part may be cited as the "National Service Life Insurance Act of 1940".

## Part II—Crediting Military Service for Annuity Purposes Under the Railroad Retirement Acts

Railroad Retirement Act of 1937, amendments.

45 U. S. C., Supp. V, § 228c.

SEC. 625. The Act entitled "An Act to amend an Act entitled 'An Act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes', approved August 29, 1935," approved June 24, 1937 (50 Stat. 307), is hereby amended by inserting after section 3 the following new section:

### "MILITARY SERVICE

Inclusion of military service for annuity purposes.

*Provisos.*  
Limitation.  
50 Stat. 310.  
45 U. S. C., Supp. V, § 228c (b).  
Military service prior to war service period.

"SEC. 3A. (a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period: *Provided, however*, That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further*, That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war service period with respect to any part of the period for which he entered such military service.

"Military service."  
50 Stat. 318.  
45 U. S. C., Supp. V, §§ 215-228 (note).

"(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in 'military service' when commissioned or enrolled in the active service of the land or naval

forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States who was ordered to active duty in any such force for a period of thirty days or less shall be deemed to have been active service in such force during such period.

“(c) For the purpose of this section and section 202, as amended, a ‘war service period’ shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by any Act of Congress, any regulation promulgated, order issued, or proclamation made, in pursuance of such Act, to enter and continue in military service.

“(d) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have begun on whichever of the following dates is the earliest: (1) the date on which the Congress of the United States declared war; or (2) the date as of which the Congress of the United States declared that a state of war has existed; or (3) the date on which war was declared by one or more foreign states against the United States; or (4) the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states; or (5) the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government.

“(e) For the purpose of this section and section 202, as amended, a ‘war period’ shall be deemed to have ended on the date on which hostilities ceased.

“(f) Military service shall not be included in the years of service of an individual unless, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he rendered service for compensation to an employer, or to a person service to which is otherwise creditable under this Act, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

“(g) A calendar month in which an individual was in military service which may be included in the individual’s years of service or service period, as the case may be, shall be counted as a month of service: *Provided, however,* That no calendar month shall be counted as more than one month of service.

“(h) In determining the monthly compensation for computing an annuity, military service and any remuneration therefor shall be disregarded.

“(i) In the event military service is or has been used as the basis or as a partial basis for a pension, disability compensation, or any other gratuitous benefits payable on a periodic basis under any other Act of Congress, any annuity under this Act or the Railroad Retirement Act of 1935, which is based in part on such military service and is with respect to a calendar month for all or part of which such pension or other benefit is also payable, shall be reduced with respect to that month by the proportion which the number of years of service by which such military service increases the years of service, or the service period, as the case may be, bears to the total years of service, or by the aggregate amount of such pension or other benefit with respect to that month, whichever would result in the smaller reduction.

“(j) Any department or agency of the United States maintaining records of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the number of months of military service which such department or agency finds the indi-

“War service period.”  
50 Stat. 318.  
45 U. S. C. Supp.  
V, §§ 215-228 (note).

“War period,” date of beginning.

“War period,” date of ending.

Military service credits.

Counting of calendar month as a month of service.

Proviso.  
Limitation.

Monthly compensation for computation of annuity.

Annuity based in part on military service.

49 Stat. 967.  
45 U. S. C., Supp.  
V, §§ 215-228.

Certification of military service.

Certification of amounts of pension, etc.

*Proviso.*  
Recertification.

Annuities.  
*Ante*, p. 974; *post*, p. 1018.

49 Stat. 967.  
45 U. S. C., Supp.  
V, §§ 215-228.

Increased annuity based on military service.  
*Ante*, p. 974.  
49 Stat. 967.  
45 U. S. C., Supp.  
V, §§ 215-228.

*Provisos.*  
Joint and survivor annuity.

Effective date of increase.

vidual to have had during any period or periods with respect to which the Board's request is made, the date and manner of entry into such military service, and the conditions under which such service was continued. Any department or agency of the United States which is authorized to make awards of pensions, disability compensation, or any other gratuitous benefits or allowances payable, on a periodic basis or otherwise, under any other Act of Congress on the basis of military service, at the request of the Board, shall certify to the Board, with respect to any individual, the calendar months for all or part of which any such pension, compensation, benefit, or allowance is payable to, or with respect to, the individual, the amounts of any such pension, compensation, benefit, or allowance, and the military service on which such pension, compensation, benefit, or allowance is based. Any certification made pursuant to the provisions of this subsection shall be conclusive on the Board: *Provided*, That if evidence inconsistent with any such certification is submitted, and the claim is in the course of adjudication or is otherwise open for such evidence, the Board shall refer such evidence to the department or agency which made the original certification and such department or agency shall make such recertification as in its judgment the evidence warrants. Such recertification, and any subsequent recertification, shall be conclusive, made in the same manner, and subject to the same conditions as an original certification.

"(k) In the event that an individual was, on or before the date of enactment of the Second Revenue Act of 1940, denied an annuity but could have been granted an annuity under the provisions of this Act or the Railroad Retirement Act of 1935 had military service been included in his years of service or service period, as the case may be, no annuity shall be payable with respect to such individual, or with respect to his death, by reason of the provisions of this section, unless such individual files a new application with the Board. In determining the earliest date upon which an annuity can begin to accrue for such an individual in accordance with the provisions of section 2, the filing date of the application shall be the date on which such new application is filed.

"(l) An individual who, on or before the date of enactment of the Second Revenue Act of 1940, was awarded an annuity under the provisions of this Act or the Railroad Retirement Act of 1935, but whose annuity would have been increased if his military service had been included in his years of service or service period, as the case may be, may, notwithstanding the previous award of an annuity, make application (in such manner and form as may be prescribed by the Board) for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though this section had been in effect at the time of the original certification: *Provided, however*, That if the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type except that if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity: *And provided further*, That such increase in the annuity shall not begin to accrue more than sixty days before the filing date of the application for an increase in the annuity based on military service, and in the event the annuity is a joint and survivor annuity, the actuarial value of the increase in annuity shall be computed as of the effective date of the increase.

“(m) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this Act, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, an amount sufficient to meet the additional expenditures necessary to be made during each such fiscal year by reason of crediting under the Railroad Retirement Acts military service prior to January 1, 1937. The Railroad Retirement Board, as promptly as practicable after the date of enactment of the Second Revenue Act of 1940, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account in addition to the annual estimates by the Board, in accordance with subsection (a) of section 15 of this Act, of the appropriations to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. Each such estimate shall take into account the excess or the deficiency, if any, in such military service appropriation for the preceding fiscal year.”

SEC. 626. Section 202 of such Act of June 24, 1937, is hereby amended by inserting immediately after the second proviso of such section the following new proviso: “*And provided further*, That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with subsections (a) to (l), inclusive, of section 3A of this Act, voluntary or involuntary military service of an individual prior to January 1, 1937, within or without the United States during any war service period, if, in the calendar year in which his military service in a war service period began, or in the calendar year next preceding such calendar year, he was in the compensated service of a carrier, or of a person service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935, in the same manner as though military service were service rendered as an employee.”

Additional annual appropriations authorized.  
50 Stat. 316.  
45 U. S. C., Supp. V, § 223 (o).

Submission of estimates.  
*Ante*, p. 974.

50 Stat. 318.  
45 U. S. C., Supp. V, § 215.

*Proviso.*  
Determination of eligibility for annuity; computation.

*Ante*, pp. 1014-1016.

49 Stat. 967.  
45 U. S. C., Supp. V, §§ 215-228.

## TITLE VII—CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

### SEC. 701. CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES.

(a) ALLOWANCE OF CREDIT.—Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law—

Allowance of credit.  
49 Stat. 639.  
42 U. S. C., Supp. V, § 1101.  
53 Stat. 183, 1396.  
26 U. S. C., Supp. V, §§ 1600-1611.

(1) Before the sixtieth day after the date of the enactment of this Act;

(2) On or after such sixtieth day (except in the case of the tax for the calendar year 1939) with respect to wages paid after the fortieth day after such date of enactment;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The amount of such credit, in the case of contributions with respect to the calendar year 1939 paid after the last day upon which the tax-

53 Stat. 186, 1396.  
26 U. S. C., Supp.  
V, § 1604.

49 Stat. 620.  
42 U. S. C., Supp.  
V, ch. 7.

53 Stat. 183, 1396.  
26 U. S. C., Supp.  
V, §§ 1600-1611.

49 Stat. 639.  
42 U. S. C., Supp.  
V, §§ 1101-1110.

49 Stat. 639.  
42 U. S. C., Supp.  
V, § 1101.

53 Stat. 183, 1396.  
26 U. S. C., Supp.  
V, § 1600.

Refund.

payer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns) shall, with respect to the tax for the calendar year 1936, 1937, or 1938, apply to allowance of credit under this section, and the provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) shall, with respect to the tax for the calendar year 1939, apply to allowance of credit under this section. The terms used in this subsection shall, with respect to the tax for the calendar year 1936, 1937, or 1938, have the same meaning as when used in title IX of the Social Security Act prior to February 11, 1939, and shall, with respect to the tax for the calendar year 1939, have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, or against the tax imposed by section 1600 of the Federal Unemployment Tax Act for the calendar year 1939, shall not exceed 90 per centum of such tax.

(b) REFUND.—Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

Approved, October 8, 1940, 11 p.m., E. S. T.

[CHAPTER 758]

JOINT RESOLUTION

To authorize the United States Maritime Commission to furnish to the State of Pennsylvania a vessel suitable for the use of the Pennsylvania State nautical school, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Maritime Commission is authorized, under such rules and regulations as it may prescribe, to furnish to the State of Pennsylvania for use by the Pennsylvania State nautical school a vessel suitable for merchant marine training, together with all her apparel, charts, books, and instruments of navigation.

SEC. 2. Any department or independent agency of the Government is hereby authorized, notwithstanding any other provision of law, to supply a suitable vessel for such use by the United States Maritime Commission: *Provided*, That the same can be spared without detriment to the service to which it is assigned.

SEC. 3. Any vessel furnished under the authority of this joint resolution shall be and remain the property of the United States and shall be maintained in good repair by the United States Maritime Commission.

Approved, October 8, 1940.

October 8, 1940

[H. J. Res. 603]

[Pub. Res., No. 101]

Pennsylvania State  
Nautical School.  
Furnishing vessel  
to.

Supply of vessel  
by any Government  
agency.

*Provido.*

Vessel to remain  
U. S. property.

## [CHAPTER 759]

## AN ACT

To amend the Agricultural Adjustment Act of 1933.

October 8, 1940  
[H. R. 6480]  
[Public, No. 802]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "Agricultural Adjustment Act", approved May 12, 1933, as amended, is further amended by striking out the whole of section 8f, title I, part 2, and substituting in lieu thereof the following:

"SEC. 8f. No person operating a public warehouse for the storage of any basic agricultural commodity in the current of interstate or foreign commerce shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding without prior surrender and cancelation of such warehouse receipt, except that any person operating a country public grain warehouse or warehouses may, because of lack of sufficient space to accommodate all depositors, move storage grain out of such warehouse or warehouses to another warehouse for continuous storage, under such regulations as the Secretary of Agriculture may prescribe. A non-negotiable warehouse receipt shall be issued by the warehouseman to whom the grain was shipped, and said receiving warehouseman shall give such guaranty and shall store such grain under such regulations as the Secretary of Agriculture may prescribe to assure delivery to the rightful owner of such grain in the amount, and of the kind, quality, and grade called for by his receipts. Any warehouseman who intends to ship grain while his original receipt is outstanding must recite in his receipt both the name and address of his warehouse as well as that of the warehouse to which the grain may be shipped for further storage. All grain shipped under this section must be shipped under a non-negotiable bill of lading. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both. This Act shall not be construed as amending or changing in any manner the United States Warehouse Act of August 11, 1916, as amended".

Approved, October 8, 1940.

Agricultural Adjustment Act, amendment.  
48 Stat. 35; 49 Stat. 782.  
7 U. S. C. § 608 (5); Supp. V, § 608f.  
Removal of commodity from warehouse without cancelation of receipt.

Issuance of non-negotiable warehouse receipt.

Recitation in original receipt.

Penalty.

39 Stat. 486.  
7 U. S. C. §§ 241-273.

## [CHAPTER 760]

## AN ACT

To re-form the lease for the Sellwood station of the Portland (Oregon) post office.

October 8, 1940  
[H. R. 8069]  
[Public, No. 803]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph 6 of the lease entered into on November 29, 1935, by and between Flora Noble and W. F. Noble, her husband, and the United States of America is, in order to correct a mutual mistake and to effectuate the intention of the parties to the lease at the time of its making, hereby re-formed, from the date of the execution of the lease and for its entire term of ten years, to read as follows:

"6. The Lessor shall furnish to the Government, during the occupancy of said premises, under the terms of this lease, as part of the rental consideration, the following: Said room, fitted and supplied by the Lessor with the present equipment consisting of all boxes, fixtures and furniture requisite to make the said room or rooms in every way satisfactory for use as a post office, provided that after acceptance of such equipment no additional equipment shall be required except for replacements. The Lessor shall keep the said boxes, fixtures and furniture in good repair and condition, to the satisfaction of the Post Office Department. The Lessor shall pay all taxes and water rates, and shall have this lease duly recorded, and

Portland, Oreg., post office.  
Re-formation of lease for Sellwood Station.

shall properly protect all windows and doors in the workroom by iron bars or wire gratings according to requirements. The Lessor shall furnish approved heating and lighting fixtures, plumbing and toilet facilities as now installed, the necessary water and electric meters; satisfactory heat, light, power, water, and janitor service, to the extent of caring for the heating plant and the cleaning of windows when required, but all other work requiring the services of a janitor to be assumed and provided by the Lessee. The Lessor shall keep the said heating and lighting fixtures, plumbing and toilet facilities, in satisfactory repair and condition during the term of this lease."

Amendment of records.  
Liability for janitor service.

SEC. 2. The Post Office Department, the General Accounting Office, and all concerned shall amend their records accordingly, discharging the Lessor from any alleged liability for janitor service other than as undertaken in the lease as herein re-formed and making proper allowances to the postmaster at Portland, Oregon, for expenditures made by him in supplying those janitory services not imposed by the re-formed lease upon the Lessor. So much of the amount heretofore expended by the postmaster for janitor services not covered by the re-formed lease, as may not be charged to the appropriation for the fiscal years affected, because of lapse of appropriation, or otherwise, may be charged to the current appropriation "For miscellaneous items necessary and incidental to the operation and protection of post offices of the first and second classes, and the business conducted in connection therewith, not provided for in other appropriations". Hereafter, obligations arising against the United States for janitor services pursuant to the re-formed lease shall be charged to the aforesaid appropriation for the appropriate fiscal year.

*Ante*, p. 73.

Approved, October 8, 1940.

[CHAPTER 761]

AN ACT

To provide funds for cooperation with public-school districts (organized and unorganized) in Mahnomen, Itasca, Pine, Saint Louis, Clearwater, Koochiching, and Becker Counties, Minnesota, in the construction, improvement, and extension of school facilities to be available to both Indian and white children.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$120,500 for the purpose of cooperating with the following public-school districts (both organized and unorganized) in the State of Minnesota, such appropriation to be apportioned as follows: Naytahwaush, Independent School District Numbered 29, Mahnomen County, \$19,000; Inger, District Numbered 6 (Deer River), Itasca County, \$7,000; Lake Lena, District Numbered 2, Pine County, \$12,500; Vermillion Lake, Tower-Soudan District, Saint Louis County, \$7,000; Beaulieu, unorganized district, Mahnomen County, \$12,500; Jack Pine, unorganized district, Clearwater County, \$7,000; Nett Lake, unorganized district, Saint Louis-Koochiching Counties, \$37,500; Pine Point, unorganized district, Becker County, \$3,000; Squaw Point, unorganized district, Cass County, \$15,000; for the construction, extension, equipment, and improvement of public-school facilities: *Provided*, That the expenditure of any money so authorized shall be subject to the express conditions that the schools maintained by these said districts in any buildings constructed or improved with such money shall be available to all Indian children of the districts, on the same terms, except as to payment of tuition, as other children of said school districts: *Provided further*, That plans and specifications for construction, extension, or improve-

October 8, 1940

[H. R. 8124]

[Public, No. 804]

Minnesota.  
Appropriation authorized for cooperating with designated school districts.

*Prorisos.*  
A availability of schools to Indian children.

Plans and specifications.

ment of structures shall be furnished by local or State authorities without cost to the United States Government, and, upon approval thereof by the Commissioner of Indian Affairs, actual work shall proceed under the direction of such local or State officials. Payment for work in place shall be made monthly on vouchers properly certified by local officials of the Indian Service: *Provided further*, That funds appropriated pursuant to this Act may be used as sponsors' contributions for the construction, extension, equipment, and improvement of the said public-school facilities approved and carried on under funds of the Work Projects Administration: *Provided further*, That no funds available under this Act shall be expended for improvements to existing buildings which belong to a school district and which are on tribal land or for construction of new buildings on tribal land until the tribe shall have issued to the school district a permit approved by the Commissioner of Indian Affairs authorizing the use of the tracts required as school sites for so long as the land shall be used for school purposes by the school district and agreeing that the improvements and buildings shall be and remain the property of the school district. Title to improvements and to new buildings shall remain in the United States until recoupment of expenditures by the United States as provided in this Act. Upon recoupment, improvements made and new buildings constructed shall become the property of the school district: *Provided further*, That any amount expended for improvements to existing buildings belonging to the school district or for the construction of new buildings shall be recouped by the United States within a period of thirty years, commencing with the date of occupancy of the project, through reducing the annual Federal payments for the education of Indian pupils enrolled in public or high schools of the district involved, or by the acceptance of Indian pupils in such schools without cost to the United States, and in computing the amount of recoupment for each project interest at 3 per centum per annum shall be included on unrecouped balances: *And provided further*, That not to exceed 10 per centum of the amount allocated to any one of the above-named districts may be transferred, in the discretion of the Commissioner of Indian Affairs, to the allocation for any other district, but no project shall be increased more than 10 per centum by any such transfer.

Use of funds as sponsors' contributions.

Permits authorizing use of tribal lands.

Title to improvements, etc.

Recoupment by U.S.

Transfer of allocated funds, limitation.

Approved, October 8, 1940.

[CHAPTER 762]

AN ACT

Relating to the status of retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, and to amend section 113 of the Criminal Code.

October 8, 1940

[H. R. 9024]

[Public, No. 805]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 113 of the Criminal Code is hereby amended by inserting at the end thereof the following:

Criminal Code, amendment.  
35 Stat. 1109.  
18 U. S. C. § 203.

“Retired officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of this section: *Provided*, That nothing herein shall be construed to allow any retired officer to represent any person in the sale of anything to the Government through the department in whose service he holds a retired status.”

Exemption of retired officers.

*Proviso.*  
Representation in sales to Government.

Approved, October 8, 1940.

[CHAPTER 763]

AN ACT

Authorizing the conveyance to the Commonwealth of Virginia of a portion of the naval reservation known as Naval Proving Ground, Dahlgren, Virginia.

October 8, 1940  
[H. R. 9636]  
[Public, No. 806]

Virginia.  
Conveyance of certain land to, authorized.

Proviso.  
Deviations in description.

Effective date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy be, and he is hereby, authorized and empowered in the name and on behalf of the United States of America to convey to the Commonwealth of Virginia, upon such terms and conditions as he may prescribe, all right, title, and interest of the United States of America in and to that portion of the Naval Proving Ground, Dahlgren, King George County, Virginia, upon which the Commonwealth of Virginia has been granted permission to construct, maintain, and operate a State highway designated as Route Numbered 207 by a permit issued by the Secretary of the Navy on April 18, 1940: *Provided,* That the Secretary of the Navy is authorized to make such deviations in the description of the land involved as may be necessary to carry out the purposes and intent of this Act.

SEC. 2. This Act shall be in force from the date of its passage.  
Approved, October 8, 1940.

[CHAPTER 764]

AN ACT

To amend section 3493 of the Internal Revenue Code, formerly section 404 of the Sugar Act of 1937.

October 8, 1940  
[H. R. 10080]  
[Public, No. 807]

Internal Revenue Code, amendment.  
53 Stat. 427.  
26 U. S. C., Supp. V, § 3493.

Refund of tax paid.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3493 of the Internal Revenue Code (53 Stat. , part 1) be, and it is hereby, amended to read as follows:

“SEC. 3493. EXPORTATION.

“(a) REFUND OF TAX PAID.—Upon the exportation from the United States to a foreign country, or the shipment from the United States to any possession of the United States except Puerto Rico, of any manufactured sugar, or any article manufactured wholly or partly from manufactured sugar, with respect to which tax under the provisions of section 3490 has been paid, the amount of such tax shall be paid by the Commissioner of Internal Revenue to the consignor named in the bill of lading under which the article was exported or shipped to a possession, or to the shipper, or to the manufacturer of the manufactured sugar or of the articles exported, if the consignor waives any claim thereto in favor of such shipper or manufacturer: *Provided,* That no such payment shall be allowed with respect to any manufactured sugar, or article, upon which, through substitution or otherwise, a drawback of any tax paid under section 3500 has been or is to be claimed under any provisions of law made applicable by section 3501.

“(b) PERIOD FOR FILING REFUND CLAIM.—No payment shall be allowed under this section unless within two years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.”

Approved, October 8, 1940.

Proviso.  
Disallowance of certain payments.

Period for filing refund claim.

## [CHAPTER 765]

## AN ACT

To authorize the appointment of graduates of the Naval Reserve Officers' Training Corps to the line of the Regular Navy, and for other purposes.

October 8, 1940  
[H. R. 10406]  
[Public, No. 808]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That officers of the Naval Reserve commissioned therein upon graduation from the Naval Reserve Officers' Training Corps shall be eligible for appointment to commissioned rank in the line of the Regular Navy in such numbers as the President may deem necessary. Officers so appointed shall, upon appointment, occupy the same grade, with the same precedence, occupied by them in the Naval Reserve.

Regular Navy.  
Appointment to, of  
commissioned Naval  
Reserve officers.

SEC. 2. All appointees authorized by section 1 of this Act shall, on June 30 of the calendar year in which appointed, be less than twenty-six years of age, shall, on the same date, have completed at least one year of continuous active duty on board ships of the Navy, and shall, before appointment, establish their moral, physical, mental, and professional qualifications in accordance with such rules and regulations as the Secretary of the Navy may prescribe.

Requirements.

SEC. 3. Each officer appointed pursuant to the foregoing sections to the grade of ensign and each officer so appointed to a grade above that of ensign shall, respectively, become eligible for promotion, or for consideration by a line selection board as of the date the line officer next junior to him becomes so eligible: *Provided*, That the qualification of sea service prescribed in section 11 (c) of the Act of June 23, 1938 (52 Stat. 948), shall not apply to such officers while in the grade to which originally appointed.

Promotion.

SEC. 4. Any officer of the Naval Reserve and Marine Corps Reserve may, with his own consent, be employed on active duty other than training duty in time of peace for such periods as the Secretary of the Navy may determine: *Provided*, That pay and allowances of officers employed on active duty pursuant to this section shall be paid from appropriations for "Pay, Subsistence, and Transportation of Naval Personnel" and "Pay, Marine Corps", as the case may be.

*Proviso.*  
Sea service.  
34 U. S. C., Supp.  
V, § 311.

Officers of Naval  
and Marine Corps  
Reserve.  
Active duty in time  
of peace.  
*Proviso.*  
Pay and allowances.

Approved, October 8, 1940.

## [CHAPTER 777]

## AN ACT

To amend section 4472 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 465) to provide for the safe carriage of explosives or other dangerous or semidangerous articles or substances on board vessels; to make more effective the provisions of the International Convention for Safety of Life at Sea, 1929, relating to the carriage of dangerous goods; and for other purposes.

October 9, 1940  
[H. R. 7357]  
[Public, No. 809]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4472 of title 52 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 465), is hereby amended to read as follows:

Carriage of danger-  
ous cargoes.

"SEC. 4472. (1) The word 'vessel' as used in this section shall include every vessel, domestic or foreign, regardless of character, tonnage, size, service, and whether self-propelled or not, on the navigable waters of the United States, including its Territories and possessions, but not including the Panama Canal Zone and the Philippine Islands, whether arriving or departing, or under way, moored, anchored, aground, or while in drydock; it shall not include any public vessel which is not engaged in commercial service, nor any vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal

"Vessel" defined.

46 U. S. C., Supp.  
V, § 391a.

purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks: *Provided*, That the provisions of subsection (3) of this section shall apply to every such vessel subject to the provisions of section 4417a of the Revised Statutes, as amended, which is constructed or converted for the principal purpose of carrying inflammable or combustible liquid cargo in bulk in its own tanks.

*Proviso.*  
Applicability of subsection (3).

"Passenger-carrying vessel" defined.

50 Stat. 1121.

Transportation of dry fulminates in bulk, etc.

"(2) The phrase 'passenger-carrying vessel' as used in this section, when applied to a vessel subject to any provision of the International Convention for Safety of Life at Sea, 1929, means a vessel which carries or is authorized to carry more than twelve passengers.

"(3) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel fulminates or other detonating compounds in bulk in dry condition, or explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit, or compositions containing an ammonium salt and a chlorate, or other like explosives.

Transportation of high explosives on passenger-carrying vessels.

"(4) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any passenger-carrying vessel any high explosives such as, and including, liquid nitroglycerin, dynamite, trinitrotoluene, picrates, detonating fuzes, fireworks that can be exploded en masse, or other explosives susceptible to detonation by a blasting cap or detonating fuze, except ships' signal and emergency equipment, and samples of such explosives (but not including liquid nitroglycerin) for laboratory or sales purposes in restricted quantities as may be permitted by regulations of the Secretary of Commerce established hereunder.

Transportation of high explosives on other vessels.

"(5) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use on board any vessel other than a passenger-carrying vessel, any high explosive referred to in subsection (4) hereof except as permitted by the regulations of the Secretary of Commerce established hereunder.

Transportation of other explosives.

"(6) (a) It shall be unlawful knowingly to transport, carry, convey, store, stow, or use (except as fuel for its own machinery) on board any vessel, except one specifically exempted by paragraph (b) of this subsection, any other explosives or other dangerous articles or substances, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles or substances, hazardous articles, and ships' stores and supplies of a dangerous nature, except as permitted by the regulations of the Secretary of Commerce established hereunder: *Provided*, That all of the provisions of this subsection relating to the transportation, carrying, conveying, storing, stowing, or use of explosives or other dangerous articles or substances shall apply to the transportation, carrying, conveying, storing, stowing, or using on board any passenger vessel of any barrels, drums, or other packages of any combustible liquid which gives off inflammable vapors (as determined by flash-point in open cup tester as used for test of burning oil) at or below a temperature of one hundred and fifty degrees Fahrenheit and above eighty degrees Fahrenheit.

*Proviso.*  
Applicability to drums, etc., of certain combustible liquids.

Nonapplicability of subsection (6) to certain vessels, etc.

"(b) This subsection shall not apply to—

"(i) vessels not exceeding fifteen gross tons when not engaged in carrying passengers for hire;

"(ii) vessels used exclusively for pleasure;

"(iii) vessels not exceeding five hundred gross tons while engaged in the fisheries;

"(iv) tugs or towing vessels: *Provided, however*, That any such vessel, when engaged in towing any vessel that has explosives, inflammable liquids, or inflammable compressed gases on board

on deck, shall be required to make such provisions to guard against and extinguish fire as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce;

“(v) cable vessels, dredges, elevator vessels, fireboats, ice-breakers, pile drivers, pilot boats, welding vessels, salvage and wrecking vessels;

“(vi) inflammable or combustible liquid cargo in bulk: *Provided, however,* That the handling and stowage of any inflammable or combustible liquid cargo in bulk shall be subject to the provisions of section 4417a of the Revised Statutes, as amended.

46 U. S. C., Supp.  
V, § 391a.

“(7) In order to secure effective provisions against the hazards of health, life, limb, or property created by explosives or other dangerous articles or substances to which subsection (3), (4), (5), or (6) of this section apply—

“(a) The Secretary of Commerce shall by regulations define, describe, name, and classify all explosives or other dangerous articles or substances, and shall establish such regulations as may be necessary to make effective the provisions of this section with respect to the descriptive names, packing, marking, labeling, and certification of such explosives or other dangerous articles or substances; with respect to the specifications of containers for explosives or other dangerous articles or substances; with respect to the marking and labeling of said containers; and shall accept and adopt for the purposes above mentioned in this subsection such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent as are or may be established from time to time by the Interstate Commerce Commission insofar as they apply to shippers by common carriers engaged in interstate or foreign commerce by water. The Secretary of Commerce shall also establish regulations with respect to the marking, handling, storage, stowage, and use of explosives or other dangerous articles or substances on board such vessels; with respect to the disposition of any explosives or other dangerous articles or substances found to be in an unsafe condition; with respect to the necessary shipping papers, manifests, cargo-stowage plans, and the description and descriptive names of explosives or other dangerous articles or substances to be entered in such shipping documents; also any other regulations for the safe transportation, carriage, conveyance, storage, stowage, or use of explosives or other dangerous articles or substances on board such vessels as the Secretary of Commerce shall deem necessary; and with respect to the inspection of all the foregoing mentioned in this paragraph. The Secretary of Commerce may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles, and of such other organizations whose services he may deem to be helpful.

Regulations by the  
Secretary of Com-  
merce.

Definitions, descrip-  
tions, etc., of ex-  
plosives.

Marking, handling,  
etc.

Utilization of help-  
ful services.

“(b) The transportation, carriage, conveyance, storage, stowage, or use of such explosives or other dangerous articles or substances shall be in accordance with the regulations so established, which shall, insofar as applicable to them, respectively, be binding upon shippers and the owners, charterers, agents, masters, or persons in charge of such vessels, and upon all other persons transporting, carrying, conveying, storing, stowing, or using on board any such vessels any explosives or other dangerous articles or substances: *Provided,* That this section shall not be construed to prevent the transportation of military or naval forces with their accompanying munitions of war and stores.

Applicability of reg-  
ulations.

*Proviso.*  
Military, etc.,  
forces.

Nonexemption of vessels from certain requirements.

"(c) Nothing contained in this section shall be construed to relieve any vessel subject to the provisions of this section from any other of the requirements of title 52 (secs. 4399 to 4500, inclusive) of the Revised Statutes or Acts amendatory or supplementary thereto and regulations thereunder applicable to such vessel, which are not inconsistent herewith.

Local regulations.

"(d) Nothing contained in this section shall be construed as preventing the enforcement of reasonable local regulations now in effect or hereafter adopted, which are not inconsistent or in conflict with this section or the regulations of the Secretary of Commerce established hereunder.

Refusal to transport explosives, etc.

"(8) Any master, owner, charterer, or agent shall refuse to transport any explosives or other dangerous articles or substances in violation of any provisions of this section and the regulations established thereunder, and may require that any container or package which he has reason to believe contains explosives or other dangerous articles or substances be opened to ascertain the facts.

Public hearings on proposed regulations, etc.

"(9) Before any regulations or any additions, alterations, amendments, or repeals thereof are made under the provisions of this section, except in an emergency, such proposed regulations shall be published and public hearings with respect thereto shall be held on such notice as the Secretary of Commerce deems advisable under the circumstances. Any additions, alterations, amendments, or repeals of such regulations shall, unless a shorter time is authorized by the Secretary of Commerce, take effect ninety days after their promulgation.

Effective date of amendments, etc.

False or deceptive marking, etc.

"(10) It shall be unlawful knowingly to deliver or cause to be delivered, or tender for shipment to any vessel subject to this section any explosives or any other dangerous articles or substances defined in the regulations of the Secretary of Commerce established hereunder under any false or deceptive descriptive name, marking, invoice, shipping paper, or other declaration and without informing the agent of such vessel in writing of the true character thereof at or before the time such delivery or transportation is made. It shall be unlawful for any person to tender for shipment, or ship on any vessel to which this section applies, any explosives or other dangerous articles or substances the transportation, carriage, conveyance, storage, stowage, or use of which on board vessels is prohibited by this section.

Tender or shipment of prohibited explosives.

Exemption of vessels upon certain findings.

"(11) The Secretary of Commerce may exempt any vessel or class of vessels from any of the provisions of this section or any regulations or parts thereof established hereunder upon a finding by him that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such as to render the application of this section or any of the regulations established hereunder unnecessary for the purposes of safety: *Provided*, That except in an emergency such exception shall be made for any vessel or class of vessels only after a public hearing.

*Proviso.*  
Public hearing.

Enforcement agencies.

"(12) The provisions of this section and the regulations established hereunder shall be enforced primarily by the Bureau of Marine Inspection and Navigation of the Department of Commerce and the Coast Guard of the Department of the Treasury; and the Secretary of Commerce, with the consent of the head of any executive department, independent establishment, or other agency of the Government, may avail himself of the use of information, advice, services, facilities, officers, and employees thereof (including the field service) in carrying out the provisions of this section: *Provided*, That no officer or employee of the United States shall receive any additional compensation for such services, except as permitted by law.

*Proviso.*  
Additional compensation.

Detention of vessels violating provisions.

"(13) Any collector of customs may, upon his own knowledge, or upon the sworn information of any reputable citizen of the United

States, that any vessel subject to this section is violating any of the provisions of this section or of the regulations established hereunder, by written order served on the master, person in charge of such vessel, or the owner or charterer thereof, or the agent of the owner or charterer, detain such vessel until such time as the provisions of this section and of the regulations established hereunder have been complied with. If the vessel be ordered detained, the master, person in charge, or owner or charterer, or the agent of the owner or charterer thereof, may within five days appeal to the Secretary of Commerce, who may, after investigation, affirm, set aside, or modify the order of such collector. If any reputable citizen of the United States furnishes sworn information to any collector of customs that any vessel, subject to this section, is violating any of the provisions of this section or of the regulations established hereunder, and such information is knowingly false, the person so falsely swearing shall be deemed guilty of perjury.

“(14) Whoever shall knowingly violate any of the provisions of this section or of any regulations established under this section shall be subject to a penalty of not more than \$2,000 for each violation. In the case of any such violation on the part of the owner, charterer, agent, master, or person in charge of the vessel, such vessel shall be liable for the penalty and may be seized and proceeded against by way of libel in the district court of the United States in any district in which such vessel may be found.

“(15) When the death or bodily injury of any person results from the violation of this section or any regulations made in pursuance thereof, the person or persons who shall have knowingly violated or caused to be violated such provisions or regulations shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(16) The transportation by vessels of gasoline or any other inflammable or combustible liquid or inflammable gas when carried by motor vehicles using the same as a source of their own motive power, or motive power for driving auxiliaries forming a part of the vehicle, shall be lawful under the conditions as set forth in the regulations established by the Secretary of Commerce under this section: *Provided, however,* That the motor or motors in any vehicle be stopped immediately after entering the said vessel, and that the same be not restarted until immediately before said vehicle shall leave the vessel after said vessel has been made fast to the wharf or ferry bridge at which she lands. All other fire, if any, in such vehicle shall be extinguished before entering the said vessel and the same shall not be relighted until after said vehicle shall leave the vessel: *Provided further,* That the Secretary of Commerce, may, by regulation, permit the operation on board vessels of motive power for driving auxiliaries forming a part of motor vehicles, under such conditions as he may deem proper: *Provided further,* That any owner, charterer, agent, master, or other person having charge of a vessel shall have the right to refuse to transport motor vehicles the fuel tanks of which contain gasoline or other inflammable or combustible liquid or inflammable gas used as a source of power for the vehicle or its auxiliaries: *Provided further,* That the owner, motor carrier, and operator of any such vehicle in which all fires have not been extinguished or the motor or motors stopped as required by this subsection or regulations established thereunder, and the owner, charterer, agent, master, or person in charge of the vessel on which such vehicle is transported, shall each be liable to a penalty of not more than \$500, for which the motor vehicle and vessel, respectively, shall be liable: *And provided further,* That a violation of this subsection shall not subject any person to the penalty provided in subsection (14) or (15) hereof.”

Appeal, if detained.

False information deemed perjury.

Penalty.

Liability of vessel for penalty.

Death, etc., resulting from violations.

Penalty.

Transportation of gasoline, etc., used by motor vehicles.

Provisos. Motors to be stopped.

Other fire to be extinguished.

Operation of motor vehicle auxiliaries.

Right of refusal to transport vehicles.

Liability for violations.

Penalty.

Limitation of penalty.

**Fire prevention.**

SEC. 2. (a) Such provision to guard against and extinguish fire shall be made on every vessel which is subject to the provisions of subsection (4), (5), or (6) of Section 1 of this Act, or of any other section of title 52 of the Revised Statutes, as amended (sections 4399 to 4500, inclusive), or Acts amendatory or supplementary thereto, as shall be prescribed by the Board of Supervising Inspectors and approved by the Secretary of Commerce.

**Lifeboats, etc., using combustible fuel.**

(b) Nothing herein contained shall prohibit the use by any vessel of motorboats, launches, or lifeboats equipped with engines using an inflammable or combustible fuel, nor shall anything herein contained prohibit such motorboats, launches, or lifeboats from carrying such inflammable or combustible fuel in their tanks: *Provided*, That no such inflammable or combustible fuel for the engines of such motorboats, launches, or lifeboats shall be carried except as may be prescribed by regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided further*, That the use of such lifeboats shall be under such regulations as shall be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce.

**Proviso.  
Carrying of fuel for lifeboats, etc.****Use of lifeboats.****R. S. § 4417a, amendment.  
49 Stat. 1889.**

SEC. 3. Section 4417a of the Revised Statutes (U. S. C., 1934 edition, title 46, Supp. V, sec. 391a) is hereby amended by deleting from paragraph 2 thereof the following proviso: "Provided, That the provisions of this section shall not apply to common carriers engaged in interstate or foreign commerce which transport such liquid cargo by water insofar only as such common carriers are subject to the regulations formulated by the Interstate Commerce Commission under the provisions of section 233 of the Act of March 4, 1909 (ch. 321, 35 Stat. 1135), as amended (18 U. S. C. 383)"; and by amending the second proviso in paragraph 4 thereof to read as follows: "*And provided further*, That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of the Revised Statutes, as amended".

**Proviso.  
Permits for prohibited materials.****46 U. S. C. § 465.****R. S. § 4424, amendment.**

SEC. 4. Section 4424 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 402), is amended by deleting the words "or whenever any passenger steam vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate".

**R. S. § 4457, amendment.**

SEC. 5. Section 4457 of the Revised Statutes (U. S. C., 1934 edition, title 46, sec. 414) is amended by deleting the words "certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of".

**Criminal Code, amendments.  
35 Stat. 1134, 1135.**

SEC. 6. Sections 232, 233, 234, and 235 of the Criminal Code, as amended (U. S. C., 1934 edition, title 18, secs. 382 to 385, inclusive), are amended:

(a) By striking out "vessel" and "vessels" wherever appearing in sections 232, 234, and 235;

(b) By striking out "or water" where first appearing in section 233; and

(c) By striking out "or water" where last appearing in section 235.

**Repeals.**

SEC. 7. Sections 4278, 4279, and 4280 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 172, 173, 174); section 4288 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 46, sec. 175); the Act of August 26, 1935 (U. S. C., 1934 edition, title 46, Supp. V, secs. 178, 179); sections 4422, as amended, 4473, 4475, and 4476 of the Revised Statutes (U. S. C., 1934 edition, title 46, secs. 401, 466, 468, and 469) are hereby repealed.

**49 Stat. 868.****Appropriation authorized.**

SEC. 8. There are hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this Act.

SEC. 9. This Act shall become effective six months after the date of approval, except as to subsection (7) of section 1 hereof, which subsection shall become effective on the date of approval. Such initial regulations as may be necessary to make the Act effective shall be promulgated within ninety days from the date of approval hereof: *Provided, however,* That during any national emergency proclaimed by the President, he may, in his discretion, accelerate any or all provisions of this section.

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

Approved, October 9, 1940.

[CHAPTER 778]

AN ACT

To authorize the Secretary of the Treasury to order retired commissioned and warrant officers of the Coast Guard to active duty during time of national emergency, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any commissioned or warrant officer of the Coast Guard on the retired list may at any time, with his consent, in the discretion of the Secretary of the Treasury, be ordered to active duty.

SEC. 2. That all authority or discretion vested in the Secretary of the Navy to order commissioned and warrant officers of the Coast Guard on the retired list to active duty while the Coast Guard is not operating as a part of the Navy, is hereby transferred to and vested in the Secretary of the Treasury.

Approved, October 9, 1940.

[CHAPTER 779]

AN ACT

To assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 3477 and 3737 of the Revised Statutes be amended by adding at the end of each such section the following new paragraph:

"The provisions of the preceding paragraph shall not apply in any case in which the moneys due or to become due from the United States or from any agency or department thereof, under a contract providing for payments aggregating \$1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency: *Provided,*

"1. That in the case of any contract entered into prior to the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned without the consent of the head of the department or agency concerned;

"2. That in the case of any contract entered into after the date of approval of the Assignment of Claims Act of 1940, no claim shall be assigned if it arises under a contract which forbids such assignment;

"3. That unless otherwise expressly permitted by such contract any such assignment shall cover all amounts payable under such contract and not already paid, shall not be made to more than one party, and shall not be subject to further assignment, except that

Effective dates.

Promulgation of initial regulations.

*Proviso.*  
Acceleration of provisions during national emergency.

Separability of provisions.

October 9, 1940  
[H. R. 10337]  
[Public, No. 810]

Coast Guard.  
Active duty of retired officers.

Transfer of authority.

October 9, 1940  
[H. R. 10464]  
[Public, No. 811]

Assignment of Claims Act of 1940.  
31 U. S. C. § 203; 41 U. S. C. § 15.

Assignment of claims upon U. S. to banks, etc.

*Proviso.*

Prior contracts; consent to assignment.

Contracts forbidding assignment.

Limitations on assignment.

any such assignment may be made to one party as agent or trustee for two or more parties participating in such financing;

Filing of written notice by assignee.

"4. That in the event of any such assignment, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with—

"(a) the General Accounting Office,

"(b) the contracting officer or the head of his department or agency,

"(c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and

"(d) the disbursing officer, if any, designated in such contract to make payment.

Validity of assignment.

Notwithstanding any law to the contrary governing the validity of assignments, any assignment pursuant to the Assignment of Claims Act of 1940 shall constitute a valid assignment for all purposes."

War or Navy Department contracts. Set-off, etc., of assignor's indebtedness to U. S.

Any contract entered into by the War Department or the Navy Department may provide that payments to an assignee of any claim arising under such contract shall not be subject to reduction or set-off, and if it is so provided in such contract, such payments shall not be subject to reduction or set-off for any indebtedness of the assignor to the United States arising independently of such contract.

Short title.

SEC. 2. This Act may be cited as the "Assignment of Claims Act of 1940".

Approved, October 9, 1940.

[CHAPTER 780]

AN ACT

October 9, 1940  
[H. R. 10539]

[Public, No. 812]

Making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes.

First Supplemental Civil Functions Appropriation Act, 1941.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes, namely:

TITLE I—GENERAL APPROPRIATIONS

LEGISLATIVE

SENATE

Ernest Lundeen.  
Payment to widow.

For payment to Norma Ward Lundeen, widow of Ernest Lundeen, late a Senator from the State of Minnesota, \$10,000.

Clerical assistance.  
*Ante*, p. 464.

So much as may be necessary of the appropriation "Clerical Assistance to Senators, 1941" is hereby made available to enable the Secretary of the Senate to pay two additional clerks at \$1,500 per annum each, one for each Senator from the State of Wisconsin, from the date the Census Bureau officially announces the population of said State to exceed three million to June 30, 1941.

Compensation of clerk of Finance Committee.  
*Ante*, p. 463.

For an amount required to increase the compensation of the clerk of the Finance Committee of the Senate at the rate of \$1,000 per annum so long as the position is held by the present incumbent, \$750.

Assistant superintendents of press gallery.

Beginning with the first day of the month next following the enactment of this Act, the compensation of the assistant superintendents of the Senate press gallery shall be at the respective rates of \$3,000 and \$1,920 per annum, and the Legislative Branch Appropriation Act for the fiscal year 1941 hereby is amended accordingly.

*Ante*, p. 465.

Miscellaneous items.

For miscellaneous items, exclusive of labor, fiscal year 1940, \$40,000.

For repairs, improvements, equipment, and supplies for the Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$15,000.

Kitchens and restaurants.  
*Ante*, p. 466.

No part of any appropriation made for the contingent expenses of the Senate shall be used to defray the expenses of any person except the members of any congressional committee, the Sergeant at Arms of the Senate or a representative of his office, and except the widow or minor children or both of the deceased, to attend the funeral rites and burial of any person who at the time of his or her death was a Senator of the United States.

Funeral expenses.

#### HOUSE OF REPRESENTATIVES

For payment to the widow of William B. Bankhead, late a Representative from the State of Alabama, \$10,000.

William B. Bankhead.  
Payment to widow.  
Willis Benjamin Gibbs.

For payment to the widow of Willis Benjamin Gibbs, late a Representative from the State of Georgia, \$10,000.

Payment to widow.  
George N. Seger.  
Payment to sons and daughter.

For payment, in equal increments to each, to the sons and the daughter of George N. Seger, late a Representative from the State of New Jersey, \$10,000.

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

Contested-election expenses: For payment to Estes Kefauver, contestee, for expenses incurred in the contested-election case of Neal versus Kefauver, as audited and recommended by the Committee on Elections Numbered 1, \$360.07.

Contested-election expenses.

For payment to Albert F. Swanson, contestant, for expenses incurred in the contested-election case of Swanson versus Harrington, as audited and recommended by the Committee on Elections Numbered Three, \$2,000.

The foregoing sums for contested-election expenses to be disbursed by the Clerk of the House of Representatives.

#### ARCHITECT OF THE CAPITOL

Senate Office Building: For painting the Senate Cabinet Shop, located in the Senate Office Building, under the Office of the Sergeant at Arms, \$1,400.

Senate Cabinet Shop.  
*Ante*, p. 473.

#### LIBRARY OF CONGRESS

Books for the adult blind: For an additional sum required to enable the Librarian of Congress to carry out the provisions of the Act entitled "An Act to provide books for the adult blind," approved March 3, 1931 (2 U. S. C. 135a), as amended, \$25,000.

Books for adult blind.  
*Ante*, p. 476.  
46 Stat. 1487.  
2 U. S. C. §§ 135a, 135b; Supp. V, § 135a.

#### GOVERNMENT PRINTING OFFICE

The Superintendent of Documents is hereby authorized to deliver to the Librarian of Congress, from the sales stock in the Government Printing Office, two hundred and fifty sets of The Writings of George Washington, as published by the Bicentennial Commission, for distribution through international exchange and for such other distribution for the use of foreign governments as may be deemed appropriate.

The Writings of George Washington.  
Distribution.

#### INDEPENDENT ESTABLISHMENTS

##### BENJAMIN HARRISON MEMORIAL COMMISSION

The appropriation of \$2,500 for the Benjamin Harrison Memorial Commission, contained in the First Deficiency Appropriation Act, 1940, approved April 6, 1940 (Public Act Numbered 447, Seventy-sixth

Reappropriation.

*Ante*, p. 83.

Congress), is hereby continued available to and including December 31, 1940, for the purposes and under the conditions specified for such appropriation in such Act.

### CIVIL SERVICE COMMISSION

Prevention of pernicious political activities.

*Ante*, p. 767.

Prevention of pernicious political activities: For all necessary expenditures of the Civil Service Commission in performing the duties imposed upon it by the Act of July 19, 1940 (Public Act Numbered 753, 76th Congress), including personal services in the District of Columbia and elsewhere; contract stenographic reporting services; advertising; streetcar fares (not to exceed \$100); purchase and exchange of books of reference and periodicals (not to exceed \$500); traveling expenses; witness fees and mileage, including fees to deponents and persons taking deposition, at rates paid in the courts of the United States; and printing and binding, \$100,000.

### COUNCIL OF NATIONAL DEFENSE

Expenses.

*Ante*, p. 599.

*Ante*, pp. 377, 297.

The appropriation for the expenses of the Council of National Defense contained in the "First Supplemental National Defense Appropriation Act, 1941", approved June 26, 1940, and allocations to the Council of National Defense, the Advisory Commission, and other subordinate bodies of the Council from the appropriations entitled "Emergency Fund For The President" contained in the Acts making appropriations for the Military Establishment and the Navy Department for the fiscal year 1941, approved June 13 and June 11, 1940, shall be available for the payment of actual transportation expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses of members of the Commission, subordinate bodies of the Council, persons serving at \$1 per annum, and persons serving while away from their homes, without other compensation from the United States, in an advisory capacity to the Council, the Advisory Commission or other subordinate bodies of the Council, or in attendance at meetings concerned with the national defense.

### FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses.

*Ante*, p. 118.

*Proriso*.  
Personal services.

Salaries and expenses: For an additional amount for salaries and expenses, Federal Communications Commission, including the objects and subject to the limitations specified under this head in the Independent Offices Appropriation Act, 1941, \$125,000: *Provided*, That the limitation in such Act of \$1,246,340 which may be expended under this head for personal services in the District of Columbia is hereby increased to \$1,350,000.

Relocation of monitoring stations.

Relocation of monitoring stations: For the relocation of radio monitoring stations at sites to be selected by the Federal Communications Commission in the States of Oregon, California, Michigan, Maryland, Georgia, and Massachusetts, including the purchase of land, provided suitable sites now owned by the Government cannot be made available, construction of suitable buildings or modification or reconstruction of existing buildings, the providing for necessary apparatus and equipment, erection of goniometric apparatus, the construction and installation of roadways, power, water and sanitary facilities, associated antenna systems, and other necessary expenses, \$175,000.

## FEDERAL SECURITY AGENCY

## CIVILIAN CONSERVATION CORPS

The Federal Security Agency Appropriation Act, 1941, is amended by striking out "\$176,880,000" under the heading "Civilian Conservation Corps" and inserting in lieu thereof "\$166,880,000": *Provided*, That upon the written recommendation of the Federal Security Administrator and with the approval of the President, the limitations upon the amount of expenditures under the several classes of objects of expenditure as fixed by the third proviso under such heading in such Act may be exceeded by more than the 10 per centum permitted therein.

Such Act is further amended by adding after the last sentence under such heading the following:

"Notwithstanding the limitation herein on expenditures by the Office of the Director within the District of Columbia, the Director, Civilian Conservation Corps, in administering the funds herein appropriated is authorized, with the approval of the Federal Security Administrator, to fix the amount of and to transfer to the Office of the Director the funds necessary to carry out the functions transferred with the approval of the Federal Security Administrator from cooperating agencies to the Office of the Director."

*Ante*, p. 581.  
Civilian Conserva-  
tion Corps.

*Proviso*.  
Limitation on ex-  
penditures.

Transfer of funds.

## PUBLIC HEALTH SERVICE

Miscellaneous and contingent expenses: Not to exceed \$10,000 of the amount appropriated for "Pay of Personnel and Maintenance of Hospitals, Public Health Service, 1941" in the Federal Security Agency Appropriation Act, 1941, may be transferred to the appropriation "Miscellaneous and Contingent Expenses, Public Health Service, 1941."

Pay, and so forth, commissioned officers, Public Health Service: For an additional amount for pay, allowance and commutation of quarters for not to exceed twenty additional regular active commissioned officers, \$47,340.

Section 702 of the Labor-Federal Security Appropriation Act, 1941, approved June 26, 1940 (Public Act Numbered 665, Seventy-sixth Congress), is hereby amended by inserting after the word "Corps", in the second proviso thereof, the words: "or the Public Health Service".

Miscellaneous and  
contingent expenses.  
*Ante*, p. 585.

*Ante*, p. 584.

Commissioned offi-  
cers, pay, etc.  
*Ante*, p. 584.

*Ante*, p. 597.

## OFFICE OF EDUCATION

Education and training of defense workers: For payment to States, subdivisions thereof, or other public authorities operating public educational facilities, and where hereinafter authorized to engineering schools and universities, through certification from time to time made by the United States Commissioner of Education (hereinafter referred to as the "Commissioner") to the Secretary of the Treasury of the name of such agency or the name of such engineering school or university and the officer thereof to whom payment is to be made, and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the furtherance of the education and training of defense workers, as follows:

(1) For the cost of vocational courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and approved by the Commissioner, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers, \$26,000,000.

Defense workers.  
Education and  
training.  
*Ante*, p. 632.

Vocational courses  
of less than college  
grade.

## Equipment.

(2) For the purchase, rental, or other acquisition of new or used equipment when needed by agencies in providing courses pursuant to a plan approved under (1) of this heading when such acquisitions are in accord with detailed proposals submitted by such agencies and approved by the Commissioner, \$8,000,000: *Provided*, That the proposals approved by the Commissioner shall include provisions governing the holding of title to and the use of the equipment to be acquired.

*Proviso.*  
Provisions govern-  
ing title and use.

Engineering courses  
of college grade.

(3) For the cost of short engineering courses of college grade, provided by engineering schools or by universities of which the engineering school is a part, pursuant to plans submitted by them and approved by the Commissioner, which plans shall be for courses designed to meet the shortage of engineers with specialized training in fields essential to the national defense, \$9,000,000: *Provided*, That only engineering schools which operate under charters which exempt their educational property from taxation shall be eligible to receive these funds: *Provided further*, That not to exceed 20 per centum of the amount allotted to any school shall be allotted to it for expenditure for purchase or rental of additional equipment and leasing of additional space found by the Commissioner necessary for carrying out its approved plan.

*Provisos.*  
Eligibility for funds.

Limitation on ex-  
penditure.

Vocational courses  
for designated rural  
and nonrural youth.

(4) For the cost, including the necessary equipment and supplies, of vocational courses and related or other necessary instruction provided by such agencies for out-of-school rural youth who have attained the age of seventeen and who file a registration card with a public employment office and for nonrural youth who otherwise meet the above requirements whose training is not feasible under subdivisions (1) and (3) hereof, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$10,000,000.

Vocational courses  
for young people em-  
ployed on N. Y. A.  
work projects.

(5) For the cost of vocational courses and related or other necessary instruction provided by such agencies for young people employed on work projects of the National Youth Administration, such courses and instruction to be provided pursuant to plans submitted by such agencies and approved by the Commissioner, \$7,500,000: *Provided*, That the amount allotted to any agency shall be available for expenditure for purchase or rental of additional equipment and rental of additional space found by the Commissioner to be necessary for carrying out the approved plan.

*Proviso.*  
Availability of  
funds.

Regulations.

The Commissioner shall carry out the purposes of these appropriations under regulations promulgated by him and approved by the President, and there shall be available out of these appropriations an amount determined by the Federal Security Administrator not exceeding 1 per centum of each such appropriation for expenses of administration to enable the Commissioner most efficiently to carry out the purposes of the several appropriations, the total sum to be available for general administration expenses, including printing and binding, equipment and supplies (including purchase of materials and equipment necessary for visual education), traveling expenses, including not to exceed \$5,000 for expenses of persons (other than Federal employees) requested to attend conferences held in the District of Columbia and elsewhere whose travel is approved at the direction of the Commissioner, salaries for personal services, and rents, in the District of Columbia and elsewhere: *Provided*, That the Federal Security Administrator may transfer out of the sum available for administration expenses not exceeding \$37,500 to the office of the Administrator for use in carrying out the purposes of these appropriations: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5) shall not be construed to apply to any purchase with these funds when the aggregate amount involved in such purchase does not

Administrative ex-  
penses.

*Provisos.*  
Transfer of funds.

Minor purchases.

exceed the sum of \$100: *Provided further*, That all functions of the Commissioner hereunder shall be performed under the direction and supervision of the Federal Security Administrator.

No trainee under the foregoing appropriations shall be discriminated against because of sex, race, or color; and where separate schools are required by law for separate population groups, to the extent needed for trainees of each such group, equitable provision shall be made for facilities and training of like quality.

Further development of vocational education: For an additional amount for carrying out the provisions of sections 1, 2, and 3 of the Act entitled "An Act to provide for the further development of vocational education in the several States and Territories", approved June 8, 1936, \$400,000.

Cooperative vocational rehabilitation of persons disabled in industry: For an additional amount for carrying out the provisions of the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry", approved June 2, 1920, as amended, \$319,500.

#### NATIONAL YOUTH ADMINISTRATION

For additional amounts for the National Youth Administration to be expended in accordance with the provisions of the National Youth Administration Appropriation Act, 1941, except that all training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education as provided for in this Act under the heading, "Office of Education", paragraph (5), and except as hereinafter provided, for the following purposes:

For the purposes and objects specified in paragraph 1 (b) of such Act, \$30,535,375, of which \$50,000 shall be available to the United States Employees' Compensation Commission for the purposes of paragraph 18 of such Act.

For salaries and other administrative expenses specified in paragraph 2 of such Act, \$1,941,063, of which sum not to exceed \$250,000 may be transferred to appropriations of the Treasury Department in accordance with the provisions of such paragraph.

For printing and binding, \$23,562.

#### FEDERAL WORKS AGENCY

##### PUBLIC BUILDINGS ADMINISTRATION

Salaries and general expenses, public buildings and grounds in the District of Columbia: For an additional amount for administration, protection, maintenance, and improvement of public buildings and grounds in the District of Columbia, maintained and operated by the Public Buildings Administration, Federal Works Agency, including the same objects specified under this heading in the Independent Offices Appropriation Act, 1941, \$200,000.

Construction of public buildings, District of Columbia: The Federal Works Administrator is hereby authorized, pursuant to the provisions of the Act of May 25, 1926 (44 Stat. 630), as amended, to acquire sites or additional land and to enter into contracts for construction of the following public-building projects in amounts not exceeding the following respective limits of cost, which limits of cost shall include salaries,

Supervision of functions.

No discrimination because of sex, race, or color.

Further development of vocational education.  
*Ante*, p. 583.

49 Stat. 1488-1489.  
20 U. S. C., Supp. V, §§ 15h-15j.

Vocational rehabilitation.  
*Ante*, p. 583.

41 Stat. 735.  
29 U. S. C. §§ 31-44.

Additional amounts.

*Ante*, p. 590.

Control by State boards.

Employment, etc.  
*Ante*, pp. 590, 593.

Salaries, etc.  
*Ante*, p. 590.

Printing and binding.  
*Ante*, p. 591.

District of Columbia.  
Salaries and general expenses.

*Ante*, p. 126.

Construction of public buildings.

40 U. S. C. §§ 341-347.

Limits of cost.

cost of supervision of construction, and inspection, furniture, equipment, moving expenses, extension of steam and water mains and removal or diversion of such sewers and utilities as may be necessary, and all other expenses required solely for the purpose of carrying out said public-building projects; and such Administrator is authorized to direct the preparation of all sketches, estimates, plans, drawings, and specifications, and to enter into all other contracts necessary for carrying out the purposes hereof; and he is further authorized, when deemed by him desirable and advantageous, to employ by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations, to such extent as may be necessary to carry out the purposes hereof, without regard to civil service or classification laws, or section 3709 of the Revised Statutes:

41 U. S. C. § 5.  
Federal office buildings.

Sites and buildings, Federal office buildings (Numbered 2 and 3): For the acquisition of sites and the construction of two Federal office buildings for general use, on land in or near the District of Columbia, \$6,400,000.

West central heating plant.

Site and building, west central heating plant, Washington, District of Columbia: For acquisition of site and construction of a central heating plant on a suitable site to be selected in the northwest section of the city of Washington, District of Columbia, within or outside the area prescribed by the Act of May 25, 1926, as amended, authorizing the acquisition of certain lands within the District of Columbia, including facilities for fuel deliveries and storage, tunnel and steam lines and additional steam lines in existing tunnels, \$1,500,000, within a total limit of cost of \$3,900,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.  
40 U. S. C. §§ 341-347.

*Proviso.*  
Contracts.

Navy Department Building.  
*Ante*, p. 599.

Navy Department Building, Washington, District of Columbia: For the construction of an additional wing on the Navy Department Building and an additional story on wing Number 1 thereof, under the provisions of the Public Buildings Act approved May 25, 1926, as amended, including administrative expenses in connection therewith, \$590,000: *Provided*, That the contract or contracts for such project may be entered into without advertising.

44 Stat. 630.  
40 U. S. C. §§ 341-347.

*Proviso.*  
Contracts.

General Accounting Office.

Site and building, General Accounting Office, Washington, District of Columbia: For acquisition of site and construction of a building for the General Accounting Office on land in square 518, in the District of Columbia, within a total limit of cost of \$9,850,000, in lieu of the extension and remodeling of the old Pension Office Building as authorized in the Second Deficiency Appropriation Act, fiscal year 1935, approved August 12, 1935: *Provided*, That the balance of the appropriation of \$2,000,000 appropriated by such Act shall remain available for the purposes of, and be chargeable against, this authorization.

49 Stat. 600.

*Proviso.*  
Availability.

Acquisition of property in the District of Columbia: For the acquisition of property within the areas prescribed by the Act of May 25, 1926, as amended, authorizing the Federal Works Administrator to acquire certain lands within the District of Columbia, \$322,000.

Acquisition of property.

44 Stat. 630.  
40 U. S. C. §§ 341-347.

Katherine H. Claggett, and estate of Dr. John C. Fitzpatrick.  
Payment to.

## GEORGE WASHINGTON BICENTENNIAL COMMISSION

For payment to Katherine H. Claggett and to the estate of Doctor John C. Fitzpatrick \$2,700 and \$6,666.66, respectively, for services rendered the George Washington Bicentennial Commission in connection with the compilation of the definitive writings of George Washington, \$9,366.66: *Provided*, That the payment to the said Katherine H. Claggett shall be in full, complete, and final compensation of any and all claims arising out of services rendered to the George Washington Bicentennial Commission prior to June 30, 1940.

*Proviso.*  
Final compensation.

## NATIONAL LABOR RELATIONS BOARD

Printing and binding: For an additional amount for all printing and binding for the National Labor Relations Board in Washington and elsewhere, \$83,000, and in addition thereto the sum of \$27,000 is hereby transferred from the appropriation "Salaries, National Labor Relations Board, 1941" and made available for printing and binding for the fiscal year 1941.

After the date of the enactment of this Act, none of the appropriation "Salaries, National Labor Relations Board, 1941", shall be obligated for the Division of Economic Research or for the Division of Technical Service: *Provided*, That not to exceed \$3,200 may be expended in performing those functions necessary to keep records and to make a report to Congress and to the President thereon as required by section 3 (c) of the National Labor Relations Act: *Provided further*, That nothing herein shall be construed to prohibit the National Labor Relations Board from obligating any part of such appropriation for carrying on any of the functions or duties specifically conferred upon it by the National Labor Relations Act or to repeal any provision of such Act.

Printing and binding.

*Ante*, p. 596.

Restriction.  
*Ante*, p. 596.

*Previous*.  
Records and reports.

49 Stat. 461.  
29 U. S. C., Supp.  
V, § 153 (c).  
Use of funds.

## UNITED STATES COMMISSION FOR THE CELEBRATION OF THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

For expenses of carrying out the provisions of Public Resolution Numbered 100 (Seventy-sixth Congress) entitled "A Joint Resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson", approved September 24, 1940, \$5,000.

Expenses.  
*Ante*, p. 900.

## UNITED STATES UNIVERSITY OF PENNSYLVANIA BICENTENNIAL COMMISSION

For expenses of carrying out the provisions of Public Resolution Numbered 86 of the present Congress entitled "Joint resolution authorizing the recognition of the two hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary", approved June 20, 1940, including personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended; stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes; traveling expenses; rents; printing and binding; official cards; entertainment; and such other expenses as may be authorized by the President, \$1,500, to be available for the payment of obligations heretofore incurred in carrying out the purposes of such public resolution.

Expenses.  
*Ante*, p. 492.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.  
41 U. S. C. § 4.

## DISTRICT OF COLUMBIA

### POTOMAC RIVER POLLUTION CONTROL

For the pro rata contribution of the District of Columbia to the expenses of the Interstate Commission on the Potomac River Basin, in accordance with Public Resolution Numbered 93, approved July 11, 1940, granting such Commission authority to regulate, control, prevent, or otherwise render unobjectionable and harmless the pollution of the water of the Potomac drainage area by sewage and industrial and other wastes, \$3,600.

Potomac River pollution control.

*Ante*, p. 750.

## CONTINGENT AND MISCELLANEOUS

Reunion of United  
Confederate Veterans.  
*Ante*, p. 636.

**Reunion of United Confederate Veterans:** The sum of \$12,500 provided by the Second Deficiency Appropriation Act, 1940, approved June 27, 1940 (Public Act Numbered 668, Seventy-sixth Congress), for expenses of the reunion of United Confederate Veterans to be held in Washington, District of Columbia, in 1940, is hereby made available for expenditure by the Commissioners of such District, notwithstanding the provisions of any other Act for the payment of such expenses as they may deem necessary for and in connection with such reunion including the payment of obligations heretofore incurred.

## HEALTH DEPARTMENT

Providence Hospi-  
tal.

**Providence Hospital:** The unobligated balance of the appropriation "Providence Hospital, Repairs and Improvements, District of Columbia, 1940", is hereby reappropriated and made available during the fiscal year 1941 for such further repairs, alterations, and improvements to, and for the purchase of necessary furniture and equipment for, the building as may be approved by the Commissioners of the District of Columbia.

## MUNICIPAL COURT

Salaries.

*Ante*, p. 325.

**Salaries:** For an additional amount for personal services, including compensation of five judges without reference to the limitation in the District of Columbia Appropriation Act, 1941, restricting salaries within the grade, \$945.

## SETTLEMENT OF CLAIMS

William Joseph  
Heurich.

20 D. C. Code  
§§ 103-106; Supp. V,  
§ 103.

For the payment of the claim of William Joseph Heurich, approved by the Commissioners under and in accordance with the provisions of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat., 1160), as amended by the Act approved June 5, 1930 (46 Stat. 500), \$500.

## JUDGMENTS

For the payment of final judgments, including costs, rendered against the District of Columbia, as set forth in House Document Numbered 884 of the Seventy-sixth Congress, \$4,275.99, together with the further sum to pay the interest at not exceeding 4 per centum per annum on such judgments, as provided by law, from the date the same became due until the date of payment.

## DIVISION OF EXPENSES

The foregoing sums for the District of Columbia, unless otherwise therein specifically provided, shall be paid out of the revenues of the District of Columbia and the Treasury of the United States in the manner prescribed by the District of Columbia Appropriation Acts for the respective fiscal years for which such sums are provided.

## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

Reconstruction and  
repair of roads, etc.

**Reconstruction and repair of roads and other improvements, national forests in Georgia, North Carolina, South Carolina, and Tennessee:** For reconstruction of roads, trails, bridges, and other improvements in the national forests in Georgia, North Carolina, South Carolina, and Tennessee damaged or destroyed by floods in August, 1940, \$125,000.

## DEPARTMENT OF COMMERCE

## ADMINISTRATOR OF CIVIL AERONAUTICS

Washington National Airport: For the construction, with or without advertising, of five hangars at the Washington National Airport, Arlington County, Virginia, including a roadway service underpass and other necessary appurtenances, \$2,700,000; to remain available until June 30, 1942, of which \$150,000 shall be available for administrative expenses, including personal services in the District of Columbia and elsewhere, in connection with the preparation of plans, specifications, and estimates, and supervision of construction: *Provided*, That in the operation of such airport no agreement shall be entered into for the use of any hangar or space therein for a period exceeding three years nor shall any agreement be entered into for the operation of any concession for a period exceeding five years except the restaurant.

Washington National Airport.

*Proviso.*  
Agreements for use of hangars, etc.

Expenses for maintenance, etc.

*Ante*, p. 686.

For all necessary expenses incident to the care, operation, maintenance, and protection of the Washington National Airport in accordance with the Act of June 29, 1940, including personal services in the District of Columbia, purchase, operation, and maintenance of one motor-propelled ambulance, one fire-and-crash truck, and one rescue-fire-and-crash motorboat; purchase (including exchange), operation, and maintenance of two passenger-carrying motor vehicles; purchase of equipment, materials, and supplies, including \$700 for the purchase, cleaning, and repair of uniforms for the guards, \$152,200, and, in addition, the sum of \$103,450 is transferred to this appropriation from the appropriation "Maintenance and Operation of Air Navigation Facilities," contained in the Independent Offices Appropriation Act, 1941: *Provided*, That \$15,000 of this appropriation shall be available for personal services in the District of Columbia, employed in connection with the completion of the construction of said airport, without regard to the Civil Service Act and regulation.

*Ante*, p. 114.

*Proviso.*  
Personal services.

Development of landing areas: For the construction, improvement, and repair of not to exceed two hundred and fifty public airports and other public landing areas in the United States and its territories and possessions, determined by the Administrator, with the approval of a Board composed of the Secretary of War, Secretary of the Navy, and Secretary of Commerce, to be necessary for national defense, including areas essential for safe approaches and including the acquisition of land, \$40,000,000, of which \$2,000,000 shall be available for general administrative expenses, including the objects specified in section 204 of the Civil Aeronautics Act of 1938 and including engineering services and supervision of construction: *Provided*, That this appropriation shall not be construed as precluding the use of other appropriations available for any of the purposes for which this appropriation is made.

Development of landing areas.

52 Stat. 983.  
49 U. S. C., Supp. V, § 424.

*Proviso.*  
Use of other appropriations.

Establishment of air-navigation facilities: For an additional amount for the establishment of air-navigation facilities, including the objects specified under this head in the Independent Offices Appropriation Act, 1941, \$2,091,000, to remain available until June 30, 1942.

Establishment of air-navigation facilities.

*Ante*, p. 115.

## NATIONAL BUREAU OF STANDARDS

Operation and administration: For an additional amount for the general operation and administration of the National Bureau of Standards, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$21,000.

Operation and administration.

*Ante*, p. 196.

## PATENT OFFICE

Salaries: For an additional amount for the Commissioner of Patents and other personal services in the District of Columbia, \$19,320.

Salaries.  
*Ante*, p. 199.

Photolithographing.

*Ante*, p. 199.

Photolithographing: For an additional amount for prints of pending application drawings, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

Miscellaneous expenses.

*Ante*, p. 199.

Miscellaneous expenses: For an additional amount for contingent and miscellaneous expenses of the Patent Office, including the objects specified under this head in the Department of Commerce Appropriation Act, 1941, \$2,000.

#### WEATHER BUREAU

Weather service.

*Ante*, p. 539.

Observations, warnings, and general weather service: For an additional amount for necessary expenses incident to collecting and disseminating meteorological, aerological, and marine information and for investigations in meteorology and aerology in the District of Columbia and elsewhere, including the objects specified under this head in the Department of Agriculture Appropriation Act, 1941, \$500,000, of which not to exceed \$40,000 may be expended for personal services in the District of Columbia.

### DEPARTMENT OF THE INTERIOR

#### OFFICE OF THE SECRETARY

Grazing Service.

43 U. S. C., Supp. V, §§ 315m-1-315m-4.

Leasing of grazing lands, Grazing Service: For leasing State, county, or privately owned lands in accordance with the provisions of the Act of June 23, 1938 (52 Stat. 1033), fiscal years 1940 and 1941, \$50,000: *Provided*, That expenditures hereunder shall not exceed the aggregate receipts covered into the Treasury in accordance with section 4 of said Act.

Packing, etc., of personal effects of employees.

Appropriations available to the Department of the Interior for the fiscal year 1941 for soil and moisture conservation operations shall be available for packing, crating, and transportation, including drayage, of personal effects of employees upon permanent change of station, under regulations to be prescribed by the Secretary of the Interior.

Bituminous Coal Division.

*Ante*, p. 408.

Salaries and expenses, Bituminous Coal Division: For an additional amount for salaries and expenses, Bituminous Coal Division, including the objects specified under this head in the Interior Department Appropriation Act, 1941, \$137,000.

#### BONNEVILLE POWER ADMINISTRATION

Power transmission system.  
Construction, etc.

*Ante*, p. 410.

Construction, operation, and maintenance, Bonneville power transmission system: For an additional amount for construction, operation, and maintenance, including the objects and subject to the limitations specified under this head in the Interior Department Appropriation Act, 1941, \$3,850,000, to remain available until expended.

#### UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Maintenance of office.

*Ante*, p. 410.

United States High Commissioner to the Philippine Islands: For an additional amount for the maintenance of the office of the United States High Commissioner to the Philippine Islands, \$18,250, which amount shall be available for the improvement of office and living quarters and grounds for the High Commissioner.

#### BUREAU OF INDIAN AFFAIRS

Suppressing forest fires.

*Ante*, p. 416.

Suppressing forest fires on Indian reservations: For an additional amount for the suppression or emergency prevention of forest fires on or threatening Indian reservations, \$30,000, together with \$25,000 from funds held by the United States in trust for the respective tribes of Indians interested.

Compensation and expenses of an attorney or attorneys for the Chippewa Tribe of Indians, Minnesota (tribal funds): For compensation and expenses of an attorney or attorneys employed by the Chippewa Tribe of Indians, Minnesota, under a contract or contracts approved by the Secretary of the Interior, \$23,400, or so much thereof as may be necessary, payable from the principal sum on deposit to the credit of the Chippewa Indians of Minnesota, arising under section 7 of the Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota", approved January 14, 1889 (25 Stat. 645), and the amount herein appropriated shall be available for compensation earned and expenses incurred during the period covered by said contract or contracts.

Chippewa Indians.  
Expenses of attorneys.

Construction and repair: For an additional amount for the construction, repair, or rehabilitation of school, agency, hospital, or other buildings and utilities, including the purchase of furniture, furnishings, and equipment as follows:

Construction and repair.

Red Lake, Minnesota: School facilities, \$107,000, to remain available until completion of the project when the unobligated balance shall revert to the Treasury: *Provided*, That no obligation shall be incurred hereunder unless and until the school district of Beltrami County, Minnesota, shall have deposited into the Treasury to the credit of this appropriation the unobligated balance of the insurance collected on the destroyed Red Lake school plant.

Red Lake, Minnesota.  
School facilities.  
*Proviso.*  
Condition.

Eastern Cherokees: For the relief of the Eastern Cherokees, as authorized by the bill (S. 4232) entitled "An Act for the relief of the Eastern Cherokees", Seventy-sixth Congress, fiscal year 1941, \$1,997,84, without interest and to be in full settlement of all claims of such tribe of Indians against the Government as found to be due by the Supreme Court of the United States in 1906 (202 U. S. 101).

Eastern Cherokees.  
Relief.

#### BUREAU OF RECLAMATION

General fund, construction: For completion of construction of the following projects, in not to exceed the following amounts, respectively, to be expended from the general fund of the Treasury in the same manner, under the same conditions, and for the same objects of expenditure as specified for these projects in the Interior Department Appropriation Act, 1941, under the caption "General Fund, Construction" under the Bureau of Reclamation:

General fund, construction.

Pine River project, Colorado, \$400,000;  
Colorado River project, Texas, \$2,500,000;  
In all, \$2,900,000, to remain available until expended.

*Ante*, p. 437.

#### GEOLOGICAL SURVEY

Strategic and critical minerals: For an additional amount for scientific and economic investigations of strategic and critical minerals in the United States or its Territories or insular possessions, \$100,000; and the limitation of \$25,000 on the amount which may be expended for personal services in the District of Columbia under this head in the Interior Department Appropriation Act, 1941, is hereby increased to \$50,000.

Strategic and critical minerals.

*Ante*, p. 439.

#### BUREAU OF MINES

Economics of mineral industries: For an additional amount for economics of mineral industries, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$85,000; and the limitation therein of \$234,000 which may be expended for personal services in the District of Columbia is hereby increased to \$265,000.

Economics of mineral industries.

*Ante*, p. 443.

Expenses, mining experiment stations.  
*Ante*, p. 443.

**Expenses, mining experiment stations:** For an additional amount for expenses of mining experiment stations, including the objects and purposes specified under this head in the Interior Department Appropriation Act, 1941, \$20,000.

Investigation of domestic sources of mineral supply.  
*Ante*, p. 443.

**Investigation of domestic sources of mineral supply:** For an additional amount for investigation of domestic sources of mineral supply, including the same objects specified under this head in the Interior Department Appropriation Act, 1941, \$275,000; and the limitations therein of \$1,000 which may be expended for printing and binding, of \$15,000 which may be expended for the purchase of motor-propelled passenger-carrying vehicles, and of \$15,000 which may be expended for personal services in the District of Columbia, are hereby increased to \$1,500, \$22,000, and \$25,000, respectively.

#### NATIONAL PARK SERVICE

National historical parks and monuments.  
*Ante*, p. 448.

**National historical parks and monuments:** For an additional amount for national historical parks and monuments, including the purchase and installation of Virginia Indian artifacts known as the Wirt Robinson Indian collection, and the construction of an additional wing to the Jamestown Museum, \$10,000.

Photographic mat service.  
*Ante*, p. 861.

**Photographic mat service:** Not to exceed an aggregate of \$3,000 from any funds available to the National Park Service during the fiscal year 1941 may be used for the preparation of mats for reproduction in magazines and newspapers of photographs of scenery in the national parks, in accordance with the Act of August 27, 1940 (Public Act Numbered 771, Seventy-sixth Congress).

Mount Rushmore National Memorial Commission.  
*Ante*, p. 449.  
52 Stat. 694.  
*Provisor*.  
Limitations.

**Mount Rushmore National Memorial Commission:** For completion of the work, except the inscription, authorized by the provisions of the Mount Rushmore Memorial Act of 1938, \$86,000: *Provided*, That no part of this appropriation shall be expended for work on any figure, in addition to the four figures authorized by law, upon which work had not commenced as of June 22, 1936: *Provided further*, That no part of this appropriation shall be available for any work on or toward the inscription provided for in section 3 of such Act.

#### FISH AND WILDLIFE SERVICE

Enforcement of Alaska game law.  
43 Stat. 739.  
48 U. S. C. §§ 192-211; Supp. V, §§ 192-207.  
*Ante*, p. 453.

**Enforcement of Alaska game law:** For an additional amount for the enforcement of the Alaska game law, approved January 13, 1925, as amended, to be used exclusively for the construction and equipment of hangars in Alaska for airplanes of the Alaska Game Commission, \$8,500.

#### GOVERNMENT IN THE TERRITORIES

Territory of Alaska. Legislative expenses.  
52 Stat. 338.  
53 Stat. 1318.

**Legislative expenses, Territory of Alaska, 1939:** The limitations in appropriations for Legislative Expenses, Territory of Alaska, as contained in the Interior Department Appropriation Act, 1939, and the Third Deficiency Appropriation Act, fiscal year 1939, are hereby amended to read as follows:

“For salaries of members, \$21,585; mileage of members, \$9,448.40; salaries of employees, \$5,160; printing, indexing, comparing proofs, and binding laws, printing, indexing and binding journals, stationery, supplies, printing of bills, reports, and so forth, \$14,458.81; in all, \$50,652.21”.

Alaska. Care and custody of insane.  
53 Stat. 734.

**Care and custody of insane, Alaska:** For an additional amount for the care and custody of persons legally adjudged insane in Alaska, fiscal year 1940, including the same objects and for the same services specified in the Interior Department Appropriation Act, 1940, \$3,000.

Salaries and expenses, Government of the Virgin Islands: For an additional amount for salaries and expenses, Government of the Virgin Islands, including the objects and services specified in the Interior Department Appropriation Act, 1941, \$8,255.

Government of the Virgin Islands.  
Salaries and expenses.

*Ante*, p. 458.

## DEPARTMENT OF JUSTICE

### OFFICE OF THE ATTORNEY GENERAL

Salaries: For an additional amount for salaries, for the Criminal Division, \$10,000.

Salaries.  
*Ante*, p. 200.

## DEPARTMENT OF LABOR

### SECRETARY'S OFFICE

Salaries and expenses, Division of Labor Standards: For an additional amount for salaries and expenses, Division of Labor Standards, including the same objects specified under this head in the Department of Labor Appropriation Act, 1941, to be used exclusively for the promotion of the apprenticeship program, \$225,000, from which amount transfers may be made to other appropriations for the Department of Labor, fiscal year 1941, as follows: \$2,250 to contingent expenses and \$22,500 to traveling expenses: *Provided*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is hereby increased to \$197,000.

Division of Labor Standards.  
Salaries and expenses.

*Ante*, p. 575.

*Proviso*.  
Personal services.

### BUREAU OF LABOR STATISTICS

Salaries and expenses: For an additional amount for salaries and expenses, Bureau of Labor Statistics, including the objects specified under this head in the Department of Labor Appropriation Act, 1941, \$70,000, of which \$50,000 shall be available only for making studies of productivity and labor costs in accordance with the provisions of the joint resolution approved June 7, 1940 (Public Resolution Numbered 77), and \$20,000 shall be available only for the collection of information regarding the amount of goods produced in State and Federal prisons in accordance with the provisions of the joint resolution approved June 17, 1940 (Public Resolution Numbered 85): *Provided*, That transfers may be made from this additional appropriation to other appropriations of the Department of Labor in not to exceed the following amounts: Contingent expenses, \$4,500; traveling expenses, \$10,800; printing and binding, \$5,000: *Provided further*, That the limitation on the amount which may be expended under this head for personal services in the District of Columbia is increased by the amount of \$50,000.

Salaries and expenses.

*Ante*, p. 576.

*Ante*, p. 249.

*Ante*, p. 401.  
*Proviso*.  
Transfer of funds.

*Ante*, pp. 574, 575.  
Personal services.  
*Ante*, p. 576.

## NAVY DEPARTMENT

### OFFICE OF THE SECRETARY

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the Act entitled "An Act to amend the Act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels," approved December 28, 1922, as fully set forth in Senate Document Numbered 281, and House Document Numbered 907, Seventy-sixth Congress, \$1,456.86.

*Ante*, p. 265.

Damage claims.

42 Stat. 1066.  
34 U. S. C. § 509.

## POST OFFICE DEPARTMENT

(OUT OF THE POSTAL REVENUES)

## SALARIES IN BUREAUS AND OFFICES

Office of the Solicitor.  
*Ante*, p. 71.

For personal services in the District of Columbia, Office of the Solicitor for the Post Office Department, \$4,200.

## OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL

Domestic Air Mail Service.

Domestic Air Mail Service: For an additional amount for the inland transportation of mail by aircraft, and so forth, including the same objects and subject to the same conditions specified under this head in the Post Office Department Appropriation Act, 1941, \$485,199.

*Ante*, p. 73.

## DEPARTMENT OF STATE

## OFFICE OF THE SECRETARY OF STATE

Salaries.

Salaries: For an additional amount for "Salaries, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$290,000.

*Ante*, p. 181.

## CONTINGENT EXPENSES (DEPARTMENTAL)

Contingent expenses.

Contingent expenses: For an additional amount for "Contingent Expenses, Department of State, 1941", including the objects and subject to the limitations specified under this head in the Department of State Appropriation Act, 1941, \$15,500.

*Ante*, p. 182.

## ALASKA INTERNATIONAL HIGHWAY COMMISSION

Expenses.

For expenses of the Alaskan International Highway Commission, created by the Act of May 31, 1938 (52 Stat. 590), and extended by Public Act Numbered 585, approved June 11, 1940, including personal services in the District of Columbia or elsewhere without regard to the civil-service laws and the Classification Act of 1923, as amended; stenographic, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); communication service; rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, periodicals, and maps; stationery; equipment; official cards; entertainment; printing and binding; reconnaissance survey; and such other expenses as the President shall deem proper in the fulfillment of the duty of the Commission, including the United States share of necessary joint expenses of the two Governments, \$12,000.

*Ante*, p. 262.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

## CONTRIBUTIONS, QUOTAS, AND SO FORTH

American republics.  
Cooperation.

Cooperation with the American republics: The appropriation for "Cooperation with the American republics" contained in the Second Deficiency Appropriation Act, 1940, approved June 27, 1940, is hereby made available for compensation to be fixed by the Secretary of State and for traveling expenses in the United States and abroad in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, of educational, professional, and artistic leaders who are citizens of the United States and the other American republics.

44 Stat. 688.  
5 U. S. C. §§ 821-833.

## TREASURY DEPARTMENT

## OFFICE OF THE SECRETARY

Payments to Federal land banks on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay each Federal land bank such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such land bank have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act (12 U. S. C. 771), as amended, \$28,167,000.

Federal land banks.  
Payments.

48 Stat. 43.  
12 U. S. C., Supp.  
V, § 771.

Payments to the Federal Farm Mortgage Corporation on account of reductions in interest rate on mortgages: To enable the Secretary of the Treasury to pay to the Federal Farm Mortgage Corporation such amount as the Governor of the Farm Credit Administration certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such Corporation have been reduced during the fiscal year 1941, and prior thereto, in accordance with the provisions of section 32 of the Emergency Farm Mortgage Act of 1933, approved May 12, 1933 (12 U. S. C. 1016), as amended, such payments to be made quarterly, beginning as soon as practicable after October 1, 1940, \$10,000,000.

Federal Farm Mortgage Corporation.  
Payments.

48 Stat. 48.  
12 U. S. C., Supp.  
V, § 1016.

## OFFICE OF CHIEF CLERK

Contingent expenses: For an additional amount for miscellaneous and contingent expenses, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$7,500.

Contingent ex-  
penses.

*Ante*, p. 56.

## DIVISION OF PRINTING

Printing and binding: For an additional amount for printing and binding, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$6,000.

Printing and bind-  
ing.

*Ante*, p. 57.

Stationery: For an additional amount for stationery, Treasury Department, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,500.

Stationery.

*Ante*, p. 57.

## BUREAU OF INTERNAL REVENUE

Salaries and expenses: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, including the objects and subject to the limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$850,000.

Salaries and ex-  
penses.

*Ante*, p. 60.

## COAST GUARD

Salaries, Office of Commandant: For an additional amount for salaries, Office of Commandant, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$66,000.

Personal services.

*Ante*, p. 63.

Pay and allowances: For an additional amount for pay and allowances, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$1,640,000; and the limitation of \$39,375 under this head in such Act, as modified by the First Supplemental National Defense Appropriation Act, 1941, on the amount which may be expended for recreation, education, and so forth, of enlisted men is hereby increased to \$43,780.

Pay and allowances.

*Ante*, p. 64.

*Ante*, p. 600.

Emergency construction.

Emergency construction, Coast Guard vessels and shore facilities: For additional vessels and their equipment, and the construction, rebuilding or extension of shore facilities, including the acquisition of sites therefor, and including the construction of a floating drydock and shipways at the Coast Guard Depot, Curtis Bay, Maryland, to remain available until expended, \$9,460,000, of which amount not to exceed 4 per centum shall be available for administrative expenses in connection therewith, including personal services in the District of Columbia.

General expenses.

General Expenses: For an additional amount for General Expenses, Coast Guard, including the objects specified under this head in the Treasury Department Appropriation Act, 1941, \$880,000.

*Ante*, p. 64.

#### BUREAU OF THE MINT

Personal services.

*Ante*, p. 68.

Salaries, Office of Director of the Mint: For an additional amount for personal services in the District of Columbia, \$7,380.

Contingent expenses, etc.

*Ante*, p. 68.

Contingent expenses and examination of mints: For an additional amount for contingent expenses and examination of mints, including the objects specified under this head in the Treasury Department Appropriations Act, 1941, \$3,000.

Mints and assay offices.

Salaries and expenses.

*Ante*, p. 68.

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, including the objects and limitations specified under this head in the Treasury Department Appropriation Act, 1941, \$1,325,000.

### WAR DEPARTMENT

#### MILITARY ACTIVITIES

##### QUARTERMASTER CORPS

Barracks and quarters, etc.

*Ante*, p. 362.

Barracks and quarters and other buildings and utilities: For an additional amount for barracks and quarters, including the objects and subject to the conditions specified under this head in the Military Appropriation Act, 1941, \$200,000.

Arlington Farm, Va. Removal and reestablishment.

*Post*, p. 1219.

Removal and reestablishment of Arlington Farm, Virginia: For the removal and reestablishment of the functions and activities at Arlington Farm, including the acquisition of lands by purchase or by condemnation, the construction and installation of buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and means in the city of Washington and elsewhere, \$3,200,000, to remain available until expended: *Provided*, That this appropriation shall be transferred to the credit of the Secretary of Agriculture for expenditure by him: *Provided further*, That upon the transfer of the activities of the Department of Agriculture from Arlington Farm, so much of the land thereof as may be required by the War Department shall be transferred to the control and jurisdiction of the latter Department.

*Provisos.* Transfer of appropriation.

Transfer of land.

#### CIVIL FUNCTIONS

##### CORPS OF ENGINEERS

Rivers and harbors.

Rivers and harbors: For an additional amount for the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation, including the objects and under the conditions specified under this head in the War Department Civil Appropriation Act, 1941, \$8,127,000 to remain available until expended.

*Ante*, p. 506.

Flood control, general.

Flood control, general: For an additional amount for Flood Control, General, to be used for removing accumulated snags and other

debris, and clearing channels in navigable streams and tributaries thereof, in the State of Louisiana, including the objects and conditions specified under this head in the War Department Civil Appropriation Act, 1941, to be additional to the amount authorized for this type of work by section 1 of the Act of August 11, 1939 (53 Stat. 1414), \$55,000.

*Ante*, p. 507.  
33 U. S. C., Supp.  
V, § 701g.

Alteration of bridges over navigable waters of the United States: For payment of the share of the United States of the cost of alteration of bridges over navigable waters of the United States in accordance with the provisions of the Act of June 21, 1940 (Public, Numbered 647, Seventy-sixth Congress), \$1,100,000, to remain available until expended.

Alteration of  
bridges.

*Ante*, p. 500.

Claims for damages, river and harbor work: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in House Document Numbered 908, Seventy-sixth Congress, \$1,148.67.

Damage claims,  
river and harbor work.

41 Stat. 1015.

Power plant, Bonneville Dam, Columbia River, Oregon: For an additional amount for continuing the construction of the hydroelectric power plant at Bonneville Dam, Columbia River, Oregon, as authorized by the Acts approved August 30, 1935 (49 Stat. 1038), August 20, 1937 (50 Stat. 731), and June 24, 1940 (54 Stat. 508), \$4,000,000.

Bonneville Dam,  
Oreg.  
*Ante*, p. 508.

16 U. S. C., Supp.  
V, §§ 832-832L.

## TITLE II—JUDGMENTS AND AUTHORIZED CLAIMS

### PROPERTY DAMAGE CLAIMS

SEC. 201. (a) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in the House Document Numbered 898 of the Seventy-sixth Congress, as follows:

Property damage  
claims.

42 Stat. 1066.

Department of Agriculture, \$299.49;  
Department of Commerce, \$556.15;  
Department of the Interior, \$176.08;  
Navy Department, \$484.08;  
Post Office Department (payable from postal revenues), \$348.07;  
Treasury Department, \$34;  
War Department, \$2,189.82;  
In all, \$4,087.69.

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments, under the provisions of the Act entitled "An Act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case", approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document Numbered 280 of the Seventy-sixth Congress as follows:

Settlement of claims  
not exceeding \$1,000.

42 Stat. 1066.

Federal Works Agency:

Work Projects Administration, \$496.36;  
Department of Agriculture, \$557.27;  
Department of the Interior, \$1,551.58;  
Navy Department, \$540.10;  
War Department, \$2,859.29;  
Post Office Department (payable from postal revenues), \$1,637.68;  
In all, \$7,642.28.

## JUDGMENTS, UNITED STATES COURTS

Judgments, U. S. Courts.

24 Stat. 506; 36 Stat. 1168.

SEC. 202. (a) For the payment of the final judgments, including costs of suits which have been rendered under the provisions of the Act of March 3, 1887, entitled "An Act to provide for the bringing of suits against the Government of the United States", as amended by section 297 of the Act of March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in House Document Numbered 905, under the following departments:

Treasury Department, \$4,300;

War Department, \$5,891.51;

Post Office Department, \$3,117.30;

In all, \$13,308.81, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

Judgments in special cases.

52 Stat. 1341.

45 Stat. 1731.

(b) For the payment of final judgments in special cases rendered against the Government of the United States pursuant to authority contained in the Act, approved June 15, 1938 (Private Act Numbered 588, Seventy-fifth Congress), and (Private Act Numbered 100, Seventieth Congress) certified to the Seventy-sixth Congress in Senate Document Numbered 278, and House Document Numbered 906, under the following Departments:

War Department, \$26,904.21;

Federal Works Agency, \$412.50, together with such additional sum as may be necessary to pay costs and interest as specified in such judgment;

In all, \$27,316.71.

Time for payment.

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

Interest.

(d) Payment of interest wherever provided for judgments contained in this Act shall not in any case continue for more than thirty days after the date of approval of this Act.

## JUDGMENTS, COURT OF CLAIMS

Judgments, Court of Claims.

SEC. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in House Document Numbered 904, under the following establishments and departments, namely:

Federal Home Loan Bank Board, \$4,560.72;

Veterans' Administration, \$11,258.32;

Department of the Interior, \$92,202.06;

Navy Department, \$6,935.59;

Treasury Department, \$15,390.05;

War Department, \$6,742.54;

In all, \$137,089.28, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

Time for payment.

(b) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

## AUDITED CLAIMS

Payment of claims.

SEC. 204. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713),

18 Stat. 110.

and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1938 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in House Document Numbered 897, Seventy-sixth Congress, there is appropriated as follows:

23 Stat. 254.

**Independent Offices:** For Federal Civil Works Administration, \$390.69.

Independent Offices.

For National Industrial Recovery, Civil Works Administration, \$45.70.

For Interstate Commerce Commission, \$2.

For Federal Trade Commission, \$49.87.

For operations under Mineral Act of October 5, 1918, \$3,150.25.

40 Stat. 1009.

**Federal Works Agency:**

For general expenses of public buildings, Procurement Division, \$1.40.

For National Industrial Recovery, Federal Emergency Administration of Public Works, \$557.37.

**Federal Security Agency:**

For salaries and expenses, Food and Drug Administration, 28 cents.

For expenses, Division of Mental Hygiene, Public Health Service, \$12.

**Veterans' Administration:**

For Army and Navy pensions, \$36.

For medical and hospital services, Veterans' Bureau, \$8.71.

For salaries and expenses, Veterans' Administration, \$1,576.75.

**Department of Agriculture:** For salaries and expenses, library, Department of Agriculture, \$16.75.

Department of Agriculture.

For salaries and expenses, Farm Credit Administration, \$202.76.

For agricultural credits and rehabilitation, emergency relief, \$14.69.

For emergency conservation fund (transfer from War to Agriculture, Act March 31, 1933), \$7.49.

48 Stat. 22.

For National Industrial Recovery, Agricultural Adjustment Administration, \$184.20.

For National Industrial Recovery, Interior, soil erosion prevention (transfer to Agriculture), \$26.40.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,172.45.

For loans and relief in stricken agricultural areas (Agriculture transfer for seed corn), \$638.91.

For acquisition of lands for protection of watersheds of navigable streams, \$120.

For salaries and expenses, Forest Service, \$96.92.

For conservation and use of agricultural land resources, Department of Agriculture, \$199.09.

For salaries and expenses, Bureau of Animal Industry, \$40.65.

For salaries and expenses, Soil Conservation Service, \$271.45.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$141.11.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, Act June 28, 1937), \$212.84.

50 Stat. 323.  
15 U. S. C., Supp.  
V. § 713c.

For salaries and expenses, Bureau of Entomology and Plant Quarantine, \$3.79.

**Department of Commerce:** For salaries and expenses, Weather Bureau, \$6.02.

Department of Commerce.

For air-navigation facilities, \$1.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$1.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$80.60.

Emergency relief.

**Emergency Relief:** For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$1,095.29.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$198.46.

For emergency relief, Works Progress Administration, women's projects, \$69.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$7,077.43.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$17,256.73.

For emergency relief, Treasury, administrative expenses, 69 cents.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$4,221.49.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$668.

For emergency relief, Works Progress Administration, administrative expenses, \$3.

For emergency relief, Agriculture, public roads, highways, roads and streets, \$22,654.81.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$172.80.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$202.19.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$156.45.

For emergency relief, Works Progress Administration, highways, roads and streets, \$1,005.95.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, 70 cents.

For emergency relief, Agriculture, Forest Service, parks and recreational facilities, \$38.40.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$4.66.

For emergency relief, Works Progress Administration, work relief projects, \$351.50.

For emergency relief, Works Progress Administration, non-Federal projects approved prior to June 30, 1937, \$88.69.

For emergency relief, Works Progress Administration, public buildings, parks, utilities, flood control, and so forth, \$29.01.

For emergency relief, Works Progress Administration, National Youth Administration (Federal projects), \$6.25.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$53.92.

For emergency relief, Treasury, office of Secretary, assistance for educational, professional, and clerical persons, \$31.83.

For emergency relief, Agriculture, Farm Security Administration, rural rehabilitation, \$278.43.

For emergency relief, Federal Emergency Relief Administration, expenses of liquidation, \$166.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, highways, roads, and streets (Federal projects), 9 cents.

For emergency relief, Emergency Conservation Work, Interior, Indians, miscellaneous projects, Indian reservations, \$29.19.

For emergency relief, Works Progress Administration, public buildings (Federal projects), \$302.39.

For emergency relief, Farm Security Administration, administrative expenses, \$92.10.

**Department of the Interior:** For National Industrial Recovery, Interior, National Park Service, recreational demonstration projects, \$13.80.

Department of the Interior.

For migratory bird conservation fund (receipt limitation), \$4.06.

For National Park Service, \$6.32.

For conservation of health among Indians, \$5.18.

For Indian school support, \$6.80.

For maintenance, irrigation systems, Flathead Reservation, Montana (receipt limitation), \$213.36.

For support of Indians and administration of Indian property, \$22.

**Department of Justice:** For salaries, fees, and expenses of marshals, United States courts, \$8.67.

Department of Justice.

For United States Industrial Reformatory, Chillicothe, Ohio, maintenance, 60 cents.

For support of United States prisoners, \$89.60.

For fees of commissioners, United States courts, \$6.75.

For fees of jurors and witnesses, United States courts, \$48.95.

For miscellaneous expenses, United States courts, \$52.55.

**Department of Labor:** For salaries and expenses, commissioners of conciliation, \$15.15.

Department of Labor.

**Navy Department:** For ordnance and ordnance stores, Bureau of Ordnance, \$2,200.

Navy Department.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies, Navy, \$103.64.

For pay of the Navy, \$59.83.

For pay, subsistence, and transportation, Navy, \$489.41.

For pay, Marine Corps, \$14.20.

For maintenance, Bureau of Supplies and Accounts, \$8.19.

For engineering, Bureau of Engineering, \$7,250.

For aviation, Navy, \$133,590.85.

**Department of State:** For transportation of Foreign Service officers, \$55.42.

Department of State.

For contingent expenses, Foreign Service, \$2.33.

**Treasury Department:** For pay and allowances, Coast Guard, \$320.40.

Treasury Department.

For collecting the internal revenue, \$1.35.

**War Department:** For general appropriations, Quartermaster Corps, \$2,955.20.

War Department.

For pay, and so forth, of the Army, \$2,152.34.

For pay of the Army, \$10,879.85.

For Organized Reserves, \$8.03.

For barracks and quarters, Army, \$179.14.

For clothing and equipage, Army, \$17.54.

For clothing and equipage, \$81.19.

For supplies, services, and transportation, Quartermaster Corps, \$50.89.

For Army transportation, \$53.30.

For ordnance service and supplies, Army, \$1.96.

For ammunition storage facilities, Army, \$13.83.

For increase of compensation, Military Establishment, \$40.46.

For National Guard, \$7.32.

For national defense, \$14.

For Civilian Conservation Corps (transfer to War), \$1.86.

For emergency conservation work (transfer to War, Act June 22, 1936), \$802.76.

49 Stat. 1601.

For emergency conservation fund (transfer to War, Act June 19, 1934), \$91.55.

48 Stat. 1055.

For emergency conservation work (transfer to War, Act February 9, 1937), \$301.98.

50 Stat. 12.

Post Office Department.

**Post Office Department—Postal Service (out of the postal revenues):** For clerks, first- and second-class post offices, \$424.77.

For clerks, third-class post offices, \$211.13.

For compensation to postmasters, \$42.

For contract air-mail service, \$10,457.86.

For furniture, carpets, and safes for public buildings, Post Office Department, \$4.25.

For indemnities, domestic mail, \$118.61.

For miscellaneous items, first- and second-class post offices, \$12.

For operating supplies for public buildings, Post Office Department, \$87.

For special-delivery fees, \$41.31.

Total. Total, audited claims, section 204 (a), \$239,166.63, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of claims. (b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the Act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1938 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the Act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document Numbered 282, Seventy-sixth Congress, there is appropriated as follows:

18 Stat. 110.

**Executive Office:** For National Resources Planning Board, \$3.

23 Stat. 254.

**Independent Offices:** For Federal Trade Commission, \$5.44.

40 Stat. 1009.

For salaries and expenses, National Labor Relations Board, \$1.30.

For operations under Mineral Act of October 5, 1918, \$39,109.69.

For Interstate Commerce Commission, \$1.

Federal Works Agency.

**Federal Works Agency:** For general administrative expenses, Public Buildings Branch, Procurement Division, \$2.65.

For repair, preservation, and equipment, public buildings, Procurement Division, \$16.95.

For salaries and expenses, public buildings outside the District of Columbia, National Park Service, \$4.67.

Veterans' Administration.

**Veterans' Administration:** For Army and Navy pensions, \$187.16.

For salaries and expenses, Veterans' Administration, \$830.74.

Department of Agriculture.

**Department of Agriculture:** For exportation and domestic consumption of agricultural commodities, Department of Agriculture (transfer to Federal Surplus Commodities Corporation, Act June 28, 1937), \$621.80.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$92.39.

For National Industrial Recovery, Agricultural Adjustment Administration, \$51.72.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$720.62.

For conservation and use of agricultural land resources, Department of Agriculture, \$281.25.

For acquisition of lands for protection of watersheds of navigable streams, \$8,516.44.

For acquisition of lands, Uinta and Wasatch National Forests, Utah (receipt limitation), \$1,920.

For salaries and expenses, Soil Conservation Service, \$83.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Agriculture), \$13.60.

50 Stat. 323.  
15 U. S. C., Supp.  
V, § 713c.

For submarginal land program, Farm Tenant Act, Department of Agriculture, \$3,745.09.

50 Stat. 522.  
7 U. S. C., Supp. V,  
§§ 1000-1029.

For salaries and expenses, Forest Service, \$128.16.

For salaries and expenses, Bureau of Animal Industry, \$83.41.

For miscellaneous expenses, Department of Agriculture, \$20.95.

For special research fund, Department of Agriculture, \$100.12.

For control of emergency outbreaks of insect pests and plant diseases, \$1.02.

For chinch bug control, Department of Agriculture, \$21.50.

For farmers' seed-grain loans, \$7.

**Department of Commerce:** For Civil Aeronautics Authority fund, \$1,383.58.

Department of  
Commerce.

For establishment of air-navigation facilities, Civil Aeronautics Authority, \$326.39.

For maintenance of air-navigation facilities, Civil Aeronautics Authority, \$52.85.

For air-navigation facilities, \$5.30.

For salaries and expenses, Weather Bureau, \$38.27.

For traveling expenses, Department of Commerce, \$5.80.

**Emergency Relief:** For emergency relief, Interior, National Park Service, parks and recreational facilities, non-Federal projects, \$82.92.

Emergency relief.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$24.16.

For emergency relief, Agriculture, Farm Security Administration, rural rehabilitation, \$162.24.

For emergency relief, Farm Security Administration, administrative expenses, \$1.91.

For emergency relief, Works Progress Administration, public buildings, parks, utilities, flood control, and so forth, \$2,448.30.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$175.83.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$2.60.

For emergency relief, Works Progress Administration, work relief projects, \$6.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$352.30.

For emergency relief, Federal Emergency Relief Administration, expenses of liquidation, \$87.01.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$10,289.11.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$17.57.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$1,583.49.

For emergency relief, Agriculture, public roads, highways, roads and streets, \$47,457.07.

For emergency relief, Works Progress Administration, parks and recreational facilities, \$3.89.

For emergency relief, Agriculture, Forest Service, flood control and other conservation, \$105.60.

For emergency relief, Agriculture, Forest Service, public buildings, parks, utilities, flood control, and so forth, \$115.20.

For emergency relief, Interior, Puerto Rico Reconstruction Administration, public buildings, parks, utilities, flood control, and so forth, \$440.46.

For emergency relief, Works Progress Administration, National Youth Administration (Federal projects), \$11.

For emergency relief, Works Progress Administration, administrative expenses, project supervision, \$20.96.

For emergency relief, Works Progress Administration, miscellaneous work projects, \$12.

For emergency relief, Works Progress Administration, National Youth Administration, non-Federal projects, \$4.

For emergency relief, Agriculture, Soil Conservation Service, flood control and other conservation, \$2.52.

For emergency relief, Works Progress Administration, assistance for educational, professional, and clerical persons, \$304.08.

For emergency relief, Justice, administrative expenses, \$68.54.

For emergency relief, Interior, National Park Service, public buildings, parks, utilities, flood control, and so forth, \$186.

For emergency relief, Works Progress Administration, administrative expenses, general, \$16.45.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$12,309.63.

For emergency relief, Interior, Indians, loans and grants to Indians for rehabilitation, 83 cents.

For emergency relief, Labor, United States Employment Service, administrative expenses, \$217.40.

For emergency relief, Works Progress Administration (non-Federal projects approved prior to June 22, 1936), \$5,072.02.

For emergency relief, Works Progress Administration, non-Federal projects approved prior to June 30, 1937, \$1,042.70.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$315.89.

For emergency relief, Agriculture, agricultural economics, public buildings, parks, utilities, flood control, and so forth, \$116.30.

For emergency relief, Emergency Conservation Work, War, Civilian Conservation Corps, \$1,745.72.

For emergency relief, Emergency Conservation Work, Agriculture, miscellaneous projects, \$7.70.

**Department of the Interior:** For Civilian Conservation Corps (transfer to Interior, Indians), \$10.35.

For loans and relief in stricken agricultural areas (transfer from Agriculture to Interior, Indians), \$122.82.

For general expenses, Indian Service, \$54.45.

For Indian school support, \$102.15.

For conservation of health among Indians, \$12.57.

For construction, and so forth, irrigation systems, Indian reservations (reimbursable), \$5.45.

For improvement and maintenance, irrigation systems, Crow reservations, Montana, \$14.08.

**Department of Justice:** For salaries and expenses of marshals, etc., Department of Justice, \$103.37.

For United States Northeastern Penitentiary, maintenance, \$9.36.

For United States Penitentiary, Atlanta, Georgia, maintenance, \$18.88.

For support of United States prisoners, \$21.15.

For fees of commissioners, United States courts, 50 cents.

For miscellaneous expenses, United States courts, \$175.

For fees of jurors and witnesses, United States courts, \$13.

For salaries and expenses, Bureau of Prohibition, \$9.26.

For salaries, fees, and expenses of marshals, United States courts, \$8.77.

**Department of Labor:** For salaries and expenses, Bureau of Labor Statistics, \$1.50.

For traveling expenses, Department of Labor, \$1.25.

Department of the Interior.

Department of Justice.

Department of Labor.

- Navy Department:** For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$251.66. Navy Department.
- For pay, Marine Corps, \$42.05.
- For general expenses, Marine Corps, \$16,739.65.
- For aviation, Navy, \$1,934.23.
- For maintenance, Bureau of Supplies and Accounts, \$95.39.
- For organizing the Naval Reserve, \$176.92.
- For engineering, Bureau of Engineering, \$1,492.50.
- For pay, subsistence, and transportation, Navy, \$1,014.60.
- For pay of the Navy, \$18.13.
- Department of State:** For salaries, Foreign Service officers while receiving instructions and in transit, \$950.35. Department of State.
- For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (State), \$49.83.
- For transportation of Foreign Service officers, \$28.01.
- For office and living quarters, Foreign Service, \$244.84.
- For contingent expenses, Foreign Service, \$336.34.
- Treasury Department:** For pay and allowances, Coast Guard, \$60. Treasury Department.
- For suppressing counterfeiting and other crimes, \$3.35.
- For collecting the internal revenue, \$6.30.
- For collecting the revenue from customs, \$142.55.
- For public debt service, \$13.51.
- War Department:** For general appropriations, Quartermaster Corps, \$3,518.77. War Department.
- For pay of the Army, \$13,605.33.
- For pay, etc., of the Army, \$2,101.57.
- For Army transportation, \$146.22.
- For National Guard, \$113.96.
- For regular supplies of the Army, \$259.22.
- For travel of the Army, \$39.
- For clothing and equipage, \$58.60.
- For Reserve Officers' Training Corps, \$11.92.
- For replacing medical supplies, \$108.46.
- For replacing ordnance and ordnance stores, \$4.20.
- For ordnance service and supplies, Army, \$59.56.
- For Organized Reserves, \$1.
- For expenses, camps of instruction, etc., National Guard, \$49.28.
- For barracks and quarters, Army, \$14.
- For replacing Army transportation, \$2.
- For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (War), \$1,130.31.
- For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, Act June 19, 1934), \$6.39. 48 Stat. 1055.
- For emergency conservation fund (transfer to War, Act March 31, 1933), \$207.72. 48 Stat. 22.
- For emergency conservation work (transfer to War, Act June 22, 1936), \$1,136.63. 49 Stat. 1601.
- For emergency conservation work (transfer to War, Act February 9, 1937), \$329.69. 50 Stat. 12.
- For emergency conservation fund (transfer to War, Act June 19, 1934), \$117.47. 48 Stat. 1055.
- For Civilian Conservation Corps (transfer to War), \$1,163.21.
- Post Office Department—Postal Service (Out of the Postal Revenues):** For clerks, contract stations, \$14.52. Post Office Department.
- For clerks, first and second class post offices, \$46.81.

For compensation to postmasters, \$119.

For contract air mail service, \$857.12.

For furniture, carpets, and safes for public buildings, \$2.44.

For furniture, carpets, and safes for public buildings, Post Office Department, 44 cents.

For indemnities, domestic mail, \$75.50.

For miscellaneous items, first and second class post offices, \$80.97.

For operating force for public buildings, Post Office Department, \$45.

For rural delivery service, \$79.35.

For special delivery fees, \$2.25.

For transportation of equipment and supplies, \$18.85.

For vehicle service, \$2,239.20.

Total.

Total, audited claims, section 204 (b), \$195,242.34, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

Payment of claims.

*Ante*, p. 176.

23 Stat. 254.

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to Public Act Numbered 505 of the Seventy-sixth Congress, approved May 2, 1940, which have been certified to Congress under section 2 of the Act of July 7, 1884 (U. S. C., title 5, sec. 266), in Senate Document Numbered 279, and House Document Numbered 903, Seventy-sixth Congress, \$582,494.01.

Judgments against collectors of customs.

SEC. 206. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by the United States District Court, Western District of Washington, Northern Division, and the United States District Court for the Southern District of New York, against collectors of customs, where a certificate of probable cause has been issued as provided for under section 989, Revised Statutes (28 U. S. C. 842), and certified to the Seventy-sixth Congress in Senate Document Numbered 276, and House Document Numbered 909, under the following departments:

Department of Labor, \$529.51;

Department of Justice, \$1,165;

In all, \$1,694.51.

Payment of claim.  
30 Stat. 784; 31 Stat.  
205.

48 Stat. 1226.

SEC. 207. For the payment of claim allowed by the General Accounting Office pursuant to the Acts of January 12, 1899, and May 26, 1900, which has been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document Numbered 277, Seventy-sixth Congress, \$26.

Architect of the Capitol.

SEC. 208. (a) The Architect of the Capitol is hereby authorized and directed to carry into effect for the House of Representatives, and to exercise the authorities contained in, the Resolution of the House of Representatives numbered 590, adopted September 5, 1940, and any other resolution of such House amendatory thereof or supplementary thereto hereafter adopted. Such authority and direction shall continue until the House of Representatives shall by resolution otherwise order.

House Restaurant.  
Special deposit ac-  
count.

(b) There is hereby established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the House of Representatives Restaurant, into which shall be deposited all sums received pursuant to such resolution or resolutions and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under such resolution or resolutions and the operations thereunder. Any appropriation hereafter made from the Treasury of the United States for such restaurant shall be a part of the appropriation "Contingent Expenses, House of Representa-

tives, Miscellaneous Items”, for the particular fiscal year involved and each such part shall be paid to the Architect of the Capitol by the Clerk of the House of Representatives in such sum as such appropriation or appropriations shall hereafter specify and shall be deposited by such Architect in full in such special deposit account.

(c) Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the government.

(d) The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under subsection (c) hereof shall each give bond in the sum of \$5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

SEC. 209. This Act may be cited as the “First Supplemental Civil Functions Appropriation Act, 1941”.

Approved, October 9, 1940.

Deposits and disbursements.

*Proviso.*  
Payments.

Bond.

Short title.

[CHAPTER 781]

AN ACT

To authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior.

October 9, 1940  
[S. 253]

[Public, No. 813]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding any other provision of law, any Indian lands on the Port Madison and Snohomish or Tulalip Indian Reservations in the State of Washington, may be leased by the Indians with the approval of the Secretary of the Interior, and upon such terms and conditions as he may prescribe, for a term not exceeding twenty-five years: *Provided, however*, That such leases may provide for renewal for an additional term not exceeding twenty-five years, and the Secretary of the Interior is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

Washington.  
Lease of designated Indian lands.

*Proviso.*  
Renewal; rules, etc.

Approved, October 9, 1940.

[CHAPTER 782]

AN ACT

For the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration.

October 9, 1940  
[S. 3968]

[Public, No. 814]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of disbursing officers for payments made in good faith on public account from appropriations made available to the Civil Works Administration and the Federal Emergency Relief Administration for expenditure, notwithstanding the failure to comply with requirements of existing law or regulations: *Provided*, That the Commissioner of Work Projects or his duly authorized representative shall certify that the payments appear to be free from fraud or collusion on the part of the disbursing officer making the payment.

Civil Works and Federal Emergency Relief Administrations.  
Relief of former disbursing officers.

*Proviso.*  
Freedom from fraud.

Liability of certifying officer.

SEC. 2. No charge shall be made against the certifying officer for the amount of any payment for which credit shall be allowed under the preceding section where the Commissioner of Work Projects or his duly authorized representative certifies that the payment appears to have been made without fraud or collusion on the part of the certifying officer.

Approved, October 9, 1940.

[CHAPTER 783]

AN ACT

October 9, 1940  
[S. 4258]

[Public, No. 815]

To remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, New York.

Mitchel Field, N.Y.  
Removal of restriction on use of land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the item contained in the Act of Congress approved July 1, 1937 (50 Stat. 452), entitled "An Act making appropriations for the Military Establishment for the fiscal year ending June 30, 1938, and for other purposes", providing for the acquisition of land in the vicinity of Mitchel Field, New York, three hundred and forty-two acres, more or less, to be used exclusively for runways, \$500,000, is hereby amended so as to remove the restriction thereby placed on the use of the land so authorized to be acquired: *Provided,* That the use of said land for any other purpose shall in no way interfere with the effective use of the runways placed thereon.

Proviso.  
Noninterference with use of runways.

Approved, October 9, 1940.

[CHAPTER 784]

AN ACT

October 9, 1940  
[S. 4316]

[Public, No. 816]

To repeal sections 4588 and 4591 of the Revised Statutes of the United States.

R. S. §§ 4588, 4591,  
repeal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 4588 and 4591 of the Revised Statutes of the United States (U. S. C., title 46, secs. 686 and 687) be, and they are hereby, repealed.

Seamen's certificates.

SEC. 2. All certificates heretofore issued to seamen under the authority of section 4588 of the Revised Statutes of the United States are hereby declared void.

Approved, October 9, 1940.

[CHAPTER 785]

AN ACT

October 9, 1940  
[H. R. 1998]

[Public, No. 817]

To confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations.

U. S. commissioners.  
Jurisdiction to try petty offenses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any United States commissioner specially designated for that purpose by the court by which he was appointed shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the law, or rules and regulations made in pursuance of law, committed in any place over which the Congress has exclusive power to legislate or over which the United States has concurrent jurisdiction, and within the judicial district for which such commissioner was appointed. The probation laws shall be applicable to persons so tried before United States commissioners. For the purposes of this Act the term "petty offense" shall be defined as in section 335 of the Criminal Code (U. S. C., title 18, sec. 541). If any person charged with such petty offense shall so elect, however, he shall be tried in the district court of the United States which has jurisdiction

Probation laws.  
"Petty offense" defined.  
46 Stat. 1029.  
Right of defendant to be tried in district court of U. S.

over the offense. The commissioner before whom the defendant is arraigned shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant after being so apprised, signs a written consent to be tried before the commissioner.

SEC. 2. In all cases of conviction by United States commissioners an appeal shall lie from the judgment of the commissioner to the district court of the United States for the district in which the offense was committed. The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States.

SEC. 3. United States commissioners specially designated under authority of section 1 of this Act shall receive for services rendered under this Act the same fees, and none other, as provided for like or similar services in other cases under section 21 of the Act of May 28, 1896 (29 Stat. 184; U. S. C., title 28, sec. 597).

SEC. 4. This Act shall not be construed as in any way repealing or limiting the existing jurisdiction, power, or authority of United States commissioners, including United States commissioners appointed for the several national parks and the United States commissioners in Alaska.

SEC. 5. The provisions of this Act shall not apply to the District of Columbia.

Approved, October 9, 1940.

Appeal.

Rules of procedure, etc.

Fees.

Existing jurisdiction, etc.

Nonapplication to D. C.

[CHAPTER 786]

AN ACT

To amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts.

October 9, 1940  
[H. R. 4068]

[Public, No. 838]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2 of the Commodity Exchange Act, as amended, is amended to read as follows: "The word 'commodity' shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, Solanum tuberosum (Irish potatoes), wool tops, fats and oils (including lard, tallow, cottonseed oil, peanut oil, soybean oil and all other fats and oils), cottonseed meal, cottonseed, peanuts, soybeans and soybean meal."*

Commodity Exchange Act, amendment.

"Commodity" defined.

52 Stat. 205.  
7 U. S. C., Supp. V, § 2.  
Post, p. 1115.

SEC. 2. This Act shall take effect sixty days after the date of its enactment.

Effective date.

Approved, October 9, 1940.

[CHAPTER 787]

AN ACT

To permit the States to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in Federal areas, and for other purposes.

October 9, 1940  
[H. R. 6687]

[Public, No. 819]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no person shall be relieved from liability for payment of, collection of, or accounting for any sales or use tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, on the ground that the sale or use, with respect to which such tax is levied, occurred in whole or in part within a Federal area; and such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.*

Extension of State sales or use tax to Federal areas.

**Applicability.**

(b) The provisions of subsection (a) shall be applicable only with respect to sales or purchases made, receipts from sales received, or storage or use occurring, after December 31, 1940.

Extension of State income tax to Federal areas.

SEC. 2. (a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and power to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area.

**Applicability.**

(b) The provisions of subsection (a) shall be applicable only with respect to income or receipts received after December 31, 1940.

Tangible personal property sold by U. S.

SEC. 3. (a) The provisions of sections 1 and 2 of this Act shall not be deemed to authorize the levy or collection of any tax on or from the United States or any instrumentality thereof, or the levy or collection of any tax with respect to sale, purchase, storage, or use of tangible personal property sold by the United States or any instrumentality thereof to any authorized purchaser.

Authorized purchaser.

(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship's stores, or voluntary unincorporated organizations of Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Jurisdiction of U. S. over Federal areas.

SEC. 4. The provisions of this Act shall not for the purposes of any other provision of law be deemed to deprive the United States of exclusive jurisdiction over any Federal area over which it would otherwise have exclusive jurisdiction or to limit the jurisdiction of the United States over any Federal area.

Taxation of Indians.

SEC. 5. Nothing in sections 1 and 2 of this Act shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed.

Definitions.

SEC. 6. As used in this Act—

"Person."  
26 U. S. C., Supp. V, § 3797.

(a) The term "person" shall have the meaning assigned to it in section 3797 of the Internal Revenue Code.

"Sales or use tax."

(b) The term "sales or use tax" means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of section 10 of the Federal Highway Act, approved June 16, 1936, are applicable.

49 Stat. 1521.  
4 U. S. C., Supp. V, § 12.

"Income tax."

(c) The term "income tax" means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

"State."

(d) The term "State" includes any Territory or possession of the United States.

"Federal area."

(e) The term "Federal area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State shall be deemed to be a Federal area located within such State.

Federal Highway Act, amendment.  
49 Stat. 1521.  
4 U. S. C., Supp. V, § 12.

SEC. 7. (a) Subsection (a) of section 10 of the Federal Highway Act, approved June 16, 1936, is amended—

(1) By striking out the words "upon sales of gasoline and other motor vehicle fuels" and inserting in lieu thereof the words "upon, with respect to, or measured by, sales, purchases, storage, or use of gasoline or other motor vehicle fuels"; and

(2) By striking out the words "upon such fuels" and inserting in lieu thereof the words "with respect to such fuels".

(b) Subsection (b) of such section 10 is amended by striking out the words "not sold for the exclusive use of the United States during" and inserting in lieu thereof the words "with respect to which taxes are payable under subsection (a) for".

Approved, October 9, 1940.

[CHAPTER 788]

AN ACT

Providing for the barring of claims against the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under section 305 of the Budget and Accounting Act of June 10, 1921 (42 Stat. 24), and the Act of April 10, 1928 (45 Stat. 413), shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued: *Provided,* That when a claim of any person serving in the military or naval forces of the United States accrues in time of war, or when war intervenes within five years after its accrual, such claim may be presented within five years after peace is established.

SEC. 2. Whenever any claim barred by section 1 shall be received in the General Accounting Office, it shall be returned to the claimant, with a copy of this Act, and such action shall be a complete response without further communication.

Approved, October 9, 1940.

October 9, 1940  
[H. R. 8150]  
[Public, No. 820]

Barring of claims  
against United States.

31 U. S. C. §§ 71, 236.

*Proviso.*  
Accrual in time of  
war, etc.

Return of barred  
claims.

[CHAPTER 789]

AN ACT

Granting the consent of Congress to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Sauk Rapids, Minnesota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Minnesota Department of Highways and the counties of Benton and Stearns in Minnesota, to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Sauk Rapids, Minnesota, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

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

Approved, October 9, 1940.

October 9, 1940  
[H. R. 9661]  
[Public, No. 821]

Mississippi River.  
Bridge authorized  
across, at Sauk  
Rapids, Minn.

34 Stat. 84.  
33 U. S. C. §§ 491-  
496.

Right reserved.

[CHAPTER 790]

AN ACT

To authorize the acceptance of donations of property for the Vicksburg National Military Park, in the State of Mississippi, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized, in his discretion, to accept, in behalf of the United States, donations of lands, buildings, structures,

October 9, 1940  
[H. R. 9656]  
[Public, No. 822]

Vicksburg National  
Military Park, Miss.  
Acceptance of prop-  
erty donations.

and other property, or interests therein, within a distance of one mile of the present boundaries of the Vicksburg National Military Park, which he may determine to be of historical interest in connection with said park, the title to such property or interests therein to be satisfactory to the Secretary of the Interior.

All such property or interests therein, upon acceptance thereof, shall become a part of the Vicksburg National Military Park and shall be subject to all laws and regulations applicable thereto.

Approved, October 9, 1940.

[CHAPTER 791]

AN ACT

To provide an eight-hour workday and payment for overtime for dispatchers and mechanics-in-charge in the motor-vehicle service of the Postal Service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sixth paragraph of section 6 of the Act entitled "An Act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment and for other purposes", approved February 28, 1925, is amended to read as follows: "Dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, shall be required to work not more than eight hours a day. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duties of the employees shall be regulated accordingly. In cases of emergency, or if the needs of the service require, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees. In computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by three hundred and six, the number of working days in the year less all Sundays and legal holidays enumerated in the Act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service. When the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics-in-charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, and employees of the pneumatic-tube system, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within thirty days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however,* That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays."

Approved, October 9, 1940.

Applicability of specified laws and regulations.

October 9, 1940  
[H. R. 9670]  
[Public, No. 823]

Postal Service.  
43 Stat. 1061.  
39 U. S. C. § 116;  
Supp. V, § 116.

Dispatchers, etc.  
Hours of service.

Computation of overtime pay.

39 Stat. 416.  
39 U. S. C. § 119.

Employment on Sundays and holidays.

*Proviso.*  
Overtime pay in lieu of compensatory time.

[CHAPTER 792]

## AN ACT

To provide for the regulation of the business of fire, marine, and casualty insurance, and for other purposes.

October 9, 1940  
[H. R. 9722]  
[Public, No. 824]

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

## CHAPTER I—TITLE AND DEFINITIONS

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.—This Act shall be known as the “Fire and Casualty Act”.

District of Columbia.  
Fire and Casualty Act.

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## Application.

SEC. 2. APPLICATION.—All fire, marine, and casualty insurance companies now or hereafter incorporated or formed in the District, or authorized to do business in the District, all brokers and all agents and other representatives of such companies, shall, to the extent hereinafter provided, be subject to this Act: *Provided*, That this Act shall not affect the business of life and title insurance, and shall not affect the right or authority of any solvent company to make contracts of fidelity or surety, and shall not affect a plan under which any person provides pension benefits to his employees.

*Proviso.*  
 Designated business  
 not affected.

## Definitions.

SEC. 3. DEFINITIONS.—In this Act, unless the context otherwise requires—

“District.”

“District” means District of Columbia.

“Commissioners.”

“Commissioners” means the Commissioners of the District of Columbia.

“Superintendent.”

“Superintendent” means the Superintendent of Insurance of the District of Columbia.

“Department.”

“Department” means the Department of Insurance of the District of Columbia.

“Company.”

“Company” means an insurance, surety, or indemnity company, and shall be deemed to include a corporation, company, partnership, association, individual, or aggregation of individuals engaging in or proposing or attempting to engage in any kind of insurance, surety, or indemnity business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.

“Authorized company.”  
*Post*, p. 1066.

“Authorized company” means a company which has authority from the Superintendent to do business in the District as provided under section 2, chapter II, of this Act.

“Unauthorized company.”  
*Post*, p. 1066.

“Unauthorized company” means a company which does not have authority from the Superintendent to do business in the District as provided under section 2, chapter II, of this Act.

“Domestic company.”

“Domestic company” means a company incorporated or organized under the laws of the District.

“Foreign company.”

“Foreign company” means a company incorporated or organized under the laws of any State of the United States.

“Alien company.”

“Alien company” means a company incorporated or organized under the laws of any country other than the United States.

“Reciprocal.”

“Reciprocal” includes interinsurance exchange.

“Person.”

“Person” includes individuals, corporations, associations, exchanges, and partnerships.

Personal pronouns.

Personal pronouns include all genders; the singular includes the plural and the plural includes the singular.

“Policy.”

“Policy” means an insurance policy or contract, including contracts of fidelity and surety, and includes any contract wherein one party called the “company”, for a consideration, undertakes to pay money or its

equivalent, or to do an act valuable to any other party upon the happening of the hazard or peril insured against whereby the party insured suffers loss or injury or is subjected to legal liability.

“Officer”, when used to refer to officer of the company, includes an attorney-in-fact.

“Policy writing agent” means any person who is not a salaried employee of a company, and whose residence or principal place of business is located in the District, and who is authorized in writing by any company authorized to transact business in the District to countersign policies and to solicit, negotiate, or effect contracts of insurance, surety, or indemnity for such company in the District.

“Soliciting agent” means any person who is not a salaried employee of a company and whose residence or principal place of business is located in the District, and who is authorized by a company having authority to transact business in the District, or by a policy-writing agent, to solicit in the District contracts of insurance, surety, or indemnity in behalf of such company or agent.

“Broker” means any person who for a consideration acts or aids in any manner in the solicitation or negotiation on behalf of the assured of contracts of insurance, surety, or indemnity.

“Salaried company employee” means any person regularly employed by an authorized company, and who is paid a regular wage or salary to perform certain duties and functions authorized by such company. For the purposes of this Act the term “salaried company employee” shall not include employees engaged solely in office duties or in the inspection, rating, or classifying of risks or in the supervision of agents, or any employee not engaged in the solicitation or writing of policies, or officers of companies or associations engaged in the performance of their usual and customary executive duties.

“Surplus” means the excess of admitted assets over liabilities and capital in the case of a company with capital stock, and the excess of admitted assets over liabilities in the case of a company without capital stock.

“Liabilities” means all debts due or to become due, contingent or otherwise, of which the company has knowledge, and includes the reserves required by this Act.

“Admitted assets” includes the investments authorized or permitted by this Act, and in addition thereto only the following:

(1) Cash in a company’s principal or branch offices or in possession of a company or in transit, and cash deposited with the officers of any State or subdivision thereof, or the Dominion of Canada, when such deposit is necessitated by the laws of such State or subdivision thereof, or by the laws of the Dominion of Canada.

(2) Cash deposited in sound banks and trust companies.

(3) The amount fairly estimated as recoverable on cash deposited in closed banks and trust companies.

(4) Bills and accounts receivable collateralized by securities of the kind in which the company is authorized to invest.

(5) Bills receivable not past due for risks taken by companies authorized to transact fire and marine business described in section 10 of chapter II of this Act that are not in excess of the unearned premiums thereon.

(6) Gross premiums or premium deposits in course of collection not more than ninety days past due, less commissions due thereon to agents.

(7) Amounts fairly estimated as recoverable from advances made on contracts under surety bonds.

(8) Amounts due from solvent insurance companies, bureaus, or company associations, and amounts fairly estimated as recoverable from insolvent insurance companies.

“Officer.”

“Policy writing agent.”

“Soliciting agent.”

“Broker.”

“Salaried company employee.”

Exclusions.

“Surplus.”

“Liabilities.”

“Admitted assets,” investments included.

Post, p. 1069.

(9) The interest accrued during the twelve months immediately preceding on mortgage loans other than those upon which the company is proceeding for the enforcement of security.

(10) The rents accrued on the company's property during the twelve months immediately preceding.

(11) Interest due and accrued on bonds conforming to this Act and not in default.

(12) Amounts due and accrued on dividends declared on shares of stock conforming to this Act.

(13) Interest due and accrued on collateral loans which is not in excess of the value of the collateral over the amount loaned thereon.

(14) Interest due and accrued on deposits in sound banks and trust companies.

(15) Interest accrued on tax-anticipation warrants.

(16) Amounts due for tax refunds allowed but unpaid from the United States or any State.

## CHAPTER II—POWERS AND DUTIES OF SUPERINTENDENT

### GENERAL PROVISIONS

Records of Insurance Department.

**SECTION 1. RECORDS OF INSURANCE DEPARTMENT; POWER TO MAKE RULES.**—The office of the Superintendent shall be a public office, and the records, books, and papers thereof on file therein shall be public records of the District, except as the Superintendent for good reason may decide otherwise, or except as it may be provided otherwise herein.

Rules and regulations.

The Superintendent shall have authority to make and enforce such reasonable rules and regulations as may be necessary in making effective the provisions of this Act, but such rules and regulations shall not be contrary to nor inconsistent with the provisions of this Act.

Certificate of authority.

**SEC. 2. CERTIFICATE OF AUTHORITY.**—It shall be the duty of the Superintendent to issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Superintendent may, however, satisfy himself by such investigation as he may deem proper or necessary that such company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew any such certificate to a company if the issuance or renewal of such certificate would adversely affect the public interest. In each case the certificate shall be issued under the seal of the Superintendent authorizing and empowering the company to transact the kind or kinds of business specified in the certificate, and each such certificate shall be made to expire on the 30th day of April next succeeding the date of its issuance. No company shall transact any business in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business not specified in such certificate of authority. No domestic mutual company shall transact any business in the District until it has bona fide applications for insurance covering not less than two hundred separate risks in not less than twenty policies to be issued to not less than twenty members, and has received the cash premium therefor, and has a surplus of not less than the amount provided under sections 12 and 13 of chapter II of this Act.

Requirements of domestic mutual companies.

Post, p. 1070.

Revocation and suspension of certificate of authority.

**SEC. 3. REVOCATION AND SUSPENSION OF CERTIFICATE OF AUTHORITY.**—The Superintendent shall have power to revoke or suspend the certificate of authority to transact business in the District of any

company which has failed or refused to comply with any provision or requirement of this Act, or which—

- (a) Is impaired in capital or surplus;
- (b) Is insolvent;
- (c) Is in such a condition that its further transaction of business in the District would be hazardous to its policyholders or creditors in the District, or to the public;
- (d) Has refused or neglected to pay a valid final judgment against such company within thirty days after such judgment shall have become final either by expiration without appeal within the time when such appeal might have been perfected, or by final affirmance on appeal;
- (e) Has violated any law of the District or has in the District violated its charter or exceeded its corporate powers;
- (f) Has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the Superintendent, his deputies, or duly appointed examiners;
- (g) Has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;
- (h) Fails to file with the Superintendent a copy of an amendment to its charter or articles of association within thirty days after the effective date of such amendment;
- (i) Has had its corporate existence dissolved or its certificate of authority revoked in the State in which it was organized; or
- (j) Has had all its risks reinsured in their entirety in another company, without prior approval of the Superintendent.

The Superintendent shall not revoke or suspend the certificate of authority of any company until he has given the company not less than thirty days' notice of the proposed revocation or suspension and of the grounds alleged therefor, and has afforded the company an opportunity for a full hearing: *Provided, however,* That if the Superintendent shall find upon examination that the further transaction of business by the company would be hazardous to the public or to the policyholders or creditors of the company in the District, he may suspend such authority without giving notice as herein required.

**SEC. 4. WHEN COMPANY HAS CEASED BUSINESS.** If a company shall cease to do business in the District, it shall thereupon make report to the Superintendent of the taxable premiums collected which have not been reported prior to the date of the cessation of business, and shall forthwith pay to the collector of taxes of the District, through the Superintendent, a tax thereon computed according to law. If a company fails or refuses to make such a report or to pay the tax imposed upon it as required by law, it shall be liable to the District for the amount of such taxes, plus a penalty of 8 per centum per month for each month or part thereof during which such taxes remain unpaid.

**SEC. 5. RECEIVERSHIP PROCEEDINGS.**—The Superintendent may, through the corporation counsel of the District, apply to the district court of the United States for the District for a rule directing any company organized under the laws of the District or any company in the course of organization to show why the Superintendent should not take possession of its property and conduct its business as the nature of the case and the interests of the policyholders, creditors, stockholders, or the public may require, whenever any such company is—

- (a) Insolvent; or
- (b) Has neglected or refused to observe a lawful order of the Superintendent to make good any deficiency in its capital or surplus; or
- (c) Has by contract of reinsurance or otherwise transferred or attempted to transfer substantially its entire property or business, or has entered into any transaction, the effect of which is to merge sub-

Notice of revocation, etc.; hearing.

*Provido.*  
Suspension without notice.

When company has ceased business.

Receivership proceedings.

stantially its entire property or business in the property or business of any other company, without having first obtained the written approval of the Superintendent; or

(d) Is found after an examination by the Superintendent to be in such condition that its further transaction of business would be hazardous to its policyholders; or

(e) Has violated its charter; or

(f) Is carrying on activities against public policy.

Injunctions.

Upon such application, such court may, in its discretion, issue an injunction restraining such company from the transaction of its business or disposition of its property pending further order of the court.

Determination of issues.

On the return of such rule to show cause, the court shall hear, try, and determine the issues forthwith, and shall either deny the application or direct the Superintendent to take possession of the property and conduct the business of such company and retain such possession and conduct such business until on the application either of the Superintendent, the corporation counsel representing him, or the company, it shall, after a like hearing, appear to the court that the ground for the order directing the Superintendent to take possession has been removed, and that the company can properly resume the possession of its property, and the conduct of its business. If on the like application and rule to show cause, and after a hearing, the court shall order the liquidation of the business of such company, such liquidation shall be made by and under the direction of the Superintendent, who may deal with the property and business of such company in his own name as Superintendent, or in the name of the company, as the court may direct, and shall be vested by operation of law with title to all of the property, contracts, and rights of action of such company as of the date of the order so directing him to liquidate. The filing or recording of such order in the office of the recorder of deeds for the District shall impart the same notice that a deed, bill of sale, or other evidence of title duly filed or recorded by such company would have imparted. For the purpose of this section, the Superintendent shall have power to appoint under his hand and official seal one or more special deputy superintendents, and to employ clerks and assistants as may by him be deemed necessary. The fair and reasonable compensation of such special deputies, clerks, and assistants, and all the expenses of taking possession of and conducting the business of any such company shall, subject to the approval of the court, be paid out of the funds or assets of such company. The court may require a corporate surety bond or bonds from the Superintendent in such amount as it may deem necessary.

Liquidation.

Filing or recording of order.

Appointment of special deputies, etc.

Compensation.

Bond.

When company to be deemed insolvent.

**SEC. 6. WHEN COMPANY TO BE DEEMED INSOLVENT.**—Any insurance company whose assets are not sufficient to reinsure its outstanding risks in a solvent insurance company shall be deemed insolvent, and may be proceeded against as provided in this Act.

When capital or surplus deemed impaired.

**SEC. 7. WHEN CAPITAL OR SURPLUS OF COMPANY DEEMED IMPAIRED.**—Any company whose capital has been reduced to an amount less than that required by this Act, or whose surplus of admitted assets in excess of all liabilities is less than the amount required by this Act, shall be deemed to be impaired in capital or surplus, and may be proceeded against as provided in this Act.

Annual statement.

**SEC. 8. ANNUAL STATEMENT.**—Every company doing business in the District shall file with the Superintendent before March 1 in each year a financial statement for the year ending December 31 immediately preceding on forms furnished by the Superintendent. The Superintendent shall have authority to extend the time for filing such statement by any company for reasons which he shall deem good and sufficient. Such statement shall be verified by the oath of the president and secretary of the company, or, in their absence, by two other

Verification.

principal officers. The Superintendent shall annually in the month of December furnish to each of the companies authorized to do business in the District blanks necessary for the filing of the statement herein required. Such blanks shall conform substantially to the form of statement adopted by the National Association of Insurance Commissioners. The Superintendent shall have power to make such modifications and additions in said blank forms of statement as he may deem desirable and necessary to ascertain the condition and affairs of the company. The Superintendent shall also have power to require that at least once in the month of March in each year a summary of such annual statement shall be published by the company in a daily newspaper published in the District.

**SEC. 9. PENALTY FOR FALSE STATEMENT.**—Any director, officer, agent, or employee of any company who subscribes to, makes or concurs in making or publishing any annual or other statement required by law, knowing the same to contain any material statement which is false, shall be fined not more than \$5,000 or imprisoned for not more than five years, or both.

**SEC. 10. EXAMINATIONS.**—The Superintendent may examine the books, papers, property, and affairs of any agent or company organized or doing business in the District, and of any company engaged in or professing to be engaged in organizing, promoting, or soliciting stock or capital contributions to or aiding in the formation of any company, or any company which holds the capital stock of another company for the purpose of controlling the management thereof as voting trustee or otherwise. The Superintendent, his deputy, or any examiner designated by the Superintendent, may examine under oath the officers and agents of such company, and all persons deemed to have material information regarding the company's property or business. Every such company, its officers, and agents shall produce at the home office of the company at the time designated by the Superintendent its books of original entry, and all records and papers in its or their possession relating to its or their business or affairs. The officers and agents of such company shall facilitate such examination insofar as it is in their power to do so. The expense of such examination shall be paid by the company examined. Any officer, director, agent, or employee of any company who makes or causes to be made any false entry in any book, report, or statement of such company with intent to injure or defraud such company or any other company or person, or to deceive any officer of such company, or the Superintendent, and any person who with like intent aids or abets any officer, director, agent, or employee in any violation of this Act shall be fined not more than \$1,000, or shall be imprisoned for not more than five years, or both. The Superintendent may, in lieu of such examination of a foreign or alien company, accept the report on the examination of such company made by the Insurance Department or other insurance supervising official in any other State or any government outside the United States.

**SEC. 11. CLASSIFICATION OF INSURANCE.**—Any company authorized to do business in the District may, when empowered by its charter, make all or any one or more of the kinds of insurance and reinsurance comprised in either or both of the following classes, subject to and in accordance with the provisions of this Act:

(1) **FIRE AND MARINE.**—On houses, buildings, and all other kinds of property against loss, damage, or damages by fire, lightning, or storm; to insure against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers or water pipes; and to make all kinds of insurance against loss of or damage to goods, merchandise, or other property caused by fire, risks of transportation, or navigation, the action of the elements or adverse manifestations of

Blank forms.

Publication of summary.

Penalty for false statement.

Examinations.

Books of original entry, records, etc.

Penalty for false entry, etc.

Foreign or alien company.

Classification of insurance.

Fire and marine.

nature, as well as all and every risk or peril to which the subject of insurance may be exposed, against which it is not contrary to public policy to insure, including every insurable interest therein or in the use thereof, or profit or income therefrom, or legal liability therefor, but not to include injury to the person nor loss caused by breach of trust.

Casualty.

(2) CASUALTY.—(a) Upon the health of persons, or against injury, disablement, or death of persons resulting from traveling or general accidents by land or water, and against liability of the assured for injuries to employees or other persons; (b) against liability of the assured for loss or destruction of or damage to property; (c) upon the lives of domestic animals; (d) against loss of or damage to glass and its appurtenances; (e) against loss of or damage to any property resulting from the explosion of or injury to any boiler, heater, unfired pressure vessel, pipes or containers connected therewith, any engine, turbine, compressor, pump or wheel or any apparatus generating, transmitting or using electricity, or any other machine or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus and machinery, whether insured or otherwise; (f) against loss by burglary or theft, or both, and against loss of or damage to moneys and securities; (g) to guarantee and indemnify merchants, traders, and those engaged in business and giving credit, from loss and damage by reason of giving and extending credit to their customers and those dealing with them; (h) against loss or damage by water or other fluid or substance to any property resulting from the breakage or leakage of sprinklers or water pipes; (i) to insure against any other casualty risk which may lawfully be the subject of insurance, and which it is not contrary to public policy to insure: *Provided*, That this section shall not be construed as having any effect whatever upon the right or authority of any solvent company to make contracts of fidelity or surety.

*Proviso.*  
Fidelity or surety  
contracts.

Limitation of risk.

SEC. 12. LIMITATION OF RISK.—No company other than a mutual or reciprocal company doing business in the District shall expose itself to any loss on any one risk or hazard in the District to an amount exceeding 10 per centum of the sum of its capital stock and surplus without the written prior consent of the Superintendent. No mutual or reciprocal company shall expose itself to any loss on any one risk or hazard in the District to an amount exceeding 10 per centum of its surplus without written prior consent of the Superintendent. No portion of any such risk or hazard which shall have been reinsured in a company authorized to do business in the District shall be included in determining limitation of risk: *Provided*, That the provisions of this section shall not apply to the insurance of workmen's compensation, employers' liability, marine, or inland marine risks.

*Proviso.*  
Nonapplicability to  
specified risks.

Minimum capital  
and surplus require-  
ment.

SEC. 13. MINIMUM CAPITAL AND SURPLUS REQUIREMENT.—Every stock company authorized to do business in the District shall have and shall at all times maintain a paid-up capital stock of not less than \$150,000, and a surplus of not less than \$150,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than \$150,000, and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than \$200,000.

Corporations here-  
before formed.

SEC. 14. CORPORATIONS HERETOFORE FORMED.—No company shall be exempt from the provisions of this Act by reason of its having been incorporated in the District or elsewhere prior to the effective date of this Act, except that, in the case of companies authorized in the District on the date of approval of this Act, and continuously authorized

thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this Act, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issuance of policies having no provision for contingent liability, shall not be applicable.

**SEC. 15. DOMESTIC COMPANIES.**—Any domestic stock, mutual, or reciprocal company desiring to transact business in the District shall, after complying with the general laws of the District governing the formation of companies or corporations, file with the Superintendent copies of its articles of incorporation, bylaws, charter, proposed forms of policies, and such other information as may be necessary to manifest and explain the organization, objects, and purposes of the company, and to satisfy the Superintendent that such company has complied with the laws of the District regarding the formation of companies. Thereafter, upon application made to the Superintendent upon such forms as the Superintendent shall prescribe, the Superintendent, subject to the provisions of chapter II, section 2, of this Act, shall issue to the company a certificate of authority to transact business in the District.

**SEC. 16. DOMESTIC COMPANY REAL ESTATE HOLDINGS.**—A domestic company may acquire, hold, and convey real estate for the purpose and in the manner only following:

(1) The building in which it has its principal office and the land on which it stands.

(2) Such as shall be requisite for its convenient accommodation in the transaction of its business.

(3) Such as shall have been acquired for the accommodation of its business.

(4) Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for money due.

(5) Such as shall have been conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings.

(6) Such as it shall have purchased at sales on judgments, decrees, or mortgages obtained or made for such debts.

All such real estate specified in paragraphs (3), (4), (5), and (6) of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold by the company and disposed of within five years after it shall have acquired the title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, unless the company procure the certificate of the Superintendent that its interests will suffer materially by a forced sale thereof, in which event the time for the sale may be extended to such time as the Superintendent shall direct in such certificate.

**SEC. 17. MUTUAL COMPANY'S SURPLUS FUND—POWER TO BORROW.**—A domestic mutual company may borrow or assume liability for the repayment of a sum of money sufficient to defray the reasonable expenses of its organization or to enable it to comply with any requirement of law or as a surplus fund upon agreement which shall first be submitted to and approved by the Superintendent that such loan or advance with interest at a rate not exceeding 6 per centum per annum shall be repaid only with the approval of the Superintendent whenever in his judgment the company shall be in possession of sufficient surplus in excess of a surplus equal to the amount required by this Act. Any such loan or advance shall not form a part of the legal liabilities of the company, but until such loan or advance has been repaid all statements published

by such company or filed with the Superintendent shall show the amount thereof then remaining unpaid.

**SEC. 18. INVESTMENT OF FUNDS OF DOMESTIC COMPANIES.**—A domestic company shall invest its funds only in—

(1) Bonds or other evidences of indebtedness of the United States, or of any State; or of the Dominion of Canada, or of any Province thereof.

(2) Bonds or other evidences of indebtedness of any county, city, town, village, school district, or other municipal district within the United States or the Dominion of Canada which shall be a direct obligation of the county, city, town, village, or district issuing the same.

(3) Bonds or notes secured by mortgages or deeds of trust on unencumbered real estate or perpetual leases thereon in the United States or Dominion of Canada worth not less than 50 per centum more than the amount loaned thereon. Where improvements on the land constitute a part of the value on which the loan is made, the improvements shall be insured against fire for the benefit of the mortgage in an amount not less than the difference between two-thirds of the value of the land and the amount of the loan: *Provided*, That for the purposes of this section real estate shall not be deemed to be encumbered within the meaning of this section by reason of the existence of taxes or assessments that are not delinquent, instruments creating or reserving mineral, oil, or timber rights, rights-of-way, joint driveways, sewer rights, rights in walls, nor by reason of building restrictions or other restrictive covenants, nor when such real estate is subject to lease in whole or in part whereby rents or profits are reserved to the owner.

(4) Bonds or notes secured by mortgages insured by the Federal Housing Administrator and in debentures issued by the Federal Housing Administrator: *Provided*, That the restrictions in subparagraph (3) of this section in regard to the ratio of the loan to the value of the property shall not apply to such insured mortgages.

(5) Bonds or other evidences of indebtedness of the farm-loan banks authorized under the Federal Farm Loan Act or Acts amendatory thereof or supplementary thereto, and bonds or other evidences of indebtedness of national mortgage associations.

(6) Stock or bonds and other evidences of indebtedness of any solvent corporation of any State or Territory of the United States or of the District or of any Province of the Dominion of Canada, excepting stock in its own corporation: *Provided*, That no such investment shall be made in or loan made upon the security of any such stocks upon which dividends in cash during the period of five years next preceding such purchase in each fiscal year for said five years shall not have been paid, and upon which bonds any regular interest payment shall have been defaulted any time within five years prior to such purchase or loan.

(7) Loans upon the pledge of any of the securities aforesaid.

(8) A company doing business in a foreign country may invest the funds required to meet its obligations in such country and in conformity to the laws thereof in the same kind of securities in such foreign country that such company is allowed by law to invest in the United States.

(9) The bonds of the Home Owners' Loan Corporation, a corporation organized under and pursuant to the authority of the Home Owners' Loan Act of 1933, passed by the Congress of the United States and approved June 13, 1933.

No loan or investment shall be made by any such company, unless the same shall have been authorized by the board of directors or by a committee thereof charged with the duty of supervising loans or investments.

Investment of funds of domestic companies.

Government, etc., bonds.

County, etc., bonds.

Bonds, etc., secured by mortgages on unencumbered real estate.

Insurance of improvements.

*Proviso.*  
Unencumbered real estate construed.

Bonds, etc., insured by F.H.A.

*Proviso.*  
Restriction waived.

Bonds of farm-loan banks, etc.  
39 Stat. 360.  
12 U. S. C. §§ 641-1012;  
Supp. V, §§ 641-1001.

Stocks, etc., of solvent corporations.

*Proviso.*  
Restriction.

Designated loans.

Company doing business abroad, investments.

Bonds of HOLC.  
48 Stat. 128.  
12 U. S. C. §§ 1461-1468;  
Supp. V, §§ 1462-1467.

Restriction.

No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said company, jointly with any other corporation, firm, or person, or enter into any agreement to withhold from sale any of its securities or property; but the disposition of its assets shall at all times be within the control of the company.

Underwriting of purchases, etc.

Nothing in this Act shall prohibit a company from accepting in good faith, to protect its interest, securities or property, other than herein referred to, in payment of or to secure debts due or to become due the company.

Acceptance of other securities, etc.

**SEC. 19. EXCLUSIVE AGENCY CONTRACTS.**—No domestic company authorized to do an insurance business in the District shall have or make any contract with any person whereby such person is granted the exclusive right or privilege to solicit, procure, write, produce, or manage the entire insurance business of such company, or to collect premiums therefor, unless such contract is filed with and approved in writing by the Superintendent. The Superintendent shall not approve any such contract which—

Exclusive agency contracts, restriction.

Exception.  
Contracts not to be approved.

(a) Subjects the company to excessive charges for expenses or commissions; or

(b) Gives to such person the right to manage any of the affairs of such company or the exclusive right to solicit, procure, write, or produce the entire insurance business for such company, or to collect the premiums therefor for such unreasonable period as may jeopardize the interests or security of the company's policyholders.

**SEC. 20. FOREIGN OR ALIEN COMPANIES.**—Upon complying with the provisions of this Act, a foreign or alien company organized as a stock, mutual, or reciprocal company, or as a Lloyd's organization, but not otherwise, may be authorized by certificate of authority to transact in the District the kind or kinds of business which a domestic company similarly organized may be authorized to transact under this Act. Such certificate of authority shall be issued as provided under section 2, chapter II, of this Act. The issuance of a certificate of authority to a Lloyd's organization shall be subject to the provisions of section 20A of this Act.

Foreign or alien companies.  
Certificate of authority to transact business.

*Ante*, p. 1066.

**SEC. 20A.** Individuals and aggregations of individuals transacting an insurance business upon the plan known as Lloyd's whereby the individual underwriters become liable severally for specified proportions of the whole amount insured by a policy, heretofore organized under the laws of a State of the United States, or of a foreign government, may be authorized to transact business in the District, upon the following conditions:

Lloyd's plan.  
Authorization to do business under.

Conditions.  
Compliance with terms, etc.

1. They shall comply with and be subject to the same terms, conditions, and provisions as are imposed by this Act upon foreign stock insurance companies, except as provided in the next succeeding paragraph and except that the maximum amount of insurance to be assumed by an individual underwriter upon any single risk for each kind of insurance shall not exceed 10 per centum of the value of the cash and securities deposited in trust by such underwriter, plus the share of admitted assets other than underwriter's deposits of such Lloyd's belonging to such underwriter, less the share of liabilities and reserves of such Lloyd's allocable to such underwriter, but in no event shall it exceed 10 per centum of the value of cash or securities deposited in trust by such underwriter;

2. They shall have and shall at all times maintain surpluses of not less than \$300,000 in the aggregate and shall at all times have on deposit with an insurance department of a State of the United States, or with a bank or trust company designated by such insurance department, for

Maintenance of surpluses.  
Deposit for benefit of policyholders.

the benefit of all policyholders within the United States the sum of at least \$350,000 in cash or in securities such as are required for the investment of the assets of insurance companies authorized to do business in the District: *Provided*, That they shall not be required to establish or maintain such a deposit if they have on deposit in the hands of a bank or trust company in the United States as trustee cash deposits or securities issued by the United States worth not less than \$2,000,000 in the aggregate and held in trust for the benefit of all policyholders in the United States;

*Proviso.*  
Substitution.

3. They shall file with the Superintendent an authenticated copy of their powers of attorney and an authenticated copy of the trust agreement, or other agreement under which deposits made by underwriters are held;

Filing of powers of attorney, etc.

4. They shall notify the Superintendent forthwith of any amendments to their powers of attorney, deposit agreement, or other documents underlying their organization, by filing with the Superintendent an authenticated copy of such documents as amended.

Notification of amendments.

5. They shall notify the Superintendent forthwith of any change in their names or change of attorney-in-fact, or change of address of their attorney-in-fact;

Change in names, etc.

6. In the case of an alien Lloyd's, their annual statement shall embrace only their condition and transactions in the United States, and may be verified by the oath of their resident manager or other person or persons having proper authority;

Annual statement of an alien Lloyd's.

7. There shall be filed with the Superintendent by the attorney-in-fact at the time of filing the annual statement, or more often if the Superintendent requires, a statement verified by the appropriate official of such Lloyd's, setting forth—

Filing of verified statement.  
Contents.

(a) the names and addresses of all the underwriters of such Lloyd's;

(b) a description of the cash and securities deposited in trust by each underwriter;

(c) the maximum amount of insurance assumed by each underwriter upon any single risk or each kind of insurance;

(d) that the maximum amount of insurance assumed upon any single risk for each kind of insurance by any individual underwriter does not exceed the limitation provided for in paragraph one of this section.

Application for certificate of authority.

**SEC. 21. APPLICATION FOR CERTIFICATE OF AUTHORITY.**—A foreign or alien company, in order to procure a certificate of authority to transact business in the District, shall make application therefor to the Superintendent on forms prescribed and furnished by the Superintendent. Such forms shall be executed for the company, by its president or vice president, or executive officer corresponding thereto, and verified by such officer, and if a corporation the corporate seal shall be thereto affixed, attested by its secretary or other proper officer.

Delivery to Superintendent of application and documents.

**SEC. 22. DELIVERY TO SUPERINTENDENT OF APPLICATION AND DOCUMENTS.**—A foreign or alien company shall deliver to the Superintendent (a) application of the company for a certificate of authority; (b) a copy of its articles of incorporation or articles of association and amendments thereto, duly certified by the proper officer of the State or country under whose laws the company is organized or incorporated, or if reciprocal, the power of attorney of the attorney-in-fact; (c) if an alien company, a copy of the appointment and authority of its United States manager, certified by a proper officer of the company; (d) a copy of its bylaws and regulations; (e) forms of contracts and policies it proposes to issue in the District, and forms of the applications therefor, if any; (f) the instrument authorizing service of process on the Superintendent required by section 23 (b) of chapter II of this Act; (g) a statement of its financial condition and business

as of the end of the preceding calendar year, complying as to form and verification with the requirements of this Act for annual statements, or financial statement as of such later date as the Superintendent may require; (h) a copy of the last report of examination, certified to by an insurance commissioner or other proper supervisory official; (i) a certificate from the proper official of the State or country wherein it is incorporated or organized, that it is duly incorporated or organized and is authorized to write the kind or kinds of insurance which it proposes to write in the District. Before a certificate of authority to transact business in the District is issued to a foreign or alien company, such company shall satisfy the Superintendent that (a) the company is duly organized under the laws of the State or country under whose laws it professes to be organized and is authorized to do the business it is transacting or proposes to transact; (b) its name is not the same as, or so deceptively similar to, the name of any domestic company, or the name of any department of the Federal Government or existing corporation authorized to transact business in the District as to mislead the public or cause confusion; (c) if a stock company, it has a paid-up capital and surplus at least equal to the capital and surplus required by this Act, or, if a mutual company or reciprocal, it has a surplus and provision for contingent liability of policyholders at least equal to the surplus and provision for contingent liability of policyholders required by this Act; (d) its funds are invested in accordance with the laws of its domicile, and in securities or property which afford a degree of financial security substantially equal to that required for similar domestic companies. Before issuing a certificate of authority to a foreign or alien company, the Superintendent may cause an examination to be made of the condition and affairs of such company.

Prerequisites to issuance of certificate.

Foreign or alien company.

Service of process upon unauthorized company.

**SEC. 23. (a) SERVICE OF PROCESS UPON UNAUTHORIZED COMPANY.—**(1) The issuance or delivery of a policy or contract of insurance in this District, to a citizen or resident thereof, by a foreign or alien company transacting business in this District without a certificate of authority, shall be deemed equivalent to an appointment by such company of the Superintendent and his successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it, arising out of such policy or contract of insurance, and said issuance or delivery shall be a signification of its agreement that any such process against it which is so served shall be of the same legal force and validity as if served upon the company.

(2) Service of such process upon the Superintendent, and the responsibility of the Superintendent in regard thereto, shall be in accordance with the provisions for service of process upon authorized companies as provided in subsection (b).

(b) **ATTORNEY FOR SERVICES OF PROCESS.—**Every foreign or alien company now or hereafter authorized to transact business in the District shall file with the Superintendent a duly executed instrument appointing and constituting him and his successors true and lawful attorney for such company, upon whom all lawful process in any action or legal proceeding against it in the District may be served, and therein shall agree that any lawful process against it, which may be served upon its said attorney as herein provided, shall be of the same force and validity as if served upon the company, and that the authority thereof shall continue in force irrevocably so long as any liability of the company in the District shall remain outstanding. Such process shall be served by delivering to and leaving the same with the Superintendent or his deputy, and service thereof upon such attorney shall be deemed service upon the company. The Superintendent shall forthwith forward such process by prepaid registered mail to the company, or, in the case of

Attorney for service of process.

Manner of serving.

an alien company, to the United States manager or last appointed United States general agent of the company. The registry receipt evidencing the deposit by the Superintendent, or his deputy, of such process, in the United States mails in the manner herein prescribed, shall be prima facie evidence of the completion of such service. Failure of any such company to file such an instrument, or failure on the part of any such company to authorize such filing, shall not invalidate any service made by serving the Superintendent. By accepting a certificate of authority to transact business in the District, every such company shall be held to have appointed the Superintendent its true and lawful attorney. Any such company transacting business in the District without designating an attorney for service of process as herein provided shall, upon information filed by the corporation counsel of the District in the police court of the District, be fined upon conviction not less than \$10 nor more than \$500 for each day during which the company shall have operated in violation of this section.

Failure to file instrument not to invalidate service.

Failure to designate attorney for service of process.

Penalty.

Mutual and reciprocal names.  
*Ante*, p. 1070.

**SEC. 24. MUTUAL AND RECIPROCAL NAMES.**—Except as otherwise provided in section 14, no mutual company shall be authorized to transact business in the District unless the name of such company shall include the word "mutual", and no reciprocal or interinsurance exchange shall be authorized to transact business in the District unless the name or designation under which reciprocal or interinsurance contracts are to be exchanged shall include the words "reciprocal" or "interinsurance exchange", or be supplemented by the following words immediately below the name or designation under which such contracts are exchanged: "A reciprocal" or "an interinsurance exchange".

Maximum and contingent premiums of mutual companies.

**SEC. 25. MAXIMUM AND CONTINGENT PREMIUMS OF MUTUAL COMPANIES.**—The maximum premium shall be expressed in the policy of a mutual company, and it may be solely a cash premium, or may be a cash premium and an additional contingent premium, which contingent premium shall be not less than the cash premium, but no mutual company, except as otherwise provided in section 14, shall issue any policy for a cash premium without an additional contingent premium until and unless it possesses a surplus of not less than \$300,000.

Reserves.

**SEC. 26. RESERVES.**—In determining the financial condition of companies authorized under this Act, allowance shall be made for proper and adequate reserves for liabilities, including reserves for—

- (a) Unpaid losses and the expenses of the adjustment thereof;
- (b) Unearned premiums;
- (c) Commissions, taxes, and all other legal obligations, contingent or otherwise, of which the company has knowledge.

Computation.  
*Ante*, p. 1068.

The computation of such reserves shall be in accordance with the provisions of the form of annual statement required under section 8 of chapter II of this Act, and every authorized company shall maintain such reserves at all times.

Policy forms filed with Superintendent.

**SEC. 27. POLICY FORMS FILED WITH THE SUPERINTENDENT.**—The Superintendent may require that all policy forms used by every authorized company covering risks in the District be filed with the Superintendent. The Superintendent shall have authority to disapprove the use in the District of any policy form which is inequitable, or does not comply with the requirements of the law of the District.

Provisions in accident and health policies.

**SEC. 28. PROVISIONS IN ACCIDENT AND HEALTH POLICIES.**—The Superintendent may require that the provisions and conditions contained in any policy of insurance against loss or damage from sickness or bodily injury or death of the insured by accident issued by any company authorized by this Act to transact business in the District be made to conform to the requirements prescribed under section 12 of chapter V of Public Law Numbered 436, Seventy-Third Congress.

Standard requirements.  
49 Stat. 1162.  
5 D. C. Code, Supp.  
V, § 2202.

**SEC. 29. DISCRIMINATIONS PROHIBITED.**—Discrimination between individual risks of the same class or hazard in the amount of premiums or rates charged for any policy, or in the benefits or amount of insurance payable thereon, or in any of the terms or conditions of such policy, or in any other manner whatsoever, is prohibited, and the Superintendent is empowered after investigation to order removed at such time and in such manner as he shall specify any such discrimination which his investigation may reveal.

Discriminations prohibited.

**SEC. 30. AGENTS AND BROKERS—REQUIREMENTS FOR LICENSE, AND SO FORTH.**—No company authorized to do business in the District shall, by its representatives or otherwise, make, write, issue, or deliver any contract of insurance, surety, or indemnity, except life, title, and ocean marine insurance, on any person, property, business activity, or insurable interest within the District except through regularly constituted policy writing agents or authorized salaried employees licensed in the District as provided in this Act.

Agents and brokers, requirements for license, etc.

No such contract covering persons, property, business activities, or insurable interests in the District, except contracts of life, title, and ocean marine insurance, shall be written, issued, or delivered by any authorized company or by any of its representatives unless such contract is duly countersigned in writing by a person who is licensed as provided in this Act to countersign such contracts, and no salaried officer, manager, or other salaried employee of any authorized company, unless he be licensed as provided in this Act, shall write, issue, or countersign any such contract.

Countersigning of contracts.

No company, agent, or salaried company employee shall make any agreement as to a policy other than that which is plainly expressed in the policy issued.

Contradictory agreements.

No company, agent, salaried company employee, or broker shall pay or offer to pay or allow as an inducement to any person to insure any rebate of premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not specified in the policy.

Inducements not specified in policy.

Every company authorized by this Act to do business in the District shall file annually with the Superintendent on or before the 15th day of April, and at such other times as they may be appointed, a list of agents and salaried employees of said company who are authorized to solicit, write, effect, issue, or deliver policies for such company in the District, except that the names of soliciting agents may be filed either by the company or by the policy-writing agent.

Filing of list of agents and salaried employees authorized to write, etc., policies.

Any policy-writing agent or salaried company employee authorized by any company to solicit, negotiate, bind, write, or issue policies or applications therefor shall, in any controversy between the insured or his representative and the said company, be held to be the agent of the company which issued or effected the policy solicited or so applied for, anything in the application or policy to the contrary notwithstanding.

Status of policy-writing agent, etc.

Any payment made by or on behalf of the insured to any broker for policies issued to such broker for delivery to the insured or issued directly to the insured on the order of such broker, shall, in controversies between the insured and the company, be deemed to have been paid to the company.

Certain payments to broker deemed paid to company.

No soliciting agent shall have any authority to countersign any policy.

Countersigning restrictions.

**SEC. 31. PAYMENT OF COMMISSIONS RESTRICTED TO LICENSED PERSONS.**—No company, policy-writing agent, soliciting agent, broker, or salaried employee shall pay any money or commission or brokerage or give or allow any valuable consideration to any person for or because of service in the District in negotiating or effecting a policy on any person, property, business activity, or insurable interest in the District,

Payment of commissions restricted to licensed persons.

unless said person is duly licensed in conformity with this Act as a broker or as an agent or salaried employee of the company issuing the policy. This section shall not apply to contracts of reinsurance, and shall not apply to persons and kinds of insurance exempted under section 38 of this Act.

**SEC. 32. PROCEDURE FOR OBTAINING LICENSE.**—Any person hereafter desiring to engage in business in the District as a policy-writing agent, soliciting agent, broker, or salaried company employee, as defined by this Act, shall, before engaging in such business, secure from the Superintendent a license authorizing him to engage in such business. The person to whom the license may be issued shall file sworn answers to such interrogatories as the Superintendent may require on forms furnished by the Superintendent. Before the Superintendent shall issue a license to any policy-writing agent, soliciting agent, or salaried company employee, he shall require the company or policy-writing agent desiring the appointment of such person to certify—

(a) That the person to be appointed, if not a salaried company employee, is a resident of this District, or that his principal office for the conduct of such business is in or will be maintained in the District;

(b) That he is personally known to the person making the certification;

(c) That he has had experience or instructions necessary to the proper conduct of the kind or kinds of business to which the license is to extend;

(d) That he has a good business reputation, is trustworthy, and is worthy of a license.

Resident and nonresident brokers shall, as a prerequisite to the issuance of a license, file with the Superintendent a corporate surety bond in an amount not less than \$5,000 for the benefit of any person who may suffer loss resulting from fraud or dishonesty on the part of said resident or nonresident broker. Before the Superintendent shall issue a license to any policy-writing agent, soliciting agent, salaried company employee, or resident broker, he shall personally, or through his deputy or any person regularly employed in the Department, within a reasonable time, and in a designated place within the District, subject each such person to a personal written examination relating to such person's knowledge of the kind or kinds of business to which the license may extend and his competency to act as such policy-writing agent, soliciting agent, broker, or salaried company employee. The Superintendent may in his discretion limit the scope of such examination to such particular kind or kinds of business in which the person to be licensed is to be principally engaged. Following such examination the Superintendent shall issue such license as may be applied for when he is satisfied that the person to be licensed is (a) competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for, and that not more than 25 per centum of his commission income from business to which the license applies will result from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of section 36; and (b) that he has a good business reputation and has had experience, training, or education, or is otherwise qualified in the line or lines of business in which the license would entitle him to engage, and, except in the case of a nonresident broker or salaried company employee, is a resident of the District, or maintains his principal office for the conduct of such business in the District; and (c) is reasonably familiar with the insurance laws of the District, and with the provisions, terms, and conditions of the policies he is proposing to solicit, negotiate, or effect, and is worthy of a license. In the case of a nonresident applying for a broker's license,

Contracts of reinsurance.

Post, p. 1080.

Procedure for obtaining license.

Prerequisites.

Residence.

Identity.

Experience.

Reputation.

Corporate surety bond.  
Filing of, necessary to issuance of license.

Examinations.

Post, p. 1080.

the Superintendent may waive the examination requirement and accept in lieu thereof evidence that the applicant holds a license as broker or agent in the State where his principal business is conducted. The Superintendent may also waive the examination requirement in the case of any person who has been licensed in the District prior to the effective date of this Act. Licenses may be issued in the names of individuals, or in the names of firms, partnerships, or corporations, including banks, trust companies, real-estate offices, and building and loan associations: *Provided*, That on such licenses there shall be listed the name of every member or officer of such firm, partnership, or corporation who solicits insurance or who countersigns policies: *And provided further*, That such named persons shall be subject to all requirements of this Act, and that no officer or employee of such organizations other than those specifically named in such license shall be required to comply with this section, unless the duties of such officers or employees include soliciting or the countersigning of policies. No person shall be licensed as agent, broker, or salaried company employee when it appears to the Superintendent that said license is sought primarily for the purpose of obtaining commissions on policies on which he on his own account pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member.

*Provisos.*  
Names to be listed on license.

Requirements.

Restriction.

**SEC. 33. EFFECTIVE DATES OF LICENSES AND PRORATION OF FEES.**—All licenses issued under this Act shall date from the first of the month in which the application for license is made, and shall expire on the 30th day of April next succeeding, and payment of the fees for such licenses shall be prorated accordingly.

Effective dates of licenses and proration of fees.

**SEC. 34. TEMPORARY TRANSFER OF LICENSES.**—In the event of the death or disability of any person licensed as a policy-writing agent, soliciting agent, or salaried company employee, the Superintendent may transfer such license to another person without the payment of an additional fee, and may renew such license: *Provided, however*, That no person shall act as policy-writing agent, soliciting agent, or salaried company employee under any transferred license or renewal thereof for a period in excess of six consecutive months.

Temporary transfer of licenses.

*Proviso.*  
Limitation.

**SEC. 35. RENEWAL OF LICENSES.**—Renewal of all expiring licenses shall be issued by the Superintendent upon application in writing by the applicant for any such license, subject to the conditions of section 36, and subject also to the provisions for examination as set forth in section 32, upon payment of the applicable fee prescribed in section 41.

Renewal of licenses.

*Ante*, p. 1078; *post*, p. 1081.

**SEC. 36. REVOCATION AND SUSPENSION OF LICENSES.**—The Superintendent may revoke, suspend, or refuse to renew the license of any policy-writing agent, soliciting agent, broker, or salaried company employee when and if, after investigation, it appears conclusively to the Superintendent that any license issued to such person was obtained by fraud or misrepresentation, or that such person has—

Revocation and suspension of licenses.

(a) Violated any of the provisions of the insurance laws of the District; or

(b) Has failed within a reasonable time to remit to any company all moneys which he has collected, and to which the company is entitled; or

(c) Has been guilty of rebating or has misrepresented the provisions of the policies which he is selling, or the policies of other companies; or

(d) Has countersigned policies in blank; or that

(e) More than 25 per centum of his commission income from business to which the license applies results from policies the premiums on which are paid or are to be paid in the manner set forth in paragraph (f) of this section; or that

(f) Said license is being used primarily for the purpose of obtaining commissions on policies on which he, on his own account, pays or is to pay the premiums, or on which the premiums are paid or are to be paid by any person who receives or is to receive any benefit, direct or indirect, from the commissions obtained, or on which the premiums are paid or are to be paid by any partnership, association, or corporation of which he is a member.

Hearing.

Before the Superintendent shall revoke or suspend the license of any such person he shall give to such person an opportunity to be fully heard, and to introduce evidence in his behalf.

Unauthorized solicitation or representation.

SEC. 37. UNAUTHORIZED SOLICITATION OR REPRESENTATION.—It shall be unlawful for any person, without conforming to the provisions of this Act, directly or indirectly to represent himself as having authority to solicit, negotiate, effect, procure, receive, or forward directly or indirectly any policy or renewal thereof, or to attempt to effect insurance, surety, or indemnity contracts covering any person or insurable interest in the District, or to countersign any policy or renewal thereof.

When license not required.

SEC. 38. WHEN LICENSE NOT REQUIRED.—The provisions of this Act relating to the licensing of policy-writing agents, soliciting agents, salaried company employees, and brokers shall not apply to the sale of personal accident insurance in the ticket offices of railroad companies or other common carriers, or in the offices of travel bureaus, nor to the business of life insurance, fraternal benefit societies, or ocean marine insurance, nor to insurance covering the property of railroad companies and other common carriers engaged in interstate commerce.

Unauthorized insurance.

SEC. 39. UNAUTHORIZED INSURANCE.—Except as provided in section 40 of this Act, no person shall act as agent in the District for any company which is not authorized to do business in the District, nor shall any person directly or indirectly negotiate for or solicit applications for policies of, or for membership in, any company which is not authorized to do business in the District. The term "company" as used in this section shall include any association, society, company, corporation, joint-stock company, individual, partnership, trustee, or receiver engaged in the business of assuming risks of insurance, surety, or indemnity, and any Lloyd's organization, assessment, or cooperative fire company, or any reciprocal or interinsurance exchange, fraternal beneficial association, order, or society, and any company, association, or society, whether organized for profit or not, conducting a business, including any of the principles or features of insurance, surety, or indemnity. Any person who violates any provision of this section upon conviction shall be fined not less than \$100 nor more than \$1,000 for each offense, or be imprisoned for not more than twelve months, or both, and any such person shall be personally liable to any resident of the District having claim against any such unauthorized company under any policy which said person has solicited or negotiated, or has aided in soliciting or negotiating: *Provided*, That the provisions of this section shall not apply to any person who negotiates with an unauthorized company for life insurance, or for policies covering his own property or interests, nor shall the provisions of this section apply to the officers, agents, or representatives of any company which is in process of organization under the laws of the District, and which is authorized temporarily to solicit or secure memberships or applications for policies for the purpose of completing such organization. Prosecutions for violations of this section shall be upon information filed in the police court by the corporation counsel or any of his assistants.

"Company" construed.

Penalty.

Proviso. Inapplicability of section.

Licenses for lines in unauthorized companies.  
Post, p. 1081.

SEC. 40. LICENSES FOR LINES IN UNAUTHORIZED COMPANIES.—Any agent or broker licensed in the District may, upon payment of a license fee, as provided under section 41, be licensed to procure policies from companies which are not authorized to do business in the District

where such person is, after diligent effort, unable to procure policies to cover the kind or kinds of business required from companies duly authorized to transact business in the District. Each agent or broker so licensed shall pay to the collector of taxes, through the Superintendent, on February 1 and August 1 of each year, a sum equal to 2 per centum of the amount of the gross premiums upon all kinds of policies procured by him during the immediately preceding six months' period ending December 31 and June 30, respectively, and, in default of such payment, the Superintendent, through the corporation counsel, may bring suit to recover the same. Each agent or broker so licensed to procure policies from unauthorized companies shall execute and file with the Department on or before the 10th day of each month an affidavit covering the transactions of the previous calendar month, setting forth (1) the description and location of the insured property or risk, and the name of the assured; (2) the amount insured in the policy or contract; (3) the gross premiums charged thereon; (4) the name of the company whose policy or contract is issued, and the kind or kinds of business effected; and (5) that said agent or broker after diligent effort was unable to procure the policies or contracts required to protect the property or risk described in the affidavit from companies duly authorized to transact business in the District.

Payment of taxes.

Affidavit covering transactions.

Each agent or broker so licensed to procure policies from unauthorized companies shall keep a separate account of the business transacted thereunder, which shall be open at all times to the inspection of the Superintendent. The license provided for in this section may be revoked or renewal thereof refused for failure to pay the tax or to file the affidavit specified herein, or if the agent or broker procured policies from unauthorized companies without exercising diligent effort to secure the required business in duly authorized companies, or if the agent or broker procured policies from unauthorized companies whose standards of solvency and management do not meet the requirements necessary for the protection of the policyholders.

Business accounts.

Revocation or refusal of renewal of license.

**SEC. 41. LICENSE FEES.**—Annual fees to be paid through the Superintendent to the collector of taxes for licenses issued under this Act shall be as follows:

License fees.

(a) For policy-writing agent or for firms, partnerships, or corporations licensed as such, \$50, without regard to the number of companies represented: *Provided*, That, in the case of firms, partnerships, and corporations, an additional fee of \$5 shall be charged for each person in excess of two who is named in such license as required under section 32 of this Act.

*Proviso.*  
Additional for firms,  
etc.

*Ante*, p. 1078.

(b) For soliciting agent, \$5 for each company represented by such soliciting agent, or for each company represented by any policy-writing agent through which such soliciting agent solicits: *Provided*, That no soliciting agent shall be required to pay for soliciting agents' licenses a sum in excess of \$15 for any one license year.

*Proviso.*  
Limitation.

(c) For salaried company employee authorized to sign policies and to solicit insurance, \$50, without regard to the number of companies represented by such salaried company employee.

(d) For salaried company employee authorized to solicit but not authorized to sign policies, \$5 for each company represented by said employee: *Provided*, That the aggregation of such fees shall not exceed \$15 for any one license year.

*Proviso.*  
Maximum.

(e) For nonresident or resident brokers, \$25, except that the fee shall be \$5 in case the applicant for a resident broker's license is subject also to the fee prescribed under paragraphs (a) or (c) hereof.

(f) For license to procure lines in unauthorized companies, \$15.

(g) Under the license issued to any policy-writing agent or salaried company employee, or in the name of any firm, partnership, or corporation as provided under section 32 of this Act, and for which license a fee

Addition of names  
of certain persons to  
licenses.

*Ante*, p. 1078.

has been paid in accordance with paragraphs (a) or (c) hereof, there may be added names of persons who are employed in or who actively function through the District office of the policy-writing agent, salaried company employee, or firm, partnership, or corporation, and who have company authority to sign but not to solicit policies. For such persons there shall be charged a fee of \$1 per year for each company whose policies such person is authorized to sign.

(h) Broker's licenses may be issued in the names of individuals, firms, partnerships, or corporations. In the case of firms, partnerships, or corporations, the authority to solicit shall extend only to the individuals who are designated in the license and in the application therefor as having authority to solicit, and there shall be charged for each such individual in excess of two an additional fee of \$5.

(i) Licenses to procure lines in unauthorized companies shall be issued in the names of individuals only.

**SEC. 42. TESTIMONY; PRODUCTION OF BOOKS.**—No person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

**SEC. 43. PENALTIES NOT OTHERWISE PRESCRIBED.**—Any person who violates any of the provisions of this Act, or fails to comply with any duty imposed upon such person by any of the provisions of this Act, for which violation or failure no penalty is elsewhere provided by this Act, or by the laws of the District, shall, upon conviction thereof, be fined for each offense not exceeding \$1,000 or be imprisoned for not more than twelve months, or both. Prosecutions authorized by this section shall be upon information filed in the police court by the corporation counsel or any of his assistants.

**SEC. 44. APPEAL FROM SUPERINTENDENT TO COMMISSIONERS.**—Any person aggrieved by any action of the Superintendent may, within twenty days after such action was taken, appeal in writing from such action to the Commissioners. The hearings on said appeal may be either orally or in writing at the discretion of the Commissioners, and they shall not be required to take evidence on such appeal. The decision of the Commissioners on any question of fact on such appeal shall be final and conclusive, except the appeal provided for herein shall not affect the right to proceed under the provisions of section 45.

**SEC. 45. COURT PROCEEDINGS.**—Any person affected by an order, ruling, proceeding, or action of the Superintendent, or any person acting in his behalf and at his instance, may contest the validity of the same in any court of competent jurisdiction by appeal or through any other appropriate proceedings. In said proceedings and appeals said Superintendent shall not be taxed with any costs, nor shall he be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said Superintendent shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any person on any appeal taken by said Superintendent in any case, nor shall said Superintendent be required in any case to make any deposit for costs or pay for any service to the clerks of any court or to any marshal of the United States.

SEC. 46. REPEALS.—All laws or parts of laws, insofar as they relate to business affected hereby, and are in conflict with any of the provisions of this Act, are hereby repealed.

Repeals.

SEC. 47. CONSTITUTIONALITY.—Should any section or provision of this Act be held unconstitutional or invalid, the validity of the Act as a whole, or of any part thereof, other than the part decided to be unconstitutional or invalid, shall not be affected.

Constitutionality.

SEC. 48. EFFECTIVE DATE OF ACT.—Except where otherwise specifically provided herein, this Act shall become effective thirty days after approval.

Effective date of Act.

Approved, October 9, 1940.

## [CHAPTER 793]

## AN ACT

To amend section 355 of the Revised Statutes, as amended, to authorize the Attorney General to approve the title to low-value lands and interests in lands acquired by or on behalf of the United States subject to infirmities, and for other purposes.

October 9, 1940

[H. R. 9736]

[Public, No. 825]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 355 of the Revised Statutes of the United States, as amended, is hereby amended to read as follows:

R. S. § 355, amend-

ment.

34 U. S. C. § 520.

*Ante*, p. 19.

“SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, custom-house, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title.

Lands, etc., purchased by U. S. for public buildings.  
Validity of title to requirements.

“Notwithstanding the provisions of this or any other law, whenever the average value of any lands or interests in land to be acquired by or on behalf of the United States under a single option or contract of sale does not exceed \$10 per acre (hereinafter referred to as ‘low-value lands’), the title may be accepted subject to such infirmities as, in the opinion of the Attorney General, may, without jeopardizing the interests of the United States, be left for removal by condemnation or other appropriate proceedings, if and when necessary: *Provided*, That the total value of any lands or interests to be acquired under a single option or contract of sale subject to an infirmity does not exceed \$3,500. No public money shall hereafter be expended for the acquisition of such low-value lands or interests in land by or on behalf of the United States for any purpose until the written opinion of the Attorney General has been had approving the title subject, if expedient, to infirmities as herein provided. However, no money in excess of \$2,500 shall be expended for the construction of buildings, works, or other improvements (except roads, trails, and fire-protection improvements) on any site, tract, or parcel of land the title to which is subject to infirmities, until the written opinion of the Attorney General in favor of the validity of the title has been had as in the case of other lands. For the purpose of this Act, values of lands and interests in land shall be determined by the consideration paid or to be paid.

“Low-value lands.”  
Acceptance of title subject to infirmities.

*Proviso.*  
Limitations.

“The Attorney General is hereby authorized to approve the title to easements or rights-of-way to be acquired by or on behalf of the United States, subject to such infirmities as, in his opinion, will not jeopardize the interests of the United States.

Easements or rights-of-way.

“Nothing in this Act shall be construed to limit the authority now or hereafter delegated to any officer in exercising the power of eminent domain for or on behalf of the United States, to take title to or possession of or to expend money for or upon any land or interest in land,

Eminent domain.  
Authority of officer to take title, etc.

or to expend money as security for an ultimate award in advance of final judgment in any proceedings to determine just compensation; nor shall this Act be construed to preclude any acquiring agency from expending money for the erection of any preliminary and temporary structure upon any land.

Procurement of evidence of title.

“The head or other authorized officer of any department, independent establishment, or agency, shall procure any evidence of title which the Attorney General may deem necessary, and the expenses of procurement, except where otherwise authorized by law or provided by contract, may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department, independent establishment, or agency.

Basis of opinion as to title.

“The Attorney General may, in his discretion, base any opinion as to title required either by this Act or any other law upon either or both of the following: Certificates of title of title companies or such evidence of title as he may deem satisfactory.

Provisions of designated laws not affected.

“The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority; and nothing in this section shall be construed to affect in any manner any authority which the Secretary of War, the Chief of Engineers, or the Secretary of the Interior have under the provisions of law in force on the date this section as amended takes effect with respect to the approval by them of title to land or interests in land acquired by the War Department or the Department of the Interior, as the case may be. Nor shall the foregoing provisions of this section, or the provisions of any other law, be construed to require any opinion of the Attorney General in connection with the acquisition or improvement of easements and rights-of-way for military or naval purposes; or for the acquisition or improvement of easements and rights-of-way by the Department of Agriculture for forest and other conservation purposes where the cost of any such easement of right-of-way acquired under a single instrument of conveyance and the cost of any improvement thereon does not exceed \$2,500; and the Attorney General may, in his discretion, waive the requirement for his opinion in connection with the acquisition or improvement of easements and rights-of-way for other purposes when, in his opinion, such waiver will not jeopardize the interests of the United States.

Easements, etc., for military or naval purposes.

Waiver of requirement for opinion.

Jurisdiction over lands.

“Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.”

Acceptance.

Approved, October 9, 1940.

## [CHAPTER 794]

## AN ACT

To authorize the maintenance and operation of fish hatcheries in connection with the Grand Coulee Dam project.

October 9, 1940  
[H. R. 9921]  
[Public, No. 826]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in connection with fish hatcheries built or to be built as a part of the fish-protection program required on the Grand Coulee Dam project, the Secretary of the Interior is authorized to contract with the State of Washington for the maintenance and operation of any of them at the expense of said State.

Grand Coulee Dam project.  
Maintenance of fish hatcheries.

Approved, October 9, 1940.

## [CHAPTER 795]

## AN ACT

Authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Indiana.

October 9, 1940  
[H. R. 9952]  
[Public, No. 827]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Indiana State Toll Bridge Commission is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Mount Vernon, Posey County, Indiana, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

Wabash River.  
Bridge authorized across, at Mount Vernon, Ind.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Right to acquire real estate, etc.

SEC. 2. There is hereby conferred upon the Indiana State Toll Bridge Commission all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Indiana State Toll Bridge Commission is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the Act of March 23, 1906.

Toll charges.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed twenty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.  
Record of expenditures and receipts.

Right reserved.

SEC. 5. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, October 9, 1940.

[CHAPTER 796]

AN ACT

To restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories, and possessions, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value.

SEC. 2. Any check or warrant, the sending of which is prohibited under the provisions of section 1 hereof, shall be held by the drawer until the close of the calendar quarter next following its date, during which period such check or warrant may be released for delivery if the Secretary of the Treasury determines that conditions have so changed as to provide a reasonable assurance that the payee will actually receive the check or warrant and be able to negotiate it for full value. At the end of such quarter, unless the Secretary of the Treasury shall otherwise direct, the drawer shall transmit all checks and warrants withheld in accordance with the provisions of this Act to the drawee thereof, and forward a report stating fully the name and address of the payee; the date, number, and amount of the check or warrant; and the account against which it was drawn, to the Bureau of Accounts of the Treasury Department. The amounts of such undelivered checks and warrants so transmitted shall thereupon be transferred by the drawee from the account of the drawer to a special deposit account with the Treasurer of the United States entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Checks", at which time such checks and warrants shall be marked "Paid into Withheld Foreign Check Account". Thereafter the drawee shall deliver such checks and warrants, together with other paid checks and warrants, to the Comptroller General of the United States, who shall allow credit therefor in the accounts of the drawer and the drawee.

In the case of checks representing payments under laws administered by the Veterans' Administration, when the amount transferred to the special deposit account on behalf of any individual payee equals \$1,000, the amounts of any further checks, except checks under contracts of insurance, payable to such payee under such laws shall be covered into the Treasury as miscellaneous receipts. The deposit in the special deposit account or the covering into the Treasury as miscellaneous receipts, pursuant to the provisions of this section, of the amount of any check issued under laws administered by the Veterans' Administration shall be considered for all purposes, including determinations of rights under section 305 of the World War Veterans' Act, 1924, as amended, as payment to the person entitled thereto.

October 9, 1940

[S. 4353]

[Public, No. 828]

Restriction on sending certain checks, etc., for delivery in foreign countries.

Holding of undelivered checks, etc.

Transmittal to drawees at end of quarter.

Report.

Transfer to special deposit account.

Veterans' Administration.  
Disposition of amounts of designated checks.

Deposit, etc., considered payment.

SEC. 3. Payment of the amounts which have been deposited in the special deposit account in accordance with section 2 hereof shall be made by checks drawn against such special deposit account by the Secretary of the Treasury, only after the claimant shall have established his right to the amount of the check or warrant to the satisfaction of the Secretary of the Treasury (or, in the case of claims based upon checks representing payments under laws administered by the Veterans' Administration, to the satisfaction of the Administrator of Veterans' Affairs) and the Secretary of the Treasury has determined that there is a reasonable assurance that the claimant will actually receive such check in payment of his claim and be able to negotiate the same for full value.

Payments from special deposit account.

In the case of the death of the payee of any check in payment of pension, compensation, or emergency officers' retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account, such amount shall, subject to the other conditions of this Act, be payable as follows:

Death of payee.  
Payment of amount of pension, etc.

(a) Upon death of the veteran, first to the widow; if there is no widow, to his child or children under the age of eighteen at his death; (b) upon death of the widow, to her children under the age of eighteen years at her death; (c) upon the death, prior to disbursement of all or any part of the apportioned amount, of an apportionee of a part of the veteran's pension, compensation, or emergency officers' retirement pay, such apportioned amount not disbursed shall be payable to the veteran; (d) in all other cases no disbursement whatsoever of such pension, compensation, or emergency officers' retirement pay shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of burial: *Provided, however,* That no disbursement shall be made unless claim therefor be filed in the Veterans' Administration within one year from the date of the death of the person entitled and perfected by the submission of the necessary evidence within six months from the date of the request of the Veterans' Administration therefor. Such benefits shall include only amounts due and unpaid at the time of death under then existing ratings or decisions.

*Proviso.*  
Filing of claim, etc.

SEC. 4. The provisions of sections 2 and 3 hereof shall apply to all checks or warrants the delivery of which is now being, or may hereafter be, withheld pursuant to Executive Order Numbered 8389 of April 10, 1940, as amended, as well as to all checks or warrants the delivery of which is now being withheld pursuant to administrative action, which administrative action is hereby ratified and confirmed: *Provided,* That any check or warrant the delivery of which has already been withheld for more than one quarter prior to the enactment of this Act shall be immediately delivered to the drawee thereof for disposition in accordance with the provisions of sections 2 and 3 hereof: *Provided further,* That nothing in this Act shall be construed to dispense with the necessity of obtaining a license to authorize the delivery and payment of checks in payment of claims under section 3 hereof in those cases where a license is now or hereafter may be required by law to authorize such delivery and payment.

Applicability of designated provisions.

*Provisos.*  
Checks withheld.

Licenses.

SEC. 5. The Secretary of the Treasury is hereby authorized to prescribe such rules and regulations as he in his discretion may deem necessary or proper for the administration and execution of this Act.

Rules and regulations.

SEC. 6. Nothing contained in this Act shall be construed as affecting or applying to checks or warrants issued in payment of salaries or wages or for goods purchased by the Government of the United States in foreign countries.

Salary checks, etc., not affected.

Approved, October 9, 1940.

[CHAPTER 797]

JOINT RESOLUTION

Providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

October 9, 1940  
[S. J. Res. 267]  
[Pub. Res., No. 102]

Railroad Retirement Board.  
Preamble.  
50 Stat. 307; 49 Stat. 967.  
45 U. S. C., Supp. V, §§ 215-223r.

Whereas complete records of all service and compensation which may be creditable toward benefits under the provisions of the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 are required for the administration of said Acts; and

Whereas such records with respect to service prior to January 1, 1937, are largely in the possession of employers subject to said Acts and are constantly subject to the danger of loss or destruction; and

Whereas the loss or destruction of such records would jeopardize the establishment of the rights of individuals to annuities based in whole or in part on such prior service and would otherwise severely and permanently impede and impair the administration of said Acts, and the danger of loss or destruction presents a serious emergency; and

Whereas the prompt transcription, compilation, and filing with the Railroad Retirement Board of such records will remove the data contained therein from the danger of their loss or destruction and will make them expeditiously and permanently available for necessary operations of the Railroad Retirement Board and will result in a more efficient and economical administration of the said Acts: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That each employer subject to the Railroad Retirement Act of 1937, and each other company, association, or person (hereinafter referred to as the "other company") who is in possession of such data as are hereinafter described, shall immediately begin collecting and shall furnish currently as completed and not later than June 30, 1943, shall have completed furnishing to the Railroad Retirement Board (hereinafter called "the Board") in such form as the Board may prescribe, certified reports of all data with respect to service and compensation prior to January 1, 1937, corresponding in substance with that which has heretofore been required by the Board for the adjudication of claims for annuities under the Railroad Retirement Act of 1937 and the Railroad Retirement Act of 1935 and which can be obtained from records in the possession of such employer or other company.

SEC. 2. The Board is hereby authorized and directed to establish a uniform reasonable rate of payment to which employers or other companies are entitled for the furnishing of the reports required by section 1 of this joint resolution to be furnished which rate shall not result in payment to any employer or other company of any amount in excess of 50 cents multiplied by the aggregate number of man-years of service established and verified by such employer or other company and reported to the Board in accordance with section 1 of this joint resolution. The Board shall, from time to time, determine, and certify on proper voucher to the Secretary of the Treasury, the amount of payment due to each employer or other company pursuant to this section: *Provided, however,* That no payment shall be certified or made with respect to any item in such reports as concerns the record of employees sixty-five years of age or over who have filed application for annuity, or with respect to any report not furnished on or before June 30, 1943. Upon such certification, the Secretary of the Treasury shall pay such amount to such employer or other company from the special fund hereinafter established. Whenever any employer or other company furnishes through any other employer or other company any report required by the first section of this

Collection, etc., by employers, of designated data for Board.

Form.

Establishment of uniform rate of payment.

Certification of amounts due employers.

*Proviso.* Certification forbidden in certain cases.

Payment.

joint resolution to be furnished, the Board may certify the payment to be made to the employer or other company through whom such report is furnished, and payment in accordance with such certification shall discharge all obligations arising hereunder with respect to such report.

SEC. 3. If any employer or other company fails to exercise due care and diligence in carrying out its duties under this joint resolution, the Board, by its employees, may transcribe the necessary data from records in the possession of such employer or other company, which records shall be made available as the Board may require, and no payment shall be due to any employer or other company for or on account of any records transcribed by employees of the Board.

SEC. 4. Reports, records, and data acquired by the Board pursuant to this joint resolution shall be so assembled and processed by the Board as to provide as nearly as practicable a complete record, by individuals, of all service and compensation prior to January 1, 1937, creditable under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935. The Board shall take steps reasonably calculated to give notice of such record to each individual with respect to whom such record is established. Direct communication, transmission to employers for delivery, public advertisement, or such other means as the Board may determine, shall constitute due notice to all such individuals: *Provided, however,* That, unless the Board's records show that actual notice was received through other means by an individual for whom the Board has an address on file and such notice is evidenced by a receipt signed by such individual, notice to such individual shall include the mailing of notice to the last address on file with the Board. Whenever the Board shall determine that reasonable notice has been given it shall so find and shall enter such finding upon its records. Such finding may be made with respect to all individuals or, from time to time, with respect to described classes of individuals. Any record established as herein above provided, which is not contested within two years after the finding of reasonable notice hereinabove provided for has been entered upon the records of the Board, shall be presumed to include all service rendered and compensation earned prior to January 1, 1937, by the individual to whom such record relates, and, unless shown by new and manifestly convincing evidence to be clearly erroneous, shall be conclusive: *Provided, however,* That such record shall in no wise restrict the authority of the Board to determine, upon the filing of an application for an annuity, that some or all of the service or compensation so recorded is not service or compensation as said terms are defined in the Railroad Retirement Acts or that under the provisions of the applicable Railroad Retirement Act some or all of the service or compensation so recorded is not to be used in the computation of an annuity. The Board may also take steps, through publication or otherwise, reasonably calculated to give notice of the carrying out of this joint resolution, to individuals with respect to whom no record of service or compensation is established. Whenever the Board shall determine that such steps have been taken it shall so find and shall enter such findings upon its records. With respect to each individual who does not, within two years after such finding has been entered upon the records of the Board, request the establishment of a record of his service and compensation, the fact that no such record is established shall be presumed to show that such individual, prior to January 1, 1937, rendered no service and earned no compensation as said terms are defined in the applicable Railroad Retirement Act, and such presumption shall be rebuttable only by new and manifestly convincing evidence showing it to be clearly erroneous.

Transcription of data by Board.

Assembly and processing of reports, etc.

50 Stat. 307; 49 Stat. 967.  
45 U. S. C., Supp. V, §§ 215-228r.  
Notice to individuals.

*Provided.*  
Mailing of notice to last address.

Finding of reasonable notice.

Uncontested records conclusive as to designated services, etc.

Board's authority to determine services, etc., not restricted.

Notice by publication.

Presumption of non-service, etc.

Orders, rules, etc.

SEC. 5. The Board is hereby authorized to promulgate such orders, rules, and regulations as in its judgment are necessary or proper to carry out the purposes of this joint resolution. All powers and remedies including legal processes available to the Board under the Railroad Retirement Act of 1937 for the administration of said Act shall be similarly available to the Board for the carrying out of this joint resolution.

Special fund.

SEC. 6. In order to carry out the purposes of this joint resolution, there shall be set aside on July 1, 1940, in a special fund \$9,000,000 of the amount appropriated to the Railroad Retirement Account by the Railroad Retirement Board Appropriation Act, 1941, such fund to remain available until June 30, 1943, for expenditure in accordance with the provisions of section 2 of this joint resolution. Any unobligated balance on June 30, 1943, in the special fund hereby established shall revert to the Railroad Retirement Account.

Ante, p. 597.

Designated authority, etc., of Board not impaired.

49 Stat. 967; 50 Stat. 307; 52 Stat. 1094.

45 U. S. C., Supp. V, §§ 215-228r, 351-367.

SEC. 7. No provision of this joint resolution shall be construed in any manner to limit or impair any authority, power, or discretion conferred upon or vested in the Board by the Railroad Retirement Act of 1935, the Railroad Retirement Act of 1937, or the Railroad Unemployment Insurance Act.

Approved, October 9, 1940.

## [CHAPTER 798]

## JOINT RESOLUTION

To exempt from the tax on admissions amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That all amounts paid for admission tickets sold by authority of the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect in January 1941, said committee to be appointed with the approval of the President-elect, shall be exempt from the tax on admissions imposed by section 1700 of the Internal Revenue Code, as amended, all the net proceeds from the sale of said tickets to be donated by the said committee to charity.

Approved, October 9, 1940.

## [CHAPTER 836]

## AN ACT

To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President determines that it is necessary in the interest of national defense to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been denied in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress), he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or

October 9, 1940

[H. J. Res. 467]

[Pub. Res., No. 103]

Inaugural admission tickets.  
Payments for, tax free.53 Stat. 189.  
26 U. S. C., Supp. V,  
§ 1700.

October 10, 1940

[H. R. 10339]

[Public, No. 829]

National defense.  
Requisition, etc., of  
certain articles and  
materials.

Ante, p. 714.

materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however*, That nothing in this section shall modify or repeal section 14 of Public Law Numbered 671, 76th Congress, approved June 28, 1940.

SEC. 2. Whenever the President shall requisition and take over any article or material pursuant to the provisions of this Act, the owner thereof shall be paid as compensation therefor such sum as the President shall determine to be fair and just. If any such owner is unwilling to accept, as full and complete compensation for such article or material, the sum so determined by the President, such owner shall be paid 50 per centum of the sum so determined by the President and shall be entitled to sue the United States for such additional sum as, when added to the sum already received by such owner, such owner may consider fair and just compensation for such article or material, in the manner provided by sections 41 (20) and 250, title 28, of the Code of Laws of the United States of America: *Provided*, That recovery shall be confined to the fair market value of such article or material, without any allowance for prospective profits, punitive or other damages.

SEC. 3. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Approved, October 10, 1940.

Use of proceeds of sales.

*Proviso.*  
*Ante*, p. 681.

Payment for property taken.

Settlement of differences.

28 U. S. C. §§ 41 (20),  
250.  
*Proviso.*  
Limitation.

Termination of authority.

[CHAPTER 837]

AN ACT

To amend the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930.

October 10, 1940  
[S. 3778]  
[Public, No. 830]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act entitled "An Act to provide better facilities for the enforcement of the customs and immigration laws", approved June 26, 1930 (U. S. C., 1934 edition, title 19, sec. 68), is hereby amended to read as follows:

Customs and immigration laws.

46 Stat. 817.

Facilities for enforcement along Canadian and Mexican borders.

"That to aid in the enforcement of the customs and immigration laws along the Canadian and Mexican borders and to provide better facilities for such enforcement at points along such borders at which no Federal or other buildings adapted or suitably located for the purpose are available, the Secretary of the Treasury and the Attorney General are hereby authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs and the Immigration and Naturalization Services, respectively, the necessary amounts for the acquisition of land and the erection of buildings, sheds, and office quarters, including living quarters for officers where none are otherwise available: *Provided*, That the total amount which may be so expended for any one project, for the use of one department, including the cost of the site, shall not exceed \$5,000, and that where quarters are so erected or facilities so provided for the joint use of the Customs and the Immigration and Naturalization Services the combined cost charged to the two appropriations concerned shall not exceed \$10,000 for any one project, including the site.

Lands and improvements.

*Proviso.*  
Cost limitation for any one project.

Protective gates across international highways, etc.

“SEC. 2. The Secretary of the Treasury is authorized to expend, from the funds appropriated for the general maintenance and operation of the Customs Service, such amounts as may be necessary for the erection of protective gates across international highways and roads crossing the Canadian and Mexican borders and for the erection of such fences in the immediate vicinity of such highways and roads as may be necessary to prevent unlawful entry or smuggling.”

Approved, October 10, 1940.

[CHAPTER 838]

AN ACT

October 10, 1940  
[S. 4341]  
[Public, No. 831]

To expedite national defense by suspending, during the national emergency, provisions of law that prohibit more than eight hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes.

Maritime Commission contracts.  
Eight-hour day provisions suspended for persons engaged on.

Proviso.  
Pay rates.

Modification of existing contracts.

Contracts more favorable to labor not affected.

Duration of Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That until otherwise provided by law, provisions of law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by United States Maritime Commission contracts for the construction, alteration, or repair of vessels shall be suspended: *Provided,* That the wages of every laborer and mechanic employed by any contractor or subcontractor engaged in the performance of any such contract shall be computed on a basic rate of eight hours per day and forty hours per week and work in excess of eight hours per day or forty hours per week shall be permitted upon compensation for all hours worked in excess of eight hours per day or forty hours per week at not less than one and one-half times the basic rate of pay.

SEC. 2. The United States Maritime Commission is hereby authorized to modify its existing contracts for the construction, alteration, or repair of vessels as it may deem necessary to expedite national defense, and to otherwise effectuate the purposes of this Act.

SEC. 3. Nothing in this Act shall be construed to modify any contracts between management and labor in shipyards which provide for conditions more favorable to labor than the minimum provisions as to hours per day and hours per week and for overtime provided in this Act.

SEC. 4. The provisions of this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Approved, October 10, 1940.

[CHAPTER 839]

JOINT RESOLUTION

October 10, 1940  
[S. J. Res. 225]  
[Pub. Res., No. 104]

Relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

Sugar Act of 1937.  
50 Stat. 903.  
7 U. S. C., Supp. V, ch. 34.  
Payments with respect to 1940 crop.

Limitations.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That no payment under the Sugar Act of 1937 with respect to the 1940 crop shall be withheld from any producer in the mainland cane-sugar area, because of the marketing (or processing) of sugarcane in excess of the proportionate share for the farm, if the acreage of sugarcane grown on the farm and marketed (or processed) for sugar in the crop year 1940 is not in excess of the acreage of sugarcane for sugar planted prior to January 1, 1940, but payments shall be made only with respect to the proportionate share acreage established for the farm under the provisions of such Act, and the following deductions shall be made from such payments, on account of any acreage of sugarcane grown on the farm and marketed (or processed) for sugar in

the crop year 1940 which is in excess of (1) 110 per centum of the proportionate share for the farm, or (2) the proportionate share for the farm plus twenty-five acres, whichever is the greater; for so much of such excess as does not exceed five hundred acres, a deduction of \$10 per acre; for so much of such excess as exceeds five hundred acres, a deduction of \$20 per acre: *Provided*, That the foregoing provision shall be effective only if the Secretary determines that the actual production from the 1940 crop acreage shall not exceed the estimated production of the 1940 proportionate share acreage of five hundred and five thousand tons.

*Proviso.*  
Basis of computation.

SEC. 2. The last clause of section 201 of the Act approved September 1, 1937, is amended to read as follows: "and in order that the regulation of commerce provided by this Act shall not result in excessive prices to consumers, the Secretary shall make such additional allowances as he may deem necessary in the amount of sugar determined to be needed to meet the requirements of consumers, so that the supply of sugar made available to consumers shall not result in average prices to consumers in excess of those necessary to maintain the domestic sugar industry as a whole. The amount of such additional allowances shall not be less than the amount required, after allowance for normal carry-over, to give consumers in the continental United States a per capita consumption equal to the average of the two-year period 1937-38".

Sugar Act of 1937,  
amendment.  
50 Stat. 904.  
7 U. S. C., Supp. V,  
§ 1111.  
Additional allow-  
ances.

Amount.

Approved, October 10, 1940.

[CHAPTER 840]

JOINT RESOLUTION

Authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17, of each year, the anniversary of the first successful flight of a heavier-than-air machine.

October 10, 1940  
[S. J. Res. 295]  
[Pub. Res., No. 105]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is authorized to designate December 17 of each year as Pan American Aviation Day and to issue a proclamation calling upon all officials of the Government, Governors of the forty-eight States, our possessions, and all citizens to participate in the observance of this day to further and stimulate interest in aviation in the American countries as an important stimulus to the further development of more rapid communications and a cultural development between the nations of the Western Hemisphere.

Pan American  
Aviation Day.

Approved, October 10, 1940.

[CHAPTER 841]

AN ACT

To simplify the accounts of the Treasurer of the United States, and for other purposes.

October 10, 1940  
[S. 844]

[Public, No. 832]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the reimbursement to the Treasury from funds derived from assessments made pursuant to section 8 of the Act of July 12, 1882, 22 Stat. 164, as amended (U. S. C., title 12, sec. 177), of all costs lawfully charged thereto for the fiscal year ending June 30, 1941, the balance of such funds shall be covered into the Treasury as miscellaneous receipts; and thereafter the cost of transporting and redeeming such outstanding national bank notes and Federal Reserve bank notes as may be presented to the Treasurer of the United States for redemption shall be paid from the regular annual appropriations for the Treasury Department.

Treasurer of U. S.  
Simplification of ac-  
counts of.

Approved, October 10, 1940.

## [CHAPTER 842]

## AN ACT

To amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of this Act shall take effect on November 1, 1940, except that sections 2, 11, 25, 26, and 27 shall be effective as of July 1, 1940, and sections 19 and 20 shall become effective upon the approval of this Act: *Provided, however,* That—

(a) A half-month which has begun prior to November 1, 1940, in accordance with the Railroad Unemployment Insurance Act and regulations thereunder, and which includes such date, shall continue, and benefits with respect thereto shall be computed and paid as if this Act had not been enacted;

(b) All benefit years current on October 31, 1940, shall terminate (1) on October 31, 1940, or (2) on the last day of a half-month which includes October 31, 1940 and November 1, 1940, whichever is later, and, for the purposes of section 2 (c) of the Railroad Unemployment Insurance Act, as amended by this Act, all benefits paid for unemployment in half-months begun subsequent to June 30, 1940, and prior to November 1, 1940, shall be deemed to have been paid for unemployment within the benefit year ending June 30, 1941;

(c) Benefits for unemployment in the first registration period, beginning after October 31, 1940, of an employee who has, subsequent to June 30, 1940, completed a waiting period under section 3 (b) of the Railroad Unemployment Insurance Act, shall be determined and computed as though such registration period were a subsequent registration period in the same benefit year.

SEC. 2. Subsection (g) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1094), as amended June 20, 1939 (53 Stat. 845), is hereby amended by adding thereto the following sentence: "For the purposes of determining eligibility for and the amount of benefits and the amount of contributions due pursuant to this Act, employment after June 30, 1940 in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded."

SEC. 3. Subsection (h) of section 1 of said Act is hereby amended to read as follows:

(h) The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

SEC. 4. Subsection (j) of section 1 of said Act is hereby amended by inserting between the first and second sentences thereof the following: "The term 'remuneration' includes also earned income other than for services for hire if the accrual thereof in whole or in part is ascertainable with respect to a particular day or particular days."

SEC. 5. Subsection (k) of section 1 of said Act is hereby amended to read as follows:

October 10, 1940

[S. 3920]

[Public, No. 833]

Railroad Unem-  
ployment Insurance  
Act, amendments.  
52 Stat. 1094; 53  
Stat. 845.  
45 U. S. C., Supp.  
V, ch. 11.  
Effective dates.  
Benefit periods.

Termination.

52 Stat. 1097.  
45 U. S. C., Supp.  
V, § 352 (c).

First registration  
period beginning after  
Oct. 31, 1940.

52 Stat. 1097.  
45 U. S. C., Supp.  
V, § 353 (b).

52 Stat. 1095.  
45 U. S. C., Supp.  
V, § 351 (g).

Exclusion of local  
lodge and representa-  
tion service.

52 Stat. 1095.  
45 U. S. C., Supp.  
V, § 351 (h).

"Registration pe-  
riod."

52 Stat. 1095.  
45 U. S. C., Supp.  
V, § 351 (j).

"Remuneration."

52 Stat. 1095.  
45 U. S. C., Supp.  
V, § 351 (k).

“(k) Subject to the provisions of section 4 of this Act, a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however*, That ‘subsidiary remuneration’, as hereinafter defined in this subsection, shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than \$150: *Provided further*, That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

“For the purpose of this subsection, the term ‘subsidiary remuneration’ means, with respect to any employee, remuneration not in excess of an average of one dollar a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation.”

SEC. 6. Subsection (m) of section 1 of said Act is hereby amended by striking out the designation “(m)” and substituting “(l)” therefor.

SEC. 7. Subsection (n) of section 1 of said Act is hereby amended to read as follows:

“(m) The term ‘benefit year’ means the twelve-month period beginning July 1 of any year and ending June 30 of the next year, except that a registration period beginning in June and ending in July shall be deemed to be in the benefit year ending in such month of June.”

SEC. 8. Subsection (l) of section 1 of said Act is hereby transferred to follow the subsection relettered as “(m)”, and is amended to read as follows:

“(n) The term ‘base year’ means the completed calendar year immediately preceding the beginning of the benefit year.”

SEC. 9. Subsection (a) of section 2 of said Act is hereby amended to read as follows:

“(a) Benefits shall be payable to any qualified employee (as defined in section 3 of this Act) (i) for each day of unemployment in excess of seven during the first registration period, within a benefit year, in which he has seven or more days of unemployment, and (ii) for each day of unemployment in excess of four during any subsequent registration period beginning in the same benefit year.

“The benefits payable to any such employee for each such day of unemployment shall be the amount appearing in the following table in column II on the line on which, in column I, appears the compensation range containing the total amount of compensation payable to him with respect to employment in his base year:

“Column I Total compensation	Column II Daily benefit rate
\$150 to \$199.99	\$1.75
\$200 to \$474.99	2.00
\$475 to \$749.99	2.25
\$750 to \$999.99	2.50
\$1,000 to \$1,299.99	3.00
\$1,300 to \$1,599.99	3.50
\$1,600 and over	4.00”

Day of unemployment.  
52 Stat. 1098.  
45 U. S. C., Supp.  
V, § 354.

*Provisos.*  
“Subsidiary remuneration.”

Working day which includes part of each of 2 consecutive calendar days.

“Subsidiary remuneration” defined.

52 Stat. 1096.  
45 U. S. C., Supp.  
V, § 351 (m).

52 Stat. 1096.  
45 U. S. C., Supp.  
V, § 351 (n).

“Benefit year” defined; exception.

52 Stat. 1096.  
45 U. S. C., Supp.  
V, § 351 (l).

“Base year” defined.

52 Stat. 1096.  
45 U. S. C., Supp.  
V, § 352 (a).

Benefits payable to qualified employees.

Amount for each day of unemployment.

52 Stat. 1097.  
45 U. S. C., Supp.  
V, § 352 (c).

Maximum number  
of days.

52 Stat. 1097; 53  
Stat. 845.

45 U. S. C., Supp.  
V, § 352 (d).

Adjustment of er-  
roneous payments.

SEC. 10. Subsection (c) of section 2 of said Act is hereby amended to read as follows:

"(c) The maximum number of days of unemployment within a benefit year for which benefits may be paid to an employee shall be one hundred."

SEC. 11. Subsection (d) of section 2 of said Act is hereby amended to read as follows:

"(d) If the Board finds that at any time more than the correct amount of benefits has been paid to any individual under this Act or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this subsection, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"Adjustments under this subsection may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

"There shall be no recovery in any case in which more than the correct amount of benefits has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of this Act or would be against equity or good conscience.

"No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under the third paragraph of this subsection or has been begun but cannot be completed under the first paragraph of this subsection."

SEC. 12. Subsection (f) of section 2 of said Act is hereby amended to read as follows:

"(f) If (i) benefits are paid to any employee with respect to unemployment in any registration period, and it is later determined that remuneration is payable to such employee with respect to any period which includes days in such registration period which had been determined to be days of unemployment, and (ii) the person or company from which such remuneration is payable has, before payment thereof, notice of the payment of benefits upon the basis of days of unemployment included in such period, the remuneration so payable shall not be reduced by reason of such benefits but the remuneration so payable, to the extent to which benefits were paid upon the basis of days which had been determined to be days of unemployment and which are included in the period for which such remuneration is payable, shall be held to be a special fund in trust for the Board. The amount of such special fund shall be paid to the Board and in the collection thereof the Board shall have the same authority, and the same penalties shall apply, as are provided in section 8 of this Act with respect to contributions. The proceeds of such special fund shall be credited

No recovery for  
overpayments, etc.

Protection against  
liability.

52 Stat. 1097; 53 Stat.  
845.

45 U. S. C., Supp.  
V, § 352 (f).

Payment of benefits  
during period when  
remuneration was  
payable.

Holding of such re-  
muneration in trust  
fund for Board.

Collection of fund;  
penalties applicable.

52 Stat. 1102.  
45 U. S. C., Supp.  
V, § 358.

to the account. Such benefits, to the extent that they are represented in such a special fund which has been collected by the Board, shall be disregarded for the purposes of subsection (c) of this section."

SEC. 13. Section 3 of said Act is hereby amended to read as follows:

52 Stat. 1097.  
45 U. S. C., Supp.  
V, § 353.

"QUALIFYING CONDITION

"SEC. 3. An employee shall be a 'qualified employee' if the Board finds that there was payable to him compensation of not less than \$150 with respect to the base year."

"Qualified employee" defined.

SEC. 14. Paragraph (ii) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.  
45 U. S. C., Supp.  
V, § 354 (a) (ii).

"(ii) any of the thirty days beginning with the day with respect to which the Board finds that he failed, without good cause, to accept suitable work available on such day and offered to him, or to comply with instructions from the Board requiring him to apply for suitable work or to report, in person or by mail as the Board may require, to an employment office;"

Failure, without good cause, to accept suitable work, etc.

SEC. 15. Paragraph (iv) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.  
45 U. S. C., Supp.  
V, § 354 (a) (iv).

"(iv) any of the seventy-five days beginning with the first day of any registration period with respect to which the Board finds that he knowingly made or aided in making or caused to be made any false or fraudulent statement or claim for the purpose of causing benefits to be paid;"

False or fraudulent statements.

SEC. 16. Paragraph (v) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.  
45 U. S. C., Supp.  
V, § 354 (a) (v).

"(v) any day in any period with respect to which the Board finds that he is receiving or has received annuity payments or pensions under the Railroad Retirement Act of 1935 or the Railroad Retirement Act of 1937, or insurance benefits under title II of the Social Security Act, or payments for similar purposes under any other Act of Congress, or unemployment benefits under an unemployment compensation law of any State or of the United States other than this Act: *Provided*, That if an employee receives or is held entitled to receive any such payment, other than unemployment benefits, with respect to any period which includes days of unemployment in a registration period, after benefits under this Act for such registration period have been paid, the amount by which such benefits under this Act were increased by including such days as days of unemployment shall be recoverable by the Board: *And provided further*, That if that part of any such payment or payments, other than unemployment benefits, which is apportionable to such days of unemployment is less in amount than the benefits under this Act which, but for this paragraph, would be payable and not recoverable with respect to such days of unemployment, the preceding provisions of this paragraph shall not apply but such benefits under this Act for such days of unemployment shall be diminished or recoverable in the amount of such part of such other payment or payments;"

Receipt of benefits under designated laws.

49 Stat. 967; 50 Stat. 307.

45 U. S. C., Supp. V, ch. 9.

49 Stat. 622.  
42 U. S. C., Supp. V, §§ 401-410a.

*Provisos.*  
Recovery of certain other payments.

Inapplicability of certain provisions.

SEC. 17. Paragraph (vi) of subsection (a) of section 4 of said Act is hereby amended to read as follows:

53 Stat. 846.  
45 U. S. C., Supp.  
V, § 354 (a) (vi).

"(vi) any day in any registration period with respect to which period the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service, or other Pullman-car or similar service, or express service on trains, at least the equivalent of twenty times his daily benefit rate;"

Day when 20 times daily benefit rate earned.

53 Stat. 846,  
45 U. S. C., Supp.  
V, § 354 (a).

Day when 40 times  
daily benefit rate  
earned.

Sundays, holidays,  
etc.

Proviso.  
When consecutive  
days.

SEC. 18. Subsection (a) of section 4 of said Act is hereby further amended by adding thereto the following paragraphs:

“(vii) any day in any registration period comprising the last fourteen days of a period of twenty-eight days with respect to which period of twenty-eight days the Board finds that he earned, in train and engine service, yard service, dining-car service, sleeping-car service, parlor-car service or other Pullman-car or similar service, or express service on trains, at least the equivalent of forty times his daily benefit rate;

“(viii) any day which is a Sunday or which the Board finds is generally observed as a holiday in the locality in which he registered for such day, unless such day was immediately preceded by a day of unemployment and immediately followed by a day of unemployment or was the last day in a registration period and was immediately preceded by a day of unemployment: *Provided*, That if two or more consecutive days are a Sunday and one or more holidays, then with respect to any employee such consecutive days shall not be considered as days of unemployment unless they were immediately preceded by a day of unemployment and immediately followed by a day of unemployment or the last of such days was the last day of a registration period and such days were immediately preceded by a day of unemployment.”

SEC. 19. The first sentence of subsection (c) of section 5 of said Act is hereby amended to read as follows: “Each qualified employee whose claim for benefits has been denied in whole or in part upon an initial determination with respect thereto upon a basis other than one which is reviewable pursuant to one of the succeeding paragraphs of this subsection, shall be granted an opportunity for a fair hearing thereon before a district board.”

SEC. 20. Subsection (c) of section 5 of said Act is hereby further amended by adding thereto the following paragraphs:

“Any claimant whose claim for benefits has been denied in an initial determination with respect thereto upon the basis of his not being a qualified employee, and any claimant who contends that under an initial determination of his claim he has been awarded benefits at less than the proper rate, may appeal to the Board for the review of such determination. Thereupon the Board shall review the determination and for such review may designate one of its officers or employees to receive evidence and to report to the Board thereon together with recommendations. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the appeals provided for in this paragraph and for decisions upon such appeal.

“In any case in which benefits are awarded to a claimant in whole or in part upon the basis of pay earned in the service of a person or company found by the Board to be an employer as defined in this Act but which does not comply with the provisions of this Act and denies that it is such an employer, such benefits awarded on such basis shall be paid to such claimant subject to a right of recovery of such benefits. The Board shall thereupon designate one of its officers or employees to receive evidence and to report to the Board on whether such benefits should be repaid. In any such case the Board or the person so designated shall, by publication or otherwise, notify all parties properly interested of their right to participate in the proceeding and, if a hearing is to be held, of the time and place of the

52 Stat. 1100,  
45 U. S. C., Supp.  
V, § 355 (c).

Hearings.  
Review of certain  
denied claims.

Awards at less than  
proper rate.

Notification.

Hearing.

Regulations govern-  
ing appeals.

Right of recovery of  
certain benefit pay-  
ments.

Notification.

hearing. At the request of any party properly interested the Board shall provide for a hearing, and may provide for a hearing on its own motion. The Board shall prescribe regulations governing the proceedings provided for in this paragraph and for decisions upon such proceedings.

"Final decision of the Board in the cases provided for in the preceding two paragraphs shall be communicated to the claimant and to the other interested parties within fifteen days after it is made. Any properly interested party notified, as hereinabove provided, of his right to participate in the proceedings may obtain a review of any such decision by which he claims to be aggrieved or the determination of any issue therein in the manner provided in subsection (f) of this section with respect to the review of the Board's decisions upon claims for benefits and subject to all provisions of law applicable to the review of such decisions. Subject only to such review, the decision of the Board upon all issues determined in such decision shall be final and conclusive for all purposes and shall conclusively establish all rights and obligations, arising under this Act, of every party notified as hereinabove provided of his right to participate in the proceedings."

SEC. 21. Section 6 of said Act is hereby amended to read as follows:

"SEC. 6. Employers shall file with the Board, in such manner and at such times as the Board by regulations may prescribe, returns under oath of compensation of employees, and, if the Board shall so require, shall distribute to employees annual statements of compensation: *Provided*, That no returns shall be required of employers which would duplicate information contained in similar returns required under any other Act of Congress administered by the Board. The Board's record of the compensation so returned shall, for the purpose of determining eligibility for and the amount of benefits, be conclusive as to the amount of compensation earned by an employee during the period covered by the return, and the fact that the Board's records show that no return was made of the compensation claimed to be earned by an employee during a particular period shall, for the purposes of determining eligibility for and the amount of benefits, be taken as conclusive that no compensation was earned by such employee during that period, unless the error in the amount of compensation in the one case, or failure to make or record return of the compensation in the other case, is called to the attention of the Board within eighteen months after the date on which the last return covering any portion of the calendar year which includes such period is required to have been made."

SEC. 22. Subsection (d) of section 11 of said Act is hereby amended to read as follows:

"(d) So much of the balance in the fund as of June 30 of each year as is in excess of \$6,000,000 shall as of such date be transferred from the fund and credited to the account."

SEC. 23. The first paragraph of subsection (1) of section 12 of said Act is hereby amended by adding thereto the following sentence: "A person in the employ of the Board on June 30, 1939, and on June 30, 1940, and who has had experience in railroad service, shall acquire a competitive classified civil-service status if, after recommendation by the Board to the Civil Service Commission, he shall pass such non-competitive tests of fitness for the position for which the Board recommends him as the Civil Service Commission may prescribe."

SEC. 24. Subsection (1) of section 12 of said Act is hereby further amended by changing the period at the end thereof to a colon and adding the following: "*And provided further*, That, for the purpose of registering unemployed employees who reside in areas in which no employer facilities are located, or in which no employer will make

Hearing.

Regulations.

Final decision of Board; review, etc.

53 Stat. 847.  
45 U. S. C., Supp.  
V, § 356.  
Returns of compensation of employees.

*Proviso.*  
Duplicate information.  
Board's record of compensation, conclusiveness.

52 Stat. 1106.  
45 U. S. C., Supp.  
V, § 361 (d).

Transfer of designated excess to insurance account.

52 Stat. 1110.  
45 U. S. C., Supp.  
V, § 362 (1).  
Civil-service status.

52 Stat. 1110.  
45 U. S. C., Supp.  
V, § 362 (1).

*Provises.*  
Personnel for registering unemployed employees.

facilities available for the registration of such employees, the Board may, without regard to civil-service laws and the Classification Act of 1923, appoint persons to accept, in such areas, registration of such employees and perform services incidental thereto and may compensate such persons on a piece-rate basis to be determined by the Board. Notwithstanding the provisions of the Act of June 22, 1906 (34 Stat. 449), or any other provision of law, the Board may detail employees from stations outside the District of Columbia to other stations outside the District of Columbia or to service in the District of Columbia, and may detail employees in the District of Columbia to service outside the District of Columbia: *Provided*, That all details hereunder shall be made by specific order and in no case for a period of time exceeding one hundred and twenty days. Details so made may, on expiration, be renewed from time to time by order of the Board, in each particular case, for periods not exceeding one hundred and twenty days."

SEC. 25. Subsection (h) of section 1 of the Railroad Retirement Act of 1937 (50 Stat. 307) is hereby amended by adding thereto the following sentence: "For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this Act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940.

SEC. 26. Section 9 of the Railroad Retirement Act of 1937 is hereby amended to read as follows:

"SEC. 9. (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

"(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

"(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this Act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judg-

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Compensation on piece-rate basis.

Detail of employees.  
5 U. S. C. § 39.

Restriction.

Renewals.

50 Stat. 309.  
45 U. S. C., Supp. V, § 223a (h).  
Compensation, longevity, etc.

Local lodge, etc., service.

50 Stat. 437.  
45 U. S. C., Supp. V, §§ 262 (a), 263 (a).  
53 Stat. 179, 180.  
26 U. S. C., Supp. V, §§ 1500, 1520.

50 Stat. 314.  
45 U. S. C., Supp. V, § 223i.

Erroneous payments.

49 Stat. 967.  
45 U. S. C., Supp. V, §§ 215-228.

Recovery by adjustments.

Making of adjustments.

No recovery for overpayments.

49 Stat. 967.  
45 U. S. C., Supp. V, §§ 215-228.

ment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the Acts or would be against equity or good conscience.

“(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section.”

SEC. 27. (a) Subsection (e) of section 1532 of the Internal Revenue Code is amended by adding thereto the following sentence: “For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and (1) such compensation is earned before April 1, 1940, and the taxes thereon under such sections are not paid before July 1, 1940, or (2) such compensation is earned after March 31, 1940.”

(b) For the purpose of determining the amount of taxes under sections 2 (a) and 3 (a) of the Carriers Taxing Act of 1937, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than \$3 and the taxes thereon under such sections are not paid before July 1, 1940.

Approved, October 10, 1940.

Protection against liability.

Determination of tax amounts.  
53 Stat. 182.  
26 U. S. C., Supp. V. § 1532 (e).  
53 Stat. 179, 180.  
26 U. S. C., Supp. V. §§ 1500, 1520.

Taxes under Carriers Taxing Act of 1937.  
50 Stat. 437.  
26 U. S. C., Supp. V. §§ 262 (a), 263 (a).

[CHAPTER 843]

AN ACT

To transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all Acts inconsistent therewith to the extent of such inconsistency, and for other purposes.

October 10, 1940  
[S. 3990]  
[Public, No. 834]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a new section be, and the same is hereby, added to the Judicial Code of the United States relating to the United States Customs Court, to be known as section 187 (a), to follow immediately after section 187, to read in the exact language of section 518, title IV, of the Tariff Act of 1930 as follows:

Judicial Code, amendments.  
36 Stat. 1143.  
28 U. S. C. § 293.

46 Stat. 737.  
19 U. S. C. § 1518.

“SEC. 187. (a) UNITED STATES CUSTOMS COURT.

“The United States Customs Court shall continue as now constituted, except that the chief justice and the associate justices of such court now in office and their successors shall hereafter be known as the judges of such court. All vacancies in such court shall be filled by appointment by the President, by and with the advice and consent of the Senate. Not more than five of the judges of such court shall be appointed from the same political party and each of such judges shall receive a salary of \$10,000 a year. They shall not engage in any other business, vocation, or employment, and shall hold their office during good behavior. The offices of such court shall be at the port of New York. The court and each judge thereof shall have and possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and in punishing for contempt. The court shall have power to establish from time to time such rules of evidence, practice, and procedure,

Continuation as now constituted; exception.

Appointment to vacancies.

Tenure.

Offices at New York.  
Powers.

not inconsistent with law, as may be deemed necessary for the conduct of its proceedings, in securing uniformity in its decisions and in the proceedings and decisions of the judges thereof, and for the production, care, and custody of samples and of the records of such court. Under such rules as the United States Customs Court may prescribe, and in its discretion, the court may permit the amendment of a protest, appeal, or application for review. One of the judges of such court, designated for that purpose by the President of the United States, shall act as presiding judge, and in his absence the judge then present who is senior as to the date of his commission shall act as presiding judge; and until any such designation is made the chief justice of the United States Customs Court now in office shall act as presiding judge. The presiding judge, or the acting presiding judge in his absence, shall have control of the fiscal affairs and of the clerical force of the court, making all recommendations for appointment, promotions, or otherwise affecting such clerical force; he may at any time before trial, under the rules of the court, assign or reassign any case for hearing or determination, or both, and shall designate a judge or division of three judges and such clerical assistants as may be necessary to proceed to any port within the jurisdiction of the United States for the purpose of hearing or of hearing and determining cases assigned for hearing at such port, and shall cause to be prepared and promulgated dockets therefor. Judges of the court shall each be allowed and paid his necessary expenses of travel and his reasonable expenses, not to exceed \$10 per day actually incurred for maintenance while absent from New York on official business. The judges of said court shall be divided into three divisions of three judges each for the purpose of hearing and deciding appeals for the review of reappraisements of merchandise, and of hearing and deciding protests against decisions of collectors. A division of three judges or a single judge shall have power to order an analysis of imported merchandise and reports thereon by laboratories or bureaus of the United States. The presiding judge shall assign three judges to each of said divisions and shall designate one of such three judges to preside. The presiding judge of the court shall be competent to sit as a judge of any division or to assign one or two other judges to any of such divisions in the absence or disability of any one or two judges of such division. A majority of the judges of any division shall have full power to hear and decide all cases and questions arising therein or assigned thereto. A division of the court deciding a case or a single judge deciding an appeal for a reappraisalment may, upon the motion of either party made within thirty days next after such decision, grant a rehearing or retrial of such case when in the opinion of such division or single judge the ends of justice so require.

**Amendment of protests, etc.**

**Presiding judge.**

**Control of fiscal affairs and clerical force.**

**Assignment of cases.**

**Travel, etc., expenses.**

**Divisions of court.**

**Rehearing or retrial of case.**

**Exemption as to salary.**  
19 U. S. C. § 49; Supp. V, § 49.

**Retirement.**

**Active service assignment.**

“The judges of the United States Customs Court are hereby exempted from so much of section 1790 of the Revised Statutes as relates to their salaries.

“When any judge of the United States Customs Court resigns his office after having held a commission as judge or justice of such court or member of the Board of General Appraisers at least ten years continuously, or otherwise, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable to a judge of such court at the time of his resignation. Any such judge, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service as a judge of such court and upon such retirement the President may appoint a successor; but such retired judge may, with his consent, be assigned by the presiding judge of such court to serve upon such court and while so serving shall have all the powers of a judge of such court.”

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed to the extent of such inconsistency.

Inconsistent Acts repealed.

SEC. 3. That this Act, including the provision for payment of the expenses of the judges of the Customs Court, Government attorneys, and stenographic clerks incurred while absent from New York on official business, shall take effect from the date of its passage.

Effective date.

Approved, October 10, 1940.

[CHAPTER 844]

AN ACT

Authorizing a per capita payment of \$10 each to the members of the Red Lake Band of Chippewa Indians from any funds on deposit in the Treasury of the United States to their credit.

October 10, 1940  
[H. R. 8369]  
[Public, No. 835]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw as much as may be necessary from any funds on deposit in the Treasury of the United States to the credit of the Red Lake Indians in Minnesota, and to make therefrom a per capita payment of \$10 to each of the members of the Red Lake Band of Chippewa Indians of the State of Minnesota, living at the date of the passage of this Act, immediately payable upon the passage of this Act, under such rules and regulations as the said Secretary may prescribe: *Provided*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties: *Provided further*, That before any payment is made hereunder, the Red Lake Band of Chippewa Indians in Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this Act and accept same.

Red Lake Band of Chippewa Indians, Minn.  
Per capita payment to.

*Proviso.*  
Payments not subject to any lien, etc.  
Acceptance, etc.

Approved, October 10, 1940.

[CHAPTER 845]

AN ACT

To further amend the Alaska game law.

October 10, 1940  
[H. R. 8474]  
[Public, No. 836]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 10 of the Act entitled "An Act to establish an Alaska Game Commission, to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes", approved January 13, 1925, as amended, is further amended to read as follows:

Alaska Game Law, amendment.

43 Stat. 743.  
48 U. S. C. § 198;  
Supp. V, § 198.

"SEC. 10. REGULATIONS.—That the Secretary of the Interior, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent if at all, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests or eggs of birds may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any doe yearling or fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, or educational purposes; or to use any dog in taking game animals; or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or black bears if and when declared to be game animals by the Secretary

Regulations for taking game animals, etc.

Special prohibitions.

43 Stat. 739; 52 Stat. 1169.  
48 U. S. C. § 206; Supp. V, § 206.  
Firearms, boats, etc.

Sales.

Use for food during closed season.

40 Stat. 755.  
16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.  
Proviso.  
Destruction, etc., of property used by Commission.

of the Interior under authority of section 2 of this Act, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any airplane, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sailboat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals or birds during the closed season when he is in need of food and other sufficient food is not available, but the shipment or sale of any animals or birds or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals or birds for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals or birds is in danger of extermination; nor shall any such regulation contravene any of the provisions of the Migratory Bird Treaty Act and regulations: *Provided*, That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, boat, vessel, sled, dog, or dog team, paraphernalia, or equipment, building, or other improvement or property of the United States used by the Commission in the administration and/or enforcement of the provisions of this Act, or as a notice to the public concerning the provisions of this Act or any regulation adopted pursuant thereto, or as a marker of the boundary of any area closed to hunting, trapping, or other special use under the provisions of this Act, or to destroy, remove, tamper with, or imitate any metal seal or seals issued by the Commission and attached to any skin, portion, or specimen of a wild animal or bird or other article for purposes of identification under its authority, in accordance with the provisions of this Act or any regulation thereunder."

Approved, October 10, 1940.

[CHAPTER 846]

AN ACT

To approve Act numbered 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise".

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Act numbered 65 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 29 of the Session Laws of Hawaii, 1929, granting to J. K. Lota and associates a franchise for electric light, current, and power in Hanalei, Kauai, by including Moloaa within such franchise", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 20, 1939, be hereby approved.

SEC. 2. This Act shall be in force and effect from and after its passage.

Approved, October 10, 1940.

October 10, 1940  
[H. R. 9123]  
[Public, No. 837]

Hawaii.  
Approval of Act granting a franchise for electric light, etc.

Effective date.

## [CHAPTER 847]

## AN ACT

To approve Act numbered 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai."

October 10, 1940  
[H. R. 9124]  
[Public, No. 838]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Act numbered 214 of the Session Laws of 1939 of the Territory of Hawaii, entitled "An Act to amend Act 105 of the Session Laws of Hawaii, 1921, granting franchise for the manufacture, maintenance, distribution, and supply of electric current for light and power within Kapaa and Waipouli in the district of Kawaihau on the island and county of Kauai, by including within said franchise the entire district of Kawaihau, island of Kauai", passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on May 12, 1939, be hereby approved.*

Hawaii.  
Approval of Act  
granting franchise for  
electric current for  
light and power.

SEC. 2. This Act shall be in force and effect from and after its passage.

Effective date.

Approved, October 10, 1940.

## [CHAPTER 848]

## AN ACT

To provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty.

October 10, 1940  
[H. R. 9264]  
[Public, No. 839]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That expenses which now or hereafter may be authorized by law to be paid from Government funds for the packing, crating, drayage, and transportation of household goods and personal effects of civilian officers and employees of any of the executive departments or establishments of the United States when transferred from one official station to another for permanent duty shall hereafter be allowed and paid, when specifically authorized or approved by the head of the department or establishment concerned, under such rules and regulations as may be prescribed by the President, which regulations shall prescribe, among other matters, the maximum weight of the property, not to exceed five thousand pounds gross or the equivalent thereof when transportation charges are based on cubic measurement, which may be packed, crated, hauled, transported, and unpacked at Government expense: *Provided*, That no part of such expenses shall be paid from Government funds where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee: *Provided further*, That nothing herein shall affect the allowance and payment of expenses for, or incident to, the transportation of effects of officers and employees of the Foreign Service, Department of State, except where the transfer is made at the request and primarily for the convenience or benefit of the officer or employee.*

Employees of executive departments.  
Transportation of household goods, etc., upon change of station.

*Provisos.*  
Transfer for personal benefit.

Foreign Service not affected.

Exception.

Approved, October 10, 1940.

## [CHAPTER 849]

## AN ACT

To amend the Merchant Marine Act, 1936, as amended.

October 10, 1940

[H. R. 9581]

[Public, No. 840]

Merchant Marine Act, 1936, amendment.  
49 Stat. 1995.  
46 U. S. C., Supp. V, §§ 1151-1160.  
"New vessel" defined.

49 Stat. 1995, 2008.  
46 U. S. C., Supp. V, §§ 1151-1160, 1191-1204.  
52 Stat. 969.  
46 U. S. C., Supp. V, §§ 1271-1279.

Citizens operating vessels in U. S. commerce, fisheries, etc.  
49 Stat. 1995.  
46 U. S. C., Supp. V, § 1101.

Construction reserve fund.

Deposits of proceeds or indemnities in reserve fund.

Time limitation for deposits; exception.

"Net proceeds" and "net indemnity" defined.

Basis for determining gain or loss and depreciation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That title V of the Merchant Marine Act, 1936, as amended, is hereby amended by adding at the end thereof a new section to read as follows:

"SEC. 511. (a) When used in this section the term 'new vessel' means any vessel (1) documented or agreed with the Commission to be documented under the laws of the United States; (2) constructed in the United States after December 31, 1939, or the construction of which has been financed under titles V or VII of this Act, as amended, or the construction of which has been aided by a mortgage insured under title XI of this Act as amended; and (3) either (A) of such type, size, and speed as the Commission shall determine to be suitable for use on the high seas or Great Lakes in carrying out the purposes of this Act, but not of less than two thousand gross tons or of less speed than twelve knots, unless the Commission shall determine and certify in each case that a vessel of a specified lesser tonnage or speed is desirable for use by the United States in case of war or national emergency, or (B) constructed to replace a vessel or vessels requisitioned or purchased by the United States.

"(b) For the purposes of promoting the construction of vessels necessary for carrying out the policy set forth in title I of this Act, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned a vessel or vessels being so operated, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Commission and the Secretary of the Treasury.

"(c) In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then, if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer except that in the case of amounts received on or before the date of enactment of this section or within sixty days after such date, the deposit may be made within one hundred and twenty days after the date of enactment of this section. As used in this subsection the term 'net proceeds' and the term 'net indemnity' mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

"(d) The basis for determining gain or loss and for depreciation, for the purpose of Federal income or excess-profits taxes, of any new

vessel constructed or acquired by the taxpayer in whole or in part out of the construction reserve fund shall be reduced by that portion of the deposits in the fund expended in the construction or acquisition of the new vessel which represents gain not recognized under subsection (c).

“(e) For the purposes of this section, (1) if the net proceeds of a sale or the net indemnity in respect of a loss are deposited in more than one deposit, the amount consisting of the gain shall be considered as first deposited; (2) amounts expended, obligated, or otherwise withdrawn shall be applied against the amounts deposited in the fund in the order of deposit; and (3) if any deposit consists in part of gain not recognized under subsection (c), any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the proportion that the part of the deposit consisting of gain bears to the total amount of the deposit.

“(f) With respect to any taxable year, amounts on deposit on the last day of such year in a construction reserve fund in accordance with this section and with respect to which all the requirements of subsection (g) have been satisfied, to the extent that such requirements are applicable as of the last day of said taxable year, shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code.

“(g) The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels entered into within two years from the date of such deposit, and only if under such rules and regulations—

“(1) within such period of two years not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Commission to the extent by it deemed necessary; and

“(2) in case of a vessel or vessels not constructed under the provisions of this title or not purchased from the Commission, (A) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter.

“(h) The Commissioner of Internal Revenue is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction.

“(i) Any such deposited gain or portion thereof which is not so expended or obligated within the period provided, or which is otherwise withdrawn before the expiration of such period, or with respect to which the construction has not progressed to the extent of 5 per

Deposits and withdrawals.

Amounts on deposit on last day of taxable year.

53 Stat. 35.  
26 U. S. C., Supp. V,  
§ 102.

Applicability of designated subsections.

Certain extensions permitted.

Treatment of unexpended deposited gain or uncompleted construction.

centum of completion within the period provided, or with respect to which the Commission finds and certifies to the Secretary of the Treasury that, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, if otherwise taxable income under the law applicable to the taxable year in which such gain was realized, shall be included in the gross income for such taxable year, except for the purpose of the declared value excess-profits tax and the capital stock tax. If any such deposited gain or portion thereof is so included in gross income for such taxable year, there shall (in addition to any other deficiency) be assessed, collected, and paid in the same manner as if it were a deficiency, an amount equal to 1.1 per centum of the amount of gain so included, such amount being in lieu of any adjustment with respect to the declared value excess-profits tax for such taxable year.

Collection of certain tax deficiencies.

“(j) Notwithstanding any other provision of law, any deficiency in tax for any taxable year resulting from the inclusion of any amount in gross income as provided by subsection (i), and the amount to be treated as a deficiency under such subsection in lieu of any adjustment with respect to the declared value excess-profits tax, may be assessed or a proceeding in court for the collection thereof may be begun without assessment, at any time: *Provided, however,* That interest on any such deficiency or amount to be treated as a deficiency shall not begin until the date the deposited gain or portion thereof in question is required under subsection (i) to be included in gross income.

Proviso.  
Interest.

“(k) This section shall be applicable to a taxpayer only in respect of sales or indemnifications for losses occurring within a taxable year beginning after December 31, 1939, and only in respect of earnings derived during a taxable year beginning after December 31, 1939.

Applicability to sales or loss indemnifications.

“(l) For the purposes of this section a vessel shall be considered as constructed or acquired by the taxpayer if constructed or acquired by a corporation at a time when the taxpayer owns at least 95 per centum of the total number of shares of each class of stock of the corporation.

When vessel deemed constructed or acquired.

“(m) The terms used in this section shall have the same meaning as in chapter 1 of the Internal Revenue Code.”

Meaning of terms.  
53 Stat. 4.  
26 U. S. C., Supp. V,  
ch. 1.

Approved, October 10, 1940.

[CHAPTER 850]

AN ACT

Authorizing allocation of funds for the construction of Saco Divide unit, Milk River project, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in connection with the Saco Divide unit of the Milk River project there shall be included in the water users repayment obligations, in addition to the amounts that may be allocated by the President for the construction of pumping and distribution facilities and land development of this unit from funds appropriated for water conservation and utility projects by the Interior Department Appropriation Act, 1940, to be repaid as therein provided, that portion of the cost of the facilities of the Milk River project common to the Saco Divide unit and other units of the Milk River project that may be allocated to the Saco Divide unit by the Secretary of the Interior. The costs of Fresno Dam and Reservoir so allocated by the Secretary shall be included for repayment in not to exceed forty annual installments along with the costs of pumping and distribution facilities allocated by the

October 10, 1940

[H. R. 9734]

[Public, No. 841]

Saco Divide unit,  
Milk River project,  
Mont.

Allocation of funds  
for construction.

53 Stat. 719.  
Repayment.

Fresno Dam and  
Reservoir.  
Repayment in an-  
nual installments.

President for repayment as provided by the water conservation and utility projects item in the Interior Department Appropriation Act, 1940; the cost of the other common facilities of the Milk River project allocated by the Secretary to the Saco Divide unit shall be repaid in not to exceed twenty annual installments, the first to accrue not later than the year following the last installment due and payable to the United States from the water users of the unit on the obligation comprising the amounts allocated by the President for construction of pumping and distribution facilities and the costs of the Fresno Dam and Reservoir allocated to the unit by the Secretary. Payments on account of the costs allocated by the Secretary shall be credited to the Reclamation Fund, and the component of such payments attributable to costs of construction prior to 1935 as determined by the Secretary shall be credited to write-offs made on the Milk River project pursuant to the Act of May 25, 1926 (44 Stat. 636).

SEC. 2. No water shall be delivered for the Saco Divide unit until the Secretary of the Interior has entered into the contract or contracts required, in his judgment, to carry into full effect the provisions of section 1 and to provide for repayment of the reimbursable construction costs chargeable to the Saco Divide unit.

Approved, October 10, 1940.

Other common facilities.

Credit of payments.

44 Stat. 640.

Reimbursement provisions.

[CHAPTER 851]

AN ACT

To consolidate certain exceptions to section 3709 of the Revised Statutes and to improve the United States Code.

October 10, 1940  
[H. R. 10061]  
[Public, No. 842]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3709 of the Revised Statutes shall not be construed to apply to any purchases or services authorized by any appropriation Act for the hereinafter enumerated departments and independent offices—

Consolidation of certain exceptions to R. S. § 3709.  
41 U. S. C. § 5.

(a) Where the aggregate amount involved does not exceed the sum of \$25—

Aggregate amount not in excess of \$25.

- (1) The Civil Service Commission.
- (2) The Department of Commerce.
- (3) The Department of Justice.

(b) Where the aggregate amount involved does not exceed the sum of \$50—

Aggregate amount not in excess of \$50.

- (1) The Administrative Office of the United States Courts.
- (2) The Department of Agriculture.
- (3) The Farm Credit Administration.
- (4) The Federal Bureau of Investigation in the field.
- (5) The Federal Home Loan Bank Board.
- (6) The Federal Power Commission.
- (7) The Federal Trade Commission.
- (8) The General Accounting Office.
- (9) The Interstate Commerce Commission.
- (10) The National Advisory Committee for Aeronautics.
- (11) The National Archives.
- (12) The National Labor Relations Board.
- (13) The Navy Department or its bureaus and offices.
- (14) The Railroad Retirement Board.
- (15) The Securities and Exchange Commission.
- (16) The Tariff Commission.
- (17) The Treasury Department.
- (18) The Veterans' Administration.

Aggregate amount  
not in excess of \$100.

(c) Where the aggregate amount involved does not exceed the sum of \$100—

- (1) The Civil Aeronautics Board.
- (2) The Department of Labor.
- (3) The Federal Loan Agency.
- (4) The Federal Works Agency.
- (5) The Maritime Labor Board.
- (6) The Rural Electrification Administration.
- (7) The Smithsonian Institution.
- (8) The United States Maritime Commission.
- (9) The District of Columbia.

Aggregate amount  
not in excess of \$500.

(d) Where the aggregate amount involved does not exceed the sum of \$500—

(1) The United States Section of International Boundaries Commission, United States and Mexico.

Exemptions under  
specified circum-  
stances.

41 U. S. C. § 5.

American Battle  
Monuments Commis-  
sion.

SEC. 2. Section 3709 of the Revised Statutes shall not be construed to apply under any appropriation Act to the following departments and independent offices under the circumstances specified herein:

(a) American Battle Monuments Commission—to any purchases when the aggregate amount involved does not exceed \$500, nor to any leases in foreign countries for office or garage space.

Botanic Garden.

(b) Botanic Garden—to the purchase of supplies and equipment and the procurement of services made in the open market in the manner common among businessmen, when the aggregate amount of the purchase or the services does not exceed \$50 in any instance.

(c) Botanic Garden—to the purchase of plants, trees, shrubs, and other nursery stock in the sum of \$300 at any one time.

Bureau of the  
Budget.

(d) Bureau of the Budget—to any purchases of office equipment and supplies when the amount involved in any case does not exceed \$50.

Bureau of Foreign  
and Domestic Com-  
merce.

(e) The Bureau of Foreign and Domestic Commerce—to purchases of supplies and equipment or the procurement of services in foreign countries made in the open market in the manner common among businessmen when the aggregate amount of the purchase or service does not exceed \$100 in any instance.

Bureau of Inter-  
parliamentary Union  
for Promotion of In-  
ternational Arbitra-  
tion.

(f) The Bureau of Interparliamentary Union for Promotion of International Arbitration—to stenographic reporting services by contract if deemed necessary.

Department of the  
Interior.

(g) Department of the Interior, the bureaus and offices thereof, Howard University, and the Columbia Institution for the Deaf, at the seat of the government, as well as those located in the field outside the District of Columbia—to the purchase of supplies and equipment or the procurement of services made in open markets in the manner common among businessmen when the aggregate amount of the purchase or the service does not exceed \$100 in any instance.

Department of State.

(h) Department of State—to any purchase or service when the aggregate amount does not exceed \$100, or with respect to articles, materials, or supplies for use outside the United States when the aggregate amount involved does not exceed \$300; or when the purchase or service relates to the packing of personal and household effects of Diplomatic, Consular, and Foreign Service officers and clerks for foreign shipment.

Federal Communi-  
cations Commission.

(i) Federal Communications Commission—to any purchase or exchange of instruments when the aggregate amount involved does not exceed \$25.

International Com-  
mittee of Aerial Legal  
Experts.

(j) The International Committee of Aerial Legal Experts—to stenographic and other service by contract as deemed necessary.

Medical Depart-  
ment of the Army.

(k) Medical Department of the Army—to the purchase of medicines and medical supplies.

Social Security  
Board.

(l) Social Security Board—to any purchase when the aggregate amount involved does not exceed \$100.

(m) Bureau of Mines—to any purchase or service rendered in the investigation of domestic sources of mineral supply, when the amount involved does not exceed \$500.

Bureau of Mines.

(n) Bureau of Reclamation—to the purchase of supplies and equipment or the procurement of services for the Bureau at the seat of government and elsewhere made in the open market in the manner common among businessmen, when the aggregate payment for the purchase or the service does not exceed \$300 in any instance.

Bureau of Reclamation.

SEC. 3. (a) Materials and equipment for the control of incipient or emergency outbreaks of insects, pests, or grass diseases, including grasshoppers, Mormon crickets, and chinch bugs, may be procured with any sums appropriated to carry out the provisions of Public Resolution Numbered 91, approved May 9, 1928, without regard to the provisions of section 3709 of the Revised Statutes, as amended, and the transportation thereof may be under such conditions and means as shall be determined by the Secretary of Agriculture to be most advantageous.

Insect, pest, and plant disease control.

52 Stat. 344.  
7 U. S. C., Supp. V,  
§ 148.  
41 U. S. C. § 5.

(b) When the aggregate amount involved does not exceed the sum of \$300, section 3709 of the Revised Statutes shall not apply to any purchase or service for which expenditures are incurred from funds allocated to Government agencies for obligation under the Act of June 28, 1937 (50 Stat. 319), relating to the Civilian Conservation Corps.

Civilian Conservation Corps, expenditure not exceeding \$300.

16 U. S. C., Supp.  
V, § 584.

(c) All contracts for labor or supplies necessary for the carrying on of operations on the Menominee Indian Reservation pursuant to the Act of March 28, 1908 (35 Stat. 51), as amended, shall be exempt from the requirements of section 3709 of the Revised Statutes.

Menominee Indian Reservation.

SEC. 4. (a) The sections or parts of sections of the Statutes at Large heretofore covering the provisions consolidated in this Act are hereby repealed insofar as they are incorporated in the United States Code, 1934 Edition and Supplements thereto, as shown by the appended table: *Provided, however,* That any rights or liabilities existing under such repealed sections or parts of sections shall not be affected by their repeal.

Repeal of certain sections, etc., of Statutes at Large.

*Proviso.*  
Rights or liabilities.

(b) The last paragraph under the heading "Board of Mediation" in the Independent Offices Act of 1928 (44 Stat. 1072; U. S. C., title 45, sec. 164) is hereby repealed.

Provisions repealed.  
Board of Mediation.

(c) The last paragraph of the Act of February 13, 1923, chapter 72 (42 Stat. 1244; U. S. C., title 41, sec. 6), is hereby repealed.

Veterans' Bureau.

(d) The last proviso of section 1 of the Act of February 15, 1934, chapter 13 (48 Stat. 351; U. S. C., title 41, sec. 6), is hereby repealed.

Federal Civil Works Administration.

Statutes at Large	United States Code	
	Title	Section
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344	7	148b
Act Feb. 27, 1893, ch. 168, 27 Stat. 485	10	1203
Act Jan. 25, 1929, ch. 102, title III, 45 Stat. 1119; Apr. 18, 1930, ch. 184, title III, 46 Stat. 198; Feb. 23, 1931, ch. 280, title III, 46 Stat. 1334; July 1, 1932, ch. 361, title III, 47 Stat. 502; Mar. 1, 1933, ch. 144, title III, 47 Stat. 1393; Apr. 7, 1934, ch. 104, title III, 48 Stat. 551; Mar. 22, 1935, ch. 39, sec. 1, 49 Stat. 90; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1336; June 16, 1937, ch. 359, sec. 1, title III, 50 Stat. 287; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 273; June 29, 1939, ch. 248, title III, 53 Stat. 909	15	198

Statutes at Large		United States Code	
		Title	Section
	Act June 28, 1937, ch. 383, sec. 11, second proviso, 50 Stat. 321	16	<sup>1</sup> 584j
	Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081	20	68
49 Stat. 1316.	Act Feb. 14, 1931, ch. 189, second paragraph, all between second and third semicolons, as added Aug. 7, 1935, ch. 455, sec. 1, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123, second paragraph, all between second and third semicolons; May 15, 1936, ch. 405, 59 Stat. 1316, beginning with "stenographic" in line 9 and ending with "Statutes" in line 11; June 16, 1937, ch. 359, 50 Stat. 267, beginning with "stenographic" in next to last line and ending with "Statutes" in first line on page 268; April 27, 1938, ch. 180, 52 Stat. 254, beginning with "stenographic" in line 14 and ending with "Statutes" in line 16; June 29, 1939, ch. 248, title I, 53 Stat. 892, beginning with "stenographic" in line 11 and ending with "Statutes" in line 16	22	266a
	Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936	25	93
	Act May 13, 1926, ch. 294, sec. 1, 44 Stat. 548; Feb. 23, 1927, ch. 168, sec. 1, 44 Stat. 1157; May 14, 1928, ch. 551, sec. 1, 45 Stat. 528; Feb. 28, 1929, ch. 367; sec. 1, 45 Stat. 1397; June 6, 1930, ch. 407, sec. 1, 46 Stat. 516; Feb. 20, 1931, ch. 234, sec. 1, 46 Stat. 1186; June 30, 1932, ch. 314; sec. 1, 47 Stat. 393; Feb. 28, 1933, ch. 134, sec. 1, 47 Stat. 1362; May 30, 1934, ch. 372, sec. 1, 48 Stat. 828; July 8, 1935, ch. 374, sec. 1, 49 Stat. 471; Apr. 17, 1936, ch. 233, sec. 1, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, sec. 1, 52 Stat. 392; June 16, 1939, ch. 208, sec. 1, 53 Stat. 834; June 18, 1940, ch. 396, sec. 1, 54 Stat. _____	40	217
Ante, p. 462.	Act Feb. 27, 1893, ch. 168, 27 Stat. 485; Mar. 2, 1899, ch. 325, 30 Stat. 957; Mar. 2, 1911, ch. 192, 36 Stat. 975; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Mar. 1, 1919, ch. 86, sec. 1, 40 Stat. 1262; May 29, 1920, ch. 214, sec. 1, 41 Stat. 677; June 12, 1922, ch. 218, 42 Stat. 638	41	6
	Act Jan. 25, 1929, ch. 102, title IV, 45 Stat. 1136; Apr. 18, 1930, ch. 184, title IV, 46 Stat. 215; Feb. 23, 1931, ch. 280, title IV, 46 Stat. 1352; July 1, 1932, ch. 361, title IV, 47 Stat. 520; Mar. 1, 1933, ch. 144, title IV, 47 Stat. 1409; Apr. 7, 1934, ch. 104, title IV, 48 Stat. 568; May 15, 1936, ch. 405, sec. 1, 49 Stat. 1347; June 16, 1937, ch. 359, sec. 1, title IV, 50 Stat. 298; Apr. 27, 1938, ch. 180, title IV, sec. 1, 52 Stat. 285; June 29, 1939, ch. 249, sec. 1, 53 Stat. 921	41	6a
	Act June 25, 1910, ch. 431, sec. 23, 36 Stat. 861; May 18, 1916, ch. 125, sec. 1, 39 Stat. 126; Jan. 12, 1927, ch. 27, 44 Stat. 936	41	6a-1
	Act Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1363; June 30, 1932, ch. 330, sec. 1, 47 Stat. 460; June 16, 1933, ch. 101, sec. 1, 48 Stat. 292; Mar. 28, 1934, ch. 102, title I, sec. 1, 48 Stat. 514; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 11; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1173; June 28, 1937, ch. 396, 50 Stat. 336; May 23, 1938, ch. 259, sec. 1, 52 Stat. 418; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 131	41	6b
	Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1604; June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 424; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539	41	6c
	Act June 22, 1936, ch. 689, sec. 1, 49 Stat. 1605; June 28, 1937, ch. 396, sec. 1, 50 Stat. 344; May 23, 1938, ch. 259, sec. 1, 52 Stat. 426; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 540	41	6d

<sup>1</sup> Second proviso.

## Statutes at Large

## United States Code

	United States Code	
	Title	Section
Act May 14, 1937, ch. 180, title I, sec. 1, 50 Stat. 139; Mar. 28, 1938, ch. 55, sec. 1, 52 Stat. 123; May 6, 1939, ch. 115, sec. 1, title I, 53 Stat. 656; Mar. 25, 1940, ch. 71, title I, 54 Stat. 56	41	6e
Act June 16, 1937, ch. 359, title I, 50 Stat. 273; Apr. 27, 1938, ch. 180, title I, sec. 1, 52 Stat. 258; June 29, 1939, ch. 248, title I, 53 Stat. 896; May 14, 1940, ch. 189, title I, 54 Stat.	41	6f <i>Ante</i> , p. 181.
Act June 16, 1937, ch. 359, title II, 50 Stat. 275; Apr. 27, 1938, ch. 180, title II, sec. 1, 52 Stat. 260; June 29, 1939, ch. 248, title II, 53 Stat. 898; May 14, 1940, ch. 189, title III, 54 Stat.	41	6g <i>Ante</i> , p. 200.
Act June 16, 1937, ch. 359, title III, 50 Stat. 285; Apr. 27, 1938, ch. 180, title III, sec. 1, 52 Stat. 272	41	6h
Act June 23, 1937, ch. 396, sec. 1, 50 Stat. 335; May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 532; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6i
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 338; May 23, 1938, ch. 259, sec. 1, 52 Stat. 420; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 534; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 133	41	6j
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 421; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 536; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 135	41	6k
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 339; May 23, 1938, ch. 259, sec. 1, 52 Stat. 422; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 537	41	6l
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 341; May 23, 1938, ch. 259, sec. 1, 52 Stat. 423; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 538	41	6m
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 342; May 23, 1938, ch. 259, sec. 1, 52 Stat. 425; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 539; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 136	41	6n
Act Apr. 6, 1937, ch. 69, sec. 3, as amended May 9, 1938, ch. 192, 52 Stat. 344	41	6o
Act May 23, 1938, ch. 259, sec. 1, 52 Stat. 417; as amended Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 531; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 124	41	6p
Act June 25, 1938, ch. 681, title I, 52 Stat. 1117; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 535; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 134	41	6q
Act Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 527; as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 116	41	6r
Act Aug. 7, 1935, ch. 455, 49 Stat. 540; Feb. 11, 1936, ch. 49, 49 Stat. 1123; May 15, 1936, ch. 405, 49 Stat. 1316; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 17, 1938, ch. 180, 52 Stat. 254; June 29, 1939, ch. 248, title I, 53 Stat. 892; May 14, 1940, ch. 189, title I, 54 Stat.	41	6s <i>Ante</i> , p. 181.
Act May 15, 1936, ch. 405, 49 Stat. 1315; June 16, 1937, ch. 359, 50 Stat. 267; Apr. 28, 1938, ch. 180, 52 Stat. 253; June 29, 1939, ch. 248, title I, 53 Stat. 891	41	6t
Act Feb. 20, 1929, ch. 270, sec. 1, 45 Stat. 1243; Apr. 19, 1930, ch. 201, sec. 1, 46 Stat. 243; Feb. 23, 1931, ch. 281, sec. 1, 46 Stat. 1370; Feb. 2, 1935, ch. 3, sec. 1, 49 Stat. 16; Mar. 19, 1936, ch. 156, sec. 1, 49 Stat. 1180; June 28, 1937, ch. 396, sec. 1, 50 Stat. 345; May 23, 1938, ch. 259, sec. 1, 52 Stat. 427; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 542; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137	41	6u
Act June 28, 1937, ch. 396, sec. 1, 50 Stat. 331; May 23, 1938, ch. 259, sec. 1, 52 Stat. 412; Mar. 16, 1939, ch. 11, sec. 1, 53 Stat. 525; Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 113	41	6v-1

Statutes at Large	United States Code	
	Title	Section
Act June 16, 1938, ch. 464, 52 Stat. 750; June 30, 1939, ch. 253, title II, sec. 1, 53 Stat. 978.....	41	6w
Act Aug. 25, 1937, ch. 757, title I, 50 Stat. 759.....	41	6x
Act Aug. 9, 1939, ch. 633, title I, sec. 1, 53 Stat. 1318.....	41	6y
Act Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 112.....	41	6z
Act Apr. 18, 1940, ch. 107, 54 Stat. 118.....	41	6aa
Act Apr. 18, 1940, ch. 107, 54 Stat. 119.....	41	6bb
Act Apr. 18, 1940, ch. 107, 54 Stat. 120.....	41	6cc
Act Apr. 18, 1940, ch. 107, 54 Stat. 131.....	41	6dd
Act Feb. 11, 1927, ch. 104, sec. 1, 44 Stat. 1081, as amended Apr. 18, 1940, ch. 107, sec. 1, 54 Stat. 137.....	41	6ee
Act May 14, 1940, ch. 189, title I, 54 Stat. 189.....	41	6ff
Act May 14, 1940, ch. 189, title IV, 54 Stat. 211.....	41	6gg
Act June 11, 1940, ch. 313, title I, 54 Stat. 290.....	41	6hh
Act Aug. 4, 1939, ch. 418, sec. 13, 53 Stat. 1197.....	43	380a
Act Apr. 22, 1926, ch. 171, sec. 1, 44 Stat. 314.....	50	154

Approved, October 10, 1940.

[CHAPTER 852]

AN ACT

October 10, 1940  
[H. R. 10246]

[Public, No. 843]

To further amend the Act of July 30, 1937, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission.

Stony Point Light  
Station Reservation,  
N. Y.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of July 30, 1937 (50 Stat. 549), as amended, authorizing the conveyance of a portion of the Stony Point Light Station Reservation to the Palisades Interstate Park Commission, is hereby further amended by adding at the end thereof a new section reading as follows:

Federal jurisdiction  
over conveyed portion  
relinquished to State  
of New York.

“SEC. 3. Upon the acceptance thereof by the State of New York, all jurisdiction heretofore conferred on the United States of America by Act of March 23, 1826, of the Legislature of the State of New York, chapter 84, Laws of 1826, State of New York, over that portion of the Stony Point Light Station Reservation which is conveyed by the United States of America to the Palisades Interstate Park Commission pursuant to the authority contained in this Act be, and is hereby, ceded and forever relinquished to the State of New York. Nothing contained in this section shall be construed as affecting the jurisdiction of the United States of America over that portion of the Stony Point Light Station Reservation which is not conveyed to the Palisades Interstate Park Commission.”

Retained portion.

Approved, October 10, 1940.

[CHAPTER 853]

AN ACT

October 10, 1940  
[H. R. 10518]

[Public, No. 844]

Granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minnesota.

Whetstone Diversion  
Channel.  
Bridge authorized  
across, at Ortonville,  
Minn.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge and approaches thereto across the

Whetstone Diversion Channel, at a point suitable to the interests of navigation, at or near Ortonville, Minnesota, in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

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

Approved, October 10, 1940.

[CHAPTER 857]

JOINT RESOLUTION

Making an additional appropriation for national defense housing for the fiscal year ending June 30, 1941, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1941, for the purposes enumerated:

FEDERAL WORKS AGENCY

National defense housing: To enable the Federal Works Administrator to carry out the purposes of the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", H. R. 10412, as enacted into law during the Seventy-sixth Congress, \$75,000,000, to be expended in accordance with the provisions of such Act, to remain available until expended, and to be available for all necessary administrative expenses for the purposes hereof, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles; and in addition to such appropriation, authority is granted to enter into contracts or otherwise to incur obligations for the above purposes in amounts not to exceed in the aggregate \$75,000,000: *Provided*, That in no case under the foregoing appropriation or contractual authorization shall the fixed fee to be paid the contractor under any contract entered into without reference to section 3709 of the Revised Statutes of the United States on a cost-plus-a-fixed-fee basis exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Administrator or the head of such Federal agency through which he may act: *Provided further*, That the fact that a contract is entered into under the provisions of the above mentioned Act without reference to section 3709 of the Revised Statutes of the United States shall not be construed to render inapplicable the provisions of the Act of March 3, 1931, as amended by the Act of August 30, 1935 (49 Stat. 1011; U. S. C., title 40, sec. 276 (a)), or the provisions of the Act of June 30, 1936 (49 Stat. 2036; U. S. C., title 41, secs. 35-45), to any contract to which the provisions of either or both of such Acts would otherwise apply.

DEPARTMENT OF AGRICULTURE

Enforcement of the Commodity Exchange Act: For an additional amount to enable the Secretary of Agriculture to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U. S. C., 1-17a), and as further amended by the Act entitled "An Act to amend the Commodity Exchange Act, as amended, to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts", H. R. 4088, as enacted into law during the Seventy-sixth Congress, \$40,000.

Approved, October 14, 1940.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

Right reserved.

October 14, 1940  
[H. J. Res. 614]  
[Pub. Res., No. 106]

National defense housing.  
Additional appropriations, fiscal year 1941.

Administrative expenses.

Post, pp. 1125, 1126.

Contracts, limitation.

Provisions.  
Limitation on contractor's fee.

41 U. S. C. § 5.

Designated Acts not affected.

Wages.  
40 U. S. C., Supp. V, § 276 (a).

Government contracts.  
41 U. S. C., Supp. V, §§ 35-45.

Enforcement of Commodity Exchange Act.  
49 Stat. 1491.

Extension of provisions.

Ante, p. 1059.

## [CHAPTER 858]

## AN ACT

October 14, 1940

[S. 3636]

[Public, No. 845]

To amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the fourth sentence of section 4c of the Act entitled "An Act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the Act of June 4, 1920 (41 Stat. 762), and as amended by the Act of May 12, 1939 (Public, Numbered 72, Seventy-sixth Congress), be, and the same is hereby, further amended to read as follows:

"Any officer who shall have served four years as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force or who shall have served two years as wing commander of the Air Corps and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the highest grade held by him as such chief, assistant chief, commanding general, or wing commander."

SEC. 2. Any officer who has heretofore served four years as assistant chief of branch of the Army or who has heretofore served two years as wing commander of the Air Corps and who has been retired in a grade below that of brigadier general, shall, on the date of approval of this Act, be advanced in rank upon the retired list to the highest grade held by him as such assistant chief or wing commander and shall receive the pay and allowances provided by law for such advanced rank.

SEC. 3. No back pay or allowances shall accrue by reason of this Act.

Approved, October 14, 1940.

National Defense Act, amendments.

53 Stat. 740,  
10 U. S. C. § 1026;  
Supp. V, § 1026.

Retirement of designated officers of Air Corps.

Rank, pay, and allowances.

Assistant chief of branch or wing commander.

Rank, pay, and allowances.

No back pay.

## [CHAPTER 859]

## AN ACT

To amend the Civil Service Retirement Act and other retirement Acts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first paragraph of section 5 of the Civil Service Retirement Act of May 29, 1930 (46 Stat. 472; 5 U. S. C. 707), be amended to read as follows:

"SEC. 5. Subject to the provisions of section 9 hereof, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the

October 14, 1940

[H. R. 8621]

[Public, No. 846]

Civil Service Retirement Act of 1930, amendment.

Computation of accredited service.

Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 2. That the first paragraph of section 97 of title 2, Canal Zone Code, be amended to read as follows:

"SEC. 97. COMPUTATION OF ACCREDITED SERVICE.—Subject to the provisions of section 98 of this title, the service which shall form the basis for calculating the amount of any benefit provided in this Article shall be computed from the date of original employment, whether as a classified or an unclassified employee, in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; also periods of service performed overseas and under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Article shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 3. That the first paragraph of section 7 of the Act entitled "An Act for the retirement of employees of the Alaska Railroad, Territory of Alaska, who are citizens of the United States," approved June 29, 1936 (49 Stat. 2021; 5 U. S. C. 745f), as amended by the Act approved August 7, 1939 (Public Law Numbered 320, Seventy-sixth Congress), be further amended to read as follows:

"SEC. 7. Subject to the provisions of section 8 hereof, the service which shall form the basis for calculating the amount of any benefit provided in this Act shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States or under the municipal government of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices of the Government and service in Alaska with the Alaskan Engineering Commission and the Alaska Railroad, or of either of them, and service on the Isthmus of Panama with the Isthmian Canal Commission, the Panama Canal, or the Panama Railroad Company; also periods of service performed overseas under authority of the United States and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States. In the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service

Canal Zone Code, amendment.  
46 Stat. 1476.  
Computation of accredited service.

Alaska Railroad Retirement Act, amendment.

53 Stat. 1246.  
5 U. S. C., Supp. V, § 745f.

Computation of accredited service.

necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided."

SEC. 4. That the last clause of paragraph (o) of section 26 of the Act entitled "An Act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor", approved February 23, 1931 (46 Stat. 1213; 22 U. S. C. 21), as amended by the Act of August 5, 1939 (Public Law Numbered 277, Seventy-sixth Congress), be further amended to read as follows: "but in the case of a Foreign Service officer who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in this Act shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity herein provided".

SEC. 5. This Act shall take effect the 1st day of the month next succeeding the date of enactment. Any person separated from the service prior to such effective date may, upon request, have his claim for retirement adjudicated under the terms of this Act; but no increase in annuity shall be allowed prior to such effective date nor shall this Act be construed so as to reduce the annuity of any person separated prior to its effective date.

Approved, October 14, 1940.

[CHAPTER 860]

AN ACT

To provide for the retirement of certain members of the Metropolitan Police Department of the District of Columbia, the United States Park Police force, the White House Police force, and the members of the Fire Department of the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 12 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916, is amended by adding after the fourth paragraph of such section a new paragraph to read as follows:

"Whenever any member of the Metropolitan Police Department of the District of Columbia, or of the United States Park Police force, or of the White House Police force, or the Fire Department of the District of Columbia has served twenty-five years or more as a member of such department or police force, or the Fire Department of the District of Columbia, or any combination of such service, or whenever any member of the United States Secret Service, who has served twenty-five years in the service of the United States Government, the

Foreign Service.  
Retirement and disability system.

53 Stat. 1208.  
22 U. S. C. § 21 (o);  
Supp. V, § 21 (o).

Computation of period of service.

Effective date.

October 14, 1940  
[H. R. 8846]  
[Public, No. 847]

District of Columbia.  
Retirement of Metropolitan Police, etc.

39 Stat. 718.

Voluntary retirement.  
Requirements.

duties of whom in whole or in part related to the protection of the life of the President and who has actively performed duties other than clerical for ten years or more directly related to the protection of the President extended by the Secret Service Division and having reached the age of fifty-five years, he may, at his election, be retired from the service of any such police department or police force or Division or fire department, and shall be entitled to receive retirement compensation from the said policemen and firemen's relief fund, District of Columbia, in an amount equal to 50 per centum per annum of the salary received by him at the date of retirement: *Provided, however,* That in any fiscal year any such retirement shall be in accordance with such rules and regulations as may be adopted by the Commissioners of the District of Columbia, and in no fiscal year shall the amount of all such retirements authorized under the provisions of this paragraph aggregate more than \$30,000: *Provided further,* That, when any member of the United States Secret Service Division shall have performed service in connection with the protection of the President for ten years or more, thereby becoming subject to future retirement after twenty-five years' service under the provisions of this Act, that he shall be authorized to transfer all funds to his credit in the United States Civil Service Retirement Fund to the Policemen and Firemen's Relief Fund of the District of Columbia, and that after the transfer of such funds, the salary of that member shall be subject to the same deductions for credit to the Policemen and Firemen's Relief Fund of the District of Columbia as the deductions from salaries of other members contributing to that fund, and he shall be entitled to the same benefits as other members contributing to that fund."

Compensation.

*Provisos.*  
Regulations.

Limitation.

U. S. Secret Service  
Division.  
Transfer of retire-  
ment funds.

Approved, October 14, 1940.

## [CHAPTER 861]

## AN ACT

To amend an Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), and an Act entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes", approved August 28, 1937 (50 Stat. 869).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act entitled "An Act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States", approved August 11, 1939 (53 Stat. 1418), is hereby amended to read as follows:

"SECTION 1. For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this Act, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this Act: *Provided,* That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further,* That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet reimbursable construction costs allocated to irrigation as defined in section 4 (b) shall not exceed \$1,000,000 for dams and reservoirs in any one project.

October 14, 1940  
[H. R. 10122]  
[Public, No. 848]Great Plains, etc.,  
water conservation.16 U. S. C., Supp. V,  
§§ 590y-590bb.Water conservation  
and utilization proj-  
ects.*Provisos.*  
Federal title to proj-  
ect works.Expenditures to  
meet reimbursable  
costs, limitation.

Utilization of services, etc., of other agencies.

"SEC. 2. In connection with the investigation, construction, or operation and maintenance of a project, pursuant to the authority of this Act, the Secretary is authorized to utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency, for which the United States shall be reimbursed in such amounts as the President may fix for each project, within the limits of the water users' ability to repay costs as found by the Secretary under subsection 3 (a) (iv); and (2) such services, labor, materials, easements or property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals, if, in the judgment of the Secretary, the acceptance thereof will not impair the title of the United States to the project works and will not reduce the probability that the project water users can meet the obligations to the United States entered into pursuant to this Act. Moneys received and accepted under (2) of this section shall be and remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

Use of moneys received.

Investigations.

"SEC. 3. (a) No construction of a project may be undertaken pursuant to the authority of this Act unless and until the Secretary has made an investigation thereof and has submitted to the President his report and findings on—

Reports and findings.

"(i) the engineering feasibility of the proposed construction;

"(ii) the estimated cost of the proposed construction;

"(iii) the part of the estimated cost which properly can be allocated to irrigation;

"(iv) the part of the estimated cost which probably can be repaid by the water users in accordance with the requirements of section 4;

"(v) the part of the estimated cost which can properly be allocated to municipal or miscellaneous water supplies or power and probably be returned to the United States in revenues therefrom;

"(vi) the part of the estimated cost which can properly be allocated to the irrigation of Indian trust and tribal lands, and be repayable in accordance with existing law relating to Indian lands;

"(vii) the part of the estimated cost which can properly be allocated to flood control as recommended by the Chief of Engineers, War Department.

Participation by Department of Agriculture.

In connection with each such investigation, report, and finding, the Secretary shall consult with the Secretary of Agriculture regarding participation in the proposed project by the Department of Agriculture under the authority of sections 5 and 6; and the Secretary shall also transmit to the President a report by the Secretary of Agriculture to the President on the participation, if any, proposed by the Department of Agriculture. The project shall be deemed authorized and may be undertaken pursuant to this Act if (1) the Secretary finds and certifies to the President that the project has engineering feasibility and that the water users probably can repay, in accordance with the requirements of section 4, an amount equal to or in excess of that part of the estimated cost allocated by him to irrigation to be met by expenditure of moneys appropriated pursuant to section 12 (1); and (2) the President has approved said report and findings and has found that services, labor, materials, easements, and other property, including money, for

When project deemed authorized.

Findings.

Availability of services, property, etc.

the construction of the project, should be made available to the Department of the Interior by the Work Projects Administration or other Federal agencies, to the extent found necessary by the Secretary to make up the difference between the estimated cost of project construction and (i) the part thereof to be met by expenditure of moneys appropriated pursuant to section 12 (1), together with (ii) such services, materials, money, easements, and other property as non-Federal agencies or parties have agreed to contribute and the Secretary has found acceptable under section 2.

“(b) No actual construction of the physical features of a project, which meets the requirements of subsection (a) shall be undertaken unless and until (1) rights-of-way and other interests in land deemed by the Secretary to be necessary for the construction and operation of the major features of the project works have been secured, with titles or easements and at prices satisfactory to the Secretary; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or have been initiated and can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him.

“SEC. 4. (a) No water for irrigation may be delivered from the works of any project constructed under the authority of this Act until after the repayment contract or contracts required by this section have been executed. Where practicable in the judgment of the Secretary, the repayment contract shall be with a water users’ organization or organizations satisfactory in form and powers to the Secretary; and otherwise the repayment contract shall be with the individual land-owners. The contract or contracts shall contain such provisions as the Secretary deems necessary to carry out the purposes of this Act and to protect the interests of the United States.

“(b) The term ‘reimbursable construction costs’ as used in this Act means that part of the costs of investigating, constructing, and operating and maintaining the project, which are allocated by the Secretary to irrigation, and which are met by expenditures of moneys therefor appropriated under the authority of section 12 (1), plus such amounts as the President, under section 2 (1), may determine to be reimbursable: *Provided*, That administrative expenses incurred in the District of Columbia in connection with the investigation, construction, or operation and maintenance of a project shall not be included in the reimbursable construction costs nor shall they be charged to the water users in any way.

“(c) The repayment contract or contracts for a project shall, in their aggregate, provide for repayment to the United States of the total amount of the reimbursable construction costs of the project allocated to irrigation. Each such contract shall provide, among other things, that—

“(1) The Secretary shall fix a development period for each project of not to exceed ten years from and including the first calendar year in which water is delivered for the lands in said project; and during the development period water shall be delivered to the lands in the project involved at a charge per acre-foot, or other charge, to be fixed by the Secretary each year and to be paid in advance of delivery of water. Such charges shall be fixed with a view of returning such amounts as in the Secretary’s judgment are justified by the rate of project development, including as a minimum the return over the full development period of that part of the cost of operating and maintaining the project, during said period, allocated by the Secre-

Contribution by non-Federal agencies.

Rights-of-way to be secured before construction.

Acquisition of water rights, etc.

Repayment contracts.

“Reimbursable construction costs.”

*Provido*. Administrative expenses.

Provisions of repayment contract.

Development period.

Water charges.

tary to irrigation; and collections of such charges in excess of the cost of the operation and maintenance during the development period, as thereafter determined by the Secretary, shall be credited to the reimbursable construction costs of the project in the manner determined by the Secretary.

Federal operation.

"(2) The United States shall operate and maintain the project during the development period fixed for it. After the development period, the United States shall operate and maintain the project or any part thereof as long as is deemed necessary by the Secretary, and shall be paid in advance for each year that part of the estimated cost of operating and maintaining the project for such year allocated by the Secretary to irrigation. In the event charges due the United States are not paid when due the United States may, at its election, suspend operations in whole or in part.

Suspension for non-payment of charges.

Spread of certain repayments.

"(3) The repayment of the reimbursable construction costs, except as to Indian lands which shall be repayable in accordance with existing law relating to Indian lands, shall be spread in not to exceed forty annual installments, of the number and amounts fixed by the Secretary; and the first annual installment under each contract shall become due and payable on the date fixed by the Secretary, in the year next following the last year of the development period fixed under subsection (c) (1): *Provided*, That the provisions of this subsection shall not be construed to modify the provisions of special legislation pertaining to any particular project.

Date of first installment.

*Proviso.*  
Provisions not affected.

Accounting.

"(4) The water users or their organization will take such measures as the Secretary deems proper to secure the adoption of proper accounting, to protect the condition of project works, and to provide for the proper use thereof, and to protect project lands against deterioration due to improper use of water. Delinquencies in any payments due to the United States shall be penalized by a penalty of not less than one-half of 1 per centum per month. No water shall be delivered to or for any land or party while either said land or the organization in which it is located or said party is in arrears in the advance payment of operation and maintenance charges or development period charges under subsection (c) (1), or in arrears for more than twelve months in the payment of an installment of the reimbursable construction costs.

Delinquencies in payments, penalties.

Size of farm units of irrigable lands.

"(5) The Secretary shall establish the size of farm units of irrigable lands on each project in accordance with his findings of the area sufficient in size for the support of a family on the lands to be irrigated. No water may be delivered to or for more than the farm unit area of irrigable lands in the project owned by a single landowner: *Provided*, That this subsection shall not apply to the United States or any agency or instrumentality thereof, corporate or otherwise. No water shall be delivered to or for any land, in a project area, transferred or disposed of subsequent to approval of the project by the President, and within three years from the time water becomes available, unless and until it has been shown to the satisfaction of the Secretary or his duly authorized representative that the land has been transferred or disposed of at a price not exceeding the appraised value as determined by the Secretary or his duly authorized representatives, and upon proof of fraudulent representation as to the true consideration involved the Secretary is authorized to cancel the water right attaching to the land involved: *Provided further*, That nothing herein shall be construed to create authority to interfere with the delivery of water under prior rights.

*Provisos.*  
Provision not applicable to U. S.  
Transfer or disposal of land in project area.

Delivery of water under prior rights.

Cooperative rehabilitation program.

"SEC. 5. (a) In connection with the construction or operation and maintenance of projects undertaken pursuant to the authority of this Act, and in order to further in the Great Plains and arid and

semiarid areas of the United States an effective rehabilitation program, stabilization of the agricultural economy and maximum utilization of funds spent for relief purposes, the Secretary of Agriculture is hereby authorized, pursuant to cooperative agreement with the Secretary of the Interior, (1) to arrange for the settlement of the projects on a sound agricultural basis, and insofar as practicable, the location thereon of persons in need; (2) to extend guidance and advice to settlers thereon in matters of farm practice, soil conservation, and efficient land use; (3) to acquire agricultural lands within the boundaries of such projects, with titles and at prices satisfactory to him; and (4) to arrange for the improvement of lands within the project boundaries, including clearing, leveling, and preparing them for distribution of irrigation water. Contracts between the United States and water users or water users' organizations for the lease or purchase of, or the improvement of, lands within such projects shall provide for annual or semiannual payments to the United States, of the number and amounts fixed by the Secretary of Agriculture. The lease, purchase, or improvement contracts for each tract of land shall provide in the aggregate for the return, in not to exceed fifty years from the date the land is first settled upon, of the costs incurred by the United States in acquiring and improving such tract of land with funds appropriated under authority of section 12 (2), except administrative expenses incurred in the District of Columbia, together with interest on unpaid balances of said costs at not less than 3 per centum per annum. Such lease, purchase, or improvement contracts shall also provide for the fulfillment of such obligations related to reimbursable construction costs and operation and maintenance charges as may be applicable to such lands in accordance with the repayment contract or contracts required by section 4.

“(b) For the purposes of this section, the Secretary of Agriculture may utilize (1) in such manner as the President may direct, services, labor, materials, or other property, including money, supplied by the Work Projects Administration, the Civilian Conservation Corps, the Office of Indian Affairs, the Department of Agriculture, or any other Federal agency to the extent that the President, upon the report and recommendations of the Secretary of Agriculture, finds that the same should be supplied in assistance of such improvement work, and for which the United States shall be reimbursed in such amounts as the President may fix for each project; and (2) such services, labor, materials, easements, or other property, including money, as may be contributed by any State or political subdivision thereof, State agency, municipal corporation, or other organization, or individuals. Moneys received and accepted under (2) of this subsection shall remain available for expenditure for the purposes for which contributed in like manner as if said sums had been specifically appropriated for said purposes.

“SEC. 6. The Secretary, by cooperative agreements, may arrange with the Department of Agriculture or with such other Federal or State agencies, as the President may deem desirable, for cooperation in the investigations and surveys of projects proposed under the authority of this Act; and in connection with any such project which is undertaken the Secretary by such cooperative agreements may arrange for such cooperation in the construction or operation and maintenance of the project as he deems desirable. Any such cooperative agreement with the Department of Agriculture may provide, among other things (1) that the Secretary of Agriculture shall enter into the repayment contracts, required by section 4, and shall handle the collections of repayments and shall take over the other adminis-

Settlement of projects.

Guidance to settlers.

Acquisition of agricultural lands.

Improvement of lands.

Contracts between U. S. and water users for lease, etc., of lands.

Return of costs incurred by U. S.

Assistance of other agencies; reimbursement.

Cooperative agreements.

Investigations and surveys of proposed projects.

Provisions to be included.

Jurisdiction over repayment contracts.

trative duties connected with the project, after the Secretary of the Interior announces that the project is ready for operation; (2) if such agreement be entered into after construction of the project has been undertaken by the Secretary of the Interior and after he has entered into the repayment contracts required by section 4, that the Secretary of Agriculture shall take over the collection of repayments and other administrative duties connected with the project; (3) that no water shall be delivered to or for any land or party while the owner of said land or said party is in arrears for more than twelve months in the payment to the United States of money due and payable under a land contract entered into pursuant to section 5 (a); and (4) that any repayment contract with a water user or water users' organization entered into pursuant to section 4 and any land contract with the same water user or organization entered into pursuant to section 5 (a), if said contracts involve the same land, may be combined in a single instrument. The Secretary of Agriculture is hereby authorized to carry out the provision of any such cooperative agreements.

Arreage penalty.

Combination of contracts.

16 U. S. C., Supp. V, §§ 590r-590x.  
Limitation on expenditures.

Combination of project facilities.

Disposition of receipts from project operations.

Availability of certain funds.

Furnishing of water supplies, power, etc.

Provisos. Limitation on expenditure.

Restriction on contracts.

Federal title:

"SEC. 7. On any one project undertaken pursuant to the Act of August 28, 1937, entitled "An Act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes" (50 Stat. 869), as amended and supplemented, expenditures for the construction, maintenance, operation, rehabilitation or financial assistance of any one project, shall not exceed \$50,000 of Federal funds, whether appropriated or allotted or both. All project facilities and appurtenances which depend for their utility in whole or in part upon each other or upon any common facility shall be deemed one project within the meaning of this section.

"SEC. 8. All payments made to the United States under repayment contracts on account of reimbursable construction costs, including penalties collected for delinquencies in such payments, and all other receipts from project operations pursuant to sections 4 and 9 shall be covered into the Treasury to the credit of miscellaneous receipts. Charges collected during the development period of a project under section 4 (c) (1), excepting such amounts thereof as may be credited to reimbursable construction costs, and charges collected for the operation and maintenance of a project under section 4 (c) (2) shall be available for expenditure for operation and maintenance of said project in like manner as if said funds had been specifically appropriated for said purposes.

"SEC. 9. In connection with any project undertaken pursuant to this Act, provisions, including contracts of sale, may be made for furnishing municipal or miscellaneous water supplies, or for developing and furnishing power in addition to the power requirements of irrigation: *Provided*, That expenditures from appropriations made directly pursuant to the authority contained in section 12 (1) to meet costs allocated to municipal or miscellaneous water supplies or surplus power shall not exceed \$500,000 for any one project: *Provided further*, That no contract relating to a water supply for municipal or miscellaneous purposes or to electric power shall be made unless, in the judgment of the Secretary, it will not impair the efficiency of the project for irrigation purposes. On any project where such provisions are made, the Secretary shall allocate to municipal or miscellaneous water purposes or to surplus power the part of the estimated construction costs of the project which he deems properly so allocable; and such allocations shall not be included in the reimbursable construction costs covered by the repayment contract or contracts required under section 4. All right, title, and interest

in the facilities provided for such municipal or miscellaneous water supplies or surplus power and the revenues derived therefrom shall be and remain in the United States. Contracts for such municipal or miscellaneous water supplies or for such surplus power shall be at such rates as, in the Secretary's judgment, will produce revenues at least sufficient to cover the appropriate share of the annual operation and maintenance cost of the project and such fixed charges, including interest, as the Secretary deems proper. Contracts for the sale of surplus power shall be for periods not to exceed forty years and contracts for water supply for municipal or miscellaneous purposes shall be for such periods as the Secretary may determine and may include such renewal options as the Secretary deems desirable: *And provided further*, That in sales or leases of such power, preference shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other non-profit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof.

"Sec. 10. (a) In connection with any project constructed pursuant to the provisions of this Act, the Secretary shall have the same authority, with regard to the utilization of lands owned by the United States, other than lands acquired under section 5 as he has in connection with projects undertaken pursuant to the Federal reclamation laws, Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto.

"(b) In connection with the construction or operation and maintenance of a project undertaken pursuant to the authority of this Act, the Secretary shall have with respect to construction and supply contracts, and with respect to the acquisition, exchange, and disposition of lands, interest in lands, water rights, and other property and the relocation thereof, the same authority, including authority to acquire lands and interests in land and water rights with titles and at prices satisfactory to him, which he has in connection with projects under the Federal reclamation laws.

"Sec. 11. The Secretary of the Interior and the Secretary of Agriculture are hereby authorized to perform any and all Acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying out their respective functions under this Act and for the purpose of carrying the provisions of this Act into full force and effect.

"Sec. 12. To carry out the purposes of this Act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated (1) for the Department of the Interior such sums as may be necessary to carry out its functions under this Act, and (2) for the Department of Agriculture such sums as may be necessary to carry out its functions under this Act."

Approved, October 14, 1940.

Rates.

Duration of contracts.

Preference in sales or leases.

49 Stat. 1363.  
7 U. S. C., Supp. V,  
§§ 901-914.

Authority of Secretary to utilize Federal lands.

43 U. S. C., ch. 12;  
Supp. V, ch. 12.

Authority to acquire lands, etc.

Administrative provisions.

Appropriations authorized.

[CHAPTER 862]

AN ACT

To expedite the provision of housing in connection with national defense, and for other purposes.

October 14, 1940  
[H. R. 10412]  
[Public, No. 849]

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

SECTION 1. In order to provide housing for persons engaged in national-defense activities, and their families, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities

National defense housing.  
Authority of Federal Works Administrator.  
*Ante*, pp. 681, 1115.

and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to sections 1136, as amended, and 3709 of the Revised Statutes) improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, the Act of March 3, 1877 (19 Stat. 370), or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under the Acts of August 1, 1888 (25 Stat. 357), March 1, 1929 (45 Stat. 1415), and February 26, 1931 (46 Stat. 1421)).

(b) By contract or otherwise (without regard to sections 1136, as amended, and 3709 of the Revised Statutes, section 322 of the Act of June 30, 1932 (47 Stat. 412), or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this Act: *Provided*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract: *Provided*, That the cost per family dwelling unit shall not exceed an average of \$3,000 for those units located within the continental United States nor an average of \$4,000 for those located elsewhere, and the cost of no family dwelling unit shall exceed \$3,950 within the continental United States or \$4,750 elsewhere, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not exceed 3 per centum of the total cost of all projects.

SEC. 2. As used in this Act (a) the term "persons engaged in national-defense activities" shall include (1) enlisted men in the naval or military services of the United States; (2) employees of the United States in the Navy and War Departments assigned to duty at naval or military reservations, posts, or bases; (3) workers engaged or to be engaged in industries connected with and essential to the national defense; (b) the term "Federal agency" means any executive department or office (including the President), independent establishment, commission, board, bureau, division, or office in the executive branch of the United States Government, or other agency of the United States, including corporations in which the United States owns all or a majority of the stock, directly or indirectly.

SEC. 3. The sum of \$150,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this Act in accordance with the authority therein contained and for administrative expenses in connection therewith: *Provided, however*, That the Administrator is authorized to reimburse, from funds which may be appropriated pursuant to the authority of this Act, the sum of \$3,300,000 to the emergency funds made available to the President under the Act of June 11, 1940, entitled "An Act making appropriations for

Acquisition of lands,  
etc.  
10 U. S. C. § 1339;  
41 U. S. C. § 5.

40 U. S. C. § 40a;  
Supp. V, § 40a.  
40 U. S. C. § 34.

40 U. S. C. §§ 257-  
258e, 361-386; Supp.  
V, § 385.

Planning and construction of buildings,  
etc.

*Provisos.*  
Cost-plus contracts.

Family dwelling units, cost limitations.

Community facilities.

"Persons engaged in national-defense activities" defined.

"Federal agency."

Appropriation authorized.  
*Ante*, p. 1115.

*Proviso.*  
Reimbursement to designated emergency funds.

the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes" (Public, Numbered 588), and the sum of \$6,700,000 to the emergency funds made available to the President under the Military Appropriation Act, 1941, approved June 13, 1940 (Public, Numbered 611).

*Ante*, p. 297.

*Ante*, p. 377.

SEC. 4. When the President shall have declared that the emergency declared by him on September 8, 1939, to exist, has ceased to exist (a) the authority contained in section 1 hereof shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under this Act shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest.

Termination of authority.

SEC. 5. Where any Federal agency has funds for the provision of housing in connection with national-defense activities it may, in its discretion, make transfers of those funds, in whole or in part, to the Administrator, and the funds so transferred shall be available for, but only for, any or all of the objects and purposes of and in accordance with all the authority and limitations contained in this Act, and for administrative expenses in connection therewith.

Transfer of housing funds.

SEC. 6. Moneys derived from rental or operation of property acquired or constructed under the provisions of this Act shall be returned to the appropriation authorized by this Act and shall be available for expenses of operation and maintenance including administrative expenses in connection therewith, and the unobligated balance of the moneys so deposited shall be covered into the Treasury at the end of each fiscal year as miscellaneous receipts.

Use of rental moneys, etc.

SEC. 7. Notwithstanding any other provisions of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Administrator, with respect to any property acquired or constructed under the provisions of this Act, is authorized by means of Government personnel, selected qualified private agencies, or public agencies (a) to deal with, maintain, operate, administer, and insure; (b) to pursue to final collection by way of compromise or otherwise, all claims arising therefrom; (c) to rent, lease, exchange, sell for cash or credit, and convey the whole or any part of such property and to convey without cost portions thereof to local municipalities for street or other public use: *Provided*, That any such transaction shall be upon such terms, including the period of any lease, as may be deemed by the Administrator to be in the public interest: *Provided further*, That the Administrator shall fix fair rentals, on projects developed pursuant to this Act, which shall be within the financial reach of persons engaged in national defense: *Provided further*, That any lease authorized hereunder shall not be subject to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412).

Management, etc., of property.

*Provisions.*  
Terms of transactions.  
Fair rentals.

Leases.  
40 U. S. C. § 303b.

SEC. 8. In carrying out the provisions of this Act the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to this Act shall be available for transfer to any such agency in reimbursement therefor. Nothing in this Act shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations.

Utilization of Federal agencies, etc.

SEC. 9. The Administrator may enter into any agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof, with respect to any real property acquired and held by him under this Act, including improvements thereon. The amount so paid for any year upon any such property shall not exceed the taxes that

Payments in lieu of taxes.

would be paid to the State or subdivision, as the case may be, upon such property if it were not exempt from taxation.

State jurisdiction over acquired property.

SEC. 10. Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to this Act shall not deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property.

Rules and regulations.

SEC. 11. The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of this Act, and shall establish reasonable standards of safety, convenience, and health.

Computation of laborers', etc., wages.

SEC. 12. Notwithstanding any other provision of law, the wages of every laborer and mechanic employed on any construction, repair or demolition work authorized by this Act shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. Not less than the prevailing wages shall be paid in the construction of defense housing authorized herein.

Separability clause.

SEC. 13. If any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of this Act, or application of such provision to other persons or circumstances shall not be affected thereby.

Report to Congress.

SEC. 14. At the beginning of each session of Congress, the Administrator shall make to Congress a full and detailed report covering all of the transactions authorized hereunder.

Approved, October 14, 1940.

#### [CHAPTER 871]

#### AN ACT

October 14, 1940

[S. 162]

[Public, No. 850]

To protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Wool Products Labeling Act of 1939.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Wool Products Labeling Act of 1939".

#### DEFINITIONS

SEC. 2. As used in this Act—

"Person."

(a) The term "person" means an individual, partnership, corporation, association, or any other form of business enterprise, plural or singular, as the case demands.

"Wool."

(b) The term "wool" means the fiber from the fleece of the sheep or lamb or hair of the Angora or Cashmere goat (and may include the so-called specialty fibers from the hair of the camel, alpaca, llama, and vicuna) which has never been reclaimed from any woven or felted wool product.

"Reprocessed wool."

(c) The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

"Reused wool."

(d) The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in any way by the ultimate consumer, subsequently has been made into a fibrous state.

(e) The term "wool product" means any product, or any portion of a product, which contains, purports to contain, or in any way is represented as containing wool, reprocessed wool, or reused wool.

"Wool product."

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

"Commission."

(g) The term "Federal Trade Commission Act" means the Act of Congress entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914, as amended, and the Federal Trade Commission Act approved March 21, 1938.

"Federal Trade Commission Act."

38 Stat. 717; 52 Stat. 111.  
15 U. S. C. §§ 41-51; Supp. V, §§ 41-58.

(h) The term "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"Commerce."

(i) The term "Territory" includes the insular possessions of the United States and also any Territory of the United States.

"Territory."

MISBRANDING DECLARED UNLAWFUL

SEC. 3. The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this Act or the rules and regulations hereunder, is unlawful and shall be an unfair method of competition, and an unfair and deceptive act or practice, in commerce under the Federal Trade Commission Act; and any person who shall manufacture or deliver for shipment or ship or sell or offer for sale in commerce, any such wool product which is misbranded within the meaning of this Act and the rules and regulations hereunder is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

Misbranding declared unlawful.

38 Stat. 717; 52 Stat. 111.  
15 U. S. C. §§ 41-51; Supp. V, §§ 41-58.

This section shall not apply—

Exemptions.

(a) To any common carrier or contract carrier in respect to a wool product shipped or delivered for shipment in commerce in the ordinary course of its business; or

(b) To any person manufacturing, delivering for shipment, shipping, selling, or offering for sale, for exportation from the United States to any foreign country a wool product branded in accordance with the specifications of the purchaser and in accordance with the laws of such country.

MISBRANDED WOOL PRODUCTS

SEC. 4. (a) A wool product shall be misbranded—

Misbranded wool products.  
Falsely labeled, etc.

(1) If it is falsely or deceptively stamped, tagged, labeled, or otherwise identified.

(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 5, is not on or affixed to the wool product and does not show—

No stamp, etc., affixed.  
Specified information not shown.

(A) the percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers: *Provided*, That deviation of the fiber contents of the wool product from percentages stated on the stamp, tag, label, or other means of identification, shall not be misbranding under this section if the person charged

with misbranding proves such deviation resulted from unavoidable variations in manufacture and despite the exercise of due care to make accurate the statements on such stamp, tag, label, or other means of identification.

(B) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter.

(C) the name of the manufacturer of the wool product and/or the name of one or more persons subject to section 3 with respect to such wool product.

(3) In the case of a wool product containing a fiber other than wool, if the percentages by weight of the wool contents thereof are not shown in words and figures plainly legible.

(4) In the case of a wool product represented as wool, if the percentages by weight of the wool content thereof are not shown in words and figures plainly legible, or if the total fiber weight of such wool product if not 100 per centum wool exclusive of ornamentation not exceeding 5 per centum of such total fiber weight.

(b) In addition to information required in this section, the stamp, tag, label, or other means of identification, or substitute therefor under section 5, may contain other information not violating the provisions of this Act or the rules and regulations of the Commission.

(c) If any person subject to section 3 with respect to a wool product finds or has reasonable cause to believe its stamp, tag, label, or other means of identification, or substitute therefor under section 5, does not contain the information required by this Act, he may replace same with a substitute containing the information so required.

(d) This section shall not be construed as requiring designation on garments or articles of apparel of fiber content of any linings, paddings, stiffening, trimmings, or facings, except those concerning which express or implied representations of fiber content are customarily made, nor as requiring designation of fiber content of products which have an insignificant or inconsequential textile content: *Provided*, That if any such article or product purports to contain or in any manner is represented as containing wool, this section shall be applicable thereto and the information required shall be separately set forth and segregated.

The Commission, after giving due notice and opportunity to be heard to interested persons, may determine and publicly announce the classes of such articles concerning which express or implied representations of fiber content are customarily made, and those products which have an insignificant or inconsequential textile content.

**AFFIXING OF STAMP, TAG, LABEL, OR OTHER IDENTIFICATION**

SEC. 5. Any person manufacturing for introduction, or first introducing into commerce a wool product shall affix thereto the stamp, tag, label, or other means of identification required by this Act, and the same, or substitutes therefor containing identical information with respect to content of the wool product or any other products contained therein in an amount of 5 per centum or more by weight and other information required under section 4, shall be and remain affixed to such wool product, whether it remains in its original state or is contained in garments or other articles made in whole or in part therefrom, until sold to the consumer: *Provided*, That the name of the manufacturer of the wool product need not appear on the substitute stamp, tag, or label if the name of the person who affixes the substitute appears thereon.

Any person who shall cause or participate in the removal or mutilation of any stamp, tag, label, or other means of identification affixed to a wool product with intent to violate the provisions of

Wool contents not legibly stated.

Additional information.

Replacing of label.

Designations on garments, etc.

*Proviso.*  
Applicability.

Announcement of classes.

Affixing of label, etc., to wool product.

*Proviso.*  
Name of manufacturer on substitute label; exception.

Unfair method of competition.

this Act, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

38 Stat. 719.  
15 U. S. C. § 45;  
Supp. V, § 45.

#### ENFORCEMENT OF THE ACT

SEC. 6. (a) Except as otherwise specifically provided herein, this Act shall be enforced by the Federal Trade Commission under rules, regulations, and procedure provided for in the Federal Trade Commission Act.

Enforcement of Act.  
38 Stat. 717; 52 Stat.  
111.  
15 U. S. C. §§ 41-51;  
Supp. V, §§ 41-58.

The Commission is authorized and directed to prevent any person from violating the provisions of this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act; and any such person violating the provisions of this Act shall be subject to the penalties and entitled to the privileges and immunities provided in said Federal Trade Commission Act, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though the applicable terms and provisions of the said Federal Trade Commission Act were incorporated into and made a part of this Act.

Authority of Commission.

Penalties.

The Commission is authorized and directed to make rules and regulations for the manner and form of disclosing information required by this Act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion, and to make such further rules and regulations under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement.

Rules and regulations.

The Commission is also authorized to cause inspections, analyses, tests, and examinations to be made of any wool products subject to this Act; and to cooperate with any department or agency of the Government, with any State, Territory, or possession, or with the District of Columbia; or with any department, agency, or political subdivision thereof; or with any person.

Inspections, etc., of wool products.

(b) Every manufacturer of wool products shall maintain proper records showing the fiber content as required by this Act of all wool products made by him, and shall preserve such records for at least three years.

Maintenance of records.

The neglect or refusal to maintain and so preserve such records is unlawful, and any such manufacturer who neglects or refuses to maintain and so preserve such records shall forfeit to the United States the sum of \$100 for each day of such failure, which shall accrue to the United States and be recoverable in a civil action.

Forfeiture for neglect, etc.

#### CONDEMNATION AND INJUNCTION PROCEEDINGS

SEC. 7. (a) Any wool products shall be liable to be proceeded against in the district court of the United States for the district in which found, and to be seized for confiscation by process of libel for condemnation, if the Commission has reasonable cause to believe such wool products are being manufactured or held for shipment, or shipped, or held for sale or exchange after shipment, in commerce in violation of the provisions of this Act, and if after notice from the Commission the provisions of this Act with respect to said products are not shown to be complied with. Proceedings in such libel cases shall conform as nearly as may be to suits in rem in admiralty, and may be brought by the Commission.

Condemnation, etc.

If such wool products are condemned by the court, they shall be disposed of, in the discretion of the court, by destruction; by sale;

Disposition, etc.

by delivery to the owner or claimant thereof upon payment of legal costs and charges and upon execution of good and sufficient bond to the effect that such wool products will not be disposed of until properly stamped, tagged, labeled, or otherwise identified under the provisions of this Act; or by such charitable disposition as the court may deem proper. If such wool products are disposed of by sale, the proceeds, less legal costs and charges, shall be paid into the Treasury of the United States.

Injunction proceedings.

(b) Whenever the Commission has reason to believe that—

(1) Any person is violating, or is about to violate, sections 3, 5, 8, or 9 of this Act, and that

(2) It would be to the public interest to enjoin such violation until complaint is issued by the Commission under the Federal Trade Commission Act and such complaint dismissed by the Commission or set aside by the court on review, or until order to cease and desist made thereon by the Commission has become final within the meaning of the Federal Trade Commission Act, the Commission may bring suit in the district court of the United States or in the United States court of any Territory, for the district or Territory in which such person resides or transacts business, to enjoin such violation, and upon proper showing a temporary injunction or restraining order shall be granted without bond.

#### EXCLUSION OF MISBRANDED WOOL PRODUCTS

Exclusion of misbranded wool products.

SEC. 8. All wool products imported into the United States, except those made more than twenty years prior to such importation, shall be stamped, tagged, labeled, or otherwise identified in accordance with the provisions of this Act, and all invoices of such wool products required under the Act of June 17, 1930 (c. 497, title IV, 46 Stat. 719), shall set forth, in addition to the matter therein specified, the information with respect to said wool products required under the provisions of this Act, which information shall be in the invoices prior to their certification under said Act of June 17, 1930.

Invoices.  
19 U. S. C. § 1481.

Acts declared unfair, etc.

The falsification of, or failure to set forth, said information in said invoices, or the falsification or perjury of the consignee's declaration provided for in said Act of June 17, 1930, insofar as it relates to said information, shall be an unfair method of competition, and an unfair and deceptive act, or practice, in commerce under the Federal Trade Commission Act; and any person who falsifies, or fails to set forth, said information in said invoices, or who falsifies or perjures said consignee's declaration insofar as it relates to said information, may thenceforth be prohibited by the Commission from importing, or participating in the importation of, any wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of this Act.

38 Stat. 717; 52 Stat. 111.  
15 U. S. C. §§ 41-51;  
Supp. V. §§ 41-58.

Verified statement showing fiber content.

A verified statement from the manufacturer or producer of such wool products showing their fiber content as required under the provisions of this Act may be required under regulations prescribed by the Secretary of the Treasury.

#### GUARANTY

Guaranty provisions.

SEC. 9. (a) No person shall be guilty under section 3 if he establishes a guaranty received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or

from whom it was received, that said wool product is not misbranded under the provisions of this Act.

Said guaranty shall be either (1) a separate guaranty specifically designating the wool product guaranteed, in which case it may be on the invoice or other paper relating to said wool product; or (2) a continuing guaranty filed with the Commission applicable to all wool products handled by a guarantor in such form as the Commission by rules and regulations may prescribe.

(b) Any person who furnishes a false guaranty, except a person relying upon a guaranty to the same effect received in good faith signed by and containing the name and address of the person residing in the United States by whom the wool product guaranteed was manufactured and/or from whom it was received, with reason to believe the wool product falsely guaranteed may be introduced, sold, transported, or distributed in commerce, is guilty of an unfair method of competition, and an unfair and deceptive act or practice, in commerce within the meaning of the Federal Trade Commission Act.

False guaranty.

38 Stat. 717; 52 Stat. 111.  
15 U. S. C. §§ 41-51;  
Supp. V, §§ 41-58.

#### CRIMINAL PENALTY

SEC. 10. Any person who willfully violates sections 3, 5, 8, or 9 (b) of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$5,000, or be imprisoned not more than one year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit other provisions of this Act.

Criminal penalty.

*Proviso.*  
No limitation on  
other provisions.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

Certification to At-  
torney General.

#### APPLICATION OF EXISTING LAWS

SEC. 11. The provisions of this Act shall be held to be in addition to, and not in substitution for or limitation of, the provisions of any other Act of the United States.

Application of exist-  
ing laws.

#### EFFECTIVE DATE

SEC. 12. This Act shall take effect nine months after the date of its passage.

Effective date.

#### SEPARABILITY CLAUSE

SEC. 13. If any provision of this Act, or the application thereof to any person, partnership, corporation, or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person, partnership, corporation, or circumstance shall not be affected thereby.

Separability clause.

#### EXCEPTIONS

SEC. 14. None of the provisions of this Act shall be construed to apply to the manufacture, delivery for shipment, shipment, sale, or offering for sale any carpets, rugs, mats, or upholsteries, nor to any person manufacturing, delivering for shipment, shipping, selling, or offering for sale any carpets, rugs, mats, or upholsteries.

Carpets, upholster-  
ies, etc.

Approved, October 14, 1940.

## [CHAPTER 872]

## AN ACT

October 14, 1940

[S. 3550]

[Public, No. 851]

To make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes.

Interstate commerce.  
Transportation in, of  
convict-made goods,  
etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both: *Provided,* That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further,* That this Act shall go into effect one year after its approval by the President.

Penalty.

*Provisos.*  
Exception of certain  
commodities.

Effective date.

Approved, October 14, 1940.

## [CHAPTER 875]

## AN ACT

October 14, 1940

[S. 3619]

[Public, No. 852]

Relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth.

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

## AMENDMENTS TO NATIONAL DEFENSE ACT

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

“SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

“The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

National Guard.  
39 Stat. 205.  
32 U. S. C. § 42;  
Supp. V, § 42.

Care of Government  
animals.

Caretakers.

Compensation.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

Pooling provisions.

"Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

Officers not eligible as caretakers; exception.

"Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed."

Funds available for hire of caretakers and clerks.

*Proviso.*  
Regulations.

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

39 Stat. 206.  
32 U. S. C. § 62.

"SEC. 92. TRAINING OF THE NATIONAL GUARD.—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secre-

Training of National Guard.  
Drills required.

*Provisos.*  
Assembly for drill and instruction.

Credit or drill assembly, etc.

Credits for authorized flights.

tary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

Absence from drill due to flight performance.

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

39 Stat. 209.  
32 U. S. C. § 143.

Pay for National Guard officers. Drill, etc.

"SEC. 109. PAY FOR THE NATIONAL GUARD OFFICERS.—Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding eight in any one calendar month and not exceeding sixty in any one fiscal year, at which they shall have been engaged for the entire period of not less than one and one-half hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this Act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive \$500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than \$240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the Act entitled 'An Act amending the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States"', approved May 18, 1917', approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

42 Stat. 627, 629.  
37 U. S. C. §§ 7, 13.

Provisos. Additional pay provisions.

Purchase of uniforms, etc.  
40 Stat. 957.  
10 U. S. C. § 904.

31 U. S. C. § 487.  
Sale of stable refuse, grain sacks, etc.; use of proceeds.

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived

therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the Act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require the hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this Act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this Act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours."

Approved, October 14, 1940.

32 U. S. C., Supp. V, § 164d.

10 U. S. C., Supp. V, §§ 455a-d; 32 U. S. C., Supp. V, §§ 164a-c.

Required hospitalization and medical treatment.

39 Stat. 206, 207, 211.

*Provisos.* Exclusion of individuals on armory-drill status; exception.

Private treatment.

[CHAPTER 876]

AN ACT

To revise and codify the nationality laws of the United States into a comprehensive nationality code.

October 14, 1940  
[H. R. 9980]  
[Public, No. 853]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the nationality laws of the United States are revised and codified as follows:

Nationality Act of 1940.

TITLE I

SECTION 1. This Act may be cited as the Nationality Act of 1940.

Short title.

CHAPTER I—DEFINITIONS

SEC. 101. For the purposes of this Act—

(a) The term "national" means a person owing permanent allegiance to a state.

"National."

(b) The term "national of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. It does not include an alien.

"National of the United States."

(c) The term "naturalization" means the conferring of nationality of a state upon a person after birth.

"Naturalization."

(d) The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

"United States."

(e) The term "outlying possessions" means all territory, other than as specified in subsection (d), over which the United States exercises rights of sovereignty, except the Canal Zone.

"Outlying possessions."

(f) The term "parent" includes in the case of a posthumous child a deceased parent.

"Parent."

(g) The term "minor" means a person under twenty-one years of age.

"Minor."

Post, p. 1140.

"State."

Post, p. 1140.

"Naturalization court."

"Clerk of court."

"Commissioner" and "Deputy Commissioner."

"Attorney General."

"Service."

"Designated examiner."

Post, p. 1156.

"Child."

"Foreign state."

Post, p. 1170.

Place of general abode.

Post, pp. 1142, 1169, 1170.

Nationals and citizens of U. S. at birth.

SEC. 102. For the purposes of chapter III of this Act—

(a) The term "State" includes (except as used in subsection (a) of section 301), Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States.

(b) The term "naturalization court", unless otherwise particularly described, means a court authorized by subsection (a) of section 301 to exercise naturalization jurisdiction.

(c) The term "clerk of court" means a clerk of a naturalization court.

(d) The terms "Commissioner" and "Deputy Commissioner" mean the Commissioner of Immigration and Naturalization and a Deputy Commissioner of Immigration and Naturalization, respectively.

(e) The term "Attorney General" means the Attorney General of the United States.

(f) The term "Service" means the Immigration and Naturalization Service of the United States Department of Justice.

(g) The term "designated examiner" means an examiner or other officer of the Service designated under section 333 by the Commissioner.

(h) The term "child" includes a child legitimated under the law of the child's residence or domicile, whether in the United States or elsewhere; also a child adopted in the United States, provided such legitimation or adoption takes place before the child reaches the age of sixteen years and the child is in the legal custody of the legitimating or adopting parent or parents.

SEC. 103. For the purposes of subsections (a), (b), and (c) of section 404 of this Act, the term "foreign state" includes outlying possessions of a foreign state, but does not include self-governing dominions or territory under mandate, which, for the purposes of these subsections, shall be regarded as separate states.

SEC. 104. For the purposes of sections 201, 307 (b), 403, 404, 405, 406, and 407 of this Act, the place of general abode shall be deemed the place of residence.

## CHAPTER II—NATIONALITY AT BIRTH

SEC. 201. The following shall be nationals and citizens of the United States at birth:

(a) A person born in the United States, and subject to the jurisdiction thereof;

(b) A person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: *Provided*, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) A person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has resided in the United States or one of its outlying possessions, prior to the birth of such person;

(d) A person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who resided in the United States or one of its outlying possessions prior to the birth of such person;

(f) A child of unknown parentage found in the United States, until shown not to have been born in the United States;

(g) A person born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien: *Provided*, That, in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling five years between the ages of thirteen and twenty-one years: *Provided further*, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of sixteen years, or if he resides abroad for such a time that it becomes impossible for him to complete the five years' residence in the United States or its outlying possessions before reaching the age of twenty-one years, his American citizenship shall thereupon cease.

The preceding provisos shall not apply to a child born abroad whose American parent is at the time of the child's birth residing abroad solely or principally in the employment of the Government of the United States or a bona fide American, educational, scientific, philanthropic, religious, commercial, or financial organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(h) The foregoing provisions of subsection (g) concerning retention of citizenship shall apply to a child born abroad subsequent to May 24, 1934.

SEC. 202. All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

Birth in Puerto Rico.

SEC. 203. (a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

Birth in Canal Zone.

(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Company, is declared to be a citizen of the United States.

Birth in Republic of Panama.

SEC. 204. Unless otherwise provided in section 201, the following shall be nationals, but not citizens, of the United States at birth:

Nationals, but not citizens, of U. S. at birth.

*Ante*, p. 1138.

(a) A person born in an outlying possession of the United States of parents one of whom is a national, but not a citizen, of the United States;

(b) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have resided in the United States or one of its outlying possessions prior to the birth of such person;

(c) A child of unknown parentage found in an outlying possession of the United States, until shown not to have been born in such outlying possession.

SEC. 205. The provisions of section 201, subsections (c), (d), (e), and (g), and section 204, subsections (a) and (b), hereof apply, as of the date of birth, to a child born out of wedlock, provided the paternity is established during minority, by legitimation, or adjudication of a competent court.

Child born out of wedlock.  
*Ante*, p. 1138.

Status, in absence of legitimation, etc.

In the absence of such legitimation or adjudication, the child, whether born before or after the effective date of this Act, if the mother had the nationality of the United States at the time of the child's birth, and had previously resided in the United States or one of its outlying possessions, shall be held to have acquired at birth her nationality status.

## CHAPTER III—NATIONALITY THROUGH NATURALIZATION

### GENERAL PROVISIONS

#### JURISDICTION TO NATURALIZE

Courts having naturalization jurisdiction.

SEC. 301. (a) Exclusive jurisdiction to naturalize persons as citizens of the United States is hereby conferred upon the following specified courts: District Courts of the United States now existing, or which may hereafter be established by Congress in any State, Districts Courts of the United States for the Territories of Hawaii and Alaska, and for the District of Columbia and for Puerto Rico, and the District Court of the Virgin Islands of the United States; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. The jurisdiction of all the courts herein specified to naturalize persons shall extend only to such persons resident within the respective jurisdictions of such courts, except as otherwise specifically provided in this Act.

Petitions within State judicial districts, etc.

(b) A person who petitions for naturalization in any State court having naturalization jurisdiction, may petition within the State judicial district or State judicial circuit in which he resides, whether or not he resides within the county in which the petition for naturalization is filed.

Blank forms.

(c) The courts herein specified, upon request of the clerks of such courts, shall be furnished from time to time by the Commissioner or a Deputy Commissioner with such blank forms as may be required in naturalization proceedings.

Manner, etc., of naturalization.

(d) A person may be naturalized as a citizen of the United States in the manner and under the conditions prescribed in this Act, and not otherwise.

### SUBSTANTIVE PROVISIONS

#### ELIGIBILITY FOR NATURALIZATION

Sex or marriage no bar.

SEC. 302. The right of a person to become a naturalized citizen of the United States shall not be denied or abridged because of sex or because such person is married.

Racial limitation.

SEC. 303. The right to become a naturalized citizen under the provisions of this Act shall extend only to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere: *Provided*, That nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard as specified in section 324, nor of former citizens of the United States who are otherwise eligible to naturalization under the provisions of section 317.

Proviso. Eligibility of certain Filipinos, etc.

Post, p. 1149.

Post, p. 1146.

English language requirement.

SEC. 304. No person except as otherwise provided in this Act shall hereafter be naturalized as a citizen of the United States upon his own petition who cannot speak the English language. This requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized.

SEC. 305. No person shall hereafter be naturalized as a citizen of the United States—

(a) Who advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that advises, advocates, or teaches opposition to all organized government; or

(b) Who believes in, advises, advocates, or teaches, or who is a member of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches—

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or any other organized government, because of his or their official character; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(c) Who writes, publishes, or causes to be written or published, or who knowingly circulates, distributes, prints, or displays, or knowingly causes to be circulated, distributed, printed, published, or displayed, or who knowingly has in his possession for the purpose of circulation, distribution, publication, or display any written or printed matter advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching—

(1) the overthrow by force or violence of the Government of the United States or of all forms of law; or

(2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government; or

(3) the unlawful damage, injury, or destruction of property; or

(4) sabotage.

(d) Who is a member of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (c).

For the purpose of this section—

(1) the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine above enumerated shall constitute the advising, advocacy, or teaching of such doctrine; and

(2) the giving, loaning, or promising of money or anything of value to any organization, association, society, or group of the character above described shall constitute affiliation therewith; but nothing in this paragraph shall be taken as an exclusive definition of advising, advocacy, teaching or affiliation.

The provisions of this section shall be applicable to any applicant for naturalization who at any time within a period of ten years immediately preceding the filing of the petition for naturalization is, or has been, found to be within any of the clauses enumerated in this section, notwithstanding that at the time petition is filed he may not be included in such classes.

SEC. 306. A person who, at any time during which the United States has been or shall be at war, deserted or shall desert the military or naval forces of the United States, or who, having duly enrolled, departed, or shall depart from the jurisdiction of the district in which

Persons ineligible for naturalization.

Advising opposition to all organized government.

Advocating overthrow of U. S. Government, etc.

Publishing, etc., certain written or printed matter.

Holding membership in certain organizations, etc.

Definition of terms.

Applicability of provisions.

Ineligibility of convicted deserters.

enrolled, or went or shall go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall, upon conviction thereof by a court martial, be ineligible to become a citizen of the United States; and such deserters shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights of citizens thereof.

Residence and character requirements.

SEC. 307. (a) No person, except as hereinafter provided in this Act, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing petition for naturalization has resided continuously within the United States for at least five years and within the State in which the petitioner resided at the time of filing the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

Presumption of broken continuity of residence.

(b) Absence from the United States for a continuous period of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation of evidence satisfactory to the naturalization court that such individual had a reasonable cause for not sooner returning to the United States. Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien who has resided in the United States for at least one year, during which period he has made a declaration of intention to become a citizen of the United States, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, no period of absence from the United States shall break the continuity of residence if—

Overcoming presumption.

Absence from U. S. for designated period.

(1) Prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, and

(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose.

Absence from U. S. under U. S. employment, etc.

(c) No period of absence from the United States during the five years immediately preceding June 25, 1936, shall be held to have broken the continuity of residence required by the naturalization laws if the alien proves to the satisfaction of the Attorney General and

the court that during all such period of absence he has been under employment by, or contract with, the United States, or such American institution of research, or American firm or corporation, described in subsection (b) of this section, and has been carrying on the activities described in that subsection in its behalf.

(d) The following shall be regarded as residence within the United States within the meaning of this chapter:

(1) Honorable service on vessels owned directly by the Government of the United States, whether or not rendered at any time prior to the applicant's lawful entry into the United States: *Provided*, That this subdivision shall not apply to service on vessels operating in and about the Canal Zone in connection with the maintenance, operation, protection, and civil government of the Panama Canal and Canal Zone.

(2) Continuous service by a seaman on a vessel or vessels whose home port is in the United States and which are of American registry or American owned, if rendered subsequent to the applicant's lawful entry into the United States for permanent residence and immediately preceding the date of naturalization.

SEC. 308. Any alien who has been lawfully admitted into the United States for permanent residence and who has heretofore been or may hereafter be absent temporarily from the United States solely in his or her capacity as a regularly ordained clergyman or nun, shall be considered as residing in the United States for the purpose of naturalization, notwithstanding any such absence from the United States, but he or she shall in all other respects comply with the requirements of the naturalization laws. Such alien shall prove to the satisfaction of the Attorney General and the naturalization court that his or her absence from the United States has been solely in the capacity hereinbefore described.

#### REQUIREMENTS AS TO PROOF

SEC. 309. (a) As to each period and place of residence in the State in which the petitioner resides at the time of filing the petition, during the entire period of at least six months immediately preceding the date of filing the petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States.

(b) At the hearing on the petition, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such residence shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by subsection (a) of this section to be included in the petition. At the hearing, residence within the United States during the five-year period, but outside the State, or within the State but prior to the six months immediately preceding the date of filing the petition, and the other qualifications required by subsection (a) of section 307 during such period at such places, shall be proved either by depositions taken in accordance with subsection (e) of section 327, or oral testimony, of at least two such witnesses for each place of residence.

Residence within U. S.

Service on U. S. vessels.

*Proviso.*  
Certain vessels operating in Canal Zone.

Service on vessels having home ports in U. S.

Temporary absence of alien clergymen or nuns.

Affidavits as to State residence, etc.

Oral testimony at hearing.

*Ante*, p. 1142.

Proof of U. S. residence.

*Ante*, p. 1142.

*Post*, p. 1151.

Other proof in designated cases.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section the requirements of subsection (a) of section 307 as to the petitioner's residence, moral character, attachment to the principles of the Constitution of the United States, and disposition toward the good order and happiness of the United States may be established by any evidence satisfactory to the naturalization court in those cases under subsection (b) of section 307 in which the alien declarant has been absent from the United States because of his employment by or contract with the Government of the United States or an American institution of research, recognized as such by the Attorney General, or employment by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof.

*Ante*, p. 1142.

Issuance of subpoenas for attendance of witnesses.

(d) The clerk of court shall, if the petitioner requests it at the time of filing the petition for naturalization, issue a subpoena for the witnesses named by such petitioner to appear upon the day set for the final hearing, but in case such witnesses cannot be produced upon the final hearing other witnesses may be summoned upon notice to the Commissioner, in such manner and at such time as the Commissioner, with the approval of the Attorney General, may by regulation prescribe. If it should appear after the petition has been filed that any of the verifying witnesses thereto are not competent, and it further appears that the petitioner has acted in good faith in producing such witnesses found to be incompetent, other witnesses may be substituted in accordance with such regulations.

#### MARRIED PERSONS

Naturalization of alien spouse.  
Marriage after Sept. 21, 1922, and prior to May 24, 1934.

SEC. 310. (a) Any alien who, after September 21, 1922, and prior to May 24, 1934, has married a citizen of the United States, or any alien who married prior to May 24, 1934, a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least one year immediately preceding the filing of the petition.

Marriage on or after May 24, 1934.

(b) Any alien who, on or after May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized on or after May 24, 1934, and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible for naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(1) No declaration of intention shall be required;

(2) In lieu of the five-year period of residence within the United States, and the six months' period of residence in the State where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States for at least three years immediately preceding the filing of the petition.

Validation of naturalization of certain women.

(c) The naturalization of any woman on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of but one year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

(d) The naturalization of any male person on or after May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to May 24, 1934, or of the naturalization during such period of his wife, and upon proof of three years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

Male persons.

SEC. 311. A person who upon the effective date of this section is married to or thereafter marries a citizen of the United States, or whose spouse is naturalized after the effective date of this section, if such person shall have resided in the United States in marital union with the United States citizen spouse for at least one year immediately preceding the filing of the petition for naturalization, may be naturalized after the effective date of this section upon compliance with all requirements of the naturalization laws with the following exceptions:

Naturalization of persons married on or after effective date of section.

(a) No declaration of intention shall be required.

(b) The petitioner shall have resided continuously in the United States for at least two years immediately preceding the filing of the petition in lieu of the five-year period of residence within the United States and the six months' period of residence within the State where the naturalization court is held.

SEC. 312. An alien, whose spouse is (1) a citizen of the United States, (2) in the employment of the Government of the United States, or of an American institution of research recognized as such by the Attorney General, or an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, and (3) regularly stationed abroad in such employment, and who is (1) in the United States at the time of naturalization, and (2) declares before the naturalization court in good faith an intention to take up residence within the United States immediately upon the termination of such employment abroad of the citizen spouse, may be naturalized upon compliance with all requirements of the naturalization laws, with the following exceptions:

When spouse is U. S. citizen regularly employed abroad by U. S. Government, etc.

(a) No declaration of intention shall be required; and

(b) No prior residence within the United States or within the jurisdiction of the naturalization court or proof thereof shall be required.

#### CHILDREN

SEC. 313. A child born outside of the United States, one of whose parents at the time of the child's birth was an alien and the other of whose parents then was and never thereafter ceased to be a citizen of the United States, shall, if such alien parent is naturalized, be deemed a citizen of the United States, when—

Citizenship through naturalization of alien parent; conditions.

(a) Such naturalization takes place while such child is under the age of eighteen years; and

(b) Such child is residing in the United States at the time of naturalization or thereafter and begins to reside permanently in the United States while under the age of eighteen years.

SEC. 314. A child born outside of the United States of alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States upon fulfillment of the following conditions:

Alien parents, or alien parent and former citizen parent; conditions.

(a) The naturalization of both parents; or

(b) The naturalization of the surviving parent if one of the parents is deceased; or

(c) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents; and if—

(d) Such naturalization takes place while such child is under the age of eighteen years; and

(e) Such child is residing in the United States at the time of the naturalization of the parent last naturalized under subsection (a) of this section, or the parent naturalized under subsection (b) or (c) of this section, or thereafter begins to reside permanently in the United States while under the age of eighteen years.

Naturalization upon petition by citizen parent.

SEC. 315. A child born outside of the United States, one of whose parents is at the time of petitioning for the naturalization of the child, a citizen of the United States, either by birth or naturalization, may be naturalized if under the age of eighteen years and not otherwise disqualified from becoming a citizen and is residing permanently in the United States with the citizen parent, on the petition of such citizen parent, without a declaration of intention, upon compliance with the applicable procedural provisions of the naturalization laws.

Naturalization of adopted children; conditions.

SEC. 316. An adopted child may, if not otherwise disqualified from becoming a citizen, be naturalized before reaching the age of eighteen years upon the petition of the adoptive parent or parents if the child has resided continuously in the United States for at least two years immediately preceding the date of filing such petition, upon compliance with all the applicable procedural provisions of the naturalization laws, if the adoptive parent or parents are citizens of the United States, and the child was:

(a) Lawfully admitted to the United States for permanent residence; and

(b) Adopted in the United States before reaching the age of sixteen years; and

(c) Adopted and in the legal custody of the adoptive parent or parents for at least two years prior to the filing of the petition for the child's naturalization.

#### FORMER CITIZENS OF THE UNITED STATES

Reacquisition of citizenship lost through marriage.

SEC. 317. (a) A person who was a citizen of the United States and who prior to September 22, 1922, lost United States citizenship by marriage to an alien or by the spouse's loss of United States citizenship, and any person who lost United States citizenship on or after September 22, 1922, by marriage to an alien ineligible to citizenship, may, if no other nationality was acquired by affirmative act other than such marriage, be naturalized upon compliance with all requirements of the naturalization laws with the following exceptions:

(1) No declaration of intention and no certificate of arrival shall be required, and no period of residence within the United States or within the State where the petition is filed shall be required.

(2) The petition need not set forth that it is the intention of the petitioner to reside permanently within the United States.

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner.

(4) The petition may be heard at any time after filing if there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner has appeared before such examiner for examination.

Such person shall have, from and after the naturalization, the same citizenship status as that which existed immediately prior to its loss.

Repatriation of certain former women citizens.

(b) (1) From and after the effective date of this Act, a woman, who was a citizen of the United States at birth, and who has or is believed to have lost her United States citizenship solely by reason

of her marriage prior to September 22, 1922, to an alien, and whose marital status with such alien has or shall have terminated, if no other nationality was acquired by affirmative act other than such marriage, shall, from and after the taking of the oath of allegiance prescribed by subsection (b) of section 335 of this Act, be deemed to be a citizen of the United States to the same extent as though her marriage to said alien had taken place on or after September 22, 1922.

Oath of allegiance.  
*Post*, p. 1157.

(2) Such oath of allegiance may be taken abroad before a diplomatic or consular officer of the United States, or in the United States before the judge or clerk of a naturalization court.

Taking of oath.

(3) Such oath of allegiance shall be entered in the records of the appropriate embassy or legation or consulate or naturalization court, and upon demand, a certified copy of the proceedings, including a copy of the oath administered, under the seal of the embassy or legation or consulate or naturalization court, shall be delivered to such woman at a cost not exceeding \$1, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal and in any department of the United States.

Entry upon records.

(c) A person who shall have been a citizen of the United States and also a national of a foreign state, and who shall have lost his citizenship of the United States under the provisions of section 401 (c) of this Act, shall be entitled to the benefits of the provisions of subsection (a) of this section, except that contained in subdivision (2) thereof. Such person, if abroad, may enter the United States as a nonquota immigrant, for the purpose of recovering his citizenship, upon compliance with the provisions of the Immigration Acts of 1917 and 1924.

Repatriation after  
military service with  
foreign state while  
national thereof.  
*Post*, p. 1169.

SEC. 318. (a) A former citizen of the United States expatriated through the expatriation of such person's parent or parents and who has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents may be naturalized upon filing a petition for naturalization before reaching the age of twenty-five years and upon compliance with all requirements of the naturalization laws with the following exceptions:

Reacquisition of citi-  
zenship lost by ex-  
patriation of parents.

(1) No declaration of intention and no certificate of arrival and no period of residence within the United States or in a State shall be required;

(2) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(3) If there is attached to the petition at the time of filing, a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time after filing; and

(4) Proof that the petitioner was at the time his petition was filed and at the time of the final hearing thereon a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, and that he intends to reside permanently in the United States shall be made by any means satisfactory to the naturalization court.

(b) No former citizen of the United States, expatriated through the expatriation of such person's parent or parents, shall be obliged to comply with the requirements of the immigration laws, if he has not acquired the nationality of another country by any affirmative act other than the expatriation of his parent or parents, and if he has come or shall come to the United States before reaching the age of twenty-five years.

(c) After his naturalization such person shall have the same citizenship status as if he had not been expatriated.

Reacquisition of citizenship lost by cancellation of parent's naturalization.

Post, p. 1159.

Beginning date of citizenship.

SEC. 319. (a) A person who as a minor child lost citizenship of the United States through the cancellation of the parent's naturalization on grounds other than actual fraud or presumptive fraud as specified in the second paragraph of section 15 of the Act of June 29, 1906, as amended (34 Stat. 601; 40 Stat. 544, U. S. C., title 8, sec. 405), or who shall lose citizenship of the United States under subsection (c) of section 338 of this Act, may, if such person resided in the United States at the time of such cancellation and if, within two years after such cancellation or within two years after the effective date of this section, such person files a petition for naturalization or such a petition is filed on such person's behalf by a parent or guardian if such person is under the age of eighteen years, be naturalized upon compliance with all requirements of the naturalization laws with the exception that no declaration of intention shall be required and the required five-year period of residence in the United States need not be continuous.

(b) Citizenship acquired under this section shall begin as of the date of the person's naturalization, except that in those cases where the person has resided continuously in the United States from the date of the cancellation of the parent's naturalization to the date of the person's naturalization under this section, the citizenship of such person shall relate back to the date of the parent's naturalization which has been canceled or to the date of such person's arrival in the United States for permanent residence if such date was subsequent to the date of naturalization of said parent.

#### PERSONS MISINFORMED OF CITIZENSHIP STATUS

Naturalization without preliminary declaration.

SEC. 320. A person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1920, and was on that date otherwise qualified to become a citizen of the United States, except that such person had not made a declaration of intention required by law and who during or prior to that time, because of misinformation regarding the citizenship status of such person, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention, and upon satisfactory proof to the court that petitioner has so acted may be admitted as a citizen of the United States upon complying with the other requirements of the naturalization laws.

#### NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Naturalization of national if resident of a State.

SEC. 321. A person not a citizen who owes permanent allegiance to the United States, and who is otherwise qualified may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of this Act, except that in petitions for naturalization filed under the provisions of this section, residence within the United States within the meaning of this Act shall include residence within any of the outlying possessions of the United States.

#### PUERTO RICANS

Acquisition of citizenship; declaration of allegiance.

SEC. 322. A person born in Puerto Rico of alien parents, referred to in the last paragraph of section 5, Act of March 2, 1917 (U. S. C., title 8, sec. 5), and in section 5a, of the said Act, as amended by section 2 of the Act of March 4, 1927 (U. S. C., title 8, sec. 5a), who did not exercise the privilege granted of becoming a citizen of the United States, may make the declaration provided in said paragraph at any time, and from and after the making of such declaration shall be a citizen of the United States.

## PERSONS SERVING IN ARMED FORCES OR ON VESSELS

SEC. 323. A person who, while a citizen of the United States and during the World War in Europe, entered the military or naval service of any country at war with a country with which the United States was then at war, who has lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, may be naturalized by taking before any naturalization court specified in subsection (a) of section 301 the oaths prescribed by section 335.

Naturalization of designated World War expatriates.

*Ante*, p. 1140; *post*, p. 1157.

SEC. 324. (a) A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years and who, if separated from such service, was separated under honorable conditions, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years and in the State in which the petition for naturalization is filed for at least six months, if such petition is filed while the petitioner is still in the service or within six months after the termination of such service.

Naturalization of persons having U. S. military, etc., service.

Waiver of certain requirements.

(b) A person filing a petition under subsection (a) of this section shall comply in all respects with the requirements of this chapter except that—

- (1) No declaration of intention shall be required;
- (2) No certificate of arrival shall be required;
- (3) No residence within the jurisdiction of the court shall be required;

(4) Such petitioner may be naturalized immediately if the petitioner be then actually in any of the services prescribed in subsection (a) of this section, and if, before filing the petition for naturalization, such petitioner and at least two verifying witnesses to the petition, who shall be citizens of the United States and who shall identify petitioner as the person who rendered the service upon which the petition is based, have appeared before and been examined by a representative of the Service.

(c) In case such petitioner's service was not continuous, petitioner's residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during any period within five years immediately preceding the date of filing said petition between the periods of petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, shall be verified in the petition filed under the provisions of subsection (a) of this section, and proved at the final hearing thereon by witnesses, citizens of the United States, in the same manner as required by section 309. Such verification and proof shall also be made as to any period between the termination of petitioner's service and the filing of the petition for naturalization.

Verification of residence, etc.

*Ante*, p. 1143.

(d) The petitioner shall comply with the requirements of section 309 as to continuous residence in the United States for at least five years and in the State in which the petition is filed for at least six months, immediately preceding the date of filing the petition, if the termination of such service has been more than six months preceding the date of filing the petition for naturalization, except that such service shall be considered as residence within the United States or the State.

Residence requirements in certain cases of terminated service.

(e) Any such period or periods of service under honorable conditions, and good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, during such serv-

Service records in lieu of affidavits, etc.

ice, shall be proved by duly authenticated copies of records of the executive departments having custody of the records of such service, and such authenticated copies of records shall be accepted in lieu of affidavits and testimony or depositions of witnesses.

Naturalization of persons serving on designated vessels.

SEC. 325. (a) A person who has served honorably or with good conduct for an aggregate period of at least five years (1) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (2) on board vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels, and whose home port is in the United States, may be naturalized without having resided, continuously immediately preceding the date of filing such person's petition, in the United States for at least five years, and in the State in which the petition for naturalization is filed for at least six months, if such petition is filed while the petitioner is still in the service on a reenlistment, reappointment, or reshipment, or within six months after an honorable discharge or separation therefrom.

Applicability of designated subsections. *Ante*, p. 1149.

(b) The provisions of subsections (b), (c), (d), and (e) of section 324 shall apply to petitions for naturalization filed under this section, except that service with good conduct on vessels described in subsection (a) (2) of this section may be proved by certificates from the masters of such vessels.

#### ALIEN ENEMIES

Naturalization of certain alien enemies.

SEC. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than two years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

Hearing requirements.

(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

Removal, etc.

(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Loyalty as basis for exemption.

(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization.

### PROCEDURAL AND ADMINISTRATIVE PROVISIONS

#### EXECUTIVE FUNCTIONS

Commissioner in charge of administration.

SEC. 327. (a) The Commissioner, or, in his absence, a Deputy Commissioner, shall have charge of the administration of the naturalization laws, under the immediate direction of the Attorney General, to

whom the Commissioner shall report directly upon all naturalization matters annually and as otherwise required.

(b) The Commissioner, with the approval of the Attorney General, shall make such rules and regulations as may be necessary to carry into effect the provisions of this chapter and is authorized to prescribe the scope and nature of the examination of petitioners for naturalization as to their admissibility to citizenship for the purpose of making appropriate recommendations to the naturalization courts. Such examination shall be limited to inquiry concerning the applicant's residence, good moral character, understanding of and attachment to the fundamental principles of the Constitution of the United States, and other qualifications to become a naturalized citizen as required by law, and shall be uniform throughout the United States.

Rules and regulations.

Examination of petitioners.

(c) The Commissioner is authorized to promote instruction and training in citizenship responsibilities of applicants for naturalization including the sending of names of candidates for naturalization to the public schools, preparing and distributing citizenship textbooks to such candidates as are receiving instruction in preparation for citizenship within or under the supervision of the public schools, preparing and distributing monthly an immigration and naturalization bulletin and securing the aid of and cooperating with official State and National organizations, including those concerned with vocational education.

Citizenship instruction, etc.

(d) The Commissioner shall prescribe and furnish such forms as may be required to give effect to the provisions of this chapter, and only such forms as may be so provided shall be legal. All certificates of naturalization and of citizenship shall be printed on safety paper and shall be consecutively numbered in separate series.

Forms and certificates.

(e) Members of the Service may be designated by the Commissioner or a Deputy Commissioner to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. In cases where there is a likelihood of unusual delay or of hardship, the Commissioner or a Deputy Commissioner may, in his discretion, authorize such depositions to be taken before a postmaster without charge, or before a notary public or other person authorized to administer oaths for general purposes.

Oaths and depositions.

(f) A certificate of naturalization or of citizenship issued by the Commissioner or a Deputy Commissioner under the authority of this Act shall have the same effect in all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, and insular possession of the United States, as a certificate of naturalization or of citizenship issued by a court having naturalization jurisdiction.

Certificates issued by Commissioner, effect.

(g) Certifications and certified copies of all papers, documents, certificates, and records required or authorized to be issued, used, filed, recorded, or kept under any and all provisions of this chapter shall be admitted in evidence equally with the originals in any and all cases and proceedings under this Act and in all cases and proceedings in which the originals thereof might be admissible as evidence.

Admissibility in evidence of certifications, etc.

(h) The officers in charge of property owned or leased by the Government are authorized, upon the recommendation of the Attorney General, to provide quarters, without payment of rent, in any building occupied by the Service, for a photographic studio, operated by welfare organizations without profit and solely for the benefit of aliens seeking naturalization. Such studio shall be under the supervision of the Commissioner.

Photographic studio.

#### REGISTRY OF ALIENS

SEC. 328. (a) The Commissioner shall cause to be made, for use in complying with the requirements of this chapter, a registry of each

Registry of persons arriving in U. S.; data included.

person arriving in the United States after the effective date of this Act, of the name, age, occupation, personal description (including height, complexion, color of hair and eyes, and fingerprints), the date and place of birth, nationality, the last residence, the intended place of residence in the United States, the date and place of arrival of said person, and the name of vessel or other means of transportation, upon which said person arrived.

Aliens without admission records.

(b) Registry of aliens at ports of entry required by subsection (a) of this section may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner, in accordance with regulations prescribed by the Commissioner, with the approval of the Attorney General, that such alien—

- (1) Entered the United States prior to July 1, 1924;
- (2) Has resided in the United States continuously since such entry;
- (3) Is a person of good moral character; and
- (4) Is not subject to deportation.

Registered person deemed lawfully admitted.

(c) For the purposes of the immigration laws and naturalization laws an alien, in respect of whom a record of registry has been made as authorized by this section, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of such alien's entry.

#### CERTIFICATE OF ARRIVAL

Issuance.

SEC. 329. (a) The certificate of arrival required by this chapter may be issued upon application to the Commissioner in accordance with regulations prescribed by the Commissioner, with the approval of the Attorney General, upon the making of a record of registry as authorized by section 328 of this Act.

*Ante*, p. 1151.

Certificate prerequisite to declaration.

(b) No declaration of intention shall be made by any person who arrived in the United States after June 29, 1906, until such person's lawful entry for permanent residence shall have been established, and a certificate showing the date, place, and manner of arrival in the United States shall have been issued. It shall be the duty of the Commissioner or a Deputy Commissioner to cause to be issued such certificate.

#### PHOTOGRAPHS

Photographs.

SEC. 330. (a) Two photographs of the applicant shall be signed by and furnished by each applicant for a declaration of intention and by each petitioner for naturalization or citizenship. One of such photographs shall be affixed by the clerk of the court to the triplicate declaration of intention issued to the declarant and one to the duplicate declaration of intention required to be forwarded to the Service; and one of such photographs shall be affixed to the original certificate of naturalization issued to the naturalized citizen and one to the duplicate certificate of naturalization required to be forwarded to the Service.

(b) Two photographs of the applicant shall be furnished by each applicant for—

- (1) A record of registry;
- (2) A certificate of derivative citizenship;
- (3) A certificate of naturalization;
- (4) A special certificate;
- (5) A declaration of intention or a certificate of naturalization or of citizenship, in lieu of one lost, mutilated, or destroyed; and
- (6) A new certificate of citizenship in the new name of any naturalized citizen who, subsequent to naturalization, has had such citizen's name changed by order of a court of competent jurisdiction or by marriage.

One such photograph shall be affixed to each such declaration or certificate issued by the Commissioner and one shall be affixed to the copy of such declaration or certificate retained by the Service.

DECLARATION OF INTENTION

Averments.

SEC. 331. An applicant for naturalization shall make, under oath before, and only in the office of, the clerk of court or such clerk's authorized deputy, regardless of the place of residence in the United States of the applicant, not less than two nor more than seven years at least prior to the applicant's petition for naturalization, and after the applicant has reached the age of eighteen years, a signed declaration of intention to become a citizen of the United States, which declaration shall be set forth in writing, in triplicate, and shall contain substantially the following averments by such applicant:

(1) My full, true, and correct name is \_\_\_\_\_ (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is \_\_\_\_\_ (number and street), \_\_\_\_\_ (city or town), \_\_\_\_\_ (county), \_\_\_\_\_ (State).

(3) My occupation is \_\_\_\_\_.

(4) I am \_\_\_\_\_ years old.

(5) My personal description is as follows: Sex \_\_\_\_\_; color \_\_\_\_\_, complexion \_\_\_\_\_, color of eyes \_\_\_\_\_, color of hair \_\_\_\_\_, height \_\_\_\_\_ feet \_\_\_\_\_ inches, weight \_\_\_\_\_ pounds; visible distinctive marks \_\_\_\_\_; race \_\_\_\_\_; present nationality \_\_\_\_\_.

(6) I was born on \_\_\_\_\_ (month, day, and year), in \_\_\_\_\_ (city or town), \_\_\_\_\_ (county, district, province, or state), \_\_\_\_\_ (country).

(7) I am \_\_\_\_\_ married; the name of my wife or husband is \_\_\_\_\_; we were married on \_\_\_\_\_ (month, day, and year), at \_\_\_\_\_ (city or town), \_\_\_\_\_ (state or country); he or she was born at \_\_\_\_\_ (city or town), \_\_\_\_\_ (county, district, province, or state), \_\_\_\_\_ (country), on \_\_\_\_\_ (month, day, and year); and entered the United States at \_\_\_\_\_ (city or town), (State), on \_\_\_\_\_ (month, day, and year), for permanent residence in the United States, and now resides at \_\_\_\_\_ (city or town), \_\_\_\_\_ (state or country).

(8) I have \_\_\_\_\_ children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: \_\_\_\_\_.

(9) My place of last foreign residence was \_\_\_\_\_ (city or town), \_\_\_\_\_ (county, district, or province), \_\_\_\_\_ (country).

(10) I emigrated to the United States from \_\_\_\_\_ (city or town), \_\_\_\_\_ (country).

(11) My lawful entry for permanent residence in the United States was at \_\_\_\_\_ (city or town), \_\_\_\_\_ (State), under the name of \_\_\_\_\_, on \_\_\_\_\_ (month, day, and year), on the \_\_\_\_\_ (name of vessel or other means of conveyance).

(12) I have \_\_\_\_\_ been absent from the United States, having departed therefrom on \_\_\_\_\_ (dates of departures), from the port or ports of \_\_\_\_\_, upon the following vessels or other means of conveyance: \_\_\_\_\_ (names of vessels or conveyances upon departures); and returned to the United States on \_\_\_\_\_ (dates of return to the United States), at the port or ports of \_\_\_\_\_, upon the following vessels or other means of conveyance \_\_\_\_\_ (names of vessels or conveyances upon return).

(13) I have — heretofore made declaration of intention number \_\_\_\_\_, on \_\_\_\_\_ (month, day, and year), at \_\_\_\_\_ (city or town), \_\_\_\_\_ (county), \_\_\_\_\_ (State), in the \_\_\_\_\_ (name of court).

(14) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(15) It is my intention in good faith to become a citizen of the United States and to reside permanently therein.

(16) I will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at the time of admission to citizenship I may be a subject or citizen.

(17) I certify that the photograph affixed to the duplicate and triplicate hereof is a likeness of me and was signed by me.

(18) So help me God.

#### PETITION FOR NATURALIZATION

#### Averments.

SEC. 332. (a) An applicant for naturalization shall, not less than two nor more than ten years after such declaration of intention has been made, make and file in the office of the clerk of a naturalization court, in duplicate, a sworn petition in writing, signed by the applicant in the applicant's own handwriting, if physically able to write, and duly verified by witnesses, which petition shall contain substantially the following averments by such applicant.

(1) My full, true, and correct name is \_\_\_\_\_ (full, true name, without abbreviation, and any other name which has been used, must appear here).

(2) My present place of residence is \_\_\_\_\_ (number and street), \_\_\_\_\_ (city or town), \_\_\_\_\_ (county), \_\_\_\_\_ (State).

(3) My occupation is \_\_\_\_\_.

(4) I am \_\_\_\_\_ years old.

(5) My personal description is: Sex \_\_\_\_\_; color \_\_\_\_\_, complexion \_\_\_\_\_, color of eyes \_\_\_\_\_, color of hair \_\_\_\_\_, height \_\_\_\_\_ feet \_\_\_\_\_ inches, weight \_\_\_\_\_ pounds; visible distinctive marks \_\_\_\_\_; race \_\_\_\_\_; present nationality \_\_\_\_\_.

(6) I was born on \_\_\_\_\_ (month, day, and year), in \_\_\_\_\_ (city or town), \_\_\_\_\_ (county, district, province, or state), \_\_\_\_\_ (country).

(7) I am \_\_\_\_\_ married; the name of my wife or husband is \_\_\_\_\_; we were married on \_\_\_\_\_ (month, day, and year), at \_\_\_\_\_ (city or town), \_\_\_\_\_ (state or country); he or she was born at \_\_\_\_\_ (city or town), \_\_\_\_\_ (county, district, province, or state), \_\_\_\_\_ (country), on \_\_\_\_\_ (month, day, and year); entered the United States at \_\_\_\_\_ (city or town), \_\_\_\_\_ (State), on \_\_\_\_\_ (month, day, and year), for permanent residence in the United States, and now resides at \_\_\_\_\_ (city or town), \_\_\_\_\_ (state or country).

(8) I have \_\_\_\_\_ children; and the name, sex, date, and place of birth, and present place of residence of each of said children who is living are as follows: \_\_\_\_\_.

(9) My last place of foreign residence was \_\_\_\_\_ (city or town), \_\_\_\_\_, (county, district, or province), \_\_\_\_\_, (country).

(10) I emigrated to the United States from \_\_\_\_\_ (city or town), \_\_\_\_\_ (country).

(11) My lawful entry for permanent residence in the United States was at \_\_\_\_\_ (city or town), \_\_\_\_\_ (State), under the name of \_\_\_\_\_, on \_\_\_\_\_ (month, day, and year), on the \_\_\_\_\_ (name of vessel or other means of conveyance), as shown by the certificate of my arrival attached to this petition.

(12) I have \_\_\_\_\_ been absent from the United States, having departed therefrom on \_\_\_\_\_ (dates of departures), from the port or ports of \_\_\_\_\_, upon the following vessels or other means of conveyance: \_\_\_\_\_ (names of vessels or conveyances upon departures); and returned to the United States on \_\_\_\_\_ (dates of return to the United States), at the port or ports of \_\_\_\_\_, upon the following vessels or other means of conveyance: \_\_\_\_\_ (names of vessels or conveyances upon return).

(13) I have resided continuously in the United States of America for the term of five years at least immediately preceding the date of this petition, to wit, since \_\_\_\_\_, and continuously in the State in which this petition is made for the term of six months at least immediately preceding the date of this petition, to wit, since \_\_\_\_\_.

(14) I declared my intention to become a citizen of the United States on \_\_\_\_\_ (month, day, and year), in the \_\_\_\_\_ (name of court) Court of \_\_\_\_\_, at \_\_\_\_\_ (city or town), \_\_\_\_\_ (State).

(15) I have \_\_\_\_\_ heretofore made petition for naturalization number \_\_\_\_\_, on \_\_\_\_\_ (month, day, and year), at \_\_\_\_\_ (city or town), \_\_\_\_\_ (county), \_\_\_\_\_ (State), in the \_\_\_\_\_ (name of court), and such petition was dismissed or denied by that Court for the following reasons and causes, to wit: \_\_\_\_\_, and the cause of such dismissal or denial has since been cured or removed.

(16) I am not an anarchist, nor a disbeliever in or opposed to organized government, nor a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government.

(17) I am attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the United States.

(18) It is my intention in good faith to become a citizen of the United States, and to reside permanently therein.

(19) It is my intention to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which at this time I am a subject or citizen.

(20) Attached hereto and made a part of this, my petition for naturalization, are my declaration of intention to become a citizen of the United States (if such declaration of intention be required by the naturalization law), a certificate of arrival from the Immigration and Naturalization Service of my said lawful entry into the United States for permanent residence (if such certificate of arrival be required by the naturalization law), and the affidavits of the two verifying witnesses required by law.

(21) Wherefore, I, petitioner for naturalization, pray that I may be admitted a citizen of the United States of America, and that my name be changed to \_\_\_\_\_.

(22) I, aforesaid petitioner, being duly sworn, depose and say that I have (read) (heard read) this petition and know that the same is true of my own knowledge except as to matters herein stated to be alleged upon information and belief, and that as to those matters I believe it to be true; and that this petition is signed by me with my

full, true, and correct name. So help me God. \_\_\_\_\_  
 (full, true, and correct name of petitioner).

Averments of other material facts.

(b) The applicant's petition for naturalization, in addition to the averments required by subsection (a) of this section, shall include averments of all other facts which may be material to the applicant's naturalization and required to be proved upon the hearing of such petition.

Filing of certificate of arrival, etc., with petition.

(c) At the time of filing the petition for naturalization there shall be filed with the clerk of court a certificate from the Service, if the petitioner arrived in the United States after June 29, 1906, stating the date, place, and manner of petitioner's arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Making and filing of petitions.

(d) Petitions for naturalization may be made and filed during the term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court.

#### HEARING OF PETITIONS

Preliminary hearings by designated examiners.

SEC. 333. (a) The Commissioner or a Deputy Commissioner shall designate members of the Service to conduct preliminary hearings upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such court. For such purposes any such designated examiner is hereby authorized to take testimony concerning any matter touching or in any way affecting the admissibility of any petitioner for naturalization, to subpoena witnesses, and to administer oaths, including the oath of the petitioner to the petition for naturalization and the oath of petitioner's witnesses.

Findings, etc., of examiners.

(b) The findings of any such designated examiner upon any such preliminary hearing shall be submitted to the court at the final hearing upon the petition with a recommendation that the petition be granted, or denied, or continued, with the reasons therefor. Such findings and recommendations shall be accompanied by duplicate lists containing the names of the petitioners, classified according to the character of the recommendations, and signed by the designated examiner. The judge to whom such findings and recommendations are submitted shall, if he approve such recommendations, enter a written order with such exceptions as the judge may deem proper, by subscribing his name to each such list when corrected to conform to his conclusions upon such recommendations. One of such lists shall thereafter be filed permanently of record in such court and the duplicate list shall be sent by the clerk of such court to the Commissioner.

Approval by judge.

Final hearing in open court.  
Final order.

SEC. 334. (a) Every final hearing upon a petition for naturalization shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant, and, except as provided in subsection (b) of this section, the witnesses shall be examined under oath before the court and in the presence of the court.

Waiver of examination.

(b) The requirement of subsection (a) of this section for the examination of the petitioner and witnesses under oath before the court and in the presence of the court shall not apply in any case where a designated examiner has conducted the preliminary hearing authorized by subsection (a) of section 333; except that the court may, in its discretion, and shall, upon demand of the petitioner, require the examination of the petitioner and the witnesses under oath before the court and in the presence of the court.

Discretionary authority of court.

Time restrictions on final hearings, etc.

(c) Except as otherwise specifically provided in this Act, no final hearing shall be held on any petition for naturalization nor shall

any person be naturalized nor shall any certificate of naturalization be issued by any court within thirty days after the filing of the petition for naturalization, nor within sixty days preceding the holding of any general election within the territorial jurisdiction of the naturalization court.

(d) The United States shall have the right to appear before any court in any naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

(e) It shall be lawful at the time and as a part of the naturalization of any person, for the court, in its discretion, upon the prayer of the petitioner included in the petition for naturalization of such person, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

Right of U. S. to cross-examine, etc.

Change of name.

#### OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 335. (a) A person who has petitioned for naturalization shall, before being admitted to citizenship, take an oath in open court (1) to support the Constitution of the United States, (2) to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen, (3) to support and defend the Constitution and the laws of the United States against all enemies, foreign and domestic, and (4) to bear true faith and allegiance to the same, provided that in the case of the naturalization of a child under the provisions of section 315 or 316 the naturalization court may waive the taking of such oath if in the opinion of the court the child is too young to understand its meaning.

Nature.

Ante, p. 1146.

(b) The oath prescribed by subsection (a) of this section which the petitioner for naturalization is required to take, shall be in the following form:

Form.

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature.

(c) In case the person petitioning for naturalization has borne any hereditary title, or has been of any of the orders of nobility in any foreign state, the petitioner shall, in addition to complying with the requirements of subsections (a) and (b) of this section, make under oath in open court, in the court to which the petition for naturalization is made, an express renunciation of such title or order of nobility, and such renunciation shall be recorded in the court as a part of such proceedings.

Renunciation of title, etc.

#### CERTIFICATE OF NATURALIZATION

SEC. 336. A person, admitted to citizenship by a naturalization court in conformity with the provisions of this Act, shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization, which shall contain substantially the following information: number of petition for naturalization; number of certificate of naturalization; date of naturalization; name, signature, place

Contents.

of residence, autographed photograph, and personal description of the naturalized person, including age, sex, marital status, and country of former nationality; title, venue, and location of the naturalization court; statement that the court, having found that the petitioner intends to reside permanently in the United States, had complied in all respects with all of the applicable provisions of the naturalization laws of the United States, and was entitled to be admitted a citizen of the United States of America, thereupon ordered that the petitioner be admitted as a citizen of the United States of America; attestation of the clerk of the naturalization court; and seal of the court.

#### FUNCTIONS AND DUTIES OF CLERKS OF COURTS

Functions and duties of clerks of courts.

**SEC. 337. (a)** It is hereby made the duty of the clerk of each and every naturalization court to administer the oath in the clerk's office to each applicant for a declaration of intention made before such clerk, and to retain the original of such declaration of intention for the permanent files of the court, to forward the duplicate thereof to the Commissioner within thirty days after the close of the month in which such declaration was filed, and to furnish the declarant with the triplicate thereof.

(b) It shall be the duty of the clerk of each and every naturalization court to forward to the Commissioner a duplicate of each petition for naturalization within thirty days after the close of the month in which such petition was filed, and to forward to the Commissioner certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of persons as may be required from time to time by the Commissioner.

(c) It shall be the duty of the clerk of each and every naturalization court to issue to any person admitted by such court to citizenship a certificate of naturalization and to forward to the Commissioner within thirty days after the close of the month in which such certificate was issued, a duplicate thereof, and to make and keep on file in the clerk's office a stub for each certificate so issued, whereon shall be entered a memorandum of all the essential facts set forth in such certificate, and to forward a duplicate of each such stub to the Commissioner within thirty days after the close of the month in which such certificate was issued.

(d) It shall be the duty of the clerk of each and every naturalization court to report to the Commissioner, within thirty days after the close of the month in which the final hearing and decision of the court was had, the name and number of the petition of each and every person who shall be denied naturalization together with the cause of such denial.

(e) Clerks of courts shall be responsible for all blank certificates of naturalization received by them from time to time from the Commissioner, and shall account to the Commissioner for them whenever required to do so. No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the Commissioner.

(f) It shall be the duty of the clerk of each and every naturalization court to cause to be filed in chronological order in separate volumes, indexed, consecutively numbered, and made a part of the records of such court, all declarations of intention and petitions for naturalization.

#### REVOCATION OF NATURALIZATION

**SEC. 338. (a)** It shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in sub-

Fraud, etc.

section (a) of section 301 in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground of fraud or on the ground that such order and certificate of naturalization were illegally procured.

*Ante*, p. 1140.

(b) The party to whom was granted the naturalization alleged to have been fraudulently or illegally procured shall, in any such proceedings under subsection (a) of this section, have sixty days' personal notice in which to make answer to the petition of the United States; and if such naturalized person be absent from the United States or from the judicial district in which such person last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

Notice.

(c) If a person who shall have been naturalized shall, within five years after such naturalization, return to the country of such person's nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such person to become a permanent citizen of the United States at the time of filing such person's petition for naturalization, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancelation of the certificate of naturalization as having been obtained through fraud. The diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those persons within their respective jurisdictions who have been so naturalized and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to revoke and set aside the order admitting to citizenship and to cancel the certificate of naturalization.

Taking permanent residence abroad.

Furnishing of certified statements by diplomatic, etc., officers of U. S.

(d) The revocation and setting aside of the order admitting any person to citizenship and canceling his certificate of naturalization under the provisions of subsection (a) of section 338 shall not, where such action takes place after the effective date of this Act, result in the loss of citizenship or any right or privilege of citizenship which would have been derived by or available to a wife or minor child of the naturalized person had such naturalization not been revoked, but the citizenship and any such right or privilege of such wife or minor child shall be deemed valid to the extent that it shall not be affected by such revocation: *Provided*, That this subsection shall not apply in any case where the revocation and setting aside of the order was the result of actual fraud.

Effect of revocation upon status of wife, etc.

*Ante*, p. 1158.

*Proviso*.  
Actual fraud.

(e) When a person shall be convicted under this Act of knowingly procuring naturalization in violation of law, the court in which such conviction is had shall thereupon revoke, set aside, and declare void the final order admitting such person to citizenship, and shall declare the certificate of naturalization of such person to be canceled. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

Cancelation of certificate.

(f) Whenever an order admitting an alien to citizenship shall be revoked and set aside or a certificate of naturalization shall be canceled, or both, as provided in this section, the court in which such judgment or decree is rendered shall make an order canceling such certificate and shall send a certified copy of such order to the Commissioner; in case such certificate was not originally issued by the court making such order, it shall direct the clerk of the naturalization court in which the

Order of cancelation.

Copy to issuing court.

order is revoked and set aside to transmit a copy of such order and judgment to the court out of which such certificate of naturalization shall have been originally issued. It shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of naturalization, if there be any, upon the records and to notify the Commissioner of the entry of such order and of such cancellation. A person holding a certificate of naturalization or citizenship which has been canceled as provided by this section shall upon notice by the court by which the decree of cancellation was made, or by the Commissioner, surrender the same to the Commissioner.

(g) The provisions of this section shall apply not only to any naturalization granted and to certificates of naturalization and citizenship issued under the provisions of this Act, but to any naturalization heretofore granted by any court, and to all certificates of naturalization and citizenship which may have been issued heretofore by any court or by the Commissioner based upon naturalization granted by any court.

#### CERTIFICATES OF DERIVATIVE CITIZENSHIP

Issuance, etc.

SEC. 339. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a spouse may apply to the Commissioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this Act of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a Deputy Commissioner with a certificate of citizenship, but only if such individual is at the time within the United States.

#### REVOCATION OF CERTIFICATES ISSUED BY THE COMMISSIONER OR A DEPUTY COMMISSIONER

Cancellation of certificates, etc.

SEC. 340. The Commissioner is authorized to cancel any certificate of citizenship or any copy of a declaration of intention or certificate of naturalization heretofore or hereafter issued by the Commissioner or a Deputy Commissioner if it shall appear to the Commissioner's satisfaction that such document was illegally or fraudulently obtained from the Commissioner or a Deputy Commissioner; but the person to whom such document has been issued, shall be given at such person's last known place of address, written notice of the intention to cancel such document with the reasons therefor and shall be given at least sixty days in which to show cause why such document should not be canceled. The cancellation of any such document shall affect only the document and not the citizenship status of the person in whose name the document was issued.

Notice.

#### DOCUMENTS AND COPIES ISSUED BY THE COMMISSIONER OR A DEPUTY COMMISSIONER

SEC. 341. (a) A person who claims to have been naturalized in the United States under section 323 of this Act may make application to the Commissioner for a certificate of naturalization. Upon proof to the satisfaction of the Commissioner or a Deputy Commissioner that the applicant is a citizen and that he has been naturalized as claimed in the application, such individual shall be furnished a certificate of naturalization by the Commissioner or a Deputy Commissioner, but only if the applicant is at the time within the United States.

Certificates of naturalization.  
*Ante*, p. 1149.

(b) If any certificate of naturalization or citizenship issued to any citizen, or any declaration of intention furnished to any declarant, is lost, mutilated, or destroyed, the citizen or declarant may make application to the Commissioner for a new certificate or declaration. If the Commissioner or a Deputy Commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration. If the certificate or declaration has been mutilated, it shall be surrendered to the Commissioner or a Deputy Commissioner before the applicant may receive such new certificate or declaration. If the certificate or declaration has been lost, the applicant or any other person who may come into possession of it is hereby required to surrender it to the Commissioner or a Deputy Commissioner.

Loss, etc., of certificates or declarations.

(c) The Commissioner or a Deputy Commissioner shall issue for any naturalized citizen, on such citizen's application therefor, a special certificate of naturalization for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by a foreign state. Such certificate when issued shall be furnished to the Secretary of State for transmission to the proper authority in such foreign state.

Special certificate of naturalization.

(d) If the name of any naturalized citizen has, subsequent to naturalization, been changed by order of any court of competent jurisdiction, or by marriage, the citizen may make application for a new certificate of naturalization in the new name of such citizen. If the Commissioner or a Deputy Commissioner finds the name of the applicant to have been changed as claimed, the Commissioner or a Deputy Commissioner shall issue to the applicant a new certificate and shall notify the naturalization court of such action.

New certificate showing change of name.

(e) The Commissioner or a Deputy Commissioner is authorized to make and issue, without fee, certifications of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship, for use in complying with any statute, State or Federal, or in any judicial proceeding. No such certification shall be made by any clerk of court except upon order of the court.

Certifications of records, etc.

### FISCAL PROVISIONS

SEC. 342. (a) The clerk of each and every naturalization court shall charge, collect, and account for the following fees:

Court fees.

(1) For receiving and filing a declaration of intention, and issuing a duplicate and triplicate thereof, \$2.50.

(2) For making, filing, and docketing a petition for naturalization, \$5, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

(b) The Commissioner shall charge, collect, and account for the following fees:

Commissioner's fees.

(1) For application for record of registry, \$18.

(2) For the issuance of each certificate of arrival, \$2.50.

(3) For application for a declaration of intention in lieu of a declaration alleged to have been lost, mutilated, or destroyed, \$1.

(4) For application for a certificate of naturalization in lieu of a certificate alleged to have been lost, mutilated, or destroyed, \$1.

(5) For application for a certificate of derivative citizenship, \$5.

(6) For application for the issuance of a special certificate of citizenship to obtain recognition, \$5.

(7) For application for a certificate of naturalization under section 323, \$1.

(8) For application for a certificate of citizenship in changed name, \$5.

(9) Reasonable fees, with the approval of the Attorney General, in cases where such fees have not been established by law, to cover the cost of furnishing, to other than officials or agencies of the Federal Government, copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of \$1 for any official certification furnished under seal.

(c) The clerk of any naturalization court specified in subsection (a) of section 301 (except the courts specified in subsection (d) of this section), shall account for and pay over to the Commissioner one-half of all fees up to the sum of \$6,000, and all fees in excess of \$6,000, collected by any such clerk in naturalization proceedings in any fiscal year.

(d) The clerk of any United States district court (except in Alaska) and the clerk of the District Court of the United States for the District of Columbia shall account for and pay over to the Commissioner all fees collected by any such clerks in naturalization proceedings.

(e) The accounting required by subsections (c) and (d) of this section shall be made and the fees paid over to the Commissioner by such respective clerks in their quarterly accounts which they are hereby required to render to the Commissioner within thirty days from the close of each quarter of each and every fiscal year, in accordance with regulations prescribed by the Commissioner.

(f) The clerks of the various naturalization courts shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon clerks of courts from fees retained under the provisions of this section by such clerks in naturalization proceedings.

(g) All fees collected by the Commissioner and all fees paid over to the Commissioner by clerks of naturalization courts under the provisions of this Act, shall be deposited by the Commissioner in the Treasury of the United States.

(h) In all naturalization proceedings in which an alien applying for a certificate of naturalization or of citizenship is represented by counsel, there is hereby established a limit of \$25 for counsel's fees, except where legal action before a court requires extended legal service when the court may approve a reasonable fee in excess of \$25.

(i) During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military or naval service of the United States for filing a petition for naturalization or issuing a certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this subsection shall be made to the Commissioner as in the case of other reports required of clerks of courts by this Act.

(j) In addition to the other fees required by this Act, the petitioner for naturalization shall, upon the filing of a petition for naturalization, deposit with and pay to the clerk of the naturalization court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom such petitioner may request a subpoena, and upon the final discharge of such witnesses, they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner.

Accounting.  
*Ante*, p. 1140.

Pay of additional  
clerical force.

Deposit of fees.

Limitation on coun-  
sel's fees; exception.

Wartime fee restric-  
tions.

Report to Commis-  
sioner.

Additional fees, etc.

## MAIL

SEC. 343. All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Service, or any official thereof, and endorsed "Official Business", shall be transmitted free of postage and by registered mail if necessary, and so marked.

Transmittal free of postage.

## TEXTBOOKS

SEC. 344. Authorization is hereby granted for the publication and distribution of the citizenship textbook described in subsection (c) of section 327, and for the reimbursement of the printing and binding appropriation of the Department of Justice upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Service for the cost of such publication and distribution, such reimbursement to be made upon statements by the Commissioner of books so published and distributed.

Citizenship textbook.  
Ante, p. 1151.

## COMPILATION OF NATURALIZATION STATISTICS

SEC. 345. The Commissioner is authorized and directed to prepare from the records in the custody of the Service a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of aliens annually arriving and to the prevailing census populations of the foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually hereafter. Payment for the equipment used in preparing such compilation shall be made from the appropriation, "Salaries and expenses, Immigration and Naturalization Service".

Preparation, etc.

## PENAL PROVISIONS

SEC. 346. (a) It is hereby made a felony for any alien or other person, whether an applicant for naturalization or citizenship, or otherwise, and whether an employee of the Government of the United States or not—

Penal provisions.  
Felonies.

(1) Knowingly to make a false statement under oath, either orally or in writing, in any case, proceeding, or matter relating to, or under, or by virtue of any law of the United States relating to naturalization or citizenship.

(2) Knowingly to procure or attempt to procure—

a. The naturalization of any such person, contrary to the provisions of any law; or

b. Documentary or other evidence of naturalization or of citizenship of any such person, contrary to the provisions of any law.

(3) To procure or attempt to procure any documentary or other evidence of naturalization or of citizenship of any person knowing or having reason to believe that such person is not entitled thereto.

(4) To encourage, advise, aid, or assist any person—

a. Not then entitled or qualified under this Act to apply for a declaration of intention, to apply for such declaration of intention, with knowledge or having reason to believe that such person was not then so entitled or qualified; or

b. Not then entitled or qualified under this Act to secure a declaration of intention, to obtain such declaration of intention, with knowledge that such person was not then so entitled or qualified; or

c. Not then entitled or qualified under this Act to apply for natu-

## Felonies—Cont.

ralization or citizenship, to apply for such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

d. Not then entitled or qualified under this Act to obtain naturalization or citizenship, to obtain such naturalization or citizenship, with knowledge that such person was not then so entitled or qualified; or

e. Not then entitled or qualified under this Act to apply for documentary or other evidence of naturalization or of citizenship, to apply for such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified; or

f. Not then entitled or qualified under this Act to obtain documentary or other evidence of naturalization or of citizenship, to obtain such documentary or other evidence of naturalization or of citizenship, with knowledge that such person was not then so entitled or qualified.

(5) To encourage, aid, advise, or assist any person not entitled thereto to obtain, accept, or receive any certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship—

a. Knowing the same to have been procured by fraud; or

b. Knowing the same to have been procured by the use or means of any false name or false statement given or made with the intent to procure the issuance of such certificate of arrival, declaration of intention, certificate of naturalization, or certificate of citizenship, or other documentary evidence of naturalization or of citizenship; or

c. Knowing the same to have been fraudulently altered in any manner.

(6) Knowingly, in any naturalization or citizenship proceeding, whether as the applicant, declarant, petitioner, witness, or otherwise in such proceeding—

a. To personate another person;

b. To appear falsely in the name of a deceased person, or in an assumed or fictitious name.

(7) Knowingly, contrary to the provisions of this Act—

a. To issue a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship; or

b. To assist in or be a party to the issuance of a certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(8) Knowingly to possess without lawful authority or lawful excuse, and with intent unlawfully to use the same, any false, forged, antedated, or counterfeited certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, purporting to have been issued under any law of the United States relating to naturalization or citizenship, knowing such certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship to be false, forged, antedated, or counterfeited.

(9) Falsely to make, forge, or counterfeit any oath, notice, affidavit, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(10) To cause or procure to be falsely made, forged, or counterfeited, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(11) To aid or assist in falsely making, forging, or counterfeiting, any oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(12) To utter, sell, dispose of, or use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeited oath, notice, affidavit, certificate, certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, or any order, record, signature, or other instrument, paper, or proceeding, required or authorized by any law relating to naturalization or citizenship.

(13) To sell, or dispose of unlawfully, a declaration of intention, certificate of naturalization, certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(14) Knowingly to use in any manner for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been unlawfully issued or made.

(15) Knowingly and unlawfully to use, or attempt to use, any order, certificate, certificate of naturalization, certificate of citizenship, judgment, decree, or exemplification, showing any person to be naturalized or admitted to be a citizen, whether heretofore or hereafter issued or made, which has been issued to or in the name of any other person or in a fictitious name, or in the name of a deceased person.

(16) To use or attempt to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(17) To aid, assist, or participate in the use of any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship, or other documentary evidence of naturalization or of citizenship heretofore or which may hereafter be issued or granted, knowing the same to be forged, counterfeited, or antedated, or to have been procured by fraud or by false evidence, or without appearance or hearing of the applicant in court where such appearance and hearing are required, or otherwise unlawfully obtained.

(18) Knowingly to falsely represent himself to be a citizen of the United States without having been naturalized or admitted to citizenship, or without otherwise being a citizen of the United States.

(19) Knowingly, with the intent to avoid any duty or liability imposed or required by law, to deny that he has been naturalized or

Felonies—Cont.

admitted to be a citizen, after having been so naturalized or admitted.

(20) To engrave, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(21) To cause or procure to be engraved, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(22) To assist in engraving, without lawful authority, any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship.

(23) To sell any plate in the likeness of any plate designed for the printing of a declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commissioner or other proper officer of the United States.

(24) To bring into the United States from any foreign place any plate in the likeness of any plate designed for the printing of a declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, except by direction of the Commissioner or other proper officer of the United States.

(25) To have in the control, custody, or possession of any such alien or other person, any metallic plate engraved after the similitude of any plate from which any declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, has been or is to be printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such declaration of intention, or certificate of naturalization, or certificate of citizenship, or other documentary evidence or any part thereof.

(26) To bring into the United States from any foreign place, except by direction of the Commissioner or other proper officer of the United States, any declaration of intention, or certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship, printed from any metallic plate engraved after the similitude of any plate from which any declaration of intention, certificate of naturalization, or certificate of citizenship, or any other documentary evidence of naturalization or of citizenship has been or is to be printed.

(27) To have in his possession, without lawful authority, any blank certificate of arrival, blank declaration of intention, or blank certificate of naturalization or of citizenship, provided by the Service, with the intent unlawfully to use the same.

(28) To have in his possession a distinctive paper which has been adopted by the proper officer or agency of the United States for the printing or engraving of any declaration of intention, or certificate of naturalization or of citizenship, with intent unlawfully to use the same.

(29) To print, photograph, make, or execute, or in any manner cause to be printed, photographed, made, or executed, without lawful authority, any print or impression in the likeness of any certificate of arrival, declaration of intention, or certificate of naturalization or of citizenship, or any part thereof.

(30) Knowingly to procure or attempt to procure an alien or other person to violate any of the provisions of this Act.

Felonies—Cont.

(31) Failing, after at least sixty days' notice, by the appropriate court or the Commissioner or a Deputy Commissioner, to surrender a certificate of naturalization or citizenship which has been canceled, in accordance with the provisions of this Act, such person having such certificate in his possession or under his control.

(32) Knowingly to certify that an applicant, declarant, petitioner, affiant, witness, deponent, or other person named in an application, declaration, petition, affidavit, deposition, or certificate of naturalization, or certificate of citizenship, or other paper or writing required or authorized to be executed or used under the provisions of this Act, personally appeared before the person making such certification and was sworn thereto or acknowledged the execution thereof, or signed the same, when in fact such applicant, declarant, petitioner, affiant, witness, deponent, or other person, did not personally appear before the person making such certification, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof.

(33) Knowingly to demand, charge, solicit, collect, or receive, or agree to charge, solicit, collect, or receive any other or additional fees or moneys in naturalization or citizenship or other proceedings under this Act than the fees and moneys specified in such Act.

(34) Willfully to neglect to render true accounts of moneys received by any clerk of a naturalization court or such clerk's assistant or any other person under this Act or willfully to neglect to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, which neglect shall constitute embezzlement of the public moneys.

(b) The provisions of this section shall apply to copies and duplicates of certificates of arrival, of declarations of intention, of certificates of naturalization, of certificates of citizenship, and of other documents required or authorized by the naturalization laws and citizenship laws as well as to the originals of such certificates of arrival, declarations of intention, certificates of naturalization, certificates of citizenship, and other documents, whether issued by any court or by the Commissioner or a Deputy Commissioner.

Applicability to certain documents, etc.

(c) The provisions of this section shall apply to all proceedings had or taken or attempted to be had or taken, before any court specified in subsection (a) of section 301, or any court, in which proceedings for naturalization may have been or may be commenced or attempted to be commenced, and whether or not such court at the time such proceedings were had or taken was vested by law with jurisdiction in naturalization proceedings.

Applicability to certain court proceedings.  
*Ante*, p. 1140.

(d) Any person violating any provision of subsection (a) of this section shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

Penalty.

(e) Any person who has been subpoenaed under the provisions of subsection (d) of section 309 to appear on the final hearing of a petition for naturalization, and who shall neglect or refuse to so appear and to testify, if in the power of such person to do so, shall be subject to the penalties prescribed by subsection (d) of this section.

Noncompliance with subpoenas.  
*Ante*, p. 1144.

(f) If any person shall use the endorsement "Official Business" authorized by section 343 to avoid payment of postage or registry fee on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.

Avoidance of postage, etc., charges; penalty.  
*Ante*, p. 1163.

(g) No person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime.

Time limitation for finding indictment, etc.

Applicability of existing laws to prior crimes.

(h) For the purpose of the prosecution of all crimes and offenses against the naturalization or citizenship laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization and citizenship laws shall remain in full force and effect.

Testimony of officers, etc.

(i) It shall be lawful and admissible as evidence in any proceedings founded under this Act, or any of the penal or criminal provisions of the immigration, naturalization or citizenship laws, for any officer or employee of the United States to render testimony as to any statement voluntarily made to such officer or employee in the course of the performance of the official duties of such officer or employee by any defendant at the time of or subsequent to the alleged commission of any crime or offense referred to in this section which may tend to show that such defendant did not or could not have had knowledge of any matter concerning which such defendant is shown to have made affidavit, or oath, or to have been a witness pursuant to such law or laws.

Noncompliance by clerks of court; penalty.  
*Ante*, p. 1158.

(j) In case any clerk of court shall refuse or neglect to comply with any of the provisions of section 337 (a), (b), (c), or (d), such clerk of court shall forfeit and pay to the United States the sum of \$25 in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Failure to account for certificates.  
*Ante*, p. 1158.

(k) If any clerk of court shall fail to return to the Service or properly account for any certificate of naturalization furnished by the Service as provided in subsection (e) of section 337, such clerk of court shall be liable to the United States in the sum of \$50, to be recovered in an action of debt, for each and every such certificate not properly accounted for or returned.

Provisions applicable to record of registry.  
*Ante*, p. 1151.

(l) The provisions of subsections (a), (b), (d), (g), (h), and (i) of this section shall apply in respect of the application for and the record of registry authorized by section 328, in the same manner and to the same extent, including penalties, as they apply in any naturalization or citizenship proceeding or any other proceeding under section 346.

*Ante*, p. 1163.

#### SAVING CLAUSES

Saving clauses.  
*Ante*, p. 1140; *post*, p. 1171.

SEC. 347. (a) Nothing contained in either chapter III or in chapter V of this Act, unless otherwise provided therein, shall be construed to affect the validity of any declaration of intention, petition for naturalization, certificate of naturalization or of citizenship, or other document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceedings, civil or criminal, brought, or any act, thing, or matter, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the statutes or parts of statutes repealed by this Act, are hereby continued in force and effect.

Hearing of pending petition.

(b) Any petition for naturalization heretofore filed which may be pending at the time this Act shall take effect shall be heard and determined within two years thereafter in accordance with the requirements of law in effect when such petition was filed.

#### CHAPTER IV—LOSS OF NATIONALITY

SEC. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

Naturalization in foreign state.

(a) Obtaining naturalization in a foreign state, either upon his own application or through the naturalization of a parent having legal

custody of such person: *Provided, however,* That nationality shall not be lost as the result of the naturalization of a parent unless and until the child shall have attained the age of twenty-three years without acquiring permanent residence in the United States: *Provided further,* That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if abroad and he has not heretofore expatriated himself as an American citizen by his own voluntary act, be permitted within two years from the effective date of his Act to return to the United States and take up permanent residence therein, and it shall be thereafter deemed that he has elected to be an American citizen. Failure on the part of such person to so return and take up permanent residence in the United States during such period shall be deemed to be a determination on the part of such person to discontinue his status as an American citizen, and such person shall be forever estopped by such failure from thereafter claiming such American citizenship; or

(b) Taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state; or

(c) Entering, or serving in, the armed forces of a foreign state unless expressly authorized by the laws of the United States, if he has or acquires the nationality of such foreign state; or

(d) Accepting, or performing the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof for which only nationals of such state are eligible; or

(e) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory; or

(f) Making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(g) Deserting the military or naval service of the United States in time of war, provided he is convicted thereof by a court martial; or

(h) Committing any act of treason against, or attempting by force to overthrow or bearing arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction.

SEC. 402. A national of the United States who was born in the United States or who was born in any place outside of the jurisdiction of the United States of a parent who was born in the United States, shall be presumed to have expatriated himself under subsection (c) or (d) of section 401, when he shall remain for six months or longer within any foreign state of which he or either of his parents shall have been a national according to the laws of such foreign state, or within any place under control of such foreign state, and such presumption shall exist until overcome whether or not the individual has returned to the United States. Such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, or to an immigration officer of the United States, under such rules and regulations as the Department of State and the Department of Justice jointly prescribe. However, no such presumption shall arise with respect to any officer or employee of the United States while serving abroad as such officer or employee, nor to any accompanying member of his family.

SEC. 403. (a) Except as provided in subsections (g) and (h) of section 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from the performance

*Provisos.*  
Effect upon child.

Election of American citizenship.

Oath of allegiance to foreign state.

Service in foreign armed forces.

Employment, etc., by foreign government.

Voting in foreign political elections, etc.

Formal renunciation of nationality.

Deserting U. S. military or naval service.

Committing treason, etc.

Presumption of expatriation.

Overcoming presumption.

Persons excepted.

Limitation on expatriation within U. S.

within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this section if and when the national thereafter takes up a residence abroad.

(b) No national under eighteen years of age can expatriate himself under subsections (b) to (g), inclusive, of section 401.

Expatriation of certain minors, restriction.

Expatriation of naturalized nationals through foreign residence.

SEC. 404. A person who has become a national by naturalization shall lose his nationality by:

(a) Residing for at least two years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law thereof; or

(b) Residing continuously for three years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, except as provided in section 406 hereof.

(c) Residing continuously for five years in any other foreign state, except as provided in section 406 hereof.

Persons in U. S. employ abroad, etc.

SEC. 405. Section 404 shall have no application to a person:

(a) Who resides abroad in the employment and under the orders of the Government of the United States;

(b) Who is receiving compensation from the Government of the United States and residing abroad on account of disability incurred in its service.

No expatriation by residence abroad in designated cases.

SEC. 406. Subsections (b) and (c) of section 404 shall have no application to a person:

(a) Who shall have resided in the United States not less than twenty-five years subsequent to his naturalization and shall have attained the age of sixty-five years when the foreign residence is established;

(b) Who is residing abroad upon the date of the approval of this Act, or who is thereafter sent abroad, and resides abroad temporarily solely or principally to represent a bona fide American educational, scientific, philanthropic, religious, commercial, financial, or business organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation;

(c) Who is residing abroad on account of ill health;

(d) Who is residing abroad for the purpose of pursuing studies of a specialized character or attending an institution of learning of a grade above that of a preparatory school, provided that such residence does not exceed five years;

(e) Who is the wife, husband, or child under twenty-one years of age of, and is residing abroad for the purpose of being with, an American citizen spouse or parent who is residing abroad for one of the objects or causes specified in section 405 or subsections (a), (b), (c), or (d) hereof;

(f) Who was born in the United States or one of its outlying possessions, who originally had American nationality, and who, after having lost such nationality through marriage to an alien, reacquired it.

Effect of parent's loss of nationality upon minors residing abroad.

SEC. 407. A person having American nationality, who is a minor and is residing in a foreign state with or under the legal custody of a parent who loses American nationality under section 404 of this Act, shall at the same time lose his American nationality if such minor has or acquires the nationality of such foreign state: *Provided*, That, in such case, American nationality shall not be lost as the result of loss of American nationality by the parent unless and until the

*Provided*.  
Condition.

child attains the age of twenty-three years without having acquired permanent residence in the United States.

SEC. 408. The loss of nationality under this Act shall result solely from the performance by a national of the acts or fulfillment of the conditions specified in this Act.

SEC. 409. Nationality shall not be lost under the provisions of section 404 or 407 of this Act until the expiration of one year following the date of the approval of this Act: *Provided, however,* That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 2 of the Act of March 2, 1907 (34 Stat. 1228), and who shall not have overcome it under the rules in effect immediately preceding the date of the approval of this Act, shall continue to be subject to such presumption for the period of one year following the date of the approval of this Act unless it is overcome during such period.

SEC. 410. Nothing in this Act shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party upon the date of the approval of this Act.

## CHAPTER V—MISCELLANEOUS

SEC. 501. Whenever a diplomatic or consular officer of the United States has reason to believe that a person while in a foreign state has lost his American nationality under any provision of chapter IV of this Act, he shall certify the facts upon which such belief is based to the Department of State, in writing, under regulations to be prescribed by the Secretary of State. If the report of the diplomatic or consular officer is approved by the Secretary of State, a copy of the certificate shall be forwarded to the Department of Justice, for its information, and the diplomatic or consular office in which the report was made shall be directed to forward a copy of the certificate to the person to whom it relates.

SEC. 502. The Secretary of State is hereby authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings of a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.

SEC. 503. If any person who claims a right or privilege as a national of the United States is denied such right or privilege by any Department or agency, or executive official thereof, upon the ground that he is not a national of the United States, such person, regardless of whether he is within the United States or abroad, may institute an action against the head of such Department or agency in the District Court of the United States for the District of Columbia or in the district court of the United States for the district in which such person claims a permanent residence for a judgment declaring him to be a national of the United States. If such person is outside the United States and shall have instituted such an action in court, he may, upon submission of a sworn application showing that the claim of nationality presented in such action is made in good faith and has a substantial basis, obtain from a diplomatic or consular officer of the United States in the foreign country in which he is residing a certificate of identity

Loss dependent on own acts, etc.

Time restriction on loss of nationality.  
*Ante*, p. 1170.

*Proviso.*  
Persons subject to designated presumption.

8 U. S. C. § 17.

Noncontravention of treaties, etc.

Certificates of loss of nationality.  
*Ante*, p. 1168.

Certificates of nationality.

Use.

Court proceedings for declaration of U. S. nationality.

Certificates of identity for U. S. entry.

stating that his nationality status is pending before the court, and may be admitted to the United States with such certificate upon the condition that he shall be subject to deportation in case it shall be decided by the court that he is not a national of the United States. Such certificate of identity shall not be denied solely on the ground that such person has lost a status previously had or acquired as a national of the United States; and from any denial of an application for such certificate the applicant shall be entitled to an appeal to the Secretary of State, who, if he approves the denial, shall state in writing the reasons for his decision. The Secretary of State, with approval of the Attorney General, shall prescribe rules and regulations for the issuance of certificates of identity as above provided.

Appeal.

Rules, etc.

Repeal.

SEC. 504. The following Acts or parts of Acts are hereby repealed;

Section 1992, Revised Statutes (U. S. C., title 8, sec. 1);

Section 1993, Revised Statutes, as amended by section 1, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, sec. 6);

Section 2166, Revised Statutes, as limited by section 2, Act of May 9, 1918 (40 Stat. 546-547; U. S. C., title 8, sec. 395);

Section 2172, Revised Statutes (U. S. C., title 8, sec. 7);

Section 100, Act of April 30, 1900 (31 Stat. 161; U. S. C., title 8, sec. 385 (first paragraph));

Act of June 29, 1906, chapter 3592 (34 Stat. 596) (except subdivisions 6 and 8 of section 4 and sections 10, 16, 17, 19, and 26, thereof), as added to, supplemented, or amended by section 1, Act of June 25, 1910 (36 Stat. 829); section 1, and second paragraph of section 3, Act of May 9, 1918 (40 Stat. 542-546, 547, 548); Act of June 8, 1926 (44 Stat. 709); section 4, Act of February 25, 1927 (44 Stat. 1235); Act of March 2, 1929 (45 Stat. 1512) (except sections 6 (e), and section 7 (b), thereof); section 1, Act of March 4, 1929 (45 Stat. 1545); Act of June 21, 1930 (46 Stat. 791); sections 1, 2, 3, and 4 (a), Act of March 3, 1931 (46 Stat. 1511); Act of May 25, 1932 (47 Stat. 165) (except sections 1, 5, and 7, thereof); and Act of April 19, 1934 (48 Stat. 597); United States Code, title 8, sections 18, 106, 106a, 106b, 106c, 351, 352, 353, 354, 356, 357, 358, 358a, 360, 364, 365, 372, 373, 377, 377c, 378, 379, 380, 380b, 381, 382, 384, 386, 387, 388, 389, 391, 392, 393, 394, 396, 397, 398, 399, 399a, 399b (a), 399b (b), 399b (c), 399b (d), 399c (a), 399c (b), 399c (c), 399d, 400, 401, 402, 403, 404, 405, 408, 409, 410, 411, 412, 413, 414, and 415;

Sections 2, 5, 6, and 7, Act of March 2, 1907 (34 Stat. 1228, 1229), as amended by section 2, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 8, 16, and 17);

Sections 74 to 81, inclusive, Act of March 4, 1909 (35 Stat. 1102-1103; U. S. C., title 18, secs. 135 and 137 to 143, inclusive);

That portion of section 1, Act of August 22, 1912 (37 Stat. 356; U. S. C., title 8, sec. 11), reading as follows:

"SEC. 1998. That every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six of the Revised Statutes of the United States: *Provided*, That the provisions of this section and said section nineteen hundred and ninety-six shall not apply to any person hereafter deserting the military or naval services of the United States in time of peace: \* \* \*";

8 U. S. C., Supp. V,  
§§ 106a, 357, 379-382,  
388, 399b.

So much of section 1, Act of October 6, 1917, chapter 79 (40 Stat. 376; U. S. C., title 39, sec. 324), as reads as follows: "*Provided further*, That all mail matter, of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Bureau of Naturalization by clerks of State or Federal courts, addressed to the Department of Justice, or the Bureau of Naturalization, or to any official thereof, and indorsed 'Official Business', shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided further*, That if any person shall make use of such indorsement to avoid payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction.";

Section 1, last proviso of section 2, and second paragraph of section 3, Act of May 9, 1918 (40 Stat. 542-546, 547, 548), as amended by section 6 (c), (d), Act of March 2, 1929 (45 Stat. 1514); Act of June 21, 1930 (46 Stat. 791); and sections 2 (a), 3, and 10, Act of May 25, 1932 (47 Stat. 165-166; U. S. C., title 8, secs. 18, 354, 377, 378, 384, 387, 388, 389, 391, 392, 393, 394, 395, 403, and 405);

8 U. S. C., Supp. V,  
§ 388.

Proviso to second paragraph of section 4, chapter XII, Act of July 9, 1918, chapter 143 (40 Stat. 885; U. S. C., title 8, sec. 366);

Second proviso to section 1, Act of August 31, 1918, chapter 166 (40 Stat. 955);

Act of November 6, 1919, chapter 95 (41 Stat. 350; U. S. C., title 8, sec. 3);

Sections 1, 2, 3, and 4, Act of September 22, 1922 (42 Stat. 1021-1022); as amended by sections 1 and 2, Act of July 3, 1930 (46 Stat. 854); section 4, Act of March 3, 1931 (46 Stat. 1511-1512); and section 4, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 367, 368, 368a, 369, and 369a);

8 U. S. C., Supp. V,  
§ 368.

Act of June 8, 1926 (44 Stat. 709; U. S. C., title 8, sec. 399a);

Section 4, Act of February 25, 1927 (44 Stat. 1235; U. S. C., title 8, sec. 358a);

Act of March 2, 1929, chapter 536 (45 Stat. 1512-1516) (except sec. 6 (e), and sec. 7 (b)); as amended or added to by sections 4, 5, and 6, Act of May 25, 1932 (47 Stat. 165-166); and sections 1, 2, 3, 4, and 6, Act of April 19, 1934 (48 Stat. 597-598; U. S. C., title 8, secs. 106a, 106b, 106c, 356, 377b, 377c, 379, 380a, 380b, 382, 388, 399b (a), 399b (b), 399b (c), 399b (d), 399c (a), 399c (b), 399c (c), 399d, 399e, and 402);

8 U. S. C., Supp. V,  
§§ 106a, 379, 382, 388,  
399b.

Section 1, Act of March 4, 1929 (45 Stat. 1545; U. S. C., title 8, sec. 373);

8 U. S. C., Supp. V,  
§ 373.

Act of June 21, 1930 (46 Stat. 791; U. S. C., title 8, sec. 18);

Section 2, Act of July 3, 1930 (46 Stat. 854; U. S. C., title 8, sec. 369);

Act of February 11, 1931 (46 Stat. 1087; U. S. C., title 8, sec. 366a);

Act of March 3, 1931 (46 Stat. 1511-1512) (except section 4 (b), thereof) (U. S. C., title 8, secs. 9, 372a, 396, and 397);

Sections 2, 3, 4, 6, 8, 9, and 10, Act of May 25, 1932 (47 Stat. 165-166); as amended by section 2, Act of April 19, 1934 (48 Stat. 597; U. S. C., title 8, secs. 356 (a), 377, 377b, 384, 388, 399b (b), and 399b (c));

8 U. S. C., Supp. V,  
§ 388.

Act of April 19, 1934 (48 Stat. 597-598; U. S. C., title 8, secs. 106a (b), 380a, 399b (a), 399b (b), 399b (c), 399c (a), 399f, and 402);

8 U. S. C., Supp. V,  
§§ 106a, 399b.

Sections 1, 2, 3, and 4, Act of May 24, 1934 (48 Stat. 797; U. S. C., title 8, secs. 6, 8, 17a, and 368); and

8 U. S. C., Supp. V,  
§ 368.

Second proviso to Act of June 27, 1934 (48 Stat. 1245, ch. 845; U. S. C., title 48, sec. 733b);

8 U. S. C., Supp. V,  
 §§ 392b-392d.  
 8 U. S. C., Supp. V,  
 §§ 392e-392g.  
 8 U. S. C., Supp. V,  
 §§ 382-382a.  
 8 U. S. C., Supp. V,  
 § 9a.  
 8 U. S. C., Supp. V,  
 § 388.  
 8 U. S. C., Supp. V,  
 §§ 5d, 5e.  
 8 U. S. C., Supp. V,  
 § 5a-1.  
 8 U. S. C., Supp. V,  
 § 382.  
 8 U. S. C., Supp. V,  
 §§ 373, 379, 381.  
 8 U. S. C., Supp. V,  
 §§ 382b, 382c.  
 Prior nationality  
 status.

Act of June 24, 1935, chapter 288 (49 Stat. 395) ;  
 Act of June 24, 1935, chapter 290 (49 Stat. 397) ;  
 Act of June 25, 1936, chapter 811 (49 Stat. 1925-1926) ;  
 Act of June 25, 1936, chapter 801 (49 Stat. 1917) ;  
 Section 3, Act of July 30, 1937 (50 Stat. 548) ;  
 Act of August 4, 1937, chapter 563 (50 Stat. 558) ;  
 Act of May 16, 1938, chapter 225 (52 Stat. 377) ;  
 Joint resolution of June 29, 1938 (52 Stat. 1247) ;  
 Act of June 20, 1939, chapter 224 (53 Stat. 843-844) ;  
 Act of August 9, 1939, chapter 610 (53 Stat. 1273) ;  
 And any other Acts or parts of Acts in conflict with the provisions of  
 this Act, except for the purposes of section 346 of this Act.

The repeal herein provided shall not terminate nationality heretofore  
 lawfully acquired, nor restore nationality heretofore lost under any law  
 of the United States or any treaty to which the United States may have  
 been a party.

Separability clause.

SEC. 505. If any provision of this Act shall for any reason be declared  
 by any court of competent jurisdiction to be invalid, such declaration  
 shall not invalidate the remainder of this Act.

## TITLE II

Effective date.

SEC. 601. This Act shall take effect from and after ninety days from  
 the date of its approval.

Approved, October 14, 1940.

### [CHAPTER 877]

#### AN ACT

To amend the Act of June 23, 1938 (52 Stat. 944).

*Be it enacted by the Senate and House of Representatives of the  
 United States of America in Congress assembled,* That the Act of  
 June 23, 1938 (52 Stat. 944), is hereby amended as follows:

Section 5, strike out subsection (a) and substitute the following:

“(a) The board for the recommendation of line officers for promo-  
 tion to the grades of rear admiral and captain shall consist of nine  
 rear admirals on the active list of the line of the Navy, not restricted  
 by law to the performance of shore duty only. The board for the  
 recommendation of line officers for promotion to the grade of com-  
 mander shall consist of three rear admirals and six captains on the  
 active list of the line of the Navy, not restricted by law to the  
 performance of shore duty only. These boards shall be appointed  
 by the Secretary of the Navy and convened at least once each year  
 and at such times as the Secretary of the Navy may direct.”

Section 7, in subsections (a) and (b), strike out “or who is not  
 physically qualified”.

Section 8, in subsection (a), strike out “other than medical”.

Section 9, strike out subsection (f) and substitute the following:

“(f) All reports or recommendations of a line selection board  
 under any provision of law shall require the concurrence of at least  
 two-thirds of the members.”

Section 11, in subsection (b), at the end of the second proviso insert  
 “with retired pay computed as provided in section 12 (b) of this  
 Act”.

Section 12, subsection (f), in line 5 change “from” to “to”, and  
 in line 6, after “promoted”, insert “computed as provided in subsec-  
 tion (b) of this section”.

October 14, 1940  
 [H. R. 10295]  
 [Public, No. 854]

Navy.  
 Promotion, etc., of  
 officers.

34 U. S. C., Supp.  
 V, § 292 (a).  
 Selection boards.  
 Appointment, meet-  
 ings, composition, etc.

34 U. S. C., Supp.  
 V, §§ 295, 313.

34 U. S. C., Supp.  
 V, § 294 (a).  
 34 U. S. C., Supp.  
 V, § 297 (e).  
 Recommendations of  
 line selection board.

34 U. S. C., Supp.  
 V, § 300 (b).

34 U. S. C., Supp.  
 V, § 404 (f).

Section 12, strike out subsection (k) and substitute the following: “(k) Lieutenant commanders and lieutenants with date of rank as such prior to June 23, 1938, and lieutenants (junior grade) who on that date were carried as additional numbers in grade by reason of not having been recommended for promotion, shall, at their own request, in lieu of honorable discharge as provided in subsection (c) of this section, be retired on June 30 of the fiscal year in which they fail of selection as best fitted the second time or on June 30 of the fiscal year in which they complete the period of service designated in the Act of March 3, 1931, as amended (U. S. C., title 34, Supp. III, secs. 286a and 286i), whichever date shall be later with retired pay computed as provided in subsection (b) of this section: *Provided*, That any officer retained on the active list pursuant to this subsection shall be ineligible for consideration for promotion by subsequent selection boards: *Provided further*, That lieutenants who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who shall have completed not less than twenty-one years of service, and who subsequent to June 23, 1938, have been or shall hereafter be retired under any provision of law, shall be advanced to the grade of lieutenant commander on the retired list effective from date of retirement with the retired pay of that grade.”

Section 14, in line 9 of subsection (a), after “grade” insert “with probationary appointments”.

Approved, October 14, 1940.

34 U. S. C., Supp. V, § 404 (k).  
Retirement of designated officers.

46 Stat. 1483.

*Provisos.*  
Ineligibility for promotion.

Advancement of lieutenants with specified service.

34 U. S. C., Supp. V, § 405.

[CHAPTER 878]

AN ACT

To empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That special agents and such other employees of the Division of Investigations, Department of the Interior of the United States, as are designated by the Secretary of the Interior for that purpose, are authorized and empowered to administer to or take from any person an oath, affirmation, affidavit, or deposition whenever necessary in the performance of their official duties. Any such oath, affirmation, affidavit, or deposition administered or taken by or before a special agent or such other employee of the Division of Investigations, Department of the Interior, designated by the Secretary of the Interior, when certified under his hand, shall have like force and effect as if administered or taken before an officer having a seal.

Approved, October 14, 1940.

October 14, 1940

[S. 2627]

[Public, No. 855]

Division of Investigations, Department of Interior.  
Special agents empowered to administer oaths, etc.

Validity.

[CHAPTER 879]

AN ACT

Authorizing special arrangements in the transportation of mail within the Territory of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever required by the Postmaster General, any air carrier authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938 to engage in the transportation of mail in the Territory of Alaska shall, within the limits of such authorization, transport, in

October 14, 1940

[H. R. 9851]

[Public, No. 856]

Alaska.  
Transportation of mail by aircraft.

52 Stat. 987-1005.  
40 U. S. C., Supp. V, §§ 481-496.

39 U. S. C. § 463;  
Supp. V, § 463.

Payment to carrier;  
rates.

Special arrange-  
ments in certain cases.

Contracts.

52 Stat. 990, 1005.  
49 U. S. C., Supp.  
V, §§ 481 (i), 496.

Cancellation.

Rates of postage.

Funds for payment  
of services.

addition to mail on which postage shall have been paid at the rate provided by the Act of June 12, 1934 (48 Stat. 933), as amended, any other classes of mail bearing the appropriate postage for its respective class, and the Postmaster General is authorized to require such transportation. The rates of compensation to be paid such carrier for the transportation of all mail shall be fixed by the Civil Aeronautics Authority in accordance with the provisions of the Civil Aeronautics Act of 1938, approved June 23, 1938 (52 Stat. 973). When in the opinion of the Postmaster General the needs of the Postal Service require the transportation of mail by aircraft in the Territory of Alaska, where no transportation of mail by aircraft has been authorized by the Civil Aeronautics Authority under title IV of the Civil Aeronautics Act of 1938, the Postmaster General, notwithstanding any other provision of law, is authorized to contract for the carriage of all classes of mail bearing the appropriate postage for its respective class by aircraft after advertisement in accordance with law. The transportation of mail under contracts entered into under this Act shall not, except for sections 401 (l) and 416 (b) of the Civil Aeronautics Act of 1938, be deemed to be "air transportation" as that term is defined in the Civil Aeronautics Act of 1938, and the rates of compensation for such transportation of mail shall not be fixed under that Act. The Postmaster General shall transmit a copy of each contract made pursuant to this Act to the Civil Aeronautics Authority at the time it is let. Any such contract shall be canceled upon the issuance by the Civil Aeronautics Authority of an authorization under said title IV of the Civil Aeronautics Act of 1938 to any air carrier to engage in the transportation of mail by aircraft between any of the points named in such contract. That the Postmaster General in his discretion, may fix the postage for the mails carried, or any part thereof, by aircraft to, from, or within Alaska, at rates not exceeding in any case 30 cents per ounce or 15 cents per half ounce, notwithstanding any other provision of law.

SEC. 2. Payment for services pursuant to contracts entered into by the Postmaster General under authority of this Act shall be made from the appropriation for star route service in Alaska.

Approved, October 14, 1940.

[CHAPTER 884]

AN ACT

October 15, 1940  
[S. 3612]  
[Public, No. 857]

To authorize the Secretary of War to accept, as loans, from States and political subdivisions thereof, funds to be immediately used in the prosecution of authorized flood-control work, and for other purposes.

Flood-control proj-  
ects.  
Acceptance of State  
funds for.

Repayment.

Proviso.  
Restriction on re-  
payment.

50 Stat. 518.  
33 U. S. C., Supp. V,  
§ 701h.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any State or political subdivision thereof shall offer to advance funds for a flood-control project duly adopted and authorized by law the Secretary of War may in his discretion, receive such funds and expend the same in the immediate prosecution of such work. The Secretary of War is authorized and directed to repay without interest, from appropriations which may be provided by Congress for flood-control work, the moneys so contributed and expended: *Provided, however,* That no repayment of funds which may be contributed for the purpose of meeting any conditions of local cooperation imposed by Congress, or under the authority of section 5 of the Flood Control Act approved June 22, 1936, as amended, shall be made.

Approved, October 15, 1940.

## [CHAPTER 885]

## AN ACT

To increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes.

October 15, 1940  
[S. 4275]  
[Public, No. 858]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided,* That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men authorized by this section: *Provided further,* That when the number of Army mine planters in service and under construction exceeds fourteen, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further,* That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such, have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further,* That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

Army Mine Planter Service.  
Increase in personnel authorized.

*Provisos.*  
Coast Artillery Corps, increase.

Temporary appointments.

Rank, etc., while serving.

Reversion to former grade upon termination of temporary appointment.

Relative rank, pay, and allowances of warrant officers.

Warrant officer second assistant engineers.

Approved, October 15, 1940.

## [CHAPTER 886]

## AN ACT

To provide for the completion of certain local protection works at East Hartford, Connecticut.

October 15, 1940  
[S. 4362]  
[Public, No. 859]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the comprehensive plan for flood control in the Connecticut River Basin provided for in the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938, is hereby modified to include the local protection works at East Hartford, Connecticut, recommended by the Chief of Engineers in House Document Numbered 653, Seventy-sixth Congress, third session; and there is hereby authorized to be appropriated for the completion of the said works the sum of \$1,640,000.

East Hartford, Conn.  
Flood-control plan modified.

52 Stat. 1216.  
33 U. S. C., Supp. V,  
§ 701f (note).

Appropriation authorized.

Approved, October 15, 1940.

## [CHAPTER 887]

## AN ACT

October 15, 1940  
[H. R. 9654]  
[Public, No. 860]

To extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar.

Sugar Act of 1937,  
amendment.  
50 Stat. 916.  
7 U. S. C., Supp. V,  
§ 1183 (note).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 513 of the Sugar Act of 1937 (relating to termination of powers of the Secretary of Agriculture under the Sugar Act) is amended to read as follows:

Termination of  
powers of Secretary;  
exception.

"SEC. 513. The powers vested in the Secretary under this Act shall terminate on December 31, 1941, except that the Secretary shall have power to make payments under title III under programs applicable to the crop year 1941 and previous crop years."

50 Stat. 909-912.  
7 U. S. C., Supp. V,  
§§ 1131-1137.  
53 Stat. 429.

SEC. 2. Section 3508 of the Internal Revenue Code (relating to termination of taxes under the Sugar Act) is amended to read as follows:

"SEC. 3508. TERMINATION OF TAXES.

No tax to be im-  
posed after June 30,  
1942.

"No tax shall be imposed under this chapter on the manufacture, use, or importation of sugar after June 30, 1942."

50 Stat. 915.  
48 U. S. C., Supp. V,  
§ 1007a.  
Philippine Islands,  
payments.

SEC. 3. Section 503 of the Sugar Act of 1937 (relating to payments to the Commonwealth of the Philippine Islands) is amended by striking out "June 30, 1941" and inserting in lieu thereof "June 30, 1942".

50 Stat. 908.  
7 U. S. C., Supp. V,  
§ 1117 (b).  
Direct-consumption  
quota for Puerto Rico.

SEC. 4. Subsection (b) of section 207 of the Sugar Act of 1937 (relating to direct-consumption sugar from Puerto Rico) is amended by adding at the end thereof the following new sentence: "This subsection is hereby extended so that not more than one hundred and twenty-six thousand and thirty-three short tons, raw value, of the quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar: *Provided, however,* That the amount of said quota which may be filled by direct-consumption sugar for the calendar year 1940 shall not be less than the quantity of direct-consumption sugar from Puerto Rico actually brought into the continental United States, for consumption therein, after December 31, 1939, and up to and including the date of the enactment of this amendatory sentence."

*Proviso.*  
Amount for calen-  
dar year 1940.

50 Stat. 907.  
7 U. S. C., Supp. V,  
§ 1117 (a).  
Direct-consumption  
quota for Hawaii.

SEC. 5. Subsection (a) of section 207 of the Sugar Act of 1937 (relating to direct-consumption sugar from Hawaii) is amended by adding at the end thereof the following new sentence: "This subsection is hereby extended so that not more than twenty-nine thousand six hundred and sixteen short tons, raw value, of the quota for Hawaii for any calendar year may be filled by direct-consumption sugar: *Provided, however,* That the amount of said quota which may be filled by direct-consumption sugar for the calendar year 1940 shall not be less than the quantity of direct-consumption sugar from Hawaii actually brought into the continental United States, for consumption therein, after December 31, 1939, and up to and including the date of the enactment of this amendatory sentence."

*Proviso.*  
Amount for calen-  
dar year 1940.

Approved, October 15, 1940.

## [CHAPTER 888]

## AN ACT

October 17, 1940  
[S. 4270]  
[Public, No. 861]

To promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

Soldiers' and Sail-  
ors' Civil Relief Act  
of 1940.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

## ARTICLE I—GENERAL PROVISIONS

SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this Act remains in force.

SEC. 101. (1) The term "persons in military service" and the term "persons in the military service of the United States", as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term "military service", as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms "active service" or "active duty" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service", as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

(3) The term "person", when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court", as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties,

General provisions.

Definition of terms.  
"Persons in military service."  
"Persons in the military service of the United States."

"Military service."

"Active service" or  
"active duty."

"Period of military service."

"Person."

"Court."

Applicability of Act.

Enforcement.

Court jurisdiction.

Stay, etc., to persons secondarily liable.

guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

Vacating of judgment, etc., as to sureties, etc.

(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

## ARTICLE II—GENERAL RELIEF

Protection against judgment in default, etc.

Affidavit as to status of defendant required.

SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

Bond to indemnify defendant in military service.

Other relief.

Penalty for false affidavit.

(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

Attorney to represent person in service if not present, etc.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

Judgment against person in service. Reopening after termination, if prejudiced thereby.

(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

Condition.

Right or title of bona fide purchaser.

SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

Stay of proceeding;  
exception.

SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

Relief against fines  
or penalties on con-  
tracts, etc., while in  
service.

SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

Actions against per-  
sons in service.  
Authority of court.

(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

Stay execution of  
judgment.

(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

Vacate attachment,  
etc.

SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

Continuance of  
stay, etc.

Codefendants.

SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

Statute of limita-  
tions.  
Military service not  
included in period.

### ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed \$80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

Evictions re-  
strained.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in

Stay of proceedings,  
etc.

the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act, or it may make such other order as may be just.

Punishment for unlawful eviction.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

Allotments of pay for rent.

(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

Installment purchases.  
Restriction on rescinding certain contracts.

SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

*Proviso.*  
Modification, etc., of contracts by mutual consent.

Retaking property except under court action; penalty.

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

Judicial proceedings for terminating contract, etc.

(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

Prior obligations secured by mortgage, etc.

SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

Action of court in cases of nonpayment, etc.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the

opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

- (a) stay the proceedings as provided in this Act; or
- (b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

#### ARTICLE IV—INSURANCE

SEC. 400. In this article the term "policy" shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term "premium" shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term "insured" shall include any person who is the holder of a policy as defined in this article; the term "insurer" shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of \$5,000, irrespective of the number of policies held by such person whether in one or more

Sale under warrant to confess judgment, etc., restricted.

Resumption of possession of motor vehicle, etc.  
Stay of proceedings, restriction.

Exception.

Indemnity bond.

"Policy" defined.

"Premium."

"Insured."

"Insurer."

Persons in service entitled to benefits hereof.

Application forms.

Issue of forms, etc.

Maximum amount of benefits allowed.

companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

Restriction as to unpaid premiums.

Outstanding loans.

Applicants for benefits to be listed.

SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

Notice of rejection or approval.

Reduction of policies exceeding \$5,000, etc.

SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of \$5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of \$5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

No lapses for nonpayment during service period.

SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

Proviso. Limitation.

Insurance corporations, etc. Monthly reports.

SEC. 406. Within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

Names of applicants; face value of policies.

First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

Unpaid premiums.

Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

Defaulted premiums paid.

Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

Computation of monthly difference.

Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of

premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

Verification of computation.

Certificate of monthly difference in respect of each insurer.

Transfer restricted.

Use as security for unpaid premiums.

Lien on policy.

SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

Deduction from proceeds of policy in case of death during service.

SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

Lapse of policy.

SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

*Proviso.*  
If insured is in service when Act terminates.

SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

Statement of account.

Credit to insurer.

Credit to United States.

SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in

Balance to be paid upon surrender of certificates.

the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

Designated policies not subject to benefits.

SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

Companies within application of article.

SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

#### ARTICLE V—TAXES AND PUBLIC LANDS

Real property of persons in service.

SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

Restriction on sale for unpaid taxes.

(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

Court action.

Redemption provisions.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

Interest on unpaid taxes.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

Notice of benefits accorded.

(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

(3) This section shall not be construed to control specific requirements contained in this article.

SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation

Public lands.  
Protection of rights during period of service.

43 U. S. C. ch. 8a; Supp. V, ch. 8a.  
Discretionary suspension of permit; refund of grazing fees.

Exemptions.

Service accepted for homestead residence.

Credit allowed if discharged for disability.

Residence before issue of patent.

Death of applicant for homestead while in service, etc.

Rights of widow or minor children.

Residence and cultivation requirements.

Proof of entry if discharged with service disability.

Repeal.  
43 U. S. C. §§ 241-242, 272.  
Desert-land entry.  
Expenditure and reclamation requirements.

for failure to make or expend the sum of \$1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

Proof of entry if discharged with service disability.

(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

Entryman required to file notice of entry into military service.

(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

39 U. S. C. § 28. Mining labor regulations.

SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than \$100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

No forfeiture by nonperformance of annual assessments.

Obtainment of benefits, requirements.

(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

Permit or lease under Federal mineral leasing laws. Suspension of operations.

SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

Obtainment of benefits, requirements.

(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

Construing of section.

(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

Perfection, etc., of rights while in service.

SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the

regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the "Reclamation Act" requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

SEC. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

Rules and regulations.

Residence requirements, lands in private ownership, etc.

Use of available water.

Explanatory notice to be distributed.

Application forms.

Performance of farm labor.

Leaves of absence to entrymen during pendency of war.

No excuse allowed for nonperformance.

Public lands. Equal rights accorded persons under age of 21.

U. S. citizens serving with allied forces.

SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

Tax collection from person in military service.

SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

53 Stat. 175, 1381.  
26 U. S. C., Supp.  
V, §§ 1400, 1432.

#### ARTICLE VI—ADMINISTRATIVE REMEDIES

Evasive transfers of interests.

SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

Certificates as to service.

SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

Prima facie evidence of specified facts.

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

Certificates furnished on application.

(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting

upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

Presumption as to persons reported missing.

*Proviso.*  
Limitation.

SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

Court action.

SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Saving clause.

SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

Duration.  
*Provisos.*  
Extension.

Continuance of authorized transactions.

SEC. 605. The provisions of section 4 of the joint resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act.

Inapplicability of certain provisions.  
*Ante*, pp. 880, 885.

Approved, October 17, 1940.

[CHAPTER 889]

AN ACT

To authorize the lease or sale of certain public lands in Alaska, and for other purposes.

October 17, 1940  
[H. R. 6658]

[Public, No. 562]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sections numbered 16 and 36 in townships 17 and 18 north, ranges 1 and 2 east, Seward meridian, Alaska, are hereby released from the reservation thereof made by the Act of March 4, 1915 (38 Stat. 1214), for the support of the common schools in the Territory of Alaska, and in lieu of the lands so released an equal area of vacant, nonmineral, surveyed, unreserved, public lands in the Territory of Alaska may be designated and reserved for the support of the common schools in the Territory of Alaska in the manner provided by the Act of February 28, 1891 (26 Stat. 796).

Alaska.  
Exchange of certain public lands.

43 U. S. C. § 353.

43 U. S. C. § 851.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion, to lease, or to sell at not less than \$1.25 per acre, under such rules and regulations and upon such terms and conditions as he may

Lease or sale of lands released from reservation.

prescribe, the lands released from reservation by section 1 of this Act and the public lands in townships 17 and 18 north, ranges 1 and 2 east; sections 25, 26, 27, 31, 32, 33, 34, and 35, township 17 north, range 1 west; sections 3, 4, 5, 6, and 7, township 16 north, range 1 west; sections 1, 2, 11, and 12, township 16 north, range 2 west, Seward meridian, Alaska: *Provided, however,* That all patents and leases issued under the provisions of this Act shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe. The provisions of this section are subject to valid existing rights.

Approved, October 17, 1940.

[CHAPTER 890]

AN ACT

October 17, 1940

[H. R. 7252]

[Public, No. 863]

To authorize the Secretary of the Interior to sell or lease for park or recreational purposes, and to sell for cemetery purposes, certain public lands in Alaska.

Alaska.  
Sale or lease of certain lands for park, etc., purposes.

For cemetery purposes.

*Proviso.*  
Reservation of mineral rights.

Inapplicability of designated Act.  
43 U. S. C. § 729.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to appraise and sell, or to lease, to any incorporated city or town in Alaska, for park or recreational purposes, not to exceed one hundred and sixty acres of vacant and unreserved public lands in the Territory, which, in his opinion, are reasonably accessible to such city or town, and to appraise and sell to any such city or town, for cemetery purposes, not to exceed eighty acres of such land: *Provided,* That each patent issued under the provisions of this Act shall contain a reservation to the United States of the coal and other mineral deposits in the land conveyed, together with the right to prospect for, mine, and remove the same, under rules and regulations issued by the Secretary of the Interior.

SEC. 2. From and after the date of enactment of this Act, the Act of September 30, 1890 (26 Stat. 502), shall not apply to the Territory of Alaska.

Approved, October 17, 1940.

[CHAPTER 891]

AN ACT

October 17, 1940

[H. R. 8613]

[Public, No. 864]

To amend the Act to provide for the retirement of disabled nurses of the Army and the Navy.

Disabled nurses of Army and Navy.  
10 U. S. C. § 937.

*Proviso.*  
Retirement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Public Law Numbered 401 (71st Cong.) (46 Stat. 790), dated June 20, 1930, be amended by adding thereto the following proviso: *Provided,* That any person who served as a member of the Army Nurse Corps or of the Navy Nurse Corps during the World War and continuously thereafter until May 13, 1926, and who was, prior to June 20, 1930, separated from said corps by reason of physical disability incurred in line of duty, shall, upon her application therefor, be entitled to be placed upon the retired list of the Nurse Corps of which she was a member, as provided in this Act, her retired pay hereunder becoming effective on the date of receipt by the Secretary of War or the Secretary of the Navy, as the case may be, of such application or the date of enactment of this amendment whichever is the later.

Approved, October 17, 1940.

## [CHAPTER 892]

## AN ACT

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

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

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

Death Valley National Monument, Calif.

Lands in, conveyed to United States.

Selection in lieu thereof.

*Provided.*  
Lands to become part of monument.

Evidence of title.

Approved, October 17, 1940.

## [CHAPTER 893]

## AN ACT

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

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

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

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

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

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

Administrative provisions in veterans' laws.

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

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

No liability of disbursing officer.

Provision retroactive.

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

Burial allowances.  
*Ante*, p. 963.

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

**Contracts.** No deductions because of other contributions; exception.

*Provisos.* Amount restricted.

Cash contributions to other than person rendering burial services.

Payment of expenses under any other Act.

Transportation of body from a facility to place of burial.

Veteran dying while hospitalized.

Claims for reimbursement.

*Proviso.* Certain unfilled, etc., claims.

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

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

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

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

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

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

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

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

Territory or U. S. possession.

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

Application of section.

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

Apportionment of veterans' benefits.

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

Designated conflicting laws, etc., repealed or modified.

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

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

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

Restriction on domiciliary, etc., care.

*Proviso.*  
Exception.

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

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

*Provisos.*  
Inapplicability in designated cases.

No deductions.

38 U. S. C., Supp. V, § 687b.

Disability compensation.

43 Stat. 618.  
38 U. S. C. § 474.

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

Death compensation to dependents of certain World War veterans.

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

Service-connected disability compensation.

Payment of forfeited benefits to dependents.

*Proviso.*  
No payment to accomplice.

Reimbursement on account of other expenses authorized by law.

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

Payment not retroactive.

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

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

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

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

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

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

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

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

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

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

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

Approved, October 17, 1940.

[CHAPTER 894]

AN ACT

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

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

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

Disclosure of information.

*Proviso.*  
Release, if serving useful purpose.

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

Uniformity in payment of benefits for specified injuries.

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

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

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

Description of tract.

south nineteen degrees west twenty-four chains; thence along top of divide north fifty degrees east thirty-two chains to corner numbered 4 at junction of ridge, extending northeasterly; thence along top of ridge north thirteen degrees east one hundred and sixty chains to corner numbered 5; thence west forty-eight chains to intake dam on unnamed creek, from which the town of Petersburg draws its domestic water supply; thence west fifty-eight and forty one-hundredths chains to the place of beginning, containing one thousand six hundred and twenty-seven acres.

Administration.

SEC. 2. The lands hereinbefore described and reserved for municipal water-supply purposes, which are within the Tongass National Forest, shall be administered by the Secretary of Agriculture, for the purpose of storing, conserving, and protecting from pollution the said water supply, and preserving, improving, and increasing the timber growth on said lands, to more fully accomplish such purposes; and to that end said municipality shall have the right, subject to the approval of the Secretary of Agriculture, to the use of any and all parts of the lands reserved for the storage and conveying of water and construction and maintenance thereon of all improvements for such purposes: *Provided*, That the merchantable timber on the land to be used by the said municipality may be sold by the Secretary of Agriculture under rules and regulations to be prescribed by him: *And provided further*, That the right to the use by the town of Petersburg of the lands reserved by this Act shall terminate upon the abandonment of the use by such municipality in accordance with the terms of this Act, and upon a finding of such nonuse or abandonment, for a period of two years, by the Secretary of Agriculture, whereupon the reservation created by this Act shall terminate to the extent of such lands involved.

Right of municipality.

Provisions. Sale of timber.

Reversionary provisions.

Regulations.

SEC. 3. The Secretary of Agriculture is hereby authorized to prescribe and enforce such regulations as may be found necessary to carry out the purpose of this Act, including the right to forbid persons other than those authorized by him and the municipal authorities of said municipal corporation from entering or otherwise trespassing upon these lands, and any violation of this Act or of regulations issued thereunder shall be a misdemeanor and shall be punishable as is provided for in section 5050, Compiled Laws of Alaska, 1933.

Prior rights.

SEC. 4. Nothing herein contained shall affect any valid right or claim to any part of said lands heretofore acquired under any law of the United States.

Approved, October 17, 1940.

[CHAPTER 895]

AN ACT

Authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

October 17, 1940  
[H. R. 9972]  
[Public, No. 868]

Rivers and harbors. Improvements in interest of national defense. *Ante*, p. 506.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following works of improvement of rivers, harbors, and other waterways are hereby adopted and authorized, to be prosecuted in the interest of the national defense under the direction of the Secretary of War and supervision of the Chief of Engineers, in accordance with the plans recommended in the respective reports hereinafter designated and subject to conditions set forth therein:

Maine.

Kennebec River, Maine; improvement in accordance with the report on file in the Office, Chief of Engineers;

Massachusetts.

Boston Harbor, Massachusetts; House Documents Numbered 225 and 362, Seventy-sixth Congress;

- Nantasket (Hull) Gut and Weymouth Fore River, Massachusetts; House Document Numbered 568, Seventy-sixth Congress;
- Raritan River, New Jersey; channel to the Raritan Arsenal in accordance with the report on file in the Office, Chief of Engineers; New Jersey.
- Baltimore Harbor, Maryland; channel in Curtis Creek in accordance with the report on file in the Office, Chief of Engineers; Maryland.
- Middle River and Dark Head Creek, Maryland; House Document Numbered 556, Seventy-sixth Congress;
- Norfolk Harbor, Virginia; House Document Numbered 683, Seventy-sixth Congress; Virginia.
- Portsmouth Harbor, Virginia; channel to Nansemond Ordnance Depot in accordance with the report on file in the Office, Chief of Engineers;
- Channel from Manteo to Oregon Inlet, North Carolina; House Document Numbered 313, Seventy-sixth Congress; North Carolina.
- Silver Lake Harbor, North Carolina; House Document Numbered 325, Seventy-sixth Congress;
- Charleston Harbor, South Carolina; House Document Numbered 259, Seventy-sixth Congress; South Carolina.
- Charleston Harbor, South Carolina; channel to the ordnance depot in accordance with the report on file in the Office, Chief of Engineers;
- Mobile Harbor, Alabama; House Documents Numbered 221 and 282, Seventy-sixth Congress; Alabama.
- Sabine-Neches Waterway at Orange, Texas, in accordance with report on file in the Office of the Chief of Engineers; Texas.
- Corpus Christi, Texas; channel to and including a turning basin at Navy seaplane base, Encinal Peninsula, in accordance with the report on file in the Office, Chief of Engineers;
- Oswego Harbor, New York; House Document Numbered 96, Seventy-sixth Congress; New York.
- San Diego Harbor, California; House Document Numbered 844, Seventy-sixth Congress; California.
- Los Angeles and Long Beach Harbors, California; House Document Numbered 843, Seventy-sixth Congress, and in accordance with plans developed in conjunction with the Navy Department for modifying the alinement and increasing the length of the breakwater to approximately twenty-one thousand feet;
- Sitka Harbor, Alaska; House Document Numbered 331, Seventy-sixth Congress; Alaska.
- Kodiak Harbor, Alaska; House Document Numbered 332, Seventy-sixth Congress;
- Keehi Lagoon, Oahu, Territory of Hawaii; House Document Numbered 329, Seventy-sixth Congress; and Hawaii.
- San Juan Harbor, Puerto Rico; House Document Numbered 364, Seventy-sixth Congress; Puerto Rico.
- SEC. 2. The following modifications of projects, involving no cost to the United States, in addition to that heretofore authorized, are hereby adopted and authorized to be prosecuted:
- Wilmington Harbor, Delaware; in accordance with the provisions of House Document Numbered 658, Seventy-sixth Congress; Wilmington, Del.
- Cleveland Harbor, Ohio; the existing project set forth in House Document Numbered 84, Seventy-fourth Congress, and authorized by Public Law Numbered 392, Seventy-fifth Congress, is hereby modified to provide that cuts or partial cuts may be made before the related railroad bridges are modified or rebuilt when in the opinion of the Chief of Engineers such procedure will be advantageous to navigation; Cleveland, Ohio.
- The second proviso in section 2 of the Act of August 26, 1937 (50 Stat. 844, 850), authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, 50 Stat. 849.
- Central Valley project, Calif., reauthorization.

is hereby amended to read as follows: "*Provided further*, That the entire Central Valley project, California, heretofore authorized and established under the provisions of the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the First Deficiency Appropriation Act, fiscal year 1936 (49 Stat. 1622), is hereby reauthorized and declared to be for the purposes of improving navigation, regulating the flow of the San Joaquin River and the Sacramento River, controlling floods, providing for storage and for the delivery of the stored waters thereof, for construction under the provisions of the Federal reclamation laws of such distribution systems as the Secretary of the Interior deems necessary in connection with lands for which said stored waters are to be delivered, for the reclamation of arid and semi-arid lands and lands of Indian reservations, and other beneficial uses, and for the generation and sale of electric energy as a means of financially aiding and assisting such undertakings, and in order to permit the full utilization of the works constructed to accomplish the aforesaid purposes."

Purposes declared.

37 Stat. 222.  
33 U. S. C. § 603.

SEC. 3. That the paragraph in section 1 of the River and Harbor Act, approved July 25, 1912, authorizing the removal of temporary obstructions from tributaries of waterways under Federal improvement (37 Stat. L. 722), as amended in section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public work on rivers and harbors, and for other purposes", approved July 3, 1930, is hereby amended to read as follows:

46 Stat. 946.  
33 U. S. C. § 603.

Preliminary examinations and surveys.

Removal of temporary obstructions from tributary waters.

"The Chief of Engineers, in his discretion, and after approval by the Secretary of War, is hereby authorized to make preliminary examinations and minor surveys preliminary thereto and to remove snags and other temporary or readily removable obstructions from tributaries of waterways already under Federal improvement or in general use by navigation, or to make such minor improvements in any of the navigable waters of the United States as he may deem advisable in the interest of national defense, the cost thereof to be paid from funds appropriated for the maintenance and improvement of rivers and harbors: *Provided*, That the cost of such work in any single year shall not exceed \$3,000 per tributary."

*Proriso.*  
Cost limitation.

Red River, Tex. and Okla.  
Denison Reservoir project, purpose declared.  
52 Stat. 1219.

SEC. 4. The project for the Denison Reservoir on Red River in Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938, is hereby declared to be for the purpose of improving navigation, regulating the flow of the Red River, controlling floods, and for other beneficial uses.

Approved, October 17, 1940.

[CHAPTER 896]

AN ACT

To amend section 4551 of the Revised Statutes, as amended, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4551 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. V, title 46, sec. 643), is amended by the addition of a new subsection lettered (1), reading as follows:

"(1) The master of every vessel subject to the provisions of this section shall submit, over his signature, reports to the Bureau of Marine Inspection and Navigation of the employment, discharge, or termination of services of every seaman not shipped or discharged before a shipping commissioner, which reports shall contain such of the following information as may be required by regulation of the

October 17, 1940  
[H. R. 9982]  
[Public, No. 859]

R. S. § 4551, amendment.  
Shipment and discharge of seamen.

Master's report.

Contents.

Secretary of Commerce: (1) name of vessel, official number, voyage number, port, date, description of voyage, name in full of each seaman, number of continuous discharge book or certificate of identification and of license, certificate of registry, or service, and efficiency for rating in which employed, age, citizenship, capacity in which engaged, date and place of engagement, date and place of discharge or separation from service of vessel, the percentage of citizens of the United States in the crew, and name in full of the master and the serial number of his license; (2) a statement showing (a) that the master has entered into an agreement with each seaman on board such vessel as required by law; (b) that at least 65 per centum of the deck crew (exclusive of licensed officers) are of a rating not less than able seamen; (c) that at least 75 per centum of the crew in each department are able to understand orders given by the officers; (d) that the vessel has in her service the number of lifeboatmen required by her certificate of inspection; (e) that each member of the crew possesses a license, certificate of registry, or certificate of service for the rating in which he is engaged, and (f) that each lifeboatman possesses a certificate of efficiency. The Secretary of Commerce shall, by regulation, prescribe the form and content of such reports and time of submitting them. This subsection shall not apply to any ferry or any tug used in connection with a ferry operation, if such ferry or tug is employed exclusively in trade on the Great Lakes, lakes (other than the Great Lakes), bays, sounds, bayous, canals, and harbors, and is not engaged on an international voyage. Any master who shall violate any provision of this subsection or regulations established hereunder shall be subject to a penalty of \$500."

Form.

Designated ferries exempted.

Penalty.

SEC. 2. The President is hereby authorized, whenever in his judgment the national interest requires, to extend the provisions of subsection (1) of section 4551, Revised Statutes, as amended, to such additional class or classes of vessels and to such waters as he may designate.

Extension of provisions to other vessels, etc.

Approved, October 17, 1940.

[CHAPTER 897]

AN ACT

To require the registration of certain organizations carrying on activities within the United States, and for other purposes.

October 17, 1940  
[H. R. 10004]  
[Public, No. 870]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act—*

Registration of certain organizations. Definitions.

(a) The term "Attorney General" means the Attorney General of the United States;

"Attorney General."

(b) The term "organization" means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

"Organization."

(c) The term "political activity" means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

"Political activity."

(d) An organization shall be deemed to be engaged in "civilian military activity" if (1) it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or

"Civilian military activity."

any substitute therefor, or military or naval science, or (2) it receives from any other organization or from any individual instruction in military or naval science, or (3) it engages in any military or naval maneuvers or activities, or (4) it engages, either with or without arms, in drills or parades of a military or naval character, or (5) it engages in any other form of organized activity which in the opinion of the Attorney General constitutes preparation for military action; and

“Subject to foreign control.”

(e) An organization shall be deemed “subject to foreign control” if (1) it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization, or (2) its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

Organizations required to register.

SEC. 2. (a) The following organizations shall be required to register with the Attorney General as hereinafter provided:

(1) Every organization subject to foreign control which engages in political activity;

(2) Every organization which engages both in civilian military activity and in political activity;

(3) Every organization subject to foreign control which engages in civilian military activity; and

(4) Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Manner of registration.

Every such organization shall register by filing with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (c) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney General, on such forms and in such detail as the Attorney General may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

Filing of supplemental statements.

Exemptions.

(b) Nothing in subsection (a) shall be deemed to require registration or the filing of any statement with the Attorney General by (1) the armed forces of the United States, or (2) the organized militia or National Guard of any States, Territory, District, or possession of the United States, or (3) any law-enforcement agency of the United States or of any Territory, District, or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States, or (4) any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State, or (5) any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

(c) Every registration statement required by subsection (a) to be filed by any organization shall contain the following information and documents:

Registration state-  
ment.  
Contents.

(1) The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;

(2) The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;

(3) The qualifications for membership in the organization;

(4) The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;

(5) The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;

(6) The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(7) A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;

(8) A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;

(9) A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;

(10) A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;

(11) A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;

(12) In case the organization is subject to foreign control, the manner in which it is so subject;

(13) A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and

(14) Such other information and documents pertinent to the purposes of this Act as the Attorney General may from time to time require.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney General may prescribe.

Statements filed to  
be public records.

SEC. 3. The Attorney General is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary

Rules and regula-  
tions.

to carry out the provisions of this Act, including rules and regulations governing the statements required to be filed by this Act.

Penalty provisions.

SEC. 4. Any violation of any of the provisions of this Act shall be punishable by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both. Whoever in a statement filed pursuant to section 2 willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall, upon conviction, be subject to a fine of not more than \$2,000 or to imprisonment for not more than five years, or both.

Saving clause.

SEC. 5. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

Effective date.

SEC. 6. This Act shall take effect on the ninetieth day after the date of its enactment, except that prior to such ninetieth day the Attorney General may make, amend, or rescind such rules and regulations as may be necessary to carry out the provisions of this Act.

Approved, October 17, 1940.

[CHAPTER 898]

AN ACT

To amend further the District of Columbia Unemployment Compensation Act.

October 17, 1940

[H. R. 10322]

[Public, No. 871]

D. C. Unemployment Compensation Act, amendment.

49 Stat. 946.

8 D. C. Code, Supp. V, § 311 (b) (4).

Service performed in employ of U. S. Government.

53 Stat. 183.

26 U. S. C., Supp. V, § 1600.

Provisos.

Contributions to State unemployment funds.

Lack of certification by Social Security Board.

53 Stat. 185.

26 U. S. C. § 1603.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the District of Columbia Unemployment Compensation Act, approved August 28, 1935, as amended, be, and is hereby further, amended as follows: Substitute the following paragraph (4) for the present paragraph (4) of section 1 (b) :

“(4) service performed in the employ of the United States Government or of an instrumentality of the United States which is (A) wholly owned by the United States or (B) exempt from the tax imposed by section 1600 of the Internal Revenue Code of the United States by virtue of any other provision of law: *Provided*, That, in the event that the Congress of the United States, on or before the date of the enactment of this Act, has permitted or in the event that the Congress of the United States shall permit States to require any instrumentalities of the United States (except such as are (A) wholly owned by the United States, or (B) exempt from the tax imposed by section 1600 of the Internal Revenue Code by virtue of any other provision of law), to make contributions to an unemployment fund under a State unemployment compensation law, then, to the extent so permitted by Congress, and from and after the date as of which such permission becomes effective, or January 1, 1940, whichever is the later, all of the provisions of this Act shall be applicable to such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employees, individuals, and services: *Provided further*, That if the District of Columbia should not be certified by the Social Security Board under section 1603 of the Internal Revenue Code for any year, the payments required of any instrumentality of the United States or its employees with respect to such year shall be refunded by the District Unemployment Compensation Board in accordance with the provisions of section 4 (f) of this Act.”

SEC. 2. This Act shall be effective as of January 1, 1940: *Provided, however,* That any employer required to make retroactive payment of any contributions shall be given thirty days from the enactment of this Act within which to make such retroactive payments without incurring any penalty for the late payment of such contributions and all interest charges shall commence one month from the date of the enactment of this Act.

Effective date.  
*Provido.*  
 Retroactive pay-  
 ment of contributions.

Approved, October 17, 1940.

[CHAPTER 899]

AN ACT

To provide for an extension of the conditions under which a money allowance for quarters may be paid to certain non-commissioned officers of the Army of the United States.

October 17, 1940  
 [H. R. 10527]  
 [Public, No. 872]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each enlisted man of the first, second, or third grade of the Army of the United States in the active military service of the United States, having a dependent as defined in sections 8 and 8a, title 37, United States Code, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided and available for his dependent, the money allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind.

Army.  
 Certain noncom-  
 missioned officers; money  
 allowance for quarters.

42 Stat. 627; 45 Stat.  
 1254.

Approved, October 17, 1940.

[CHAPTER 903]

AN ACT

Establishing overtime rates for compensation for employees of the field services of the War Department, and the field services of the Panama Canal, and for other purposes.

October 21, 1940  
 [S. 4208]  
 [Public, No. 873]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of any other law, compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate is hereby authorized to be paid at such places and to such monthly, per diem, hourly, and piecework employees of the field services of the War Department and the field services of the Panama Canal whose wages are set by wage boards or other wage fixing authorities, and also to professional and subprofessional employees, and to blueprinters, photostat and rotaprint operators, inspectors, storekeepers, tool-keepers, and shop superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; 5 U. S. C. ch. 13), as amended, as shall be designated from time to time by the Secretary of War or the Governor of the Panama Canal, as the case may be, and the Secretary of War and the Governor of the Panama Canal are authorized to prescribe for their respective services, regulations for overtime employment for said employees or any of them: *Provided,* That in determining the overtime compensation of the foregoing per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries.

War Department  
 and Panama Canal.  
 Overtime compen-  
 sation for designated  
 employees.

5 U. S. C. §§ 661-  
 674; Supp. V. §§ 673,  
 673c.

Regulations.

*Provido.*  
 Computation.

SEC. 2. The provisions of this Act shall be effective during the national emergency declared by the President on September 8, 1939, to exist, and shall terminate June 30, 1942, unless the Congress shall otherwise provide.

Duration of pro-  
 visions; termination.

Approved, October 21, 1940.

## [CHAPTER 904]

## AN ACT

October 21, 1940

[H. R. 10495]

[Public, No. 874]

To amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

National Defense Act, amendment.  
39 Stat. 198.  
32 U. S. C. § 194.

Maintenance of State troops in time of peace.

Provisos.  
Use of National Guard.

State police, etc.

Other military forces while National Guard in active Federal service.

Forces not subject to U. S. military call.

Issuance of War Department equipment, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department."

Approved, October 21, 1940.

## [CHAPTER 906]

## AN ACT

October 21, 1940

[S. 4338]

[Public, No. 875]

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

Civilian Conservation Corps.  
50 Stat. 320.  
16 U. S. C., Supp. V, § 584g.  
Terms of enrollment of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the Act of May 12, 1938 (52 Stat. 349), is further amended by adding after the words "War veterans" in the second proviso of said section the following: "and Indians".

Approved, October 21, 1940.

## [CHAPTER 908]

## JOINT RESOLUTION

October 22, 1940

[S. J. Res. 258]

[Pub. Res., No. 107]

To provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Oliver Wendell Holmes, bequest.  
Committee on recommendations authorized to function.  
52 Stat. 943.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the committee selected pursuant to section 3 of Public Resolution Numbered 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the

functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs

Committee vacancies.

Utilization of designated services.

Additional recommendations.  
Report to Congress.

Memorial volume.

Library of Congress personnel to assist in preparation.

Printing and binding.

Distribution.

Sale.

Payment of printing and binding from Holmes fund.

Use of receipts from sales.

Architect of Capitol to acquire site for garden.

Establishment of Oliver Wendell Holmes Garden.

Plans and designs of garden.

submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.

Funds made available.

Dedicatory ceremonies authorized.

Maintenance and care.

Powers and duties of Architect.

Demolition, etc., of structures.

Temporary lease of property.

Disposition of proceeds.

Other designated powers.

Transfer of jurisdiction over lands.

Disbursing agency.

Sale of described land, etc., authorized.

Provision for demolition prior to sale.

Payment of costs.

(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.

SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—

(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.

(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.

(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.

(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.

(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.

SEC. 8. (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street Northwest, in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.

(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs

incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

Reimbursement.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

Funds authorized.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

Disposition of surplus funds.

Approved, October 22, 1940.

[CHAPTER 910]

JOINT RESOLUTION

To authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building.

October 29, 1940  
[S. J. Res. 301]  
[Pub. Res., No. 108]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Architect of the Capitol be, and he is hereby, authorized and directed to cause to be constructed or to purchase, without reference to section 3709 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), at a price not exceeding \$1,500, a suitable frame for the painting of the scene at the signing of the Constitution by Howard Chandler Christy now on view in the Capitol Building. Such frame shall be subject to the approval of the Joint Committee on the Library, and, when so approved, shall be used for mounting the said painting in the Capitol Building as required by Public Resolution Numbered 11, Seventy-sixth Congress, approved April 20, 1939.

Painting of scene at signing of Constitution.  
Post, pp. 1404, 1405.  
Acquisition of frame for mounting.

53 Stat. 583.

Approved, October 29, 1940.

[CHAPTER 914]

AN ACT

To amend the Agricultural Adjustment Act of 1938.

November 22, 1940  
[S. 4374]  
[Public, No. 876]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (15) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words—

Agricultural Adjustment Act of 1938, amendment.  
52 Stat. 42.  
7 U. S. C., Supp. V, § 1301 (b) (15).

Separation of designated tobacco types.

“Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;”

and inserting in lieu thereof the following:

“Fire-cured tobacco comprising types 21, 22, 23, and 24;

“Dark air-cured tobacco, comprising types 35 and 36;

“Virginia sun-cured tobacco, comprising type 37;”

SEC. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (b), (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection designation “(c)” therein to “(b)”.

National marketing quota.  
52 Stat. 46, 120.  
7 U. S. C., Supp. V, § 1312.

52 Stat. 38.  
7 U. S. C., Supp. V,  
§ 1301 (a) (1).

SEC. 3. The last sentence of section 301 (a) (1) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

Base period.

"The base period in case of all agricultural commodities except tobacco shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except Burley and flue-cured such base period shall be the period August 1919 to July 1929, and, in the case of Burley and flue-cured tobacco, shall be the period August 1934 to July 1939; except that the August 1919-July 1929 base period shall be used in allocating any funds appropriated prior to September 1, 1940."

52 Stat. 42.  
7 U. S. C., Supp. V,  
§ 1301 (b) (15).

SEC. 4. That section 301 (b) (15) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence thereof and adding a colon and the following: "*Provided*, That any one or more of the types comprising any such kind of tobacco shall be treated as a 'kind of tobacco' for the purposes of this Act if the Secretary finds there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand."

*Proviso.*  
Treatment of tobacco types as "kind of tobacco."

52 Stat. 46.  
7 U. S. C., Supp. V,  
§ 1312.

SEC. 5. That section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsection (b) thereof.

Approved, November 22, 1940.

[CHAPTER 915]

AN ACT

November 25, 1940  
[S. 1433]

[Public, No. 877]

To add certain lands to the Siuslaw National Forest in the State of Oregon.

Siuslaw National Forest, Oreg.  
Addition of certain lands to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all lands conveyed or relinquished to the United States, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), or the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522), within the western Oregon land project, situated in Lane, Lincoln, Tillamook, and Yamhill Counties, Oregon, are hereby added to and made parts of the Siuslaw National Forest, Oregon, and shall hereafter be subject to the rules and regulations applicable to national-forest lands acquired under the Act of March 1, 1911 (36 Stat. 961) as amended, but special provisions included in conveyance of title to the United States, valid and subsisting at the date of this Act and thereafter legally maintained, shall not be affected by this Act: *Provided*, That this Act shall not affect any revested Oregon and California Railroad Grant Land, title to which has not passed out of the United States, or any public-domain land which is not embraced in relinquishments purchased under the Acts hereinbefore mentioned.

Approved, November 25, 1940.

7 U. S. C., Supp. V,  
§§ 1000-1029.

16 U. S. C., ch. 2;  
Supp. V, ch. 2.  
Special conveyance provisions not affected.  
*Proviso.*  
Certain lands not affected.

[CHAPTER 916]

AN ACT

November 25, 1940  
[S. 3991]

[Public, No. 878]

To authorize the disposal of tools and equipment on the New England hurricane damage project.

New England hurricane damage project.  
Disposal of tools, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon completion or discontinuance of the Federal Government's work in rehabilitating and reestablishing forest-protection improvements and in the

reduction of forest-fire hazards in the various towns or other political subdivisions of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut under appropriation for New England hurricane damage in the First Deficiency Appropriation Act, fiscal year 1939, and Acts amendatory thereof and supplementary thereto, the Secretary of Agriculture be, and he is hereby, authorized to transfer to the respective States so much of the fire protection and improvement tools and equipment, purchased from said appropriation for said work for use in the respective States, as in his judgment may be needed for continuance of said work and forest-fire protection by said States.

53 Stat. 513.

Approved, November 25, 1940.

## [CHAPTER 917]

## AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

November 25, 1940  
[S. 4311]  
[Public, No. 879]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That subparagraph (E) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended so as to provide for the determination of farm normal yields for corn, wheat, and cotton on the basis of the same period of years used in the determination of county normal yields for those commodities, by striking out in the first sentence thereof the words "with respect to which such normal yield is used in any computation authorized under this title" and by substituting in lieu thereof the words "in which such normal yield is determined".

Agricultural Adjustment Act of 1938, amendment.  
52 Stat. 202.  
7 U. S. C., Supp. V, § 1301 (b) (13) (E).  
Farm normal yields for corn, wheat, and cotton.

Approved, November 25, 1940

## [CHAPTER 919]

## AN ACT

Extending the classified executive civil service of the United States.

November 26, 1940  
[H. R. 960]  
[Public, No. 880]

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

## TITLE I—EXTENSION OF CIVIL SERVICE ACT

That notwithstanding any provisions of law to the contrary, the President is authorized by Executive order to cover into the classified civil service any offices or positions in or under an executive department, independent establishment, or other agency of the Government: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit appointments to offices or positions in any such corporation to be made in accordance with the civil-service laws, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation: *Provided further*, That the provisions of this section shall not apply to offices or positions in the Tennessee Valley Authority or to any positions in the Work Projects Administration or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney.

Authority of the President.

*Provisos.*  
Appointments to offices or positions in designated corporations.

5 U. S. C., ch. 12; Supp. V, ch. 12.

Exemptions.

Incumbent's acquisition of civil-service status.

Recommendation and certification.

Noncompetitive examination.  
*Provisos.*  
Limitation.

Failure to pass, effect.

Appointments chargeable to State apportionment.

"State" construed.

Acquisition of civil-service status by certain legislative employees.

Noncompetitive examination.

*Proviso.*  
Time limitation.

Authority of the President.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

*Proviso.*  
Extension of Act to designated corporations.

SEC. 2. (a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 1 of this Act shall not thereby acquire a classified civil-service status, except (1) upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided*, That any such incumbent shall be given only one such noncompetitive examination: *Provided further*, That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 1 of this Act shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia.

(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder.

## TITLE II—EXTENSION OF CLASSIFICATION ACT

SEC. 3. (a) Subject to the limitations contained in this section, whenever the President, after such classification and compensation surveys or investigations as he may direct the Commission to undertake, and upon consideration of the Commission's resulting reports and recommendations, shall find and declare that an extension of the provisions of the Classification Act of 1923, as amended, to any offices or positions in the agencies of the Government is necessary to the more efficient operation of the Government, he may by Executive order extend the provisions of the Classification Act of 1923, as amended, to any such offices or positions not at the time subject to such provisions: *Provided*, That in the case of any federally owned and controlled corporation organized under the laws of any State, Territory, or possession of the United States (including the Philippine Islands), or the District of Columbia, the President is authorized to direct that such action be taken as will permit the compensation of such offices or positions to be fixed in accordance with the Classification Act of 1923, as amended, consistently with the laws of any such State, Territory, or possession, or the District of Columbia, or with the charter or articles of incorporation of any such corporation.

(b) Whenever the President, upon report and recommendation by the Commission, shall find and declare that one or more officers or positions to which the Classification Act of 1923, as amended and extended, is applicable, may not fairly and reasonably be allocated to the professional and scientific service, the subprofessional service, the clerical, administrative, and fiscal service, the custodial service, or the clerical-mechanical service, as described in the Classification Act of 1923, as amended, he may by Executive order prescribe and define such additional classification services and grades thereof as he may deem necessary and shall describe, and fix the ranges of compensation for, the grades of such services within the limits of the Classification Act of 1923, as amended, so that they shall be comparable, as nearly as may be, with the grades in said Act, as amended, for offices or positions that are comparable as to duties, responsibilities, qualifications required, and other conditions of employment.

Additional classification services and grades.  
42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Ranges of compensation.

Schedules of differentials in compensation rates.

Limitation.

Provisos. Applicability.

Offices or positions at isolated stations, etc.

Isolation, etc., as factors in allocations.

42 Stat. 1488.  
5 U. S. C. §§ 661-674; Supp. V, §§ 673, 673c.

Nonapplication of President's power to designated offices or positions.

43 Stat. 1053.

7 D. C. Code §§ 31-47; Supp. V, §§ 31-46.

20 D. C. Code, Supp. V, §§ 457a, 555a, 582 (note), 582a, 582b, 617, 618.

(c) Whenever the President, upon report and recommendation by the Commission, shall find and declare that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate for any offices or positions under such Act, as amended and extended, he may by Executive order establish necessary schedules of differentials in the rates prescribed in such compensation schedules, but the differentials in the compensation of any such office or position shall not exceed 25 per centum of the minimum rate of the grade to which such office or position is allocated under such compensation schedules: *Provided*, That the provisions of this subsection shall be applicable only to such offices or positions having the following characteristics:

Offices or positions which are located at stations that are isolated, remote, or inaccessible when compared with stations at which offices or positions of the same character are usually located, or which involve physical hardships or hazards that are excessive when compared with those usually involved in offices or positions of the same character, or which are located outside the States of the United States and the District of Columbia: *Provided further*, That nothing herein contained shall preclude the Commission from taking the factor of isolation, hardship, hazard, or foreign service into consideration in allocating a given class of offices or positions to a service and grade under the Classification Act of 1923, as amended, if such factor is uniformly involved in each office or position in the class, in which event no differential is authorized under this section.

(d) Except as Congress may otherwise provide by law, the power granted to the President by this section shall not apply to the following:

(i) Offices or positions in the Postal Service the compensation of which is fixed under an Act of Congress approved February 28, 1925 (43 Stat. 1033), as amended;

(ii) Offices or positions of teachers, librarians, school-attendance officers, and employees of the community-center department under the Board of Education of the District of Columbia, the compensation of which is fixed under an Act of Congress approved June 4, 1924 (43 Stat. 367), as amended;

(iii) Offices or positions in the Metropolitan Police, in the Fire Department of the District of Columbia, and in the United States Park Police, the compensation of which is fixed under an Act of Congress approved July 1, 1930 (46 Stat. 839);

(iv) Commissioned officers and enlisted personnel in the military and naval services and the Coast Guard, and commissioned officers in the Public Health Service and the Coast and Geodetic

Survey, the compensation of which is fixed under an Act of Congress approved June 10, 1922 (42 Stat. 625), as amended;

(v) Offices or positions in the Government Printing Office the compensation of which is fixed under an Act of Congress approved June 7, 1924 (43 Stat. 658);

(vi) Offices or positions of foreign-service officers in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved May 24, 1924 (43 Stat. 140), as amended, including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(vii) Offices or positions of clerks in the Foreign Service of the United States the compensation of which is fixed under an Act of Congress approved February 23, 1931 (46 Stat. 1207), including those offices and positions transferred under the provisions of the Act of Congress approved April 3, 1939, to the Department of State by part 1, section 1, of Reorganization Plan Numbered II, effective July 1, 1939;

(viii) Offices or positions of verifiers-openers-packers, clerks, guards, inspectors, station inspectors, and laborers in the Customs Service of the Treasury Department the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 955), as amended;

(ix) Offices or positions of inspectors in the Immigration and Naturalization Service of the Department of Labor the compensation of which is fixed under an Act of Congress approved May 29, 1928 (45 Stat. 954), as amended;

(x) Offices or positions the duties of which are to serve as an officer or member of the crew of a vessel, except that the President may by Executive order extend the provisions of the Classification Act of 1923, as amended, to offices or positions in the Bureau of Lighthouses;

(xi) Offices or positions the duties of which are to perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled, semiskilled, or skilled laborer, except that whenever such offices or positions involve work in the regular custody, operation, or maintenance of a Government building, or other Government property, or work which is subordinate, incidental, or preparatory to work of a professional, scientific, or technical character, the President, upon a finding that the characteristics and working conditions of such offices or positions render them substantially the same as comparable offices or positions in the District of Columbia included within the Classification Act of 1923, as amended, may by Executive order extend the provisions of such Act to include them; and

(xii) Offices or positions in the Tennessee Valley Authority.

(e) In carrying out the provisions of this title, and the provisions of the Classification Act of 1923, as amended, there shall be no discrimination against any person, or with respect to the position held by any person, on account of race, creed, or color.

SEC. 4. The President is authorized, after suitable investigation by the Commission, which shall include consultation with representatives of the heads of executive departments and independent agencies, in or under the jurisdiction of which the offices or positions hereinafter designated are located, and upon a finding that such action is necessary to the more efficient operation of the Government, to exclude, by Executive

44 U. S. C. § 40.

22 U. S. C. § 3;  
Supp. V, § 3.

53 Stat. 561, 1431.  
5 U. S. C., Supp. V,  
§§ 133-133r, 133t (note).

22 U. S. C. §§ 23a-  
23e; Supp. V, § 23c.

53 Stat. 561, 1431.  
5 U. S. C., Supp. V,  
§§ 133-133r, 133t (note).

19 U. S. C. §§ 6a-6d.

8 U. S. C. § 109.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

No racial, etc., dis-  
crimination.

Authority of Presi-  
dent to exclude desig-  
nated offices or posi-  
tions.

order, from the provisions of the Classification Act of 1923, as amended and extended under this Act—

Offices or positions on work which is financed jointly by the United States and a State, Territory, or possession of the United States (including the Philippine Islands), or political subdivision thereof, or cooperating persons or organizations outside the service of the Federal Government, and the pay of which is fixed under a cooperative agreement with the United States; offices or positions, none or only part of the compensation of which is paid from funds of the United States; offices or positions filled by inmates, patients, students, or beneficiaries in Government institutions; offices or positions outside the States of the United States and the District of Columbia filled by natives of Territories or possessions of the United States (including the Philippine Islands) or foreign nationals; emergency or seasonal offices or positions in the field service, or other field offices or positions, the duties of which are of purely temporary duration, or which are required only for brief periods at intervals; and offices or positions filled by persons employed locally on a fee, contract, or piece-work basis who may lawfully perform their duties concurrently with their private profession, business, or other employment and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the proportion of time devoted to the service of the Federal Government.

SEC. 5. When any extension of the Classification Act of 1923, as amended, becomes effective under this Act—

(a) The allocations of offices or positions to services, grades, and classes shall be made as set forth in section 4 of the Classification Act of 1923, as amended, and in accordance with a uniform procedure to be prescribed by the Commission; and

(b) The initial compensation of the incumbents of the offices or positions to which the provisions of the Classification Act of 1923, as amended, are extended under this Act, shall be fixed in accordance with section 6 of the Classification Act of 1923, as amended.

SEC. 6. Nothing herein contained shall be construed to prevent the promotion of an officer or employee from an office or position in one class to a vacant office or position in a higher class at any time in accordance with civil-service laws, and when so promoted the officer or employee shall receive compensation according to the schedule established for the class to which he is promoted. Nor shall anything in this Act be construed to prevent the application of the existing veteran-preference provisions in civil-service laws, Executive orders, and rulings.

SEC. 7. Section 9 of the Classification Act of 1923, as amended (42 Stat. 1490; U. S. C., 1934 edition, title 5, sec. 669), is hereby further amended by adding at the end thereof the following paragraph:

“Under such regulations as may be prescribed by the Civil Service Commission with the approval of the President—

“There shall be established in each Department one or more boards of review, each of which shall be composed of three members, the chairman to be designated by the Civil Service Commission, one of the other members to be designated by the head of the Department concerned, and the third member to be designated by the employees of the Department concerned in such manner as may be determined by the Civil Service Commission. The boards of review shall meet at the call of their respective chairmen for the purpose of considering and passing upon the merits of such efficiency ratings assigned to employees as may be submitted to such boards of review as herein-after provided. Any employee shall, upon written request to the chairman of the appropriate board of review of his department, be

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

42 Stat. 1488.  
5 U. S. C. §§ 661-674;  
Supp. V, §§ 673, 673c.

Allocations.  
42 Stat. 1489.  
5 U. S. C. § 664.

Initial compensa-  
tion.

42 Stat. 1490.  
5 U. S. C. § 666.

Promotions.

Veteran preference.

Boards of review,  
composition.

Meetings; efficiency  
ratings.

Right of employees  
to hearing, etc.

entitled, as a matter of right, to a hearing and a review by such board of review of his efficiency rating. At such hearing such employee and his representative, and such representatives of the Department as may be designated by the head thereof, shall be afforded an opportunity to submit orally or in writing any information deemed by the board of review to be pertinent to the case, and shall be afforded an opportunity to hear or examine, and reply to, information submitted to such board by other parties. After any such hearing, the board of review may make such adjustments in any such efficiency rating as it may find to be proper."

Adjustments in ratings.

Compensation of Commissioners, etc.

SEC. 8. Hereafter the compensation of the Civil Service Commissioners shall be fixed at \$10,000 each per annum, and the compensation of the Executive Director and Chief Examiner shall be fixed at \$9,500 per annum.

Approved, November 26, 1940.

[CHAPTER 920]

AN ACT

November 27, 1940  
[S. 1681]  
[Public, No. 881]

To amend section 107 of the Judicial Code, to redistrict the State of Tennessee, to provide the duties and powers of the district judges of the State of Tennessee, and for other purposes.

Judicial Code, amendment.

36 Stat. 1124.  
28 U. S. C. § 188;  
Supp. V, § 188.

Tennessee judicial districts.  
Eastern district.

Winchester division.

Southern division.

Northern division.

Northeastern division.  
Terms of court.

Proviso.  
Court accommodations at Winchester.  
Ante, p. 348.

Middle district.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 107 of the Judicial Code, as amended, is amended to read as follows:

"SEC. 107. (a) The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee.

"(b) The eastern district shall include the territory embraced on the 1st day of January 1940 in the counties of Bedford, Franklin, Lincoln, Warren, Grundy, Coffee, Van Buren, and Moore, which shall constitute the Winchester division of said district; also the territory embraced on the date last mentioned in the counties of Bledsoe, Bradley, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the Winchester division shall be held at Winchester on the third Mondays in May and October; for the southern division at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; for the northeastern division at Greeneville on the first Monday in March and the third Monday in September: *Provided*, That suitable accommodations for holding court at Winchester shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

"(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson,

which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose.

Nashville division.

Columbia division.

Northeastern division.  
Terms of court.*Proviso.*  
Court accommodations at Columbia.  
*Ante*, p. 348.

“(d) The western district shall include the territory embraced on the 1st day of January 1940 in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tennessee, where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the first Mondays in April and October; and for the eastern division at Jackson on the fourth Mondays in March and September. An office of the clerk, in charge of the clerk or a deputy, shall be maintained at Memphis and Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. An office of the clerk of the court for the eastern district shall be maintained, in charge of the clerk or a deputy, at Knoxville, at Chattanooga, and at Greeneville.

Western district.

Western division.

Eastern division.  
Terms of court.

Office of clerk.

Deputy marshals.

Office of clerk.

“(e) The district judge for the eastern district of Tennessee in office on the date of the enactment of this Act, shall hold regular and special terms of court at Knoxville and Greeneville. The said district judge shall have the power of appointment and removal of all officers and employees of the court in said district, except as herein otherwise provided, whose appointment is vested by law in a district judge or senior district judge.

Terms of court at Knoxville and Greeneville.

Power of appointment, etc., of officers and employees.

“(f) The district judge for the eastern and middle districts of Tennessee, appointed under the authority of the Act approved May 31, 1938 (52 Stat. 584), whose official residence shall be at Chattanooga, shall be an additional district judge for the eastern district of Tennessee as constituted by this Act and shall hold regular and special terms of court at Winchester and Chattanooga. The said judge shall possess the same powers, perform the same duties, and receive the same compensation as other district judges. The said district judge shall

Terms at Winchester and Chattanooga.

28 U. S. C., Supp. V, § 4w.

Powers, etc., of designated judge.

Appointment of successors to judge.

Orders for disposition of business, etc.

District attorneys and marshals.

Terms of court at Nashville, Columbia, and Cookeville.

Terms at Memphis and Jackson.

Repeal of inconsistent laws.

have the power of appointment and removal of all those officers and employees of the court for the eastern district of Tennessee whose official headquarters are located in the Winchester division and in the southern division of the eastern district of Tennessee and whose appointment is vested by law in a district judge or a senior district judge. The President is authorized to appoint, by and with the consent of the Senate, a successor or successors to said judge as vacancies may occur. Nothing herein contained shall be construed to prevent said judge or his successors from becoming the senior district judge by succession, or from exercising the powers and rights of senior district judge of said district. The judge designated herein to hold regular and special terms of court at Winchester and Chattanooga shall make all necessary orders for the disposition of business and assignment of cases for trial in said divisions. The district attorneys and marshals for the eastern, middle, and western districts of Tennessee in office immediately prior to the enactment of this Act shall be during the remainder of their present terms of office the district attorneys and marshals for such districts as constituted by this Act.

“(g) The district judge for the middle district of Tennessee shall be the district judge for the middle district of Tennessee as constituted by this Act and shall hold regular and special terms of court at Nashville, Columbia, and Cookeville.

“(h) The district judge for the western district of Tennessee shall hold regular and special terms of court at Memphis and Jackson.”

SEC. 2. All provisions of law inconsistent with the provisions of this Act are hereby repealed.

Approved, November 27, 1940.

[CHAPTER 921]

AN ACT

For the relief of the Cherokee Indian Nation or Tribe, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,185.72 with interest at 5 per centum from June 30, 1919, to the date of the appropriation of the said sum herein authorized, which sum was appropriated by the Act of June 30, 1919 (41 Stat. pp. 21, 22), and by the terms of said Act was required to be “credited to the principal of the Cherokee school fund”, a trust fund bearing interest at 5 per centum, but which said sum was erroneously deposited in the general fund of the Treasury as miscellaneous receipt, by miscellaneous receipt covering warrant Numbered 122, as of August 14, 1919.

When appropriated said money shall be credited to the Cherokee school fund and the Secretary of the Treasury shall pay the said money to the surviving attorneys of the Cherokee Indian Nation or Tribe selected by them in pursuance to the Act of March 19, 1924 (43 Stat. p. 27), to reimburse in part said attorneys for expenses heretofore incurred in the preparation and prosecution of the claims of the said Cherokee Indian Nation or Tribe, brought under said Act of March 19, 1924, in the name of “The Cherokee Nation against the United States”.

Approved, November 27, 1940.

November 27, 1940

[S. 3133]

[Public, No. 882]

Cherokee Indian Nation or Tribe. Appropriation authorized.

Credit to Cherokee school fund. Reimbursement of attorneys.

## [CHAPTER 922]

## AN ACT

To make the excess land provisions of the Federal reclamation laws inapplicable to the lands of the Washoe County Water Conservation District, Truckee storage project, Nevada, and the Pershing County Water Conservation District, Nevada.

November 29, 1940  
[H. R. 10543]  
[Public, No. 883]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the excess land provisions of the Federal reclamation laws shall not be applicable to land in the Washoe County Water Conservation District, Nevada, irrigated from the Boca Reservoir, Truckee River storage project, Nevada, nor to the Pershing County Water Conservation District, Nevada, irrigated from the Humboldt River Reservoir, and the Secretary of the Interior is authorized to enter into a contract with said districts, amending, in accordance with this Act, the contract of December 18, 1936, between the United States and the Washoe County Water Conservation District, and the contract of October 1, 1934, between the United States and the Pershing County Water Conservation District.

Federal reclamation laws.  
Inapplicability of excess land provisions to designated districts.

Contracts authorized.

Approved, November 29, 1940.

## [CHAPTER 923]

## AN ACT

To authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps.

November 29, 1940  
[S. 4224]  
[Public, No. 884]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That until May 15, 1945, the Secretary of War may, in his discretion, dispense with any part of the examination for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps, except those relating to physical examination.

Officers of designated Corps, Regular Army.  
Examinations for promotion.

Approved, November 29, 1940.

## [CHAPTER 924]

## AN ACT

To transfer the jurisdiction of the Arlington Farm, Virginia, to the jurisdiction of the War Department, and for other purposes.

November 29, 1940  
[S. 4107]  
[Public, No. 885]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the control and jurisdiction of the lands, buildings, and improvements constituting the Arlington Farm, as created by the Act of Congress, approved April 18, 1900 (31 Stat. 135), are hereby transferred from the Secretary of Agriculture to the Secretary of War, to take effect progressively as each area of said farm is turned over by the Secretary of Agriculture to the Secretary of War: *Provided,* That the authority to remove such buildings, improvements, trees, and plants as shall be deemed necessary in order to promote the work of the Department of Agriculture shall remain in the Secretary of Agriculture until the transfer of the area involved is effected.

Arlington Farm, Va.  
Transfer of jurisdiction.  
*Ante,* p. 1046.

*Proviso.*  
Removal of buildings, trees, etc.

SEC. 2. There is hereby authorized to be appropriated a sum not to exceed \$3,200,000 to be expended by the Secretary of Agriculture for the acquisition by purchase, condemnation, or donation, of lands to provide a suitable site for the development and reestablishment thereon of the functions and activities of the Arlington Farm, and the construction and installation of such buildings, equipment, and utilities and appurtenances thereto, including the employment of persons and

Appropriation authorized for acquisition of certain lands.  
*Ante,* p. 1046.

Construction of buildings, etc.

means in the city of Washington and elsewhere, as in the judgment of the Secretary of Agriculture may be necessary.

Acquisition of adjacent lands for military purposes; improvements.

SEC. 3. There is also further authorized to be appropriated not to exceed \$5,000,000 for the acquisition of adjacent lands and the construction and installation of such buildings and utilities and appurtenances as in the judgment of the Secretary of War may be necessary for military purposes on the above-mentioned lands, including alterations, additions, and betterments to such existing improvements thereon as may be transferred by the Secretary of Agriculture to the Secretary of War. If the purchase of additional lands authorized by this section meets the requirements of the War Department, the Secretary of War may allow the Secretary of Agriculture to continue the operation of Arlington Experiment Station at its present site.

Continuance of Arlington Experiment Station at present site.

Arlington Memorial Bridge.

Approach road, construction authorized.

SEC. 4. The Secretary of War is hereby authorized to transfer to the Secretary of the Interior a right-of-way two hundred feet wide extending from a point near the southeast corner of the Arlington Cemetery in a northeasterly direction to the Boundary Channel, in order to provide an adequate approach road to the Arlington Memorial Bridge, the construction of which road is hereby authorized, and, with the approval of the President, to transfer to the Secretary of the Interior until needed such other lands transferred to or acquired by the Secretary of War under this Act as may not be immediately necessary for military purposes.

Approved, November 29, 1940.

[CHAPTER 926]

AN ACT

November 30, 1940

[H. R. 10465]

[Public, No. 886]

To amend an Act entitled "An Act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes", approved April 20, 1918.

Destruction of war material.

Definition of terms.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first paragraph of section 1 of the Act approved April 20, 1918, entitled "An Act to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes" (40 Stat. 533; U. S. C., title 50, secs. 101-103), is amended by striking out the word "the" immediately preceding the word "war".

The fourth paragraph of section 1 of such Act is amended to read as follows:

"United States."

"The words 'United States' used in this Act in a geographical sense shall include the Philippine Islands, the Panama Canal Zone, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States as thus defined."

Such Act of April 20, 1918, is further amended by adding at the end thereof the following sections:

"National-defense material."

"SEC. 4. That the words 'national-defense material', as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense.

"National-defense premises."

"The words 'national-defense premises', as used herein, shall include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States.

"The words 'national-defense utilities', as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings, whereby or in connection with which water or gas may be furnished to any national-defense premises or to the military or naval forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any national-defense premises or to the military or naval forces of the United States.

"National-defense utilities."

"SEC. 5. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully injure or destroy, or shall attempt to so injure or destroy, any national-defense material, national-defense premises, or national-defense utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Destruction of national-defense material, etc.  
Penalty.

"SEC. 6. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any national-defense material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than ten years, or both."

Making national-defense material in defective manner, etc.  
Penalty.

Approved, November 30, 1940.

[CHAPTER 927]

AN ACT

To amend the Act of June 25, 1938, entitled "An Act extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes".

December 6, 1940  
[S. 4373]  
[Public, No. 887]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Act approved June 25, 1938 (ch. 678, 52 Stat. 1077; U. S. C., 1934 edition, Supp. V, title 39, sec. 39a) is amended by the addition of the following: "*Provided further,* That at any post office the postmaster of which has been called for duty as a member of the National Guard or of the Reserve of the Army, Navy, or Marine Corps or pursuant to draft or voluntary enlistment, the Postmaster General is authorized to grant leave of absence without pay to such postmaster and to appoint an acting postmaster at such post office to serve for the period only of the absence of the regular postmaster on military service, requiring such acting postmaster to furnish suitable bond with surety for the faithful performance of the duties as acting postmaster and releasing the regular postmaster and his sureties of responsibility for the conduct of the office during such period: *Provided further,* That where a postmaster resigns for the purpose of military service as herein described and subsequently wishes to resume his previous position as postmaster he may be permitted, upon being released from military service, to withdraw his resignation and resume

Postal Service.

*Provisos.*  
Leave of absence to postmasters entering military service.

Appointment of acting postmasters; bond.

Withdrawal of resignation and resumption of office.

Applicability of civil-service laws, etc., to appointments of acting postmasters.

Length of appointments.

the office of postmaster, or be reappointed thereto, in the event the office is being conducted at the time by an acting postmaster: *Provided further*, That appointments of acting postmasters to serve during absences of regular postmasters on leave granted pursuant to the terms of this Act shall be made in accordance with the civil-service laws, rules, and regulations, and such appointments may continue until the return to duty of the regular postmaster or until it has been determined that the regular postmaster will not return to duty."

Approved, December 6, 1940.

[CHAPTER 928]

AN ACT

December 16, 1940  
[S. 3765]  
[Public, No. 888]

To extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oregon, and for other purposes.

Columbia River.  
Time extended for bridging, at Astoria, Oreg.

48 Stat. 949; 49 Stat. 1066, 1104; 50 Stat. 563; 52 Stat. 445; 53 Stat. 1206.

Repeal.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oregon, authorized to be built by the Oregon-Washington Bridge Board of Trustees by an Act of Congress approved June 13, 1934, as amended, as heretofore extended by Acts of Congress approved August 30, 1935, January 27, 1936, August 5, 1937, May 26, 1938, and August 5, 1939, are further extended one and three years, respectively, from June 13, 1940.

SEC. 2. That so much of section 4 of the Act approved June 13, 1934 (48 Stat. 949, 950), which reads as follows: "or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management", is hereby repealed.

Right reserved.

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

Approved, December 16, 1940.

[CHAPTER 929]

AN ACT

December 16, 1940  
[S. 3934]  
[Public, No. 889]

Authorizing the State of Michigan, acting through The International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Saint Marys River, from a point in or near the city of Sault Sainte Marie, Michigan, to a point in the Province of Ontario, Canada.

Saint Marys River.  
Bridge authorized across, at Sault Sainte Marie, Mich.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the State of Michigan, acting through The International Bridge Authority of Michigan, or the successors to said authority, be, and is hereby, authorized to construct, maintain, and operate a bridge, or series of bridges, causeways, and approaches thereto, across the Saint Marys River, so far as the United States has jurisdiction over the waters of such river, from a point suitable to the interests of navigation, in or near the city of Sault Sainte Marie, in the State of Michigan, to a point in the Province of Ontario, Canada, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act, and subject to the approval of the proper authorities in the Dominion of Canada.

(b) There is hereby conferred upon the State of Michigan and The International Bridge Authority of Michigan, or the successors to said authority, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Michigan needed for the location, construction, operation, and maintenance of such bridge, or series of bridges, causeways, and approaches thereto, as are possessed by railroad corporations for railroad purposes or by bridge corporations, or bridge authorities, or the State of Michigan, for bridge purposes in the State of Michigan, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Right to acquire real estate, etc.

(c) The State of Michigan, acting through The International Bridge Authority of Michigan, or the successors to said authority, is hereby authorized to fix and charge tolls for transit over such bridge, or series of bridges, causeways, and approaches thereto, and the rates of toll shall be so fixed and adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating such bridge, or series of bridges, causeways, and approaches thereto, and to provide a sinking fund sufficient to amortize the cost of such bridge, or series of bridges, causeways, and approaches thereto, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed forty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge, or series of bridges, causeways, and approaches thereto, shall thereafter be maintained and operated free of tolls. An accurate record of the cost of such bridge, or series of bridges, causeways, and approaches thereto, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Toll charges.

Application of tolls to operation, sinking fund, etc.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

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

Right reserved.

Approved, December 16, 1940.

[CHAPTER 930]

AN ACT

To legalize the construction by the State Highway Board of Georgia of a free highway bridge across the Withlacoochee River, between Valdosta, Georgia, and Madison, Florida, at Horns Ferry.

December 16, 1940  
[S. 4135]  
[Public, No. 890]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress is hereby granted to the State Highway Board of Georgia to complete construction, in accordance with plans accepted by the Chief of Engineers and the Secretary of War, of a free highway bridge and approaches thereto across the Withlacoochee River, between Valdosta, Georgia, and Madison, Florida, at Horns Ferry, and to maintain and operate said bridge as a lawful structure subject to the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Withlacoochee River. Bridge across, between Valdosta, Ga., and Madison, Fla., legalized.

34 Stat. 84.  
33 U. S. C. §§ 491-498.

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

Right reserved.

Approved, December 16, 1940.

## [CHAPTER 931]

## AN ACT

December 16, 1940

[S. 4370]

[Public, No. 891]

Authorizing the President to appoint an Under Secretary of War during national emergencies, fixing the compensation of the Under Secretary of War, and authorizing the Secretary of War to prescribe duties.

Department of War.  
Under Secretary, ap-  
pointment, duties, etc.

Compensation.

Assistant Secretary,  
succession to duties of  
Secretary.

National Defense  
Act, amendment.  
10 U. S. C. §§ 1193-  
1195.

Secretary of War.  
Supervision of procure-  
ment of military  
supplies, etc.

Assignment of  
duties.

Details.

Procurement re-  
ports.

Government manu-  
facture of War De-  
partment supplies, etc.

Availability of des-  
ignated appropri-  
ations.

Termination of Act;  
condition.

Compensation of As-  
sistant Secretary.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is hereby authorized, in his discretion, to appoint from civil life, by and with the advice and consent of the Senate, an Under Secretary in the Department of War. The Under Secretary of War shall perform such duties as may be prescribed by the Secretary of War or required by law and shall be next in succession to the Secretary of War during his absence or disability or in the event of a temporary vacancy in that office. In prescribing the duties to be performed by the Under Secretary of War, the Secretary of War may prescribe any of the duties now prescribed by law to be performed by The Assistant Secretary of War. The compensation of the Under Secretary of War shall be at the rate of \$10,000 per annum. The Assistant Secretary of War, next after the Under Secretary of War, shall hereafter succeed to the duties of the Secretary of War during his absence or disability, or in the event of a temporary vacancy in that office.

SEC. 2. That the first two paragraphs of section 5a of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. L. 764), be, and the same are hereby, amended to read as follows:

"SEC. 5a. Hereafter the Secretary of War, in addition to other duties imposed upon him by law, shall be charged with the supervision of the procurement of all military supplies and other business of the War Department pertaining thereto and the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs, and he may assign to the Under Secretary of War and The Assistant Secretary of War such duties in connection therewith as he may deem proper. There shall be detailed to the Offices of the Secretary of War, the Under Secretary of War, and The Assistant Secretary of War from the branches engaged in procurement such numbers of officers and civilian employees as may be authorized by regulations approved by the Secretary of War.

"Chiefs of branches of the Army shall report regarding all matters of procurement direct to the Secretary of War, the Under Secretary of War, or The Assistant Secretary of War, as the Secretary of War shall have prescribed. The Secretary of War shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or factories are capable of manufacturing or producing upon an economical basis. All appropriations for manufacture of matériel pertaining to approved projects which are placed with arsenals, Government-owned factories, or other ordnance establishments shall remain available for such purpose until the close of the next ensuing fiscal year."

The provisions of this Act shall cease to have effect on January 20, 1945, unless continued in force by an Act of Congress. The compensation of the Assistant Secretary of War shall be at the rate of \$10,000 per annum.

Approved, December 16, 1940.

[CHAPTER 932]

JOINT RESOLUTION

Extending the time for submitting the final report of the Temporary National Economic Committee.

December 16, 1940  
[S. J. Res. 306]  
[Pub. Res., No. 109]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 4 (c) of the joint resolution entitled "Joint resolution to create a temporary national economic committee", approved June 16, 1938, the time for submitting the final report of such committee is hereby extended to April 3, 1941, and the unexpended balances of the appropriations made for such committee shall be available to it until such date for the purpose of making such report.

Temporary National Economic Committee.  
52 Stat. 706.

Time for submitting final report extended.

Reappropriation.

Approved, December 16, 1940.

[CHAPTER 934]

JOINT RESOLUTION

Authorizing the President to invite foreign countries to participate in the Pan American Cotton Congress.

December 17, 1940  
[S. J. Res. 302]  
[Pub. Res., No. 110]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested, by proclamation or in such manner as he may deem proper, to invite all foreign countries and nations to the Pan American Cotton Congress to be held at Memphis, Tennessee, during the year 1941, with a request that they participate therein.

Pan American Cotton Congress.  
Participation by foreign countries.

Approved, December 17, 1940.

[CHAPTER 936]

AN ACT

To amend the Act entitled "An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910.

January 3, 1941  
[S. 4415]  
[Public, No. 892]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first section of the Act entitled "An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof", approved June 25, 1910, is amended to read as follows:

District of Columbia.  
Pandering.  
36 Stat. 833.  
6 D. C. Code § 179.

"That any person who, within the District of Columbia, shall place or cause, induce, procure, or compel the placing of any female in the charge or custody of any other person, or in a house of prostitution, with intent that she shall engage in prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any female to reside with any other person for immoral purposes or for the purpose of prostitution, or who shall compel, induce, entice, or procure or attempt to compel, induce, entice, or procure any such female to reside or continue to reside in a house of prostitution, or compel, induce, entice, or procure or attempt to compel, induce, entice, or procure her to engage in prostitution, or who takes or detains a female against her will, with intent to compel her by force, threats, menace, or duress to marry him or to marry any other person; or any parent, guardian, or other person having legal custody of the person of a female, who consents to her taking or detention by any person, for the purpose of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."

Procurement of females for purposes of prostitution, etc.

Consent of parent, etc.

Punishment.

SEC. 2. Section 2 of such Act is amended to read as follows:  
"SEC. 2. Any person who, within the District of Columbia, by threats or duress, detains any female against her will, for the pur-

36 Stat. 833.  
6 D. C. Code § 180.  
Detention by threats, etc.

pose of prostitution or sexual intercourse, or any person who shall compel any female, against her will, to reside with him or with any other person for the purposes of prostitution or sexual intercourse, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and a fine of not more than \$1,000."

Punishment.

36 Stat. 833.  
6 D. C. Code § 181.  
Receipt of money,  
etc., for arranging for  
females to engage in  
prostitution, etc.

SEC. 3. Section 3 of such Act is amended to read as follows:

"SEC. 3. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of arranging for or causing any female to have sexual intercourse with any other person or to engage in prostitution, debauchery, or any other immoral act, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and a fine of not more than \$1,000."

Punishment.

SEC. 4. Such Act is amended by adding at the end thereof the following new sections:

Payment or receipt  
of money, etc., for  
procurement of fe-  
males for houses of  
prostitution.

"SEC. 6. Any person who, within the District of Columbia, shall pay or receive any money or other valuable thing for or on account of the procuring for, or placing in, a house of prostitution, for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any female, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000.

Punishment.

Receipt of money,  
etc., by procurers of  
females for other per-  
sons.

"SEC. 7. Any person who, within the District of Columbia, shall receive any money or other valuable thing for or on account of procuring and placing in the charge or custody of another person for sexual intercourse, prostitution, debauchery, or other immoral purposes any female shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000.

Punishment.

Acceptance, etc., of  
money from proceeds  
or earnings of prosti-  
tutes.

"SEC. 8. Any person who, within the District of Columbia, knowingly, shall accept, receive, levy, or appropriate any money or other valuable thing, without consideration other than the furnishing of a place for prostitution or the servicing of a place for prostitution, from the proceeds or earnings of any female engaged in prostitution shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than five years and by a fine of not more than \$1,000."

Punishment.

Approved, January 3, 1941.

### [CHAPTER 938]

### AN ACT

To amend section 204 of the Act entitled "An Act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 204 of the Act entitled "An Act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an Act entitled 'An Act to regulate commerce', approved February 4, 1887, as amended, and for other purposes", approved February 28, 1920, as amended by the Act approved March 4, 1927 (44 Stat. L. 1446), be amended and reenacted by adding thereto the following new paragraphs (i), (j), and (k), as follows:

"(i) That the term 'deficit in its railway operating income', as that term is used in paragraph (a), shall be construed to mean a deficiency or decrease in the carrier's railway operating income for

January 7, 1941

[H. R. 10088]

[Public, No. 893]

Transportation Act  
of 1920, amendment.  
41 Stat. 460; 44 Stat.  
1450.  
49 U. S. C. § 73.

"Deficit in its rail-  
way operating in-  
come."

that portion (as a whole) of the period of Federal control during which it operated its own railroad as compared with its average railway operating income for the corresponding portion of the test period, as held in *Construction of the Word 'Deficit'* (66 I. C. C. 765, 774).

“(j) That the Commission is hereby authorized and directed to reopen all claims heretofore filed by carriers in compliance with its orders or regulations issued under this section and to ascertain and certify to the Secretary of the Treasury such amounts, if any, as may be payable to any such carriers under said section 204 as hereby amended: *Provided*, That the aggregate of the railway operating income of any carrier during that part of the period of Federal control during which such carrier was not operated by the Director General of Railroads plus the amount certified by the Commission under this Act shall not for said period be at a rate in excess of 5¾ per centum per annum of the value of the carrier's property determined by the Commission under section 19a of the Interstate Commerce Act: *Provided further*, That no claim certified under this subsection shall be for an amount in excess of \$150,000.

“(k) This Act shall take effect as of March 1, 1920, but shall not be construed as extending the time for filing claims as limited by paragraph (h) of section 204, as amended by the Act of March 4, 1927.”

Approved, January 7, 1941.

Reopening of filed claims, etc.

*Proviso.*  
Aggregate of railway operating income, etc., limitation.

37 Stat. 701.  
49 U. S. C. § 19a.  
Limitation on amount of certified claims.

Effective date.  
Filing of claims.

44 Stat. 1450.  
49 U. S. C. § 73 (h).

[CHAPTER 939]

AN ACT

To permit the relinquishment or modification of certain restrictions upon the use of lands along the Natchez Trace Parkway in the village of French Camp, Mississippi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior, in his discretion, is hereby authorized to relinquish or modify certain restrictions upon the use of privately owned lands in the village of French Camp along the Natchez Trace Parkway, which restrictions have been imposed thereon by the scenic easement deed dated May 19, 1938, which is recorded in book 24, pages 333-336, of the Record of Deeds in the office of the clerk of the chancery court of Choctaw County, Mississippi, said lands being situated in section 31, township 17 north, range 9 east, Choctaw County, Mississippi.

SEC. 2. The Secretary of the Interior is authorized to execute such instruments of conveyance as may be necessary for the purposes of this Act. The cost of recording such instruments shall be paid out of any funds available for the Natchez Trace Parkway.

Approved, January 7, 1941.

January 7, 1941  
[H. R. 10712]

[Public, No. 894]

Natchez Trace Parkway.  
Use of privately owned lands in village of French Camp.

Execution of instruments of conveyance.  
Cost of recording.

[CHAPTER 941]

JOINT RESOLUTION

To extend the date for filing a report by the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 7 of the joint resolution approved September 24, 1940 (Public Resolution Numbered 100, Seventy-sixth Congress), is hereby amended to read as follows:

“SEC. 7. The Commission shall, on or before the 15th day of February 1941, make a report to the Congress in order that enabling legislation may be enacted.”

Approved, January 9, 1941.

January 9, 1941  
[H. J. Res. 623]

[Pub. Res., No. 111]

Two Hundredth Anniversary of the Birth of Thomas Jefferson.  
*Ante*, p. 960.

Report to Congress.

# REORGANIZATION PLANS

# REORGANIZATION PLANS

## REORGANIZATION PLAN NO. III

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 2, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

Transmitted April 2, 1940.  
Effective June 30, 1940; *ante*, p. 231.  
53 Stat. 561.  
5 U. S. C., Supp. V, §§ 133-133r.

### DEPARTMENT OF THE TREASURY

#### SECTION 1. *Fiscal Service of the Treasury Department.*

(a) *Establishment of Fiscal Service.*—(1) The office of the Commissioner of Accounts and Deposits, the Division of Bookkeeping and Warrants, the Division of Disbursement, the Division of Deposits, the Section of Surety Bonds, the office of the Commissioner of the Public Debt, the Division of Loans and Currency, the office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Savings Bonds, the Division of Paper Custody, and the Office of the Treasurer of the United States and their functions are consolidated into one agency of the Treasury Department to be known as the Fiscal Service, at the head of which there shall be an officer who shall be known as the Fiscal Assistant Secretary.

Fiscal Service, establishment.

(2) The Fiscal Service shall consist of the Office of the Fiscal Assistant Secretary, the Office of the Treasurer of the United States, a Bureau of Accounts, and a Bureau of the Public Debt. Except as is otherwise specifically provided herein, the Secretary of the Treasury may establish such divisions and other constituent units within these agencies as he deems necessary.

Composition.

(3) The Division of Bookkeeping and Warrants and its functions are transferred to the Bureau of Accounts, at the head of which shall be the Commissioner of Accounts and Deposits, who shall hereafter be known as the Commissioner of Accounts.

Division of Bookkeeping and Warrants, transfer.

(4) The office of the Commissioner of the Public Debt, the Division of Loans and Currency, the office of the Register of the Treasury, the Division of Public Debt Accounts and Audit, the Division of Savings Bonds, and the Division of Paper Custody and their functions are consolidated into and shall be administered as the Bureau of the Public Debt, at the head of which shall be the Commissioner of the Public Debt.

Bureau of Public Debt.

(5) The functions of the Office of the Treasurer of the United States shall be administered by the Treasurer of the United States.

Office of Treasurer of the United States.

(6) Such functions as are consolidated into or transferred to the Fiscal Service and which are not allocated herein to particular agencies or offices of the Fiscal Service shall be administered through such units of the Service as may be designated by the Fiscal Assistant Secretary with the approval of the Secretary of the Treasury.

Administration of unallocated functions.

(7) The Fiscal Assistant Secretary shall be appointed by the Secretary of the Treasury in accordance with the civil service laws and shall receive a salary at the rate of \$10,000 per annum. He shall, under the direction of the Secretary of the Treasury, supervise the administration of and coordinate the functions and activities consolidated into or transferred to the Fiscal Service and shall perform such other duties as the Secretary of the Treasury shall direct. In the absence

Fiscal Assistant Secretary, appointment, etc.

or disability of the Fiscal Assistant Secretary or in the event of a vacancy in that office, the Secretary of the Treasury may designate any other officer of the Treasury Department to act as Fiscal Assistant Secretary.

Transfer of certain functions to Fiscal Service.

(b) *Transfer of Certain Functions to Fiscal Service.*—All functions vested in the Under Secretary of the Treasury and any Assistant Secretary of the Treasury pertaining to (1) the administration of financing operations; (2) the supervision of the administration of the functions and activities of the Office of Commissioner of Accounts and Deposits, the Office of the Commissioner of the Public Debt, and the Office of the Treasurer of the United States; and (3) supervision of the administration of the accounting functions and activities in the Treasury Department and all its bureaus, divisions, and offices, are hereby transferred to and consolidated in the Fiscal Service, to be exercised by the Fiscal Assistant Secretary under the direction of the Secretary of the Treasury: *Provided*, That the functions included in item (3) shall be exercised through the Commissioner of Accounts.

*Provido.*  
Exercise of designated functions.

Transfer of functions relating to accounting.

53 Stat. 561.  
5 U. S. C., Supp. V,  
§ 133b (b).

(c) *Transfer of Functions Relating to Accounting.*—All functions vested in any other officer or employee of the Treasury Department, except those excluded by section 3 (b) of the Reorganization Act of 1939, of authorizing the installation, maintenance, revision, and elimination of accounting records, reports, and procedures are hereby transferred to and consolidated under the Fiscal Assistant Secretary, to be exercised by him through the Commissioner of Accounts.

Abolition of an office of Assistant Secretary.

(d) *Abolition of an Office of Assistant Secretary of the Treasury.*—That office of Assistant Secretary of the Treasury which is now vacant is hereby abolished; and all the functions, rights, powers, and duties of such abolished office are hereby transferred to and vested in the Fiscal Assistant Secretary, to be exercised by him under the direction of the Secretary of the Treasury.

Federal Alcohol Administration.

SEC. 2. *Federal Alcohol Administration.*—The Federal Alcohol Administration, the offices of the members thereof, and the office of the Administrator are abolished, and their functions shall be administered under the direction and supervision of the Secretary of the Treasury through the Bureau of Internal Revenue in the Department of the Treasury.

#### DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service.

SEC. 3. *Fish and Wildlife Service.*—The Bureau of Fisheries and the Bureau of Biological Survey in the Department of the Interior with their respective functions are consolidated into one agency in the Department of the Interior to be known as the Fish and Wildlife Service. The functions of the consolidated agency shall be administered under the direction and supervision of the Secretary of the Interior by a Director and not more than two Assistant Directors, who shall be appointed by the Secretary and perform such duties as he shall prescribe. The offices of Commissioner and Deputy Commissioner of Fisheries and the offices of Chief and Associate Chief of the Bureau of Biological Survey are abolished and their functions transferred to the consolidated agency.

Recorder of General Land Office.

SEC. 4. *Recorder of General Land Office.*—The office of Recorder of the General Land Office is abolished. The functions of the Recorder shall be exercised under the direction and supervision of the Secretary of the Interior through such officers or employees of the General Land Office as he may designate.

#### DEPARTMENT OF AGRICULTURE

Surplus Marketing Administration.

SEC. 5. *Surplus Marketing Administration.*—The Division of Marketing and Marketing Agreements of the Agricultural Adjustment Administration of the Department of Agriculture and its functions and

the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture and its functions are consolidated into an agency in the Department of Agriculture to be known as the Surplus Marketing Administration. The Surplus Marketing Administration shall be headed by an Administrator, who shall be appointed by and subject to the direction and supervision of the Secretary of Agriculture.

#### DEPARTMENT OF LABOR

SEC. 6. *Offices in the Immigration and Naturalization Service Abolished.*—The offices of Commissioner of Immigration of the several ports and the offices of District Commissioner of Immigration and Naturalization in the Department of Labor are abolished, and their functions shall be administered under the supervision of the Secretary of Labor by the Commissioner of Immigration and Naturalization through such District Directors of Immigration and Naturalization as the Commissioner shall designate.

Immigration and Naturalization Service.  
Abolishment of designated offices.  
Post, p. 1238.

#### CIVIL AERONAUTICS AUTHORITY

SEC. 7. *Functions of the Administrator Transferred.*—The functions vested in the Civil Aeronautics Authority by the Civilian Pilot Training Act of 1939; the functions of aircraft registration and of safety regulation described in Titles V and VI of the Civil Aeronautics Act of 1938, except the functions of prescribing safety standards, rules, and regulations and of suspending and revoking certificates after hearing; the function provided for by Section 1101 of the Civil Aeronautics Act of 1938; and the functions of appointing such officers and employees and of authorizing such expenditures and travel as may be necessary for the performance of all functions vested in the Administrator; are transferred from the Civil Aeronautics Authority to and shall be exercised by the Administrator, who shall hereafter be known as the Administrator of Civil Aeronautics.

Functions of the Administrator transferred.  
53 Stat. 855.  
49 U. S. C., Supp. V, §§ 751-757.  
52 Stat. 1005, 1007.  
49 U. S. C., Supp. V, §§ 521-560.

52 Stat. 1026.  
49 U. S. C., Supp. V, § 671.  
Post, pp. 1235, 1236.

#### GENERAL PROVISIONS

SEC. 8. *Transfer of Records, Property, and Personnel.*—All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred or consolidated by this Plan and all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred or consolidated, as the case may be, within the department or agency concerned, for use in the administration of the agencies and functions transferred or consolidated by this Plan: *Provided*, That any personnel transferred or consolidated within any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred or consolidated shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

Transfer of records, property, and personnel.

*Proviso.*  
Personnel in excess of number required.

53 Stat. 563.  
5 U. S. C., Supp. V, § 133i (a).

Transfer of funds.

SEC. 9. *Transfer of funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of any agency in the exercise of any function transferred or consolidated by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred within the department or agency concerned for use in connection with the exercise of the func-

tion so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

*Proviso.*  
Use of unexpended balances.  
53 Stat. 562, 563.  
5 U. S. C., Supp. V, § 133c (d) (3), 133h.

## REORGANIZATION PLAN NO. IV

Transmitted April 11, 1940.  
Effective June 30, 1940; *ante*, p. 231.  
53 Stat. 561.  
5 U. S. C., Supp. V, §§ 133-133r.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 11, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

### DEPARTMENT OF STATE

Transfer of Dominican Customs Receivership.

**SECTION 1. *Transfer of Dominican Customs Receivership.***—The functions of the Division of Territories and Island Possessions in the Department of the Interior relating to the Dominican Customs Receivership are transferred to the Department of State and shall be administered by the Secretary of State or under his direction and supervision by such agency in the Department of State as he shall designate.

### DEPARTMENT OF THE TREASURY

Approval of compromises.

49 Stat. 985.  
27 U. S. C., Supp. V, § 207.

*Proviso.*  
Jurisdiction in designated cases.

**SEC. 2. *Approval of compromises.***—The functions of the Attorney General relating to the approval of compromises made in accordance with the provisions of section 7 of the Federal Alcohol Administration Act are transferred to the Secretary of the Treasury, to be exercised by him or under his direction and supervision by such officer in the Department of the Treasury as he shall designate: *Provided*, That exclusive jurisdiction to compromise cases arising under the Federal Alcohol Administration Act which are pending before the courts or which have been or may hereafter be referred to the Department of Justice for action shall be vested in the Attorney General, and may be exercised by him or by any officer in the Department of Justice designated by him.

### DEPARTMENT OF JUSTICE

Disbursement functions of U. S. marshals.

*Provisos.*  
Furnishing information.

Utilization of designated facilities.

**SEC. 3. *Disbursement functions of United States marshals.***—All functions relating to disbursement by United States marshals which would otherwise become functions of the Treasury Department on July 1, 1940, by virtue of the provisions of Executive Order No. 6166 of June 10, 1933, as amended, are transferred to and vested in the Department of Justice to be exercised by United States marshals under the supervision of the Attorney General in accordance with existing statutes pertaining to such functions: *Provided*, That the Attorney General shall furnish the Secretary of the Treasury, when requested by him, such information as the Treasury Department may require with respect to the amounts of money received and disbursed by marshals and the procedure followed in connection therewith: *Provided further*, That upon the request of the Secretary of the Treasury, and with the approval of the Attorney General, the facilities of the Department of Justice may be utilized in the disbursement, or aiding in the disbursement, of public moneys of the United States available for expenditure by any agency of the Government.

### POST OFFICE DEPARTMENT

Functions of postal disbursements.

**SEC. 4. *Functions of postal disbursements.***—All functions relating to the disbursement of the postal revenues and all other funds under the jurisdiction of the Post Office Department and the Postmaster

General and the Board of Trustees of the Postal Savings System which would otherwise become functions of the Treasury Department on July 1, 1940, by virtue of Executive Order No. 6166 of June 10, 1933, as amended, are transferred to and vested in (a) the Board of Trustees of the Postal Savings System as to postal savings disbursements, and (b) the Post Office Department as to all other disbursements involved, and such functions shall be exercised by postmasters and other authorized disbursing agents of the Post Office Department and of the Postal Savings System in accordance with existing statutes pertaining to such functions: *Provided*, That the Postmaster General shall furnish to the Secretary of the Treasury, when requested by him, such information as the Treasury Department may require with respect to the amounts of money received and disbursed by the Post Office Department, its postmasters and other fiscal officers, and the procedure followed in connection therewith: *Provided further*, That upon request of the Secretary of the Treasury, and with the approval of the Postmaster General, the facilities of the Post Office Department may be utilized in the disbursement, or aiding in the disbursement, of public moneys of the United States available for expenditure by any agency of the Government.

*Proviso.*  
Furnishing information.

Utilization of designated facilities.

SEC. 5. *Transfer of interbuilding messenger functions.*—(a) Except as prohibited by section 3 (b) of the Reorganization Act of 1939, the function of regular interbuilding messenger service (including the transportation of mail) and the function of transportation of mail between Government agencies and the City Post Office, now exercised in the District of Columbia by agencies of the Government, are transferred from such agencies to and consolidated in the Post Office Department and shall be administered by the Postmaster General under such rules and regulations as the President shall prescribe: *Provided*, That this section shall not apply to the transportation of moneys and securities by armored truck or by other special services, or to messenger service between contiguous buildings.

Transfer of interbuilding messenger functions.  
53 Stat. 561.  
5 U. S. C., Supp. V, § 133b (b).

*Proviso.*  
Transportation of moneys, etc.

Waiver of motor-vehicle transfer.

(b) The Director of the Bureau of the Budget may waive the transfer of any motor vehicle coming within the purview of section 14 of this Plan where he finds that the retention of such vehicle is essential to the performance of functions other than those transferred by this section.

#### DEPARTMENT OF THE INTERIOR

SEC. 6. *Certain functions of the Soil Conservation Service transferred.*—The functions of the Soil Conservation Service in the Department of Agriculture with respect to soil and moisture conservation operations conducted on any lands under the jurisdiction of the Department of the Interior are transferred to the Department of the Interior and shall be administered under the direction and supervision of the Secretary of the Interior through such agency or agencies in the Department of the Interior as the Secretary shall designate.

Soil Conservation Service, transfer of certain functions.

#### DEPARTMENT OF COMMERCE

SEC. 7. *Transfer of Civil Aeronautics Authority.*—(a) The Civil Aeronautics Authority and its functions, the Office of the Administrator of Civil Aeronautics and its functions, and the functions of the Air Safety Board are transferred to the Department of Commerce.

Transfer of Civil Aeronautics Authority.  
*Ante*, p. 1233.

(b) The functions of the Air Safety Board are consolidated with the functions of the Civil Aeronautics Authority, which shall hereafter be known as the Civil Aeronautics Board and which shall, in addition to its other functions, discharge the duties heretofore vested in the Air Safety Board so as to provide for the independent investigation of aircraft accidents. The offices of the members of the Air Safety Board are abolished.

Air Safety Board.  
Consolidation of functions.  
Civil Aeronautics Board.

Composition of Civil Aeronautics Authority.

*Proviso.*  
Rule-making, etc., functions of Civil Aeronautics Board.  
Budgeting, etc., functions of Board.

Transfer of Weather Bureau.

*Proviso.*  
Snow surveys, etc.

(c) The Administrator of Civil Aeronautics, whose functions shall be administered under the direction and supervision of the Secretary of Commerce, and the Civil Aeronautics Board, which shall report to Congress and the President through the Secretary of Commerce, shall constitute the Civil Aeronautics Authority within the Department of Commerce: *Provided*, That the Civil Aeronautics Board shall exercise its functions of rule-making (including the prescription of rules, regulations, and standards), adjudication, and investigation independently of the Secretary of Commerce: *Provided further*, That the budgeting, accounting, personnel, procurement, and related routine management functions of the Civil Aeronautics Board shall be performed under the direction and supervision of the Secretary of Commerce through such facilities as he shall designate or establish.

SEC. 8. *Transfer of Weather Bureau.*—The Weather Bureau in the Department of Agriculture and its functions are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce: *Provided*, That the Department of Agriculture may continue to make snow surveys and to conduct research concerning: (a) relationships between weather and crops, (b) long-range weather forecasting, and (c) relationships between weather and soil erosion.

#### DEPARTMENT OF LABOR

Transfer of certain functions concerning rates of pay for labor.

40 U. S. C. § 276c.

SEC. 9. *Transfer of certain functions relating to enforcement of wage payments on public construction.*—The functions of the Secretary of the Treasury and the Secretary of the Interior under section 2 of the Act of June 13, 1934, entitled "An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes" (48 Stat. 948), are transferred to the Secretary of Labor and shall be administered by him or under his direction and supervision by such agency in the Department of Labor as the Secretary shall designate.

#### UNITED STATES MARITIME COMMISSION

Transfer of nautical school functions.

SEC. 10. *Transfer of nautical school functions.*—The functions of the Secretary of the Navy with respect to furnishing, maintaining, and repairing vessels for the use of State marine or nautical schools and with respect to administering grants of funds for the support of such schools are transferred to and shall be administered by the United States Maritime Commission. Jurisdiction over vessels, apparel, charts, books, and instruments now loaned to State marine or nautical schools is transferred from the Secretary of the Navy to the United States Maritime Commission.

#### FEDERAL SECURITY AGENCY

Saint Elizabeths Hospital, transfer.

Annual reports.

Freedmen's Hospital, transfer.

SEC. 11. *Transfer of certain Interior Department institutions.*—  
(a) *Saint Elizabeths Hospital.*—Saint Elizabeths Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be submitted to the Congress by the superintendent of the Hospital shall be submitted through the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the Board of Visitors shall be furnished to the Federal Security Administrator.

(b) *Freedmen's Hospital.*—Freedmen's Hospital in the Department of the Interior and its functions are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator.

(c) *Howard University.*—The functions of the Department of the Interior relating to the administration of Howard University are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of the University shall be furnished to the Federal Security Administrator. The Office of Education shall continue to make its inspections of and reports on the affairs of Howard University in accordance with the provisions of existing law.

Howard University,  
transfer of Department  
of Interior func-  
tions.

Annual report.

Inspections, etc.

(d) *Columbia Institution for the Deaf.*—The functions of the Department of the Interior relating to the administration of the Columbia Institution for the Deaf are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report required to be furnished to the Secretary of the Interior by the president and directors of the Institution shall be furnished to the Federal Security Administrator, and the annual report of the superintendent of the Institution to the Congress shall be submitted through the Federal Security Administrator.

Columbia Institu-  
tion for the Deaf,  
transfer of certain  
functions.

Annual reports.

(e) *Federal Security Administrator.*—The functions transferred by this section shall be administered under the direction and supervision of the Federal Security Administrator through such officers or subdivisions of the Federal Security Agency as the Administrator shall designate.

Federal Security  
Administrator.

SEC. 12. *Transfer of Food and Drug Administration.*—The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Insecticide Act of 1910 and the Naval Stores Act, are transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The Chief of the Food and Drug Administration shall hereafter be known as the Commissioner of Food and Drugs.

Transfer of Food  
and Drug Adminis-  
tration.

36 Stat. 331; 42 Stat.  
1435.  
7 U. S. C. §§ 121-134,  
91-99.

Commissioner of  
Food and Drugs.

#### GENERAL PROVISIONS

SEC. 13. *Transfer of functions of heads of departments.*—Except as otherwise provided in this Plan, the functions of the head of any department relating to the administration of any agency or function transferred from his department by this Plan, are transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this Plan.

Transfer of func-  
tions of heads of de-  
partments.

SEC. 14. *Transfer of records, property, and personnel.*—Except as otherwise provided in this Plan, all records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred by this Plan, and all personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration and whose offices are not abolished) are transferred to the respective agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: *Provided*, That any personnel transferred to any agency by this section found by the head of such agency to be in excess of the personnel necessary for the administration of the functions transferred to his agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

Transfer of records,  
property, and per-  
sonnel.

*Proviso.*  
Personnel in excess  
of number required.

SEC. 15. *Transfer of funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this Plan, or for the use of the head of any agency in the exercise of any function

53 Stat. 563.  
5 U. S. C., Supp. V,  
§ 1331 (a).

Transfer of funds.

so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

*Proviso.*  
Use of unexpended balances.  
53 Stat. 562, 563.  
5 U. S. C., Supp. V, § 133c (d) (3), 133h.

## REORGANIZATION PLAN NO. V

Transmitted May 22, 1940.  
Effective June 14, 1940; *ante*, p. 230.  
53 Stat. 561.  
5 U. S. C., Supp. V, §§ 133-133r.

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 22, 1940, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939.

### IMMIGRATION AND NATURALIZATION SERVICE

Transfer of Immigration and Naturalization Service.  
*Ante*, p. 1233.

**SECTION 1. *Transfer of Immigration and Naturalization Service.***—The Immigration and Naturalization Service of the Department of Labor (including the Office of the Commissioner of Immigration and Naturalization) and its functions are transferred to the Department of Justice and shall be administered under the direction and supervision of the Attorney General. All functions and powers of the Secretary of Labor relating to the administration of the Immigration and Naturalization Service and its functions or to the administration of the immigration and naturalization laws are transferred to the Attorney General. In the event of disagreement between the head of any department or agency and the Attorney General concerning the interpretation or application of any law pertaining to immigration, naturalization, or nationality, final determination shall be made by the Attorney General.

Interpretation, etc., of pertinent laws.

Transfer of records, property, and personnel.

**SEC. 2. *Transfer of records, property, and personnel.***—All records, property, and personnel (including office equipment) of the Immigration and Naturalization Service, and all records, property, and personnel of the Department of Labor used primarily in the administration of functions transferred by this Plan (including officers whose chief duties relate to such administration), are transferred to the Department of Justice: *Provided*, That any personnel so transferred that may be found by the Attorney General to be in excess of the personnel necessary for the administration of the functions transferred by this Plan, shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

*Proviso.*  
Personnel in excess of number required.

53 Stat. 563.  
5 U. S. C., Supp. V, § 133i (a).

Transfer of funds.

**SEC. 3. *Transfer of funds.***—So much of the unexpended balances of appropriations, allocations, or other funds available (including funds available for the fiscal year ending June 30, 1941) for the use of the Immigration and Naturalization Service or the Department of Labor in the exercise of functions transferred by this Plan as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department of Justice for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

*Proviso.*  
Use of unexpended balances.

53 Stat. 562, 563.  
5 U. S. C., Supp. V, § 133c (d) (3), 133h.

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# UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS  
ENACTED DURING THE SECOND AND THIRD SESSIONS OF  
THE SEVENTY-SIXTH CONGRESS  
OF THE UNITED STATES OF AMERICA

1939–1941

AND

TREATIES, INTERNATIONAL AGREEMENTS OTHER  
THAN TREATIES, PROCLAMATIONS, AND  
REORGANIZATION PLANS

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COMPILED, EDITED, INDEXED, AND PUBLISHED BY AUTHORITY OF LAW  
UNDER THE DIRECTION OF THE SECRETARY OF STATE

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VOLUME 54

IN TWO PARTS

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PART 2

PRIVATE LAWS, CONCURRENT RESOLUTIONS,  
TREATIES, INTERNATIONAL AGREEMENTS OTHER  
THAN TREATIES, AND PROCLAMATIONS



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## NOTICE

The original of every act and joint resolution printed in part 2 of this volume has the following heading:

SEVENTY-SIXTH CONGRESS OF THE UNITED STATES OF AMERICA;

AT THE THIRD SESSION

Begun and held at the City of Washington on Wednesday, the third day of January, one thousand nine hundred and forty

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All bills and joint resolutions presented to the President of the United States bear the signatures of the Speaker (or of the Speaker *pro tempore*) of the House of Representatives and of the Vice President of the United States and President of the Senate (or of the President of the Senate *pro tempore* or of the Acting President of the Senate *pro tempore*); those signatures accordingly appear on the originals of all acts and joint resolutions.

The signature of the President of the United States appears on the originals of all approved acts and joint resolutions.

The original of every act and joint resolution has endorsed thereon a certificate of origin, signed, as the case may be, by the Clerk of the House of Representatives or by the Secretary of the Senate and reading "I certify that this Act (or Joint Resolution) originated in the House of Representatives (or Senate)." The origin of each act and resolution contained in this volume is indicated in the margin at the beginning of each enactment; thus, for example, H. R. 3051 or H. J. Res. 453 indicates origin in the House of Representatives, and S. 766 or S. J. Res. 133 indicates origin in the Senate.

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# PRIVATE LAWS

# PRIVATE LAWS

ENACTED DURING THE

THIRD SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

*Begun and held at the City of Washington on Wednesday, January 3, 1940, and terminated on Friday, January 3, 1941*

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN,<sup>1</sup> President of the Senate *pro tempore*; MORRIS SHEPPARD, Acting President of the Senate *pro tempore*, July 25, 1940; ALBEN W. BARKLEY, Acting President of the Senate *pro tempore*, August 31–September 5, 1940; WILLIAM H. KING, Acting President of the Senate *pro tempore*, September 18, October 14–November 18, and elected President of the Senate *pro tempore* November 19, 1940; KENNETH MCKELLAR, Acting President of the Senate *pro tempore*, October 9–13, 1940; WILLIAM B. BANKHEAD,<sup>2</sup> Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore*, February 7–19, April 2–May 6, September 11–15, and elected Speaker of the House of Representatives September 16, 1940; JOHN W. McCORMACK, Speaker of the House of Representatives *pro tempore*, December 5–18, 1940; WILLIAM P. COLE, Jr., Speaker of the House of Representatives *pro tempore*, December 19, 1940–January 2, 1941.

[CHAPTER 4]

## AN ACT

For the relief of certain workers performing emergency work at Cairo, Illinois, in the Ohio River flood of 1937.

January 17, 1940  
[H. R. 3051]  
[Private, No. 265]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to determine the claims of persons who performed emergency work in the protection of Cairo, Illinois, during the Ohio River flood between January 24, 1937, and February 3, 1937, both inclusive, at an hourly wage of 30 cents, and to pay same out of any money in the Treasury not otherwise appropriated.

Cairo, Ill.  
Determination and  
payment of claims for  
emergency work, 1937.

Sec. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$22,000 to be used in the execution of section 1 of this Act.

Appropriation.

Sec. 3. Application for payment under this Act shall be made by or on behalf of the persons entitled thereto within one year from the date of its approval, and payment hereunder shall be accepted in full settlement of such claims against the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Time for filing  
claim.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, January 17, 1940.

<sup>1</sup> [Died November 10, 1940, 12:35 a. m.]

<sup>2</sup> [Died September 15, 1940, 1:35 a. m.]

## [CHAPTER 5]

## AN ACT

For the relief of the American Insurance Company of New Jersey.

January 17, 1940

[H. R. 3363]

[Private, No. 266]

American Insurance  
Company of New  
Jersey.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay the American Insurance Company of New Jersey, subrogated to the rights of one Anna E. Hurley, who is the owner in fee simple of real estate and a residence situated thereon located in Kansas City, Wyandotte County, Kansas, out of any money in the Treasury not otherwise appropriated, the sum of \$1,300, in full settlement of all claims against the United States for loss and damages sustained to the property of Anna E. Hurley, which loss and damages were occasioned to the American Insurance Company of New Jersey by the payment of a claim by said company to Anna E. Hurley, its insured, under a policy of insurance issued by said American Insurance Company of New Jersey to Anna E. Hurley to indemnify her against property loss occasioned to her residence which resulted from an airplane owned and operated by the United States Naval Reserve Corps striking and passing through said residence of the insured on January 8, 1938, resulting in damages and property loss to said residence without any fault or negligence on the part of Anna E. Hurley, and which loss became the legal obligation of this claimant, the American Insurance Company of New Jersey, under its contract of indemnity with Anna E. Hurley, and that because of said payment this claimant has by assignment been subrogated to the rights of Anna E. Hurley: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, January 17, 1940.

## [CHAPTER 6]

## AN ACT

For the relief of the heirs of John Cauley, deceased.

January 17, 1940

[H. R. 3912]

[Private, No. 267]

John Cauley.  
Payment to heirs of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the heirs of John Cauley, deceased, formerly of Faxon, Minnesota, the sum of \$2,500. Such sum shall be in full settlement of all claims against the United States arising out of the wrongful death of John Cauley occasioned as a result of the negligence of Works Progress Administration employees in Faxon Township, county of Sibley, State of Minnesota, on the 17th day of June 1938: *Provided* that no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, January 17, 1940.

## [CHAPTER 7]

## AN ACT

For the relief of the estates of Marie R. Morkovsky and Alphons Morkovsky, both deceased.

January 17, 1940  
[H. R. 4813]  
[Private, No. 268]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of Marie R. Morkovsky, deceased, formerly of Hallettsville, Texas, the sum of \$500; and to the administrator of the estate of Alphons Morkovsky, deceased, formerly of Hallettsville, Texas, the sum of \$5,000 in full satisfaction of all claims against the United States for the deaths of Marie R. Morkovsky and Alphons Morkovsky, which resulted from a collision between the automobile in which they were passengers and a United States Army truck, on November 9, 1937, near Luling, Texas: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Marie R. Morkovsky and Alphons Morkovsky.  
Payments to estates of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, January 17, 1940.

## [CHAPTER 8]

## AN ACT

For the relief of Major Noe C. Killian.

January 17, 1940  
[H. R. 5369]  
[Private, No. 269]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Noe C. Killian, United States Army, retired, the sum of \$435, in full satisfaction of his claim against the United States for refund made by him to the War Department as a result of overpayments of an allotment in the case of Private Frank Frolla which were not discovered until after the soldier's discharge, said overpayments having been caused by alleged failure of Major Killian to send in the proper request for discontinuance to the zone finance officer, Washington, District of Columbia: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Maj. Noe C. Killian.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, January 17, 1940.

## [CHAPTER 9]

## AN ACT

For the relief of George E. Miller.

January 17, 1940

[H. R. 6804]

[Private, No. 270]

George E. Miller.  
Credit in account.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of George E. Miller, disbursing clerk, London, England, in the sum of \$424.47, representing the amount disallowed by the Comptroller General in connection with the shipment of personal effects of Sam E. Woods, American commercial attaché from Prague, Czechoslovakia, to Berlin, Germany, in steel moving vans which, although increasing the weight to an amount in excess of that allowed by the regulations, was considerably cheaper than any other method of packing and transportation. Said travel order for removal of personal effects being dated August 16, 1937.

Approved, January 17, 1940.

## [CHAPTER 10]

## AN ACT

For the relief of the Nevada Silica Sands, Incorporated.

January 17, 1940

[H. R. 7327]

[Private, No. 271]

Nevada Silica  
Sands, Inc.  
Issuance of patent  
to, authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a patent is hereby authorized to be issued to the Nevada Silica Sands, Incorporated, a corporation organized under the laws of the State of Nevada, conveying the mineral deposits in the east three-quarters southwest quarter section 5, township 16 south, range 67 east, Mount Diablo meridian, together with the right to use so much of the surface as may be necessary for the mining and removal of such deposits upon compliance with the applicable provisions of sections 2325 and 2333 of the United States Revised Statutes.

30 U. S. C. §§ 29, 37.

Approved, January 17, 1940.

## [CHAPTER 15]

## AN ACT

For the relief of Charles H. LeGay.

January 26, 1940

[H. R. 3931]

[Private, No. 272]

Charles H. LeGay.  
Reenlistment in  
Army authorized.  
10 U. S. C. § 622.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 1118, Revised Statutes, the Secretary of War is hereby authorized to reenlist, in the United States Army, Charles H. LeGay, Medical Department, Fort McIntosh, Texas, at the expiration of said Charles H. LeGay's present period of enlistment, and on such future dates as the said Charles H. LeGay may make application for reenlistment.

Approved, January 26, 1940.

## [CHAPTER 23]

## AN ACT

For the relief of E. C. Beaver.

February 9, 1940

[S. 323]

[Private, No. 273]

E. C. Beaver.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,502 to E. C. Beaver, of Tulsa, Oklahoma, in full satisfaction of his claim against the United States for loss of property destroyed

by the fire on September 24, 1917, in the city of Lawton, Oklahoma, such loss having been the result of the inability of the fire department of the city of Lawton to control said fire because of lack of water, all available water for fire-fighting purposes having been appropriated and being used by the War Department in connection with the training of soldiers at Fort Sill and Camp Doniphan: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, February 9, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 24]

AN ACT

Granting six months' pay to Sidney M. Bowen.

February 9, 1940

[H. R. 5634]

[Private, No. 274]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the current appropriation "Pay of the Marine Corps", to Sidney M. Bowen, father of the late Willie Bowen, private, United States Marine Corps, an amount equal to six months' pay at the rate the late Willie Bowen was receiving at the date of his death: *Provided*, That Sidney M. Bowen shall establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon his late son at the time of his death, and the determination of the fact of such dependency by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

Sidney M. Bowen.  
Death gratuity payment to.

*Proviso.*  
Dependency to be established.

Approved, February 9, 1940.

[CHAPTER 26]

AN ACT

For the relief of the Missoula Brewing Company.

February 12, 1940

[S. 766]

[Private, No. 275]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Missoula Brewing Company, of Missoula, Montana, out of any money in the Treasury not otherwise appropriated, the sum of \$1,250, in full settlement of all claims against the United States because of payment of said amount for ten fermented malt liquor stamps of the twenty-five barrel denomination which were lost in the mail prior to their receipt by the said company: *Provided*, That the Missoula Brewing Company shall first file in the Treasury Department a bond in a penal sum of double the amount paid for such stamps, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stamps herein described: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Missoula Brewing Company.  
Reimbursement for lost stamps.

*Proviso.*  
Bond and surety to be furnished.

Limitation on attorney's, etc., fees.

Penalty.

Approved, February 12, 1940.

## [CHAPTER 29]

## AN ACT

For the relief of Roy D. Cook, a minor.

February 12, 1940  
[S. 1157]

[Private, No. 276]

Roy D. Cook.  
Payment to guardian of.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Roy D. Cook, a minor, of Portland, Oregon, the sum of \$1,000, in full settlement of all claims against the United States for injuries suffered in an accident caused by the falling of a large United States mail box at Thirty-ninth and Hazelfern Place, in Portland, Oregon, on or about January 12, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, February 12, 1940.

## [CHAPTER 35]

## AN ACT

For the relief of M. L. Parish.

March 2, 1940  
[H. R. 4198]

[Private, No. 277]

M. L. Parish.  
Payment to, from Indian funds.*Proviso.*  
Condition.

Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized to pay, out of any funds on deposit in the Treasury of the United States to the credit of the Sioux Indians, of the Rosebud Reservation, South Dakota, an amount not to exceed \$480.74 to M. L. Parish, of Murdo, South Dakota, for legal and other services rendered and expenses incurred by the said M. L. Parish, at the request of the Rosebud Sioux Tribe of Indians in connection with tribal matters: *Provided*, That the amount to be paid shall be settled by an official resolution of the Rosebud Sioux Tribe which resolution shall be subject to the approval by the Secretary of the Interior: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 2, 1940.

## [CHAPTER 36]

## AN ACT

For the relief of Katheryn S. Anderson.

March 2, 1940  
[H. R. 6084]

[Private, No. 278]

Katheryn S. Anderson.  
Consideration of disability claim.

39 Stat. 744, 747.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767 and 770), are hereby waived in favor of Katheryn S. Anderson, of Oakland, California,

who is alleged to have sustained injuries to health while employed as a stenographer-clerk from April 29, 1929, to September 30, 1932, in the office of the United States Employees' Compensation Commission in San Francisco, California, which injury resulted in permanent physical disability, and her case is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if she files a notice of such injury and claim for compensation with the United States Employees' Compensation Commission not later than ninety days after date of enactment of this Act: *Provided*, That no benefits shall accrue prior to the passage of this Act.

Approved, March 2, 1940.

Time for filing claim.

*Proviso.*  
No prior benefits.

[CHAPTER 42]

AN ACT

For the relief of Major Herbert A. Jacob.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major Herbert A. Jacob, of Staunton, Virginia, the sum of \$3,000 in full settlement of all claims against the United States for damages sustained by his wife, Mary S. Jacob, who was struck and killed in Staunton, Virginia, on August 28, 1937, by a truck owned and operated by the United States Post Office Department then and there being carelessly and recklessly driven by one Warren W. Talley, who was at that time and still is an employee in the post office in the said city of Staunton, Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 4, 1940.

March 4, 1940  
[H. R. 1456]  
[Private, No. 279]

Maj. Herbert A. Jacob.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 43]

AN ACT

For the relief of Ben Willie Jones, as legal representative of Thelma Jones, a deceased minor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby appropriated, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ben Willie Jones, as legal representative of Thelma Jones, a deceased minor, out of any money in the Treasury of the United States to the credit of the government of the District of Columbia not otherwise appropriated, the sum of \$2,500, and when same is received by the said Ben Willie Jones it shall be in full satisfaction and settlement of all claims against the government of the District of Columbia and the United States on account of the death of Thelma Jones, aged two, daughter of Ben Willie Jones, on December 16, 1937, being burned to death while in Gallinger Hospital for treatment, through the negligence and lack of proper facilities in the said hospital: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on

March 4, 1940  
[H. R. 2860]  
[Private, No. 280]

Thelma Jones.  
Payment to legal representative of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 4, 1940.

## [CHAPTER 50]

## AN ACT

For the relief of George H. Eiswald.

March 14, 1940  
[S. 2157]

[Private, No. 281]

George H. Eiswald.  
Naval record corrected.

*Proviso.*  
No prior pension,  
etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Navy George H. Eiswald (C-2317652) shall be held and considered to have served for ninety days, between the dates of April 21, 1898, and July 4, 1902, in the United States Navy during the War with Spain and to have been honorably discharged from such service: *Provided,* That no pension, pay, or bounty shall be held to have accrued by reason of this Act, prior to its enactment.

Approved, March 14, 1940.

## [CHAPTER 54]

## AN ACT

For the relief of Robert Stockman.

March 14, 1940  
[S. 1449]

[Private, No. 282]

Robert Stockman.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert Stockman, of Providence, Rhode Island, the sum of \$5,000 in full satisfaction of all claims against the United States for damages for personal injuries, medical expenses, and property damage sustained by him when he was struck by a truck owned by the United States Government and operated by A. A. McGrath, an employee of Works Progress Administration, in the village of Chepachet, in the town of Gloucester, Rhode Island, on March 22, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 14, 1940.

## [CHAPTER 55]

## AN ACT

For the relief of the R. G. Schreck Lumber Company.

March 14, 1940  
[S. 2276]

[Private, No. 283]

R. G. Schreck Lumber Company.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the R. G. Schreck Lumber Company, of East Tawas, Michigan, the sum of \$337.85, in full satisfaction of its claims for the remission of liquidated damages

deducted from amounts otherwise due it for lumber and building materials furnished the United States Forest Service, Department of Agriculture, pursuant to purchase order numbered 427, dated May 29, 1936, purchase order numbered 477, dated June 9, 1936, and purchase order numbered 483, dated June 10, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 14, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 63]

AN ACT

To authorize the posthumous appointment of the late Arthur Mortimer Fields, Junior, to be an ensign of the United States Navy.

March 15, 1940  
[S. 2879]

[Private, No. 284]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized to issue posthumously to the late Arthur Mortimer Fields, Junior, a commission as an ensign of the United States Navy with date of rank as of June 1, 1939: *Provided*, That no back pay, allowances, gratuities, or pension shall accrue due to the passage of this Act.

Arthur Mortimer  
Fields, Jr.  
Posthumous ap-  
pointment as ensign,  
U. S. N., authorized.  
*Proviso.*  
No back pay, etc.

Approved, March 15, 1940.

[CHAPTER 64]

AN ACT

For the relief of Inez Gillespie.

March 15, 1940  
[S. 2973]

[Private, No. 285]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Inez Gillespie, widow of Julian E. Gillespie, late American commercial attaché at Istanbul, Turkey, the sum of \$7,200, such sum representing one year's salary of her deceased husband who died June 23, 1939, while in the Foreign Service of the United States of America.

Inez Gillespie.  
Payment to.

Approved, March 15, 1940.

[CHAPTER 67]

AN ACT

For the relief of Ernestine Huber Neuheller.

March 18, 1940  
[S. 1998]

[Private, No. 286]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of the immigration laws, relating to the issuance of immigration visas for admission to the United States for permanent residence and relating to admissions at ports of entry of aliens as immigrants for permanent residence in the United States, that provision of section 3 of the Immigration Act of 1917 (39 Stat. 875), as amended (U. S. C., title 8, sec. 136 (c)), which excludes from admission into the United States "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude", shall not hereafter be held to apply to Ernestine Huber Neu-

Ernestine Huber  
Neuheller.  
Admission to U. S.  
for permanent residence.

8 U. S. C. § 136 (c).

Issuance of immigration visa; condition.

heller, who is the wife of Fritz Neuheller, an American citizen. If she is found otherwise admissible under the immigration laws an immigration visa may be issued and admission granted to Ernestine Huber Neuheller (nee Ernestine Huber) under this Act upon application hereafter filed.

Deduction from nonpreference category of quota.

Sec. 2. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, March 18, 1940.

[CHAPTER 68]

AN ACT

For the relief of Hubert Richardson.

March 18, 1940  
[S. 2299]

[Private, No. 287]

Hubert Richardson.  
Land patent to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to issue patent on Western Navajo Indian Reservation Exchange selection 078942 filed on October 18, 1938, by Hubert Richardson in the district land office at Phoenix, Arizona, under the Act of May 23, 1930 (46 Stat. 378), as amended by the Act of February 21, 1931 (46 Stat. 1204), for lots 2, 3, and 4 of section 22, township 29 north, range 9 east, Gila and Salt River base and meridian, upon the submission of satisfactory proofs covering both the offered and the selected lands, as required by section 2 of the Act of May 23, 1930, cited above, notwithstanding that the selected lands are within the boundaries of the Western Navajo Indian Reservation, and notwithstanding the provisions of the Act of June 14, 1934 (48 Stat. 960). The patent hereby authorized to be issued shall be subject to the provisions and conditions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended.

Approved, March 18, 1940.

Provisions and conditions.  
41 Stat. 1075.  
16 U. S. C. § 818;  
Supp. V, § 818.

[CHAPTER 69]

AN ACT

Authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush.

March 18, 1940  
[S. 2500]

[Private, No. 288]

Mary Pierce and John K. Quackenbush.  
Settlement of claims authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claims of Mary Pierce, New Hampton, New York, for \$125; and John K. Quackenbush, Denton, New York, for \$200, for the cost of replacing fences on their lands taken for firewood by enrollees of the Civilian Conservation Corps while engaged in removing field stones from such lands for use on the Wallkill River flood-control project in the fiscal year 1937, and to allow in full and final settlement of the claims the sum of not to exceed \$325. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$325, or so much thereof as may be necessary, for payment of the claims: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, March 18, 1940.

Appropriation.

Proriso.  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 70]

AN ACT

Authorizing the Comptroller General of the United States to settle and adjust the claim of Edith Easton and Alma E. Gates.

March 18, 1940  
 [S. 2807]  
 [Private, No. 289]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of Edith Easton and Alma E. Gates, of Sacramento, California, for \$250, as the reasonable value of twenty-five thousand board feet of lumber removed without authority from their land in Calaveras County, California, during July and August 1933, by members of the Civilian Conservation Corps, camp F-88, Dorrington, California, and to allow in full and final settlement of the claim the sum of not to exceed \$250. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Edith Easton and  
 Alma E. Gates.  
 Settlement of claim  
 authorized.

Appropriation.

*Proviso.*  
 Limitation on attorney's, etc., fees.

Penalty.

Approved, March 18, 1940.

[CHAPTER 84]

AN ACT

For the relief of Nathan Kaplan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Nathan Kaplan, of Minneapolis, Minnesota, shall be held and considered to have been legally admitted to the United States for permanent residence on December 1, 1929.

April 11, 1940  
 [S. 166]  
 [Private, No. 290]

Nathan Kaplan.  
 Legal admission  
 for permanent residence.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of said Nathan Kaplan upon the ground of unlawful residence in the United States.

Cancellation of deportation orders, etc.

Approved, April 11, 1940.

[CHAPTER 85]

AN ACT

For the relief of Ernest S. Frazier.

Whereas the War Department has itself eliminated from the discharge certificate of Ernest S. Frazier, late of the Texas National Guard in Federal service, the word "undesirable": Therefore *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the War Department is hereby authorized and directed to eliminate the words "illiterate" and "degenerate" from the record of said Ernest S. Frazier wherever the said words occur in such records.

April 11, 1940  
 [S. 454]  
 [Private, No. 291]

Ernest S. Frazier.

Correction in War Department records.

SEC. 2. That the Veterans' Administration is also hereby authorized and directed to eliminate the words "illiterate" and "degenerate" from the record of Ernest S. Frazier whenever said words occur in such records.

Correction in Veterans' Administration records.

Approved, April 11, 1940.

## [CHAPTER 86]

## AN ACT

For the relief of Max J. Mobley.

April 11, 1940  
[S. 1442]

[Private, No. 292]

Max J. Mobley.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Max J. Mobley, of Morrilton, Arkansas, the sum of \$2,565, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him arising out of a collision between his automobile and a Soil Conservation Service truck operated by an enrollee of the Civilian Conservation Corps on Highway Numbered 64 near Pottsville, Arkansas, on April 1, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 11, 1940.

## [CHAPTER 87]

## AN ACT

For the relief of George Louis Artick.

April 11, 1940  
[S. 1510]

[Private, No. 293]

George Louis Artick.  
Legal admission for permanent residence.

Cancellation of deportation orders, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws George Louis Artick, sometimes known as George Attick, of Danbury, Connecticut, shall be held and considered to have been legally admitted to the United States for permanent residence during July 1925.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of said George Louis Artick, sometimes known as George Attick, upon the ground of unlawful residence in the United States.

Approved, April 11, 1940.

## [CHAPTER 88]

## AN ACT

Conferring jurisdiction upon the United States District Court for the District of Rhode Island to hear, determine, and render judgment upon the claim of George Lancellotta.

April 11, 1940  
[S. 1856]

[Private, No. 294]

George Lancellotta.  
Jurisdiction conferred upon U. S. District Court to hear, etc., claim of.*Proviso.*  
Judgment limited.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the United States District Court for the District of Rhode Island to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of George Lancellotta, of Providence, Rhode Island, for damages resulting from personal injuries received by him on June 29, 1932, at Providence, Rhode Island, by reason of being struck by an army automobile while crossing Jackson Street at Westminster Street: *Provided,* That the judgment, if any, shall not exceed \$3,000.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, appeals therefrom, and payment of any judgments thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph twentieth of section 24 of the Judicial Code, as amended.

Approved, April 11, 1940.

Commencement of  
suit.

Proceedings.

28 U. S. C. § 41, par.  
20.

[CHAPTER 89]

AN ACT

For the relief of Alabama Lewis Poole.

April 11, 1940

[S. 2201]

[Private, No. 295]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the proceedings and findings of the board of medical officers which investigated the circumstances and facts surrounding the death of First Lieutenant John K. Poole, and the confirmation thereof by the War Department, the War Department is hereby authorized and directed to pay to Alabama Lewis Poole, widow of First Lieutenant John K. Poole, a sum equal to six months' pay which her husband was receiving as provided by law because the facts reported by the board of medical officers shows, on its face, that First Lieutenant Poole was in line of duty at the time of his death, and that his death was not the result of his own misconduct.

Approved, April 11, 1940.

Alabama Lewis  
Poole.  
Payment to.

[CHAPTER 90]

AN ACT

For the relief of Louis Simons.

April 11, 1940

[S. 2252]

[Private, No. 296]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis Simons, of Hampton Beach, New Hampshire, the sum of \$599, in full satisfaction of his claim against the United States for damages for personal injuries and property damages sustained by him on March 4, 1937, as the result of certain blasting operations conducted on a Works Progress Administration project in Amesbury, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Louis Simons.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, April 11, 1940.

## [CHAPTER 91]

## AN ACT

For the relief of Edward J. Gebhart.

April 11, 1940  
[S. 2491]  
[Private, No. 297]

Edward J. Gebhart.  
Consideration of disability claim.  
39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended and supplemented, are hereby waived in the case of Edward J. Gebhart, of Orient, South Dakota; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within one year after the date of enactment of this Act, by the said Edward J. Gebhart for compensation under the provisions of such Act of September 7, 1916, as amended and supplemented, for disability alleged to have been due to injuries sustained by him on February 6, 1937, in the performance of his duties as a rural carrier at Orient, South Dakota: *Provided,* That no benefits shall accrue prior to the approval of this Act.

*Proviso.*  
No prior benefits.

Approved, April 11, 1940.

## [CHAPTER 92]

## AN ACT

For the relief of Dane Goich.

April 11, 1940  
[S. 2492]  
[Private, No. 298]

Dane Goich.  
Legal admission for permanent residence.

Cancellation of deportation orders, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Dane Goich shall be held and considered to have been legally admitted to the United States for permanent residence on June 15, 1925.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of the said Dane Goich upon the ground of unlawful residence in the United States.

Approved, April 11, 1940.

## [CHAPTER 93]

## AN ACT

For the relief of Mary Nouhan.

April 11, 1940  
[S. 2527]  
[Private, No. 299]

Mary Nouhan.  
Legal admission for permanent residence.

Cancellation of deportation orders, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, Mary Nouhan, of Paterson, New Jersey, shall be held and considered to have been legally admitted to the United States for permanent residence on April 17, 1925.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued in the case of the said Mary Nouhan upon the ground of unlawful entry into the United States.

Approved, April 11, 1940.

## [CHAPTER 94]

## AN ACT

For the relief of Stanley Falk, Howard Franklin, Mrs. Nathan Falk, and Rose Winter.

April 11, 1940  
[S. 2531]  
[Private, No. 300]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stanley Falk, of Little Rock, Arkansas, the sum of \$120.09; to Howard Franklin, of Little Rock, Arkansas, the sum of \$150; to Mrs. Nathan Falk, of Little Rock, Arkansas, the sum of \$200; and to Rose Winter, of Little Rock, Arkansas, the sum of \$250, in full satisfaction of all their claims against the United States for property damage and personal injuries sustained when the automobile in which they were riding was struck by a car driven by Charles L. Willis, an employee of the Public Works Administration, at Wooster, Arkansas, on July 2, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Stanley Falk and others.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, April 11, 1940.

## [CHAPTER 95]

## AN ACT

To provide an additional sum for the payment of a claim under the Act entitled "An Act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Virginia, on October 27, 1938", approved June 19, 1939.

April 11, 1940  
[S. 3068]  
[Private, No. 301]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum not to exceed \$129.75, as may be required by the Secretary of the Navy to reimburse Private (first class) Earl S. Rogers, United States Marine Corps, after claimant shall have filed itemized statement showing actual damages sustained by proper appraisal, and under such regulations as he may prescribe pursuant to the provisions of Private Act Numbered 56, Seventy-sixth Congress, approved June 19, 1939, for losses of and damages to reasonable and necessary personal property resulting from the fire which occurred at the Marine Barracks, Quantico, Virginia, on October 27, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Private (first class)  
Earl S. Rogers.  
Payment to.

53 Stat. 1463.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, April 11, 1940.

## [CHAPTER 98]

## AN ACT

For the relief of W. B. Tucker, Helen W. Tucker, Lonie Meadows, and Susie Meadows.

April 13, 1940  
[S. 1372]

[Private, No. 302]

W. B. Tucker and  
others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. B. Tucker the sum of \$5,000, to Helen W. Tucker the sum of \$1,475.70, to Lonie Meadows the sum of \$546.29, and to Susie Meadows the sum of \$1,192.68, all residents of Louisburg, North Carolina, in full settlement of any and all claims against the United States for personal injuries, medical expenses, and property damage suffered by them as a result of an automobile accident which occurred on North Carolina State Highway 56 on June 9, 1936, when the automobile in which they were riding was struck by a truck owned by one John W. Prather, an employee of the Soil Conservation Service: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, April 13, 1940.

## [CHAPTER 99]

## AN ACT

Granting jurisdiction to the Court of Claims to reopen and readjudicate the case of Carrie Howard Steedman and Eugenia Howard Edmunds.

April 13, 1940  
[S. 1982]

[Private, No. 303]

Carrie Howard Steedman and Eugenia Howard Edmunds.  
Court of Claims directed to readjudicate case of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Court of Claims be, and it is hereby, vested with jurisdiction and directed to reopen and readjudicate the case of Carrie Howard Steedman and Eugenia Howard Edmunds against the United States, numbered E-563, decided February 28, 1927, and reported in volume 63, Court of Claims Reports, at page 226, upon the evidence heretofore submitted to the said court in the said cause, giving due weight in such readjudication to any decision of the Supreme Court of the United States rendered since February 28, 1927, construing the relevant provisions of the applicable statutes, particularly the identical terms of section 402 of the Revenue Acts of 1918 and 1921, and if such Court of Claims in such readjudication shall find upon said evidence that, under the provisions of the Revenue Act of 1921, the plaintiffs are entitled to a judgment under the relevant statutes, as now construed by the Supreme Court of the United States, particularly the terms of section 402 of the Revenue Acts of 1918 and 1921, then the court shall enter its judgment in favor of the said Carrie Howard Steedman and Eugenia Howard Edmunds in said cause for such sums as said evidence will justify, not to exceed the amount claimed in the original petition in the Court of Claims, with interest as provided by law.

40 Stat. 1097; 42  
Stat. 278.

Judgment.

Approved, April 13, 1940.

## [CHAPTER 102]

## AN ACT

For the relief of the Pacific Airmotive Corporation, Burbank, California.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Pacific Airmotive Corporation, Burbank, California, out of any money in the Treasury not otherwise appropriated, the sum of \$940 in full and final settlement of any and all claims against the Government on account of the damage done to an airplane belonging to said corporation by a United States Navy plane September 1, 1938, at Union Air Terminal, Burbank, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 17, 1940.

April 17, 1940  
[H. R. 2161]  
[Private, No. 304]

Pacific Airmotive  
Corporation, Bur-  
bank, Calif.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

## [CHAPTER 103]

## JOINT RESOLUTION

Authorizing Captain William Bowie, former Chief of the Division of Geodesy in the United States Coast and Geodetic Survey, Department of Commerce, to accept and wear the decoration of the Cross of Grand Officer of the Order of Saint Sava.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That William Bowie, captain (retired), United States Coast and Geodetic Survey, Department of Commerce, be, and he hereby is, authorized to accept and wear the decoration of the Cross of Grand Officer of the Order of Saint Sava, conferred by the Government of Yugoslavia in recognition of his outstanding achievements in the interests of international science and geodesy. The Department of State is hereby authorized to deliver the said decoration to the aforementioned William Bowie.

Approved, April 17, 1940.

April 17, 1940  
[H. J. Res. 453]  
[Priv. Res., No. 4]

Capt. William  
Bowie.  
Acceptance, etc., of  
decoration authorized.

Delivery by Depart-  
ment of State.

## [CHAPTER 110]

## AN ACT

For the relief of Ray E. Nies.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ray E. Nies, of Holland, Michigan, the sum of \$309.99, in full settlement of all claims against the United States for damages to the automobile owned by his wife, driven by his son, and sustained when it was struck by an Army truck on August 8, 1936, in Holland, Ottawa County, Michigan, which damages were paid by the said Ray E. Nies: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful,

April 18, 1940  
[H. R. 838]  
[Private, No. 305]

Ray E. Nies.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 18, 1940.

## [CHAPTER 111]

## AN ACT

For the relief of Francisco R. Acosta.

April 18, 1940

[H. R. 3477]

[Private, No. 306]

Master Sergeant  
Francisco R. Acosta.  
Payment to.

Proviso.  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francisco R. Acosta, master sergeant, Medical Department, United States Army, the sum of \$822.45, in full and final settlement of all claims against the United States for loss of personal property in a fire which occurred in quarters numbered 52-B, hospital steward's quarters, Fort Sheridan, Illinois, on November 4, 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 18, 1940.

## [CHAPTER 112]

## AN ACT

For the relief of the estate of George B. Spearin, deceased.

April 18, 1940

[H. R. 4256]

[Private, No. 307]

George B. Spearin.  
Payment to estate  
of.

31 U. S. C. § 226;  
Supp. V, § 226.

Proviso.  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of George B. Spearin, deceased, the sum of \$5,616.29, which sum, or so much thereof as may be necessary, is hereby appropriated, said sum to be in full settlement of all claims against the United States for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the Act of September 30, 1890 (26 Stat. L. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 18, 1940.

## [CHAPTER 113]

## AN ACT

For the relief of James Henry Rigdon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to James Henry Rigdon, of Pickens, South Carolina, the sum of \$3,500, in full settlement of all claims against the United States on account of the loss of his left arm and other bodily injuries and damages sustained by him by reason of the negligent and reckless operation of a United States Government truck operated in connection with Civilian Conservation Corps activities of the War Department, on a public highway near Pickens, South Carolina, on September 24, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 18, 1940.

April 18, 1940  
[H. R. 4388]  
[Private, No. 308]

James Henry  
Rigdon.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 114]

## AN ACT

For the relief of Howard Daury.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 17 to 20, inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 edition, title 5, secs. 767 and 770), are hereby waived in favor of Howard Daury, of Pittsfield, Massachusetts, who allegedly sustained injuries in line of duty on April 27, 1934, at Pittsfield, Massachusetts, while employed by the Civil Works Administration, and his claim for compensation is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the United States Employees' Compensation Commission not later than six months after the date of enactment of this Act: *Provided,* That no benefits hereunder shall accrue prior to the approval of this Act.

Approved, April 18, 1940.

April 18, 1940  
[H. R. 5866]  
[Private, No. 309]

Howard Daury.  
Consideration of disability claim.

39 Stat. 746, 747.  
5 U. S. C. §§ 767-770.

Time limitation.

*Proviso.*  
No prior benefits.

## [CHAPTER 115]

## AN ACT

To authorize certain officers of the Army of the United States to accept such medals, orders, and decorations as have been tendered them by foreign governments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following-named officers of the Army are hereby authorized to accept such medals, orders, and decorations as have been tendered them by foreign governments:

April 18, 1940  
[H. R. 8077]  
[Private, No. 310]

Army.  
Acceptance of decorations, etc., by designated officers, authorized.

General George C. Marshall; Major General David L. Stone; Major General Emory S. Adams; Major General Delos C. Emmons; Brigadier General Jay L. Benedict; Brigadier General James E. Chaney; Brigadier General James A. Ulio; Colonel George E. Adamson; Colonel Horace H. Fuller; Colonel Thruston Hughes; Colonel Bernard R. Peyton; Lieutenant Colonel William C. Crane; Lieutenant Colonel William F. Freehoff; Lieutenant Colonel Samuel A. Gibson; Lieutenant Colonel Arthur R. Harris; Lieutenant Colonel Samuel J. Heidner; Lieutenant Colonel Lehman W. Miller, Lieutenant Colonel Robert Olds; Lieutenant Colonel Charles W. Ryder; Lieutenant Colonel Eugene Villaret; Lieutenant Colonel Sumner Waite; Lieutenant Colonel Victor W. B. Wales; Major Louis J. Compton; Major Mark A. Devine, Junior; Major Harold L. George; Major Matthew B. Ridgway; Captain Joseph A. Baird; Captain William W. Bessell, Junior; Captain Charles H. Caldwell; Captain Alva L. Harvey; Captain Woodson F. Hocker; Captain Robert B. Hutchins; Captain Donald R. Lyon; Captain Carl B. McDaniel; Captain William A. Matheny; Captain Thomas L. Mosley; Captain Thomas North; Captain William D. Old; Captain Irving R. Selby; Captain Robert F. Tate; Captain Robert B. Williams; Captain Franklin C. Wolfe; First Lieutenant Carlos J. Cochrane, Air Corps Reserve; First Lieutenant Curtis E. LeMay; First Lieutenant James H. Rothrock, Air Corps Reserve; First Lieutenant James H. Walsh; First Lieutenant Torgils G. Wold; Second Lieutenant Joseph R. Ambrose, Air Corps Reserve; Second Lieutenant Wilson H. Banks, Air Corps Reserve; Second Lieutenant Charlie R. Bond, Junior, Air Corps Reserve; Second Lieutenant Alan D. Clark; Second Lieutenant Keith K. Compton; Second Lieutenant Henry C. Godman; Second Lieutenant Andrew J. Goodpaster, Junior; Second Lieutenant Bela A. Harcos; Second Lieutenant Clarence K. Longacre; Second Lieutenant Glenn C. Nye; Second Lieutenant Robert A. Ping; Second Lieutenant William P. Ragsdale, Junior; and Second Lieutenant Hiette S. Williams, Junior.

Approved, April 18, 1940.

[CHAPTER 120]

AN ACT

For the relief of the International Grain Company, Incorporated.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to International Grain Company, a Minnesota corporation, of Minneapolis, Minnesota, the sum of \$18,490.81, in full satisfaction of its claim against the United States for the difference between the contract price stated in the contract entered into by the War Department with the said International Grain Company, a Minnesota corporation, of Minneapolis, Minnesota, under date of September 15, 1918, for the storage of oats and the amount received by the said company from the War Department therefor; and for storage of several carloads of oats for which no payment has been made: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1940.

April 20, 1940

[H. R. 2356]

[Private, No. 311]

International Grain  
Co., Inc., Minneap-  
olis, Minn.  
Payment to.

Proviso.  
Limitation on attor-  
ney's, etc., fees.

Penalty.

## [CHAPTER 121]

## AN ACT

For the relief of R. D. Torian.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. D. Torian, of Weldon, Arkansas, the sum of \$3,500, in full settlement of all claims against the United States for the fatal injuries sustained by his son, William Edward Torian, in a collision between the Newport, Arkansas, public school automobile bus, in which the said William Edward Torian was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway Numbered 17, near Weldon, Arkansas, on April 26, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1940.

April 20, 1940  
[H. R. 5257]  
[Private, No. 312]

R. D. Torian.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 122]

## AN ACT

For the relief of Floyd H. Roberts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Floyd H. Roberts, of Bristol, Virginia, the sum of \$5,166.66, representing compensation, at the rate provided by law for judges of district courts of the United States, in full settlement of all claims against the United States, for his services as district judge for the period August 1, 1938, to February 6, 1939, both dates inclusive: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 20, 1940.

April 20, 1940  
[H. R. 6513]  
[Private, No. 313]

Floyd H. Roberts.  
Payment for services as district judge authorized.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 141]

## AN ACT

For the relief of Joseph Sciortino.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Sciortino, of Brooklyn, New York, the sum of \$1,000, in full satisfaction of his claim against the United States for the value of a Liberty bond deposited with the United States District Court for the Northern District of New York for the release of an alien, Salvatore Sollano, pending determination of habeas corpus proceedings instituted by said alien to determine the validity of a warrant of

April 22, 1940  
[H. R. 2086]  
[Private, No. 314]

Joseph Sciortino.  
Reimbursement of amount of surety bond authorized.

deportation against him, and subsequently forfeited on order of said court, although the alien was available for deportation at all times and was in fact deported from the United States on May 19, 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

[CHAPTER 142]

AN ACT

For the relief of the Keuffel and Esser Company of New York.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Keuffel and Esser Company of New York, San Francisco, California, branch, the sum of \$90. The payment of such sum shall be in full settlement of all claims against the United States arising out of repairs made by such company in June 1935 to an engineer's transit upon the order of the project superintendent of camp SP-8-A, Kingman, Arizona, Civilian Conservation Corps. Such transit was the private property of an engineer employed by the Government on such project and was damaged while in use by such camp: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

[CHAPTER 143]

AN ACT

For the relief of the estate of J. D. Warlick.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. H. Warlick, of Birmingham, Alabama, as administrator of the estate of J. D. Warlick, late of Ocala, Florida, the sum of \$5,000, in full satisfaction of all claims of such estate against the United States for the death of said J. D. Warlick, who was struck and killed by a Civilian Conservation Corps ambulance, about six miles from Ocala, Florida, on June 11, 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

April 22, 1940  
[H. R. 3769]

[Private, No. 315]

Keuffel and Esser  
Co. of New York,  
San Francisco, Calif.,  
branch.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

April 22, 1940  
[H. R. 3784]

[Private, No. 316]

J. D. Warlick.  
Payment to estate  
of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 144]

## AN ACT

For the relief of Charles Sidenstucker.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Sidenstucker, Jewell, Iowa, the sum of \$300. The payment of such sum shall be in full settlement of all claims against the United States for expenses incurred by the said Charles Sidenstucker in connection with the alteration of certain premises owned by him in Jewell, Iowa, for the purpose of rendering such premises suitable for use as a post office, the order for using such premises being thereafter rescinded: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

April 22, 1940  
[H. R. 3970]  
[Private, No. 317]

Charles Siden-  
stucker.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

[CHAPTER 145]

## AN ACT

For the relief of Robert Faughnan, a minor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Robert Faughnan, a minor, of Jamaica, New York, the sum of \$2,500 in full settlement of all claims against the United States Government on account of permanent injuries received by the said Robert Faughnan, when struck by a United States mail truck on March 5, 1932, about 5 o'clock postmeridian, at Springfield Boulevard near Sheffield Avenue, Springfield, Queens County, New York: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

April 22, 1940  
[H. R. 4436]  
[Private, No. 318]

Robert Faughnan.  
Payment to guard-  
ian of.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

[CHAPTER 146]

## AN ACT

For the relief of Richard L. Calder.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard L. Calder, of New Hartford, Connecticut, the sum of \$1,206, in full settlement of all claims against the United States for rental of two three-ton trucks and one stone crusher furnished to the Works

April 22, 1940  
[H. R. 5397]  
[Private, No. 319]

Richard L. Calder.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Progress Administration of Connecticut during the period from December 5, 1935, to February 4, 1936, in connection with official project numbered 65-15-296: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

[CHAPTER 147]

AN ACT

For the relief of Marguerite P. Carmack.

April 22, 1940  
[H. R. 5812]  
[Private, No. 320]

Marguerite P. Carmack.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marguerite P. Carmack, of Forest Hill, California, the sum of \$364.23, in full settlement of all claims against the United States for repayment of purchase money paid in connection with mineral entry patent to Pacific Blue Lead, Outbreak, and Snow Shoe Mining District, Placer County, California: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

[CHAPTER 148]

AN ACT

For the relief of Ella Ragotski.

April 22, 1940  
[H. R. 5928]  
[Private, No. 321]

Ella Ragotski.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to Ella Ragotski, Saint Louis, Missouri, in full settlement of all claims against the United States for damages for injuries sustained by her, and for medical treatment and hospitalization incident thereto, when she was struck, on the 27th day of March 1936, in the city of Saint Louis, Missouri, by an automobile operated by Milton W. Rischert who was then officially engaged in the discharge of his duties as a special-delivery messenger of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

## [CHAPTER 149]

## AN ACT

For the relief of Morrison-Knudsen Company, Incorporated, and W. C. Cole.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of Morrison-Knudsen Company, Incorporated, and W. C. Cole, for reimbursement of the increased costs incurred in the procurement of sand conforming to specifications in the performance by said company of contract W-777-eng-221, dated September 6, 1938, covering construction of the major portion of the embankment and rough excavation for the spillway of the Fort Supply Dam located on Wolf Creek near Supply in Woodward County, Oklahoma, and to allow in full and final settlement of the claim the sum of not to exceed \$37,470.49. There is hereby appropriated out of any moneys in the Treasury not otherwise appropriated the sum of \$37,470.49, or so much thereof as may be necessary, for the payment of said claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

April 22, 1940  
[H. R. 7855]  
[Private, No. 322]

Morrison - Knudsen Co., Inc., and W. C. Cole.  
Adjustment of claim authorized.

Appropriation.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 150]

## AN ACT

For the relief of O'Brien Brothers, Incorporated, New York City, New York.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of O'Brien Brothers, Incorporated, New York City, New York, for \$3,510, representing the loss resulting from damage to its scow Eastern Light sustained on or about November 28, 1936, while being unloaded by employees of the War Department at the United States Military Academy, West Point, New York, and to allow in full and final settlement of the claim the sum of not to exceed \$3,510. There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,510, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 22, 1940.

April 22, 1940  
[H. R. 7857]  
[Private, No. 323]

O'Brien Brothers, Inc.  
Adjustment of claim authorized.

Appropriation.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 151]

## AN ACT

For the relief of Tom Kelly.

April 23, 1940

[H. R. 2041]

[Private, No. 324]

Tom Kelly.  
Payment to.Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$6,270 to Tom Kelly, of Skedee, Oklahoma, in full satisfaction of all claims against the United States for serious and permanent injuries received in an automobile collision with a Government Civilian Conservation Corps truck on the highway between Tulsa and Skedee, Oklahoma, on September 24, 1934: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, April 23, 1940.

## [CHAPTER 177]

## AN ACT

For the relief of Gerald Henry Simpson.

April 30, 1940

[H. R. 7814]

[Private, No. 325]

Gerald Henry Simpson.  
Admission deemed lawful.

Naturalization authorized.

Requirements excepted.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the immigration and naturalization laws the alien Gerald Henry Simpson, now a member of the United States Army, shall be considered to have been, at Detroit, Michigan, on February 9, 1937, lawfully admitted to the United States for permanent residence, and if found otherwise admissible to citizenship, may be naturalized under this Act upon compliance with all the requirements of the naturalization laws, except that—

(a) No certificate of arrival and no declaration of intention shall be required;

(b) No period of residence within the United States or within the county where the petition is filed shall be required; and

(c) The petition for citizenship shall be filed with any court having naturalization jurisdiction prior to the expiration of four months immediately following the date of the enactment of this Act.

Approved, April 30, 1940.

## [CHAPTER 178]

## AN ACT

For the relief of Esther Cottingham Grab.

April 30, 1940

[H. R. 8530]

[Private, No. 326]

Esther Cottingham Grab.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Esther Cottingham Grab, widow of Frederic Daniel Grab, late American commercial attaché at Caracas, Venezuela, the sum of \$5,000, such sum representing one year's salary of her deceased husband, who died May 2, 1937, in an airplane crash, while in the Foreign Service of the United States of America.

Approved, April 30, 1940.

[CHAPTER 179]

JOINT RESOLUTION

To authorize the President to present the Distinguished Flying Cross to Frank W. Seifert and Lieutenant V. Hine, deceased.

April 30, 1940  
[H. J. Res. 275]  
 [Priv. Res., No. 5]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to present the Distinguished Flying Cross to Frank W. Seifert, former Army Air Corps officer, and Lieutenant V. Hine, deceased, in recognition of their great courage and extraordinary achievements while participating in aerial flights in connection with the first successful experiment in refueling an airplane in the air.*

Frank W. Seifert,  
 and Lt. V. Hine,  
 deceased.  
 Presentation of Dis-  
 tinguished Flying  
 Cross to.

Approved, April 30, 1940.

[CHAPTER 181]

AN ACT

For the relief of Madeline Vera Buchholz.

May 1, 1940  
[H. R. 7246]  
 [Private, No. 327]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws, the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Madeline Vera Buchholz, and that she shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as an immigrant for permanent residence.*

Madeline Vera  
 Buchholz.  
 Admission deemed  
 lawful.

Approved, May 1, 1940.

[CHAPTER 202]

AN ACT

For the relief of Stina Anderson.

May 15, 1940  
[H. R. 6965]  
 [Private, No. 323]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and any order of deportation which may be issued against Stina Anderson and that Stina Anderson shall not hereafter be subject to deportation for the same cause or causes upon which the present warrant of arrest is based.*

Stina Anderson.  
 Cancellation of de-  
 portation order, etc.

Approved, May 15, 1940.

[CHAPTER 207]

AN ACT

For the relief of Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim.

May 24, 1940  
[H. R. 2948]  
 [Private, No. 329]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Labor is authorized and directed to cancel the outstanding orders and warrants of deportation in the case of the aliens Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Morris Hoppenheim, Lena Hoppenheim, Doris Hoppenheim, and Ruth Hoppenheim shall be deemed to be lawful residents of the United States.*

Morris Hoppen-  
 heim and others.  
 Cancellation of or-  
 ders of deportation,  
 etc.

Deemed lawful resi-  
 dents.

Approved, May 24, 1940.

## [CHAPTER 208]

## AN ACT

For the relief of Luise Ehrenfeld.

May 24, 1940

[H. R. 3094]

[Private, No. 330]

Luise Ehrenfeld.  
Registration as hav-  
ing entered U. S. for  
permanent residence.

Deduction from  
quota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to permit registration of Luise Ehrenfeld as having entered the United States for permanent residence. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, May 24, 1940.

## [CHAPTER 233]

## AN ACT

For the relief of Priscilla M. Noland.

June 6, 1940

[S. 1239]

[Private, No. 331]

Priscilla M. Noland.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Priscilla M. Noland, of Seattle, Washington, the sum of \$765, in full satisfaction of her claim against the United States for damages resulting from an accident involving a Government truck operated in connection with the Civilian Conservation Corps, while en route from Seattle, Washington, to Snoqualmie Falls, Washington, on June 25, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

## [CHAPTER 234]

## AN ACT

For the relief of Katherine Scott, Mrs. J. H. Scott, Jettie Stewart, and Ruth Mincemeyer.

June 6, 1940

[S. 2132]

[Private, No. 332]

Katherine Scott and  
others.  
Payments to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Scott, Ellington, Missouri, the sum of \$2,500; to Mrs. J. H. Scott, Ellington, Missouri, \$500; to Jettie Stewart, Ellington, Missouri, \$50; and to Ruth Mincemeyer, Clayton, Missouri, \$50; in all, \$3,100, in full settlement of their respective claims against the United States for personal injuries sustained when the vehicle in which they were riding was struck by a truck of United States Civilian Conservation Corps Camp S-70, Forest Service, Department of Agriculture, on Missouri State Highway Numbered 106, at the point where it intersects with the park road leading to Camp S-70, June 12, 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account

of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved, June 6, 1940.

[CHAPTER 235]

AN ACT

For the relief of Isadore J. Friedman.

June 6, 1940  
[S. 2199]

[Private, No. 333]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay to Isadore J. Friedman, of Belmar, New Jersey, out of any money in the Treasury not otherwise appropriated, the sum of \$1,693.86, in full settlement of all claims against the United States for property damage and personal injuries suffered by him when a truck owned by the United States Naval Air Station, Lakehurst, New Jersey, collided with his vehicle on February 5, 1938, on Main Street, Lakehurst, New Jersey: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Isadore J. Friedman.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 6, 1940.

[CHAPTER 258]

AN ACT

For the relief of Alan C. Winter, Junior, and Elizabeth Winter.

June 6, 1940  
[S. 1649]

[Private, No. 334]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alan C. Winter, Junior, and Elizabeth Winter, his wife, both of Jacksonville, Florida, the sum of \$633.17, in full satisfaction of all their joint and several claims against the United States for damages resulting from personal injuries received by them, and incidental damages, on February 4, 1937, in the city of Jacksonville, Florida, on account of collision of automobile in which they were riding with a truck operated by a member of the Civilian Conservation Corps: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Alan C. Winter, Jr., and Elizabeth Winter.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 6, 1940.

## [CHAPTER 259]

## AN ACT

For the relief of the legal representative of Anna Barbara Kosick, deceased.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative of Anna Barbara Kosick, deceased, of Los Angeles, California, the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said legal representative of Anna Barbara Kosick, deceased, on account of the death of her daughter Anna Barbara Kosick on or about the 10th day of September 1937 as the result of injuries sustained in a collision involving the car in which the said Anna Barbara Kosick was riding and a Government vehicle in the service of the Civilian Conservation Corps at the intersection of Huntington Drive and Baldwin Avenue, in in the city of Arcadia, county of Los Angeles, State of California: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

## [CHAPTER 260]

## AN ACT

For the relief of Roxie Richardson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roxie Richardson, of Hartford, Vermont, the sum of \$1,250, in full settlement of her claims against the United States for personal injuries, medical and hospital expenses, and damages sustained by her when the automobile in which she was a passenger was struck by a car owned by the United States and used in connection with the Civilian Conservation camp at Bellows Falls, Vermont, said accident having occurred March 31, 1938, at East Bethel, Windsor County, Vermont: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

## [CHAPTER 261]

## AN ACT

For the relief of Luther Devoe.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Luther Devoe, of Houlton, Maine, the sum of \$1,000, in full satisfaction of his claim against the United States for compensation for personal injuries sus-

June 6, 1940

[S. 1942]

[Private, No. 335]

Anna Barbara  
Kosick.  
Payment to legal  
representative of.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

June 6, 1940

[S. 2268]

[Private, No. 336]

Roxie Richardson.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

June 6, 1940

[S. 3071]

[Private, No. 337]

Luther Devoe.  
Payment to.

tained by him when he was struck by an automobile operated by Charles T. Warner, an employee of the Immigration and Naturalization Service, Department of Labor, while engaged in the performance of his duties as such employee, on October 27, 1937, near Houlton, Maine: *Provided*, That no part of the amount appropriated in this Act, in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Condition.

SEC. 2. Payment shall not be made under this Act until the said Luther Devoe has released, in a manner satisfactory to the Secretary of the Treasury, any judgment or other claim arising out of such accident, which he may have against the said Charles T. Warner.

Approved, June 6, 1940.

[CHAPTER 262]

AN ACT

To amend an Act entitled "An Act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles", approved July 15, 1939.

June 6, 1940  
[S. 3307]  
[Private, No. 338]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act of July 15, 1939 (Private, Numbered 95, Seventy-sixth Congress, first session), is amended by striking out all of that portion thereof reading "and the sum of \$5,000 to Mrs. Vern A. Needles, Newport, Oregon, widow of Vern A. Needles, who, as a member of the crew of the motorboat M. E. Sloan, was drowned when such motorboat was capized and destroyed as aforesaid: *Provided*", and substituting in lieu thereof "and the sum of \$2,500 to Mrs. Vern A. Needles, Newport, Oregon, widow, and the sum of \$2,500 to Charles V. Needles, minor son, of Vern A. Needles, who, as a member of the crew of the motorboat M. E. Sloan, was drowned when such motorboat was capized and destroyed as aforesaid: *Provided*, That payment of the last named amount shall be made to the legal guardian of Charles V. Needles, for his use and benefit: *Provided further*".

Mrs. Vern A. Needles.  
Payment to.  
53 Stat. 1479.

Charles V. Needles.

*Proviso.*  
Payment to legal guardian of.

Approved, June 6, 1940.

[CHAPTER 263]

AN ACT

For the relief of the estate of Lewis Marion Garrard Hale.

June 6, 1940  
[H. R. 4349]  
[Private, No. 339]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, to the estate of Lewis Marion Garrard Hale in full settlement of all claims against the Government of the United States on account of the death of said Hale on December 29, 1938, from injuries received when struck by a Forest Service truck operated by an enrollee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Lewis Marion Garrard Hale.  
Payment to estate of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 6, 1940.

## [CHAPTER 264]

## AN ACT

For the relief of George F. Lewis, administrator of the estate of Margaret R. Lewis.

June 6, 1940

[H. R. 5459]

[Private, No. 340]

Margaret R. Lewis.  
Payment to estate  
of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George F. Lewis, of Great Bend, New York, as administrator of the estate of Margaret R. Lewis, the sum of \$3,500 in full settlement of all claims against the United States as a result of the death of his daughter, Margaret R. Lewis, when struck by a truck in the service of the United States Army on June 1, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

## [CHAPTER 265]

## AN ACT

For the relief of Mrs. Gottlieb Metzger.

June 6, 1940

[H. R. 6552]

[Private, No. 341]

Mrs. Gottlieb Metzger.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Gottlieb Metzger, of Mount Vernon, South Dakota, the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as the result of the accidental and negligent death of her husband, Gottlieb Metzger, while an official automobile passenger engaged upon authorized Federal activity for the Forest Service, United States Department of Agriculture: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

## [CHAPTER 266]

## AN ACT

For the relief of Mr. and Mrs. Nathan Kaplan.

June 6, 1940

[H. R. 6964]

[Private, No. 342]

Mr. and Mrs.  
Nathan Kaplan.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nathan Kaplan and his wife, Ethel M. Kaplan, of New Bedford, Massachusetts, the sum of \$200, in full satisfaction of all claims against the Government of the United States on account of personal injuries and property damage suffered by them on October 27, 1932, when the automobile in which they were riding was struck by an Army GMC truck, operated by an enlisted man on Allen Street in

the city of New Bedford, Massachusetts: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 6, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 268]

AN ACT

Conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Senior, and Louise McKee.

June 7, 1940  
[S. 2083]

[Private, No. 343]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That jurisdiction is hereby conferred upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Senior, and Louise McKee, of Woodbury, New Jersey, against the United States for damages for the death of their son, Parker McKee, Junior, allegedly as the result of a landslide which occurred at official project numbered 165-22-3018 of the Works Progress Administration, in Woodbury, New Jersey, on April 7, 1937.

Parker McKee, Sr.,  
and Louise McKee.  
Jurisdiction of  
Court to hear claims.

SEC. 2. In the determination of such claims the United States shall be held liable for the acts of its officers and employees to the same extent as if it were a private person; except that any judgment rendered on such claims shall not be for any amount in excess of \$5,000.

Liability of U. S.

Limitation on judgment.

SEC. 3. Suit upon such claims may be instituted at any time within one year after the date of enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

Commencement of suit.

Procedure.

28 U. S. C. § 41 (20).

Approved, June 7, 1940.

[CHAPTER 269]

AN ACT

For the relief of Anna M. Shea.

June 7, 1940  
[S. 2572]

[Private, No. 344]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna M. Shea, of Portland, Oregon, the sum of \$161.50, in full satisfaction of her claim against the United States for compensation and reimbursement for medical and hospital expenses incurred on account of personal injuries sustained by her as the result of being struck by an automobile operated by a Works Progress Administration employee on June 12, 1936, in Portland, Oregon: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Anna M. Shea.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 7, 1940.

## [CHAPTER 270]

## AN ACT

For the relief of Mr. and Mrs. John W. Finley.

June 7, 1940  
[S. 2667]  
[Private, No. 345]

Mr. and Mrs. John  
W. Finley.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John W. Finley, of Roswell, New Mexico, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States for the death of a minor son, Calvin Finley, who was killed in an accident involving a Civilian Conservation Corps truck on April 24, 1934, east of Roswell, New Mexico: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1940.

## [CHAPTER 271]

## AN ACT

For the relief of Major John R. Holt.

June 7, 1940  
[S. 3092]  
[Private, No. 346]

Maj. John R. Holt.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Major John R. Holt, of Fort Snelling, Minnesota, the sum of \$96 in full satisfaction of his claim against the United States for a refund of the sum which he paid from his personal funds for two tarpaulins for use on Army trucks, such tarpaulins having been purchased by him as quartermaster officer at Fort Snelling, Minnesota, and payment therefor having been disallowed by the General Accounting Office: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1940.

## [CHAPTER 272]

## AN ACT

For the relief of C. T. Jensen.

June 7, 1940  
[S. 3233]  
[Private, No. 347]

C. T. Jensen.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. T. Jensen, of Minot, North Dakota, a native-born citizen of the United States, the sum of \$20.50, in full satisfaction of his claim against the United States for reimbursement of necessary expenses

incurred by him by reason of the refusal of the Commissioner of Immigration and Naturalization to recognize the said C. T. Jensen as a native-born citizen of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 273]

AN ACT

For the relief of Dorothy Crossing.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dorothy Crossing, of Bogota, New Jersey, the sum of \$223.20 in full satisfaction of her claim against the United States for compensation for services performed by her for the Wage and Hour Division of the United States Department of Labor during the year 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1940.

June 7, 1940  
[S. 3328]

[Private, No. 348]

Dorothy Crossing.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 274]

AN ACT

For the relief, of the estate of K. J. Foss.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of K. J. Foss, of Houston, Minnesota, the sum of \$233.04 in full settlement of all claims against the United States for damages to a building as the result of a fire caused by defective wiring in a truck owned by the Soil Conservation Service, Department of Agriculture, and parked in said building, on November 12, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 7, 1940.

June 7, 1940  
[H. R. 1843]

[Private, No. 349]

K. J. Foss.  
Payment to estate of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 275]

AN ACT

For the relief of the heirs of Lieutenant William Lee Clemmer, Coast Guard

June 7, 1940

[S. 3487]

[Private, No. 350]

Lt. William Lee Clemmer.  
Transfer of certain rights to heirs of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to transfer to H. Adria Clemmer, widow, and to the legal guardian of Constance N. Clemmer and William L. Clemmer, minor children of Lieutenant William Lee Clemmer (deceased), United States Coast Guard, by means of an appropriate legal instrument, the right, title, and interest of the United States over and above the license rights to be reserved under the appended proviso, in and to a certain invention made by the said Lieutenant William Lee Clemmer and consisting of new and useful improvements in method and means for determining vertical angles of energy waves, for which application has been made to the Commissioner of Patents for the grant of letters patent of the United States under the Act of March 3, 1883 (22 Stat. 625), as amended by the Act of April 30, 1928 (45 Stat. 467; U. S. C. title 35, sec. 45), such application having been executed April 30, 1937, and filed May 26, 1937, being designated as Serial Number 144871: *Provided, however,* That such legal instrument shall reserve to the Government of the United States, in all departments, independent establishments, and corporate and other agencies thereof, a nonexclusive, irrevocable, and nontransferable royalty-free license to make, to have made for it, to use, to practice, to maintain in repair, and to sell as surplus and condemned material, or otherwise as provided by law, any and all devices, methods, and inventions disclosed or claimed in the said application, or in any divisions or continuations thereof or substitutes therefor, under and for the full term or terms of any United States letters patent which may be granted on said application or on any divisions, extensions, continuations, or reissues thereof or substitutes therefor; and shall reserve to the Government of the United States as represented by the Secretary of the Treasury the irrevocable and exclusive right to prosecute any above referred to application, together with the full power of substitution and revocation of powers of attorney therein, including the right to make alterations and amendments to any said application, to transact all business in the Patent Office connected therewith and to prosecute, conduct, and make adjustments and settlements of any interferences or other actions or proceedings that any such application may encounter or in which any such application may become involved.

35 U. S. C. §45.

Proviso.  
Reservation by U.S. of royalty-free license, etc.

Additional rights reserved by U. S.

Approved, June 7, 1940.

[CHAPTER 296]

AN ACT

Conferring jurisdiction upon the United States District Court for the District of Montana to hear, determine, and render judgment upon the claim of the estate of Joseph Mihelich.

June 8, 1940

[S. 920]

[Private, No. 351]

Joseph Mihelich.  
Jurisdiction of Court to hear claim of estate.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the United States District Court for the District of Montana to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of the estate of Joseph Mihelich, for damages sustained as a result of the death of Joseph Mihelich, who was killed at Butte, Montana, on July 2, 1938, the death of the said Joseph Mihelich being allegedly caused by the caving in of a sewer ditch which had been dug by employees of the Works Progress

Administration: *Provided*, That the judgment, if any, shall not exceed \$5,000.

SEC. 2. Suit upon such claim may be instituted at any time within one year after the enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

Approved, June 8, 1940.

*Proviso.*  
Limitation on judgment.  
Commencement of suit.

Procedure.

28 U. S. C. §41 (20).

[CHAPTER 297]

AN ACT

For the relief of J. Frank Kuner, private, uniformed force, United States Secret Service.

June 8, 1940  
[S. 3304]

[Private, No. 352]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no suspension, charge, or disallowance shall be raised against any disbursing or certifying officer for any payments of salary made to J. Frank Kuner for services rendered as private, uniformed force, United States Secret Service, during the period July 1, 1938, to November 25, 1938, both dates inclusive, and such payments are hereby ratified and validated.

J. Frank Kuner.  
Validation of payments to.

Approved, June 8, 1940.

[CHAPTER 298]

AN ACT

For the relief of John R. Elliott.

June 8, 1940  
[H. R. 7306]

[Private, No. 353]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of John R. Elliott, former disbursing clerk, Division of Disbursement, Treasury Department, in the sum of \$97, representing the amount disallowed in the accounts of the said John R. Elliott because of a payment made to Sheldon Gent, as guardian of Forest Gent, incompetent: *Provided*, That no part of the amount so credited shall be charged against any individual other than the payee.

John R. Elliott.  
Credit allowed in accounts of.

*Proviso.*  
Restriction.

Approved, June 8, 1940.

[CHAPTER 299]

AN ACT

For the relief of the Gallup Mercantile Company of Gallup, New Mexico.

June 8, 1940  
[H. R. 7353]

[Private, No. 354]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$245.30 to the Gallup Mercantile Company of Gallup, New Mexico, in full settlement of its claim for compensation for supplies furnished to certain Indians of the former Southern Navajo Agency and to the former Southern Navajo Agency prior to December 31, 1933, and used by the Indians and the agency for feed for animals or for other purposes: *Provided*, That no payment shall be made until certification by the Secretary of the Interior that the claimant has executed a satisfactory release of any and all claims it may have against any employees or former employees of the agency arising out of said transaction:

Gallup Mercantile Company.  
Payment to.

*Proviso.*  
Release of claims.

Limitation on attorney's, etc., fees.

Penalty.

*Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 8, 1940.

[CHAPTER 300]

AN ACT

For the relief of the Hermosa-Redondo Hospital, C. Max Anderson, Julian O. Wilke, Curtis A. Wherry, Hollie B. Murray, Ruth M. Laird, Sigrid I. Olsen, and Stella S. Guy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hermosa-Redondo Hospital, Hermosa Beach, California, the sum of \$865.24; to Doctor C. Max Anderson the sum of \$203; to Doctor Julian O. Wilke the sum of \$125; to Doctor Curtis A. Wherry the sum of \$180; to Hollie B. Murray the sum of \$30; to Ruth M. Laird the sum of \$336; to Sigrid I. Olsen the sum of \$77; and to Stella S. Guy the sum of \$441; in all, \$2,257.24. Such sums shall be in full settlement of all claims against the United States arising out of services rendered and supplies furnished by such hospital and persons to Knud Heinrick Mattson, seaman, first class, United States Navy, on account of injuries sustained by the said Knud Heinrick Mattson while on leave of absence from the United States ship Nevada, September 21, 1930: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 8, 1940.

[CHAPTER 308]

AN ACT

For the relief of Thomas G. Abbitt.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the limitations of time in sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Thomas G. Abbitt, of Catawba Sanatorium, Virginia, and the United States Employees' Compensation Commission is authorized, under the remaining provisions of said Act, to receive and consider his claim for disability from tuberculosis alleged to have been contracted as a result of his employment by the Corps of Engineers, War Department, in conducting a survey of the Roanoke River during the months of November and December 1930 and January to June, inclusive, 1931: *Provided*, That claim hereunder shall be filed within six months from the date of the approval of this Act: *Provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 11, 1940.

June 8, 1940

[H. R. 8317]

[Private, No. 355]

Hermosa-Redondo Hospital and designated persons.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

June 11, 1940

[S. 1474]

[Private, No. 356]

Thomas G. Abbitt.  
Consideration of disability claim.

39 Stat. 746.

5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.  
No prior benefits.

## [CHAPTER 309]

## AN ACT

For the relief of Le Roy Breithaupt.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General is authorized and directed to cancel the charges against Le Roy Breithaupt, of Corvallis, Oregon, in the sum of \$1,302.78, representing the unpaid balance of the claim of the United States against said Le Roy Breithaupt (United States claim numbered COL-0665045) for refund of sums received by him from the United States as compensation for services as an agent in the Oregon Cooperative Extension Service during the period he was employed upon a per diem basis by the Farm Credit Administration.

Approved, June 11, 1940.

June 11, 1940  
[S. 1839]

[Private, No. 357]

Le Roy Breithaupt.  
Cancellation of  
charges against.

## [CHAPTER 310]

## AN ACT

For the relief of Walter R. Maguire.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of Walter R. Maguire, of Dorchester, Massachusetts, for disability alleged to have been caused by injuries sustained by him on August 3, 1936, while in the performance of his duties in the employment of the Navy Department at the Boston Navy Yard: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 11, 1940.

June 11, 1940  
[S. 2234]

[Private, No. 358]

Walter R. Maguire.  
Consideration of dis-  
ability claim.39 Stat. 746.  
5 U. S. C. §§ 765-770.

Time for filing claim.

*Proviso.*  
No prior benefits.

## [CHAPTER 311]

## AN ACT

For the relief of Barnet Warren.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Barnet Warren the sum of \$2,756.14, and the additional sum of \$100 a month, up to and not exceeding \$5,000, in full settlement of all his claims against the United States growing out of any damages or personal injuries suffered by him when a Civilian Conservation Corps truck, operated at the time by the National Park Service, collided with the said Barnet Warren, who was riding a bicycle north on United States Highway Numbered 1, near Ojus, Florida, on March 17, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 11, 1940.

June 11, 1940  
[S. 3091]

[Private, No. 359]

Barnet Warren.  
Payments to.*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

## [CHAPTER 312]

## AN ACT

For the relief of Erich Hecht, Grete J. L. Hecht, and Erich F. Hecht, Junior.

June 11, 1940  
[H. R. 8292]  
[Private, No. 360]

Erich Hecht and  
others.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Erich Hecht, Grete J. L. Hecht, and Erich F. Hecht, Junior, subjects of the Netherlands, of German birth, upon the date of the enactment of this Act, and that they shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as immigrants for permanent residence.

Deduction from  
quota.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct three numbers from the German quota of the first year that the German quota is available.

Approved, June 11, 1940.

## [CHAPTER 328]

## AN ACT

For the relief of Bruno Arena.

June 11, 1940  
[S. 1445]  
[Private, No. 361]

Bruno Arena.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bruno Arena, of Providence, Rhode Island, the sum of \$2,112.40, in full satisfaction of all claims against the United States for damages for personal injuries and medical expenses sustained by him when he was struck by a United States mail truck in the service of the United States Post Office Department, operated by William Conlon, an employee of the United States Post Office Department, on Promenade Street, Providence, Rhode Island, on February 20, 1933: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

Approved, June 11, 1940.

## [CHAPTER 329]

## AN ACT

For the relief of Walter J. Hogan and W. R. Larkin, in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho.

June 11, 1940  
[S. 2419]  
[Private, No. 362]

Walter J. Hogan  
and W. R. Larkin.  
Substitution of des-  
ignated amounts as  
payments.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of June 20, 1938 (52 Stat. 1363) entitled "An Act for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho", is hereby amended by substituting the amounts of \$400 and \$2,000, respectively, in lieu of the amounts of \$100 and \$1,200 appearing in the Act immediately following the names of Walter J. Hogan and W. R. Larkin.

Approved, June 11, 1940.

## [CHAPTER 330]

## AN ACT

For the relief of Charles H. Parr.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Charles H. Parr for disability alleged to have been incurred by him on or about September 14, 1933, when engaged in authorized activities while an enrollee of the Civilian Conservation Corps at North Vernon, Indiana, and to determine said claim upon its merits under the provisions of said Act: *Provided*, That said claim shall be filed with the United States Employees' Compensation Commission not later than sixty days after the approval of this Act.

Approved, June 11, 1940.

June 11, 1940  
[S. 2798]  
[Private, No. 363]

Charles H. Parr.  
Consideration of  
disability claim.

39 Stat. 746.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing  
claim.

## [CHAPTER 331]

## AN ACT

For the relief of Verle S. Ward.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of Verle S. Ward, of Hyattsville, Maryland, for disability alleged to have been caused by using bromine liquid gas while in the performance of his duties in the employment of the Treasury Department in the Supervising Architect's Office of the Public Buildings Branch of the Procurement Division.

Approved, June 11, 1940.

June 11, 1940  
[S. 3073]  
[Private, No. 364]

Verle S. Ward.  
Consideration of  
disability claim.

39 Stat. 746.  
5 U. S. C. §§ 765-770.

Time for filing  
claim.

## [CHAPTER 332]

## AN ACT

For the relief of Esther Ross.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Esther Ross, Brookline, Massachusetts, the sum of \$691.48. The payment of such sum shall be in full settlement of all claims against the United States by the said Esther Ross for reimbursement of all expenses incurred by her for the hospitalization of her daughter, Beatrice Ross, World War veteran (C-1006059), at the Westborough State Hospital, Westborough, Massachusetts, during the period from January 16, 1934, to May 15, 1935. The said Beatrice Ross was erroneously dropped from the hospitalization rolls of the Veterans' Administration during such period and reimbursement for such hospitalization expense

June 11, 1940  
[H. R. 7072]  
[Private, No. 366]

Esther Ross.  
Payment to.

denied on the ground that such reimbursement was not authorized by law.

Approved, June 11, 1940.

[CHAPTER 338]

AN ACT

To authorize the cancelation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder.

June 12, 1940  
[H. R. 5827]  
[Private, No. 366]

John L. Harder and  
others.  
Cancelation of pro-  
ceedings.

Deemed lawful resi-  
dents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor is hereby authorized and directed to cancel the proceedings instituted against John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, John L., Paul William, Irvin W., Edna Justina, Elsie Anna, and Elizabeth Harder shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest, and shall be deemed to be lawful residents of the United States.

Approved, June 12, 1940.

[CHAPTER 361]

AN ACT

To repeal the provisions of Private Law Numbered 347, Seventy-first Congress, pertaining to Victoria Kessel.

June 13, 1940  
[S. 1908]  
[Private, No. 367]

Victoria Kessel.  
Removal from pen-  
sion roll.  
46 Stat. 2113.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provisions of Private Law Numbered 347, Seventy-first Congress (Act of February 17, 1931), entitled "An Act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors", the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to remove from the pension roll the name of Victoria Kessel, widow of Leon J. Kessel, late of Company L, Twenty-first Regiment United States Infantry.

Approved, June 13, 1940.

[CHAPTER 362]

AN ACT

For the relief of John A. Farrell.

June 13, 1940  
[S. 1977]  
[Private, No. 368]

John A. Farrell.  
Status of homestead  
entry.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to (1) permit John A. Farrell to withdraw the final proof made by him upon his homestead entry Great Falls 076763, (2) rescind the cancelation of such entry, (3) restore such entry to a pending status, and (4) extend for three years from the date of enactment of this Act the period during which said John A. Farrell may submit final proof with respect to compliance with residence requirements applicable to such entry.

Approved, June 13, 1940.

## [CHAPTER 363]

## AN ACT

Authorizing the issuance to Orville Wright of honorary aircraft pilot's certificate numbered 1.

June 13, 1940  
[S. 2735]  
[Private, No. 369]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Civil Aeronautics Authority is authorized to issue to Orville Wright honorary aircraft pilot's certificate numbered 1, in recognition of the outstanding service rendered by him in advancing the science of aeronautics.*

Orville Wright.  
Issuance of designated certificate.

Approved, June 13, 1940.

## [CHAPTER 368]

## AN ACT

For the relief of Harry Huston.

June 15, 1940  
[S. 3095]  
[Private, No. 370]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Harry Huston shall be held and considered to have been honorably discharged on February 10, 1900, as an artificer, Battery B, Fourth Artillery United States Army; but no pension, pay, bounty, or other benefit shall be held to accrue by reason of this Act prior to its passage.*

Harry Huston.  
Military record corrected.

No prior benefits.

Approved, June 15, 1940.

## [CHAPTER 369]

## AN ACT

To authorize the presentation of a special gold medal to William Sinnott.

June 15, 1940  
[S. 3313]  
[Private, No. 371]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to present a special gold medal to William Sinnott, a detective, who in guarding Franklin D. Roosevelt, then President-elect of the United States, at Miami, Florida, on February 15, 1933, was shot and wounded by Guiseppe Zangara, who attempted to assassinate said Franklin D. Roosevelt.*

William Sinnott.  
Presentation of medal to.

Approved, June 15, 1940.

## [CHAPTER 370]

## AN ACT

For the relief of Laura Trice Converse.

June 15, 1940  
[S. 3387]  
[Private, No. 372]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura Trice Converse, widow of Charles A. Converse, late American consul at Manchester, England, the sum of \$3,600, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.*

Laura Trice Converse.  
Payment to.

Approved, June 15, 1940.

## [CHAPTER 376]

## AN ACT

For the relief of the Acme Die-Casting Corporation.

June 15, 1940  
[S. 1635]

[Private, No. 373]

Acme Die-Casting  
Corporation.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$8,166.50 to the Acme Die-Casting Corporation, as equitable reimbursement and in full and final settlement and satisfaction of the damages and losses incurred and suffered by it, and for which it has not yet been reimbursed, in complying with the United States Navy commandeer order numbered N-3255, dated June 18, 1918: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 15, 1940.

## [CHAPTER 377]

## AN ACT

For the relief of Thermal Syndicate, Limited.

June 15, 1940  
[S. 1638]

[Private, No. 374]

Thermal Syndicate,  
Ltd.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,093.29 to Thermal Syndicate, Limited, as equitable reimbursement and in full and final settlement and satisfaction of the damages and losses incurred and suffered by it, and for which it has not yet been reimbursed, in moving its equipment from the space in the Bush Terminal Buildings to its new location, and in otherwise complying with United States Navy commandeer order numbered N-3255, dated June 18, 1918: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 15, 1940.

## [CHAPTER 378]

## AN ACT

For the relief of Charles B. Chrystal.

June 15, 1940  
[S. 1678]

[Private, No. 376]

Charles B. Chrystal.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,830.99 to Charles B. Chrystal as equitable reimbursement and in full and final settlement and satisfaction of the damages and losses incurred and suffered by him, and for which he has not yet

been reimbursed, in moving his equipment from the space in the Bush Terminal buildings to his new location, and in otherwise complying with the United States Navy commandeer order numbered N-3255, dated June 18, 1918: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 15, 1940.

[CHAPTER 379]

AN ACT

For the relief of Joseph F. Tondre.

June 15, 1940  
[S. 2250]  
[Private, No. 376]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General is authorized and directed to allow credit in the accounts of Joseph F. Tondre, former United States Marshal for the district of New Mexico, in the sum of \$145.27, representing certain payments made by him during the period 1930 to 1933, inclusive, credit for which was disallowed by supplemental certificate of settlement numbered G-88033-J, dated March 23, 1938.

Joseph F. Tondre.  
Credit allowed in accounts of.

Approved, June 15, 1940.

[CHAPTER 380]

AN ACT

For the relief of Harold W. Kinderman.

June 15, 1940  
[S. 2782]  
[Private, No. 377]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and is hereby, authorized to summon Harold W. Kinderman, a major, United States Army, retired, before a retiring board, to inquire whether at the time of his retirement under Act of July 31, 1935, as amended, he was incapacitated for active service, and whether such incapacity was a result of an incidence of service, and if, as a result of such inquiry, it is found that he was so incapacitated, the President is authorized to nominate and appoint, by and with the consent of the Senate, the said Harold W. Kinderman, a major in the Medical Corps of the Regular Army, setting aside his retirement under Act of July 31, 1935, and immediately thereafter place him upon the retired list of the Regular Army, for physical disability incurred in line of duty, and said retirement shall be held and considered to have taken place on December 31, 1936 (the date of his retirement under Act of July 31, 1935), and he shall receive the full retired pay and allowances of an officer of his grade from December 31, 1936 (the date of his separation from active duty): *Provided*, That the amount of the retired pay already received by him since December 31, 1936, shall be deducted from the amount due him under this Act: *Provided*, That no back pay, pension, bounty, or other emoluments shall be held to accrue prior to the passage of this Act.

Harold W. Kinderman.  
Summoning before retiring board.

49 Stat. 507,  
10 U. S. C. Supp.  
V, §§ 943a, 971b.

Action if found incapacitated.

*Provisos.*  
Deductions.

No prior benefits.

Approved, June 15, 1940.

## [CHAPTER 381]

## AN ACT

Authorizing the President to present the Navy Cross to Captain Frank N. Roberts,  
United States Army.

June 15, 1940  
[S. 3009]

[Private, No. 378]

Capt. Frank N.  
Roberts.  
Presentation of  
Navy Cross to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is authorized to present the Navy Cross provided for by section 3 of the Act of February 4, 1919 (40 Stat. 1056; 34 U. S. C. 356), to Captain Frank N. Roberts, United States Army, in recognition of extraordinary heroism displayed by that officer incidental to the bombing and loss of the United States ship Panay on December 12, 1937.

Approved, June 15, 1940.

## [CHAPTER 382]

## AN ACT

To provide for the advancement of John L. Hines on the retired list of the Army.

June 15, 1940  
[S. 3038]

[Private, No. 379]

Maj. Gen. John L.  
Hines.  
Advancement on  
retired list.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That John L. Hines, formerly Chief of Staff of the Army of the United States and now major general on the retired list of the Army, shall, beginning with the date of the enactment of this Act, have the rank of a general on the retired list of the Army: *Provided,* That the said John L. Hines shall receive no increase in retired pay, allowances, or other pecuniary benefits by reason of the enactment of this Act.

Approved, June 15, 1940.

*Proviso.*  
No pecuniary bene-  
fits.

## [CHAPTER 383]

## AN ACT

For the relief of Nadine Sanders.

June 15, 1940  
[S. 3044]

[Private, No. 380]

Nadine Sanders.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nadine Sanders, Santa Fe, New Mexico, the sum of \$500. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Nadine Sanders on account of personal injuries received on February 13, 1937, when the automobile in which she was riding was struck in Santa Fe, New Mexico, by a Soil Conservation Service truck: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 15, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 384]

## AN ACT

For the relief of Andrew Olson.

June 15, 1940  
[S. 3061]

[Private, No. 381]

Andrew Olson.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew Olson, of

Port Townsend, Washington, the sum of \$26, in full satisfaction of his claim against the United States for compensation for services rendered while employed as a laborer at the Marrowstone Point Light Station, Washington, from September 7 to September 15, 1939, such compensation having been withheld from him for the reason that he was not a citizen of the United States during such period: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 15, 1940.

[CHAPTER 385]

AN ACT

For the relief of Roy F. Lassly, former Acting Chief Disbursing Clerk, Department of the Interior.

June 15, 1940  
[S. 3306]

[Private, No. 382]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Roy F. Lassly, former Acting Chief Disbursing Clerk, Department of the Interior, the sum of \$500.70 public funds for which he is accountable, and which were paid to the Union Paving Company for construction work and disallowed by the Comptroller General of the United States: *Provided*, That no part of this amount shall be charged to any person other than the payee.

Roy F. Lassly.  
Credit in accounts of.

*Proviso.*  
Restriction.

Approved, June 15, 1940.

[CHAPTER 386]

AN ACT

For the relief of the Lewis State Bank of Tallahassee, Florida.

June 15, 1940  
[S. 3337]

[Private, No. 383]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any available "outstanding liabilities" appropriation, the sum of \$117.27 to the Lewis State Bank of Tallahassee, Florida, in full satisfaction of its claim against the United States arising out of two checks drawn upon the Treasurer of the United States, payable to William Davis, one for \$42.90, dated August 26, 1933, and numbered 307502, and the other for \$74.37, dated September 9, 1933, and numbered 313059, such checks having been assigned and delivered to the bank in 1933 as security for a loan made in that year to the said William Davis, who disappeared shortly after receiving the loan and whose endorsement on said checks the bank has therefore been unable to secure: *Provided*, That the Lewis State Bank of Tallahassee, Florida, shall file with the Secretary of the Treasury a bond, to indemnify the United States, in such form and amount and with such surety, sureties, or security as the Secretary of the Treasury shall require: *Provided further*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the

Lewis State Bank,  
Tallahassee, Fla.  
Payment to.

*Provisos.*  
Filing of bond.

Limitation on attorney's, etc., fees.

amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Cancellation of certain claims.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to cancel any claim which William Davis may have under section 21 of the Permanent Appropriation Repeal Act, 1934 (48 Stat. 1235; U. S. C., title 31, sec. 725t), on account of two United States Treasury checks payable to William Davis, one for \$42.90 dated August 26, 1933, and numbered 307502, and the other for \$74.37 dated September 9, 1933, and numbered 313059.

Approved, June 15, 1940.

[CHAPTER 387]

AN ACT

For the relief of Alice C. Wainwright.

June 15, 1940

[S. 3338]

[Private, No. 384]

Alice C. Wainwright.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alice C. Wainwright, widow of John T. Wainwright, late American vice consul at Matanzas, Cuba, the sum of \$2,750, such sum representing one year's salary of her deceased husband who died while in the Foreign Service.

Approved, June 15, 1940.

[CHAPTER 388]

AN ACT

For the relief of Major L. P. Worrall, and for other purposes.

June 15, 1940

[H. R. 8429]

[Private, No. 385]

Maj. L. P. Worrall.  
Credit in accounts of.

Provisos.  
Payment to King and Boozer.

Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Major L. P. Worrall, Finance Department, United States Army, the sum of \$3,066.03, public funds for which he is accountable, which sum was paid by him to King and Boozer, Anniston, Alabama, pursuant to change order "B", dated August 23, 1938, modifying contract numbered W-58-QM-CIV-59, dated June 29, 1938, and which sum has been disallowed by the Comptroller General of the United States: *Provided,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said King and Boozer a sum equal to any amount withheld or deducted from any amounts otherwise due to the said King and Boozer on account of the payment which is herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 15, 1940.

## [CHAPTER 394]

## AN ACT

For the relief of Edward Smith.

June 17, 1940  
[S. 3578]  
[Private, No. 386]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the superintendent of the Tomah Indian Agency, out of any money in the Treasury not otherwise appropriated, the sum of \$450 for disbursement under the individual Indian money regulations of the Department of the Interior for the benefit of Edward Smith, or his heirs and assigns, for loss sustained by failure to obtain title to the south half of the southeast quarter of the northeast quarter of section 33, township 24 north, range 3 east, of the fourth principal meridian, in Wisconsin: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Edward Smith.  
Payment to,  
through Tomah In-  
dian Agency.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, June 17, 1940.

## [CHAPTER 401]

## AN ACT

Directing the Secretary of the Interior to issue to Albert W. Gabbey a patent to certain lands in the State of Wyoming.

June 20, 1940  
[S. 163]  
[Private, No. 387]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized and directed to issue to Albert W. Gabbey, of Jenny Lake, Wyoming, a patent in fee to the following described lands (comprised in stock-raising homestead entry numbered 015468, Evanston land office): The west half northeast quarter, the north half northwest quarter, and the southeast quarter northwest quarter and the northeast quarter southwest quarter section 7, township 44 north, range 115 west, sixth principal meridian.

Albert W. Gabbey.  
Issuance to, of pat-  
ent in fee to certain  
lands.

Description.

Approved, June 20, 1940.

## [CHAPTER 402]

## AN ACT

For the relief of Janet Hendel, nee Judith Shapiro.

June 20, 1940  
[S. 1326]  
[Private, No. 388]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Janet Hendel, nee Judith Shapiro, heretofore issued on the grounds that on December 1, 1926, admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of "crimes involving moral turpitude", and thereupon Janet Hendel, nee Judith Shapiro, shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York, New York, on December 1, 1926. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by, or any

Janet Hendel, nee  
Judith Shapiro.  
Cancellation of order  
of deportation.

Admission deemed  
lawful.

Validity of petition,  
etc., for citizenship.

Condition.

admission to citizenship ordered and certificate of naturalization heretofore issued to, Janet Hendel, nee Judith Shapiro, which were predicated upon the claim of lawful admission to the United States for permanent residence on December 1, 1926, shall hereafter be deemed valid, unless the original seven-year period of validity of such declaration of intention has heretofore expired or Janet Hendel, nee Judith Shapiro, has heretofore been found otherwise not eligible to such benefit under the naturalization laws.

Approved, June 20, 1940.

[CHAPTER 403]

AN ACT

For the relief of Lena Hendel, nee Lena Goldberg.

June 20, 1940

[S. 1323]

[Private, No. 389]

Lena Hendel, nee  
Lena Goldberg.  
Cancellation of order  
of deportation.

Admission deemed  
lawful.

Validity of petition,  
etc., for citizenship.

Condition.

Deduction from  
quota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Lena Hendel, nee Lena Goldberg, heretofore issued on the ground that on October 4, 1926, admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of "crimes involving moral turpitude" and thereupon Lena Hendel, nee Lena Goldberg, shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York, New York, on October 4, 1926. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by, or any admission to citizenship ordered and certificate of naturalization heretofore issued to, Lena Hendel, nee Lena Goldberg, which were predicated upon the claim of lawful admission to the United States for permanent residence on October 4, 1926, shall hereafter be deemed valid, unless the original seven-year period of validity of such declaration of intention has heretofore expired or Lena Hendel, nee Lena Goldberg, has heretofore been found otherwise not eligible to such benefit under the naturalization laws.

SEC. 2. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, June 20, 1940.

[CHAPTER 404]

AN ACT

For the relief of Kurt Wessely.

June 20, 1940

[S. 2598]

[Private, No. 390]

Kurt Wessely.  
Date of admission  
for permanent resi-  
dence.  
*Post*, p. 1405.

Deduction from  
quota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Kurt Wessely shall be held and considered to have been lawfully admitted to the United States for permanent residence on August 3, 1937, at Ellis Island, New York.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, June 20, 1940.

[CHAPTER 405]

## AN ACT

For the relief of Maria Teresa Valdes Thompson.

June 20, 1940  
[S. 3245]

[Private, No. 391]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Maria Teresa Valdes Thompson, wife of an American citizen, in August 1939, and that she shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as an immigrant for permanent residence.

Maria Teresa Valdes Thompson.  
Admission for permanent residence deemed lawful.

Approved, June 20, 1940.

[CHAPTER 406]

## AN ACT

To confer jurisdiction upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment upon the claim of Zook Palm Nurseries, Incorporated, a Florida corporation.

June 20, 1940  
[H. R. 808]

[Private, No. 392]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the District Court of the United States for the Southern District of Florida to hear, determine, and render judgment, upon the claim of Zook Palm Nurseries, Incorporated, a Florida corporation, said claim arising out of alleged damages done to its nursery gardens and property located along the east bank of the Intracoastal Waterway immediately south of Atlantic Avenue, Delray Beach, Palm Beach County, Florida, from October 2, 1933, to the date of the passage of this Act, by their overflow with salt water from the Intracoastal Waterway, allegedly due to the widening and deepening of the waterway adjacent to and in the vicinity of said nursery gardens and property, and the removal of the dike along the said waterway by the War Department: *Provided*, That the district judge shall, at a separate hearing, first determine whether or not any release signed by claimant, Zook Palm Nurseries, Incorporated, and particularly a release dated May 3, 1935, is a complete release of the claim against the Government which the claimant alleges; and whether or not the release agreement contemplated the construction of a dike by the United States Government. Should the judge find that the release was a full and complete one as to the claims herein alleged, or if the judge finds that the release agreement did not contemplate the construction of a dike by the Federal Government, no further proceedings shall be had: *Provided further*, That suit hereunder may be instituted at any time within one year from the date of the enactment of this Act and proceedings therein, appeals therefrom, and payment of judgment thereon, if any, shall be had in the same manner as in the case of claims over which said court has jurisdiction under the provisions of the Judicial Code.

Zook Palm Nurseries, Inc.  
Claim; jurisdiction.

*Provisos.*  
Release of claim against the Government.

Commencement of suit.

Procedure.

Approved, June 20, 1940.

[CHAPTER 418]

## AN ACT

To amend the Act of August 27, 1935 (49 Stat. 2194), and for other purposes.

June 24, 1940  
[S. 3352]

[Private, No. 393]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of August 27, 1935 (49 Stat. 2194), be, and the same is hereby, amended so as to allow the submission of claims by Indians thereunder at any

Minnesota.  
Time extended for filing certain Indian claims.

time prior to June 30, 1941. The Comptroller General of the United States is directed to receive and settle any additional claims filed by Indians before said date and to reconsider all such claims which have been heretofore disallowed on account of failure to file them within the period of two years imposed by the Act.

Amounts due deceased claimants.

SEC. 2. Irrespective of the date of death or the sum involved or any contrary rule or practice with respect to payment of the claims, all amounts found due deceased Indians whose heirs have been determined by the Secretary of the Interior shall be paid to the appropriate superintendent or other bonded officer of the Indian Service for the benefit of the heirs, to be handled and accounted for by him with other moneys under this control in accordance with existing law and regulations. The amounts due deceased claimants whose heirs have not been thus determined shall be so paid upon applications therefore filed by the superintendent, for credit to the estates.

Consolidated Chippewa Agency.  
Unlocated claimants.

SEC. 3. The superintendent of the Consolidated Chippewa Agency is hereby authorized to file claims for any and all claimants or heirs of claimants whose whereabouts cannot be determined after due and diligent search, and a verified certificate filed by the superintendent that such due and diligent search has been made, shall be sufficient condition precedent to the right to file any such claim.

Filing of claims; oaths.

SEC. 4. Claims filed hereunder may be sworn to before a local postmaster or a superintendent or other officer of the Indian Service authorized to administer oaths.

Approved, June 24, 1940.

[CHAPTER 433]

AN ACT

For the relief of Albert L. Barnholtz.

June 26, 1940  
[H. R. 3774]

[Private, No. 394]

Albert L. Barnholtz.  
Consideration of disability claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Albert L. Barnholtz, of Denver, Colorado, for disability due to tuberculosis alleged to have been contracted by him while employed in the Denver, Colorado, post office during the period 1907-1921 in the same manner and to the same extent as if the said Albert L. Barnholtz had made application for benefits under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, within the period required by sections 17 and 20 thereof. No benefit shall accrue by reason of the enactment of this Act prior to the date of such enactment: *Provided*, That claim hereunder shall be made within ninety days from the enactment of this Act.

39 Stat. 746, 747.  
5 U. S. C. §§ 767, 770.

*Proviso.*  
Time for making claim.

Approved, June 26, 1940.

[CHAPTER 434]

AN ACT

For the relief of H. S. Wayman.

June 26, 1940  
[H. R. 3964]

[Private, No. 395]

H. S. Wayman.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. S. Wayman, Oak Grove, Missouri, the sum of \$347.75. Such sum represents the actual amount of expenses incurred by the said H. S. Wayman in connection with the hospitalization of his son, Donald

S. Wayman, at the Research Hospital, Kansas City, Missouri, from July 21, 1937, to July 28, 1937, both dates inclusive. The said Donald S. Wayman, aviation machinist's mate, third-class, United States Navy, was taken ill while on leave of absence, but was not granted admission to the United States Army hospital at Fort Leavenworth, Kansas, until July 29, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 26, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 435]

AN ACT

For the relief of Wilbur P. Riddlesbarger and Josephine Riddlesbarger.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wilbur P. Riddlesbarger and Josephine Riddlesbarger, of Eugene, Oregon, the sum of \$2,500, in full satisfaction of all claims against the United States on account of the death of their minor son, Wilbur Paul Riddlesbarger, Junior, who died on May 15, 1938, as the result of injuries received when he fell into a ditch left open and unguarded by Works Progress Administration employees: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 26, 1940.

June 26, 1940  
[H. R. 6095]

[Private, No. 396]

Wilbur P. and Josephine Riddlesbarger.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 436]

AN ACT

For the relief of Thomas Boyd.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Thomas Boyd for disability alleged to have been incurred by him during January of 1934, when engaged in authorized activities while an employee of the Norfolk Navy Yard at Norfolk, Virginia, and to determine said claim upon its merits under the provisions of said Act: *Provided*, That said claim shall be filed with the United States Employees' Compensation Commission not later than sixty days after the approval of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 26, 1940.

June 26, 1940  
[H. R. 6987]

[Private, No. 397]

Thomas Boyd.  
Consideration of disability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Filing of claim.

No prior benefits.

## [CHAPTER 463]

## AN ACT

For the relief of Edwin Forsman.

June 29, 1940  
[H. R. 2070]  
[Private, No. 398]

Edwin Forsman.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edwin Forsman, Mound, Minnesota, the sum of \$600 in full settlement of all claims against the United States growing out of a fine paid to the United States by the said Edwin Forsman, pursuant to a conviction in the United States District Court for the District of Minnesota prior to the receipt of the remission of such fine, signed by the President of the United States. The said Edwin Forsman served an additional period of imprisonment in lieu of the payment of such fine, but, nevertheless, was compelled to pay the fine before receiving the remission in order to secure a loan to prevent the loss of his farm: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

## [CHAPTER 464]

## AN ACT

For the relief of Dan Yancey.

June 29, 1940  
[H. R. 2083]  
[Private, No. 399]

Dan Yancey.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Dan Yancey, of Livingston, Montana, the sum of \$1,000. The payment of such sum shall be in full satisfaction of all claims against the United States arising in connection with the forfeiture of a lease to certain Federal lands east of Mammoth Springs in Yellowstone National Park (formerly known as Yancey's) and the refusal of the Department of the Interior to renew or grant any further lease of such lands to the said Dan Yancey, and also the destruction of certain buildings on said lands owned by the said Dan Yancey: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

## [CHAPTER 465]

## AN ACT

For the relief of Charles Flack.

June 29, 1940  
[H. R. 2106]  
[Private, No. 400]

Charles Flack.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

Charles Flack, Morristown, Tennessee, the sum of \$3,500, in full settlement of all claims against the United States and in settlement of the judgments obtained against Michael Felotoirch in the United States District Court for the Eastern District of Tennessee, as a result of personal injuries sustained by Charles Flack when he was struck by Civilian Conservation Corps truck driven by said Michael Felotoirch, a member of the Civilian Conservation Corps, at Arthur, Tennessee, on April 27, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 466]

AN ACT

For the relief of James P. Bruce, Junior.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That sections 17 and 20 of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 edition, title 5, secs. 767 and 770), are hereby waived in favor of James P. Bruce, Junior, of Florence, Alabama, who is alleged to have sustained an injury on or about July 31, 1936, while employed by the Tennessee Valley Authority, and his case is authorized to be considered and acted upon under the remaining provisions of such Act, as amended, if he files a claim for compensation with the United States Employees' Compensation Commission not later than sixty days after the date of enactment of this Act: *Provided*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 2151]  
[Private, No. 401]

James P. Bruce, Jr.  
Consideration of claim for compensation.

39 Stat. 746, 747.

Filing of claim.

*Proviso.*  
No prior benefits.

[CHAPTER 467]

AN ACT

For the relief of S. T. Enloe.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. T. Enloe, of Clover, South Carolina, the sum of \$2,673. The payment of such sum shall be in full satisfaction of all claims against the United States for personal injuries and property damage sustained by the said S. T. Enloe when the automobile which he was driving was struck by a Government truck, operated in connection with the Civilian Conservation Corps, on January 9, 1937, near York, South Carolina: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a mis-

June 29, 1940  
[H. R. 2354]  
[Private, No. 402]

S. T. Enloe.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

demeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

[CHAPTER 468]

AN ACT

For the relief of Angie Ward.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Angie Ward, of Boones Camp, Kentucky, the sum of \$500 in full settlement of all claims against the Government of the United States for injuries received by her on account of and resulting from injury received on October 22, 1934, by a tractor running over her foot, said tractor being driven by Victor Preece, an employee of the Civilian Conservation Corps; said accident and injury occurring near the residence of Paris Penix in Johnson County, Kentucky: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

[CHAPTER 469]

AN ACT

For the relief of John Engblom.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of John Engblom, of Hawthorne, Nevada, a former foreman with the United States Forest Service at Hawthorne, Nevada; and the United States Employees' Compensation Commission is authorized to receive and consider his claim, under the remaining provisions of said Act, for injury and disability alleged to have been sustained in October 1936 as a result of his employment in such capacity: *Provided,* That claim hereunder shall be filed within ninety days from the approval of this Act: *Provided further,* That no benefits shall accrue prior to the approval of this Act.

Approved, June 29, 1940.

[CHAPTER 470]

AN ACT

For the relief of Leland G. Myers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

June 29, 1940  
[H. R. 2489]

[Private, No. 403]

Angie Ward.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

June 29, 1940  
[H. R. 2828]

[Private, No. 404]

John Engblom.  
Consideration of disability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

*Provisos.*  
Filing of claim.

No prior benefits.

June 29, 1940  
[H. R. 3142]

[Private, No. 405]

Leland G. Myers.  
Payment to.

Leland G. Myers, New Kensington, Pennsylvania, the sum of \$250. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by the said Leland G. Myers on account of personal injuries received as the result of an accident on October 23, 1937, on Pennsylvania Route Numbered 66, involving an automobile owned and operated by the said Leland G. Myers and a Government-owned truck in the service of the Corps of Engineers, United States Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 29, 1940.

[CHAPTER 471]

AN ACT

For the relief of Rose Bilaitis.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, to Rose Bilaitis, of Detroit, Michigan, the sum of \$1,000, covering bond guaranteeing the departure from the United States of Petras Gavenas, alien, who disappeared, causing forfeiture of the bond, and who was later apprehended and deported: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

June 29, 1940  
[H. R. 3163]  
[Private, No. 406]

Rose Bilaitis.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, June 29, 1940.

[CHAPTER 472]

AN ACT

For the relief of Joe Carter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of Joe Carter, of Ada, Oklahoma, for disability alleged to have been incurred in the performance of his duties as junior foreman for the Wintersmith and Byrds Mill Civilian Conservation Corps park projects near Ada, Oklahoma, in 1934: *Provided*, That no benefits shall accrue prior to the approval of this Act.

June 29, 1940  
[H. R. 3713]  
[Private, No. 407]

Joe Carter.  
Consideration of disability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

Filing of claim.

*Proviso.*  
No prior benefits.

Approved, June 29, 1940.

## [CHAPTER 473]

## AN ACT

For the relief of Maude Sullivan.

June 29, 1940  
[H. R. 4113]

[Private, No. 408]

Maude Sullivan.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude Sullivan, widow of the late Lieutenant Colonel William B. Sullivan, United States Marine Corps, the sum of \$1,157, in full satisfaction of all claims against the United States for the loss of certain of the personal property of the late Lieutenant Colonel Sullivan on September 1, 1923, in the earthquake at Kamakura: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

## [CHAPTER 474]

## AN ACT

For the relief of Mary Camastro, a minor.

June 29, 1940  
[H. R. 4801]

[Private, No. 409]

Mary Camastro.  
Payment to legal guardian.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Mary Camastro, a minor, of Corona, New York, the sum of \$5,000 in full settlement of all claims against the United States Government on account of permanent injuries received by the said Mary Camastro, by a United States Army truck on April 4, 1936, about 1 o'clock postmeridian, at northwest corner of Northern Boulevard and One Hundred and Third Street, Corona, Queens County, New York: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

## [CHAPTER 475]

## AN ACT

Conferring jurisdiction upon the United States District Court for the Eastern District of Kentucky to hear, determine, and render judgment upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, Clyde Thorpe, and D. L. Mason.

June 29, 1940  
[H. R. 5211]

[Private, No. 410]

Mat Hensley and others.  
Jurisdiction of Court to hear claims.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the United States District Court for the Eastern District of Kentucky to hear, determine, and render judgment, as if the United States were suable in tort, upon the claims of Mat Hensley, Arnold Blanton, Lillie Price, and Clyde Thorpe, all of Wallins Creek, Harlan County, Kentucky, for damages resulting

from personal injuries and property damage; and upon the claim of D. L. Mason, of Wallins Creek, Harlan County, Kentucky, for damages resulting from the death of his minor daughter, Dorothy Mason; said injuries, death, and property damage having been received when the taxicab in which they were passengers was in a collision with a Civilian Conservation Corps truck on the highway between Lake View and Harlan, Harlan County, Kentucky, on September 14, 1935; *Provided*, That the judgment, if any, shall not exceed, in the case of Mat Hensley, \$1,500; in the case of Arnold Blanton, \$1,000; in the case of Lillie Price, \$3,500; in the case of Clyde Thorpe, \$1,500; and in the case of D. L. Mason, \$5,000.

SEC. 2. Suit upon such claims may be instituted at any time within one year after the enactment of this Act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgments thereon shall be in the same manner as in the cases over which such court has jurisdiction under paragraph 20 of section 24 of the Judicial Code, as amended.

Approved, June 29, 1940.

*Proviso.*  
Limitation on judgments.

Suit, time limitation.

Proceedings.

28 U. S. C. § 41 (20).

[CHAPTER 476]

AN ACT

For the relief of Stanley V. Smith.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stanley V. Smith, Atlantic City, New Jersey, the sum of \$76.10, in full settlement of his claim against the United States for loss of tools which were destroyed by fire while stored in a Works Progress Administration warehouse at Atlantic City, New Jersey, on May 8, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 5297]

[Private, No. 411]

Stanley V. Smith.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 477]

AN ACT

For the relief of Thomas Lewellyn and Drusilla Lewellyn.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Lewellyn and Drusilla Lewellyn the sum of \$3,500 in full settlement of all claims against the United States for injuries received by them on account of being struck, on December 20, 1935, by a Government-owned truck which was being operated by the Civilian Conservation Corps in Indianapolis, Indiana: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered

June 29, 1940  
[H. R. 5388]

[Private, No. 412]

Thomas and Drusilla Lewellyn.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty. in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

[CHAPTER 478]

AN ACT

For the relief of Don E. Hicks.

June 29, 1940  
[H. R. 5464]

[Private, No. 413]

Don E. Hicks.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Don E. Hicks, of Heiberger, Alabama, the sum of \$3,500, in full settlement of all claims against the United States for serious injuries sustained by him on July 24, 1936, when a truck in which he was riding collided with a truck of the Civilian Conservation Corps on Highway Numbered 80, about seven miles west of Forest, Mississippi: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

[CHAPTER 479]

AN ACT

For the relief of Minnie Lowery and Winell Lowery.

June 29, 1940  
[H. R. 5571]

[Private, No. 414]

Minnie and Winell  
Lowery.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Minnie Lowery and her daughter, Winell Lowery, of Dallas, Texas, the sum of \$5,000 in full satisfaction of their claim against the United States for the death of Oscar L. Lowery, the husband of Minnie Lowery and father of Winell Lowery, who was shot and killed during an investigation of a Federal prohibition agent and assistants near Tecumseh, Oklahoma, on July 4, 1929: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

## [CHAPTER 480]

## AN ACT

For the relief of Raymond C. Knight.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the sum of \$1,500 to Raymond C. Knight, of Lyle, Washington, in full settlement of all claims against the United States on account of personal injuries and expenses incident thereto, as the result of being struck by a truck belonging to the Civilian Conservation Corps on May 7, 1938, on United States Highway Numbered 410, about seven miles north of Dayton, Washington: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 5930]  
[Private, No. 415]

Raymond C.  
Knight.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 481]

## AN ACT

For the relief of Elizabeth L. Riley.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth L. Riley, of Buckhorn, Perry County, Kentucky, the sum of \$3,500 in full satisfaction and payment of her claim against the United States for personal injuries and impairment of her personal appearance, as well as mental and physical suffering, and the destruction of her power to perform labor and earn money, resulting from injuries received by her in a collision with a Civilian Conservation Corps truck on a highway on Buckhorn Creek, in Perry County, on May 15, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 6145]  
[Private, No. 416]

Elizabeth L. Riley.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 482]

## AN ACT

For the relief of the Pennsylvania State College.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania State College the sum of \$625.93, in full satisfaction of its claim against the United States Government arising out of loss and damages to property held under a ten-year lease by the

June 29, 1940  
[H. R. 6553]  
[Private, No. 417]

Pennsylvania State  
College.  
Payment to.

Pennsylvania State College which property was occupied by the Civilian Conservation Corps without permission of the Pennsylvania State College: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 483]

AN ACT

For the relief of Charles H. Upton.

June 29, 1940  
[H. R. 6598]

[Private, No. 418]

Charles H. Upton.  
Credit allowed in  
accounts of George  
Vice for payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of George Vice, United States marshal, northern district of California, for payments totaling the amount of \$223.83 made to Charles H. Upton, of San Francisco, California, which payments were for mileage allowance while the said Charles H. Upton was performing the duties of acting chief probation and parole officer for the northern district of California, for travel authorized by means of a privately owned automobile during the period from May 1936 to February 1937, both inclusive, such claim for mileage having been disallowed by the General Accounting Office because travel was performed in an automobile registered in the name of the wife of the said Charles H. Upton, whereas the Act of February 14, 1931, provides for the payment of mileage to an officer or employee of the United States only for travel performed in the traveler's own automobile.

Approved, June 29, 1940.

46 Stat. 1103.  
5 U. S. C. § 73a.

[CHAPTER 484]

AN ACT

For the relief of Eliza Warren and George T. Warren.

June 29, 1940  
[H. R. 6822]

[Private, No. 419]

Eliza and George T.  
Warren.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, in full settlement of all claims against the United States, to Eliza Warren, of Brookhaven, Mississippi, out of any money in the Treasury not otherwise appropriated, the sum of \$500 for personal injuries received, and to George T. Warren the sum of \$143.05 for damage to his car, on the 7th day of April 1938, when said automobile was struck by a car driven by Bertha Rich, an employee of the Works Progress Administration, and attached to its office at Brookhaven, Mississippi, while in the official performance of her duties for said Works Progress Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 485]

## AN ACT

For the relief of Frances M. Hannah.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frances M. Hannah, of Madera, California, the sum of \$949, in full payment of all claims against the United States for injuries received when the streetcar upon which she was a passenger was in collision with a United States Department of War truck numbered 16320 assigned to Civilian Conservation Corps company duty on May 2, 1938, at Fresno, California: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 6889]  
[Private, No. 420]

Frances M. Hannah.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 486]

## AN ACT

For the relief of J. Montrose Edrehi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Montrose Edrehi the sum of \$517.30, in full settlement of all claims against the United States for services rendered by the said J. Montrose Edrehi as United States commissioner for the northern district of Florida for the period beginning May 1, 1936, and ending April 30, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
[H. R. 7608]  
[Private, No. 421]

J. Montrose Edrehi.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 487]

## AN ACT

For the relief of C. S. Hobson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of C. S. Hobson, of Rison, Arkansas, for disability alleged

June 29, 1940  
[H. R. 7825]  
[Private, No. 422]

C. S. Hobson.  
Consideration of disability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

to have been incurred by him as a result of arsenical poisoning contracted while employed in the field service of the Bureau of Animal Industry, United States Department of Agriculture, during the period from March 10, 1931, to November 30, 1931: *Provided*, That such claim be filed within six months after the passage of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, June 29, 1940.

*Proviso.*  
Filing of claim.

No prior benefits.

[CHAPTER 488]

AN ACT

For the relief of Mary D. Briggs and Simeon G. Rigor.

June 29, 1940

[H. R. 7858]

[Private, No. 423]

Mary D. Briggs.  
Credit allowed in  
the account of, for  
payments to Simeon  
G. Rigor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is hereby authorized and directed to credit the account of Mary D. Briggs, postmaster at Los Angeles, California, in the amount of \$114.91, representing compensation in part paid, and in part to be paid, to Simeon G. Rigor and earned by the latter while employed as a temporary substitute clerk in the post office at Los Angeles, California, disallowance of the amount having been based upon a legal prohibition resulting from lack of proof of citizenship.

Balance due.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

SEC. 2. The postmaster at Los Angeles, California, is authorized and directed to pay to Simeon G. Rigor the balance due him of \$53.88 for services rendered, such amount being incorporated in the amount stated in section 1 of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved, June 29, 1940.

[CHAPTER 489]

AN ACT

For the relief of Nathan A. Buck.

June 29, 1940

[H. R. 7959]

[Private, No. 424]

Nathan A. Buck.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nathan A. Buck, of Chatham, Massachusetts, the sum of \$300 in full settlement of all claims against the United States for damage caused to his oyster beds in Oyster Pond River, in said Chatham, in the fall of 1931 by a boat belonging to the United States Coast and Geodetic Survey, Department of Commerce: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, June 29, 1940.

[CHAPTER 490]

AN ACT

For the relief of James L. Kinney.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of James L. Kinney for disability alleged to have been incurred by him while in the employ of the Department of Commerce, Bureau of Air Commerce, and to determine said claim upon its merits under provisions of said Act: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act: *Provided further*, That no benefits shall accrue prior to the enactment of this Act.

Approved, June 29, 1940.

June 29, 1940  
 [H. R. 8099]  
 [Private, No. 426]

James L. Kinney.  
 Consideration of disability claim.

39 Stat. 746-747.  
 5 U. S. C. §§ 766-770.

*Proviso.*  
 Filing of claim.

No prior benefits.

[CHAPTER 491]

AN ACT

For the relief of Harold C. Preble, naval architect.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$79.17, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, Harold C. Preble, naval architect, for the value of personal effects lost in the disaster to the United States submarine Squalus, on May 23, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, June 29, 1940.

June 29, 1940  
 [H. R. 8708]  
 [Private, No. 426]

Harold C. Preble.  
 Payment to.

*Proviso.*  
 Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 503]

AN ACT

For the relief of Gus Roth.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Gus Roth the sum of \$137 in reimbursement for the amount of loss of postal funds charged to the said Gus Roth on account of the cashing of a forged Treasury check by him in October 1927 as a clerk in the post office at New York, New York. The said Gus Roth is hereby released from any liability to the United States on account of the cashing of such check out of postal funds.

Approved, July 1, 1940.

July 1, 1940  
 [H. R. 382]  
 [Private, No. 427]

Gus Roth.  
 Payment to.

Release from liability.

## [CHAPTER 504]

## AN ACT

Conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claim of Geraldine Ash.

July 1, 1940  
[H. R. 2901]  
[Private, No. 428]

Geraldine Ash.  
Jurisdiction of Court  
to hear claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment, as if the United States were suable in tort, and notwithstanding the lapse of time or any provision of law to the contrary, upon the claim of Geraldine Ash for alleged damages on account of personal injuries sustained by the said Geraldine Ash in a collision involving the automobile in which she was riding and a truck operated by the Soil Conservation Service of the Department of Agriculture on January 10, 1933, in the city of Athens, Georgia: *Provided*, That the measure of damages to govern in said suit shall be the same as is or may be provided and authorized by the laws of the State of Georgia: *Provided further*, That the judgment, if any, shall not exceed \$5,000. Such suit shall be brought within one year from the date of enactment of this Act and shall not abate by the death of the claimant but may be continued in the event of her death by her personal representative, as provided by the laws of Georgia.

*Provisos.*  
Measure of damages.

Limitation on judgment.  
Time for bringing suit.

District attorney  
charged with defense.

Appropriation authorized.

SEC. 2. The United States district attorney for the middle district of Georgia is hereby charged with the duty of defending the United States in any suit instituted under the authority of section 1 of this Act.

SEC. 3. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered pursuant to this Act. The amount of such judgment, when appropriated, shall be paid by the Secretary of the Treasury upon presentation of a duly authenticated copy of the judgment of the United States District Court for the Middle District of Georgia.

Approved, July 1, 1940.

## [CHAPTER 505]

## AN ACT

For the relief of Anna T. Sifferman Varga.

July 1, 1940  
[H. R. 7821]  
[Private, No. 429]

Anna T. Sifferman  
Varga.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna T. Sifferman Varga, formerly a clerk in the American Consulate General at Munich, Germany, the sum of \$240, in full settlement of all claims against the Government of the United States for expenses incurred in shipping her personal effects to the United States in May 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 1, 1940.

## [CHAPTER 506]

## AN ACT

For the relief of Louis Rosenstone.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Immigration Quota Act of May 26, 1924 (43 Stat. 153), Louis Rosenstone, a native of Rumania, whose wife and family are permanent residents of the United States, shall be granted a visa by an American consul, provided he is admissible under all provisions of the immigration laws other than the Quota Act referred to herein. Upon the issuance of the visa to the said Louis Rosenstone the Secretary of State shall make appropriate deduction of one quota number from the Rumanian quota.*

Approved, July 1, 1940.

July 1, 1940  
[H. R. 7955]  
[Private, No. 430]

Louis Rosenstone.  
Granting of visa;  
condition.  
8 U. S. C. §§ 201-229;  
Supp. V. §§ 209 (1),  
213 (a), 213a.

Quota deduction.

## [CHAPTER 531]

## AN ACT

For the relief of the Black Hills Methodist Hospital of Rapid City, South Dakota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Black Hills Methodist Hospital of Rapid City, South Dakota, the sum of \$288.65 in full settlement of its claims against the United States for services rendered beneficiaries of the Veterans' Administration by the hospital prior to 1933 on the authority of the designated examiner and covered in a revised voucher received in the central office of the Veterans' Administration on June 9, 1933, after passage of the Economy Act of March 20, 1933, which discontinued the authority of payment for such services: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percentum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved, July 2, 1940.

July 2, 1940  
[H. R. 1167]  
[Private, No. 431]

Black Hills Methodist  
Hospital, Rapid  
City, S. Dak.  
Payment to.

48 Stat. 8.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 532]

## AN ACT

For the relief of Malachy Ryan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Malachy Ryan, former acting postmaster at Caledonia, Minnesota, with the sum of \$109, lost by reason of burglary occurring in his office May 8, 1933.*

Approved, July 2, 1940.

July 2, 1940  
[H. R. 1846]  
[Private, No. 432]

Malachy Ryan.  
Credit in account  
of.

## [CHAPTER 533]

## AN ACT

For the relief of Naoma Kinder, a minor.

July 2, 1940  
[H. R. 2946]

[Private, No. 433]

Naoma Kinder.  
Payment to guardian.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Naoma Kinder, a minor, the sum of \$750, in full satisfaction of all claims against the United States for injuries sustained by the said Naoma Kinder on August 23, 1938, when the material hoist operated by employees of the Geological Survey during the construction of a concrete water-stage recorder well just downstream from the left pier of the steel bridge at Ashford, West Virginia, broke, allowing the boom to slide along the concrete handrail of said bridge, striking Naoma Kinder and causing her to be permanently disfigured: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

## [CHAPTER 534]

## AN ACT

For the relief of Evelyn L. Ratcliffe.

July 2, 1940  
[H. R. 3925]

[Private, No. 434]

Evelyn L. Ratcliffe.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the United States, the sum of \$1,500 to Evelyn L. Ratcliffe, of LaFollette, Tennessee, for personal injuries and medical and hospital expenses resulting from injuries sustained by her on June 17, 1938, as a result of an automobile collision on United States Highway 25-W with a truck which was being negligently operated, said truck belonging to the United States Department of the Interior, and driven by a Civilian Conservation Corps enrollee: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

## [CHAPTER 535]

## AN ACT

For the relief of Mary S. Arthur, as executrix of the estate of Richard M. Arthur, deceased.

July 2, 1940  
[H. R. 4148]

[Private, No. 435]

Mary S. Arthur.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary S. Arthur, of Morgantown, West Virginia,

as executrix of the estate of Richard M. Arthur, deceased, the sum of \$593.84. The payment of said sum shall be in full settlement of all claims against the United States for household equipment, furniture, grain, feed, livestock, tools, farm implements, and any and all other personal property sold in or about the year 1933 by Richard M. Arthur to the United States officials in charge of a project located at Arthurdale, West Virginia, then under the jurisdiction of the Division of Subsistence Homesteads of the Department of the Interior, and now under the jurisdiction of the Farm Security Administration of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 536]

AN ACT

For the relief of Beatrice Lois Rucker.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Beatrice Lois Rucker, a minor, Los Angeles, California, the sum of \$1,000. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries sustained by the said Beatrice Lois Rucker when she was struck by the towline of a Navy airplane 7CS9 piloted by Aviation Cadet Moulton B. Taylor, United States Naval Reserve, on July 11, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

July 2, 1940  
[H. R. 4412]  
[Private, No. 436]

Beatrice Lois Rucker.  
Payment to guardian.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 537]

AN ACT

For the relief of Mrs. E. J. McCardle.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. E. J. McCardle, of Macon, Georgia, the sum of \$5,000, as compensation for the death of her son, James Courson, resulting from a collision on September 5, 1929, between a motorcycle on which he was riding and an automobile operated by a Federal prohibition agent: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any

July 2, 1940  
[H. R. 5424]  
[Private, No. 437]

Mrs. E. J. McCardle.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

## [CHAPTER 538]

## AN ACT

For the relief of Stuart Bastow.

July 2, 1940  
[H. R. 5569]  
[Private, No. 438]

Stuart Bastow.  
Payment to.

Proviso.  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stuart Bastow, of Lincoln, Rhode Island, the sum of \$200 in full settlement of all claims against the United States for compensation for services rendered to the Department of Justice in 1935 at the request of said Department: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

## [CHAPTER 539]

## AN ACT

For the relief of Morrissey Construction Company.

July 2, 1940  
[H. R. 5823]  
[Private, No. 439]

Morrissey Con-  
struction Company.  
Payment to.

Proviso.  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Morrissey Construction Company, of Vicksburg, Mississippi, the sum of \$1,097.06, in full settlement of all claims against the United States, for work performed for Works Progress Administration by tractors of said Morrissey Construction Company in airport at Iuka, Mississippi, for which payment has not been made: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

## [CHAPTER 540]

## AN ACT

For the relief of T. Jack Neal.

July 2, 1940  
[H. R. 6686]  
[Private, No. 440]

T. Jack Neal.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. Jack Neal, of Knoxville, Tennessee, the sum of \$1,500, as a reward and in full settlement of all claims against the United States

for personal injuries to him and medical and hospital expenses incident thereto, incident to the capture by him of Max and Nathan Zarrani, counterfeit note passers, said capture occurring in the Farragut Hotel at Knoxville, Tennessee, on April 21, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 541]

AN ACT

For the relief of Edward P. Glenn, Junior.

July 2, 1940  
[H. R. 6730]

[Private, No. 441]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward P. Glenn, Junior, of Pittsburgh, Pennsylvania, the sum of \$26.63, as reimbursement for the loss of personal property belonging to him when left in care of United States Army authorities for transportation from Fort Slocum, New York, to the Philippine Islands, per paragraph 10, Special Order Numbered 209, Headquarters Third Corps Area, dated August 28, 1934: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

Edward P. Glenn,  
Jr.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 542]

AN ACT

For the relief of Clarence D. Green.

July 2, 1940  
[H. R. 6737]

[Private, No. 442]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence D. Green, of Danville, Illinois, the sum of \$1,863.85, in full settlement of all claims against the United States for personal injuries received when the private car in which Clarence D. Green was a passenger was struck by a Veterans' Administration facility ambulance on December 22, 1933, on Main Street near the intersection of Bowman Street with Main Street, in Danville, Illinois: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

Clarence D. Green.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 543]

## AN ACT

For relief of Edna Emery.

July 2, 1940

[H. R. 7880]

[Private, No. 443]

Edna Emery.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edna Emery, of 271 Stevens Street, North Andover, Massachusetts, the sum of \$541.65 in full settlement of all claims against the Government of the United States for personal injuries and losses sustained by her as a result of an accident September 11, 1937, when her automobile was struck by a United States Army truck from Fort Williams, Maine, at the intersection of Highway 125 (Chickering Road) and Massachusetts Avenue, North Andover, Massachusetts, the truck being operated by a member of the Army while in the performance of his duties as a member of said organization: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 2, 1940.

## [CHAPTER 544]

## AN ACT

For the relief of Simon A. Brieger, as legal representative of the estate of Thomas Gerald Brieger, a deceased minor.

July 2, 1940

[H. R. 7914]

[Private, No. 444]

Simon A. Brieger.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Simon A. Brieger, of Mississippi, as legal representative of the estate of Thomas Gerald Brieger, a deceased minor, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of the said Thomas Gerald Brieger, who was fatally injured on March 14, 1939, in Lauderdale County, Mississippi, by a truck operated by the Work Projects Administration: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 2, 1940.

[CHAPTER 545]

## AN ACT

For the relief of John Owen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Owen, of San Antonio, Texas, out of any money in the Treasury not otherwise appropriated, the sum of \$1,512.30 in full settlement of all claims against the United States for damages to his ranch and cattle in Bexar County, Texas, as a result of the Third Army maneuvers during the period between August 6 and 20, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 2, 1940.

July 2, 1940  
[H. R. 8252]

[Private, No. 446]

John Owen.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 546]

## AN ACT

For the relief of Charles E. Molster, former disbursing clerk for the Department of Commerce and the National Recovery Administration; J. L. Summers, deceased, former chief disbursing clerk, Division of Disbursement, Treasury Department, and Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department.

July 2, 1940  
[H. R. 8414]

[Private, No. 446]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Charles E. Molster, former disbursing clerk for the National Recovery Administration, with sums not exceeding \$1,901.88, in the aggregate, covering disallowances in his accounts for the period from August 14, 1933, to and including February 28, 1934; the accounts of J. L. Summers, deceased, former chief disbursing clerk, Division of Disbursement, Treasury Department, with sums not exceeding \$3,042.90, in the aggregate, covering disallowances in his accounts for the period from March 1, 1934, to and including June 30, 1934; and the accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, with sums not exceeding \$3,968.13, in the aggregate, covering disallowances in his accounts for the period from July 1, 1934, to and including March 31, 1936.

Charles E. Molster,  
J. L. Summers, and  
Guy F. Allen.  
Credit in accounts  
of.Charles E. Molster.  
Additional credit authorized.

SEC. 2. That the Comptroller General be, and he is hereby, authorized and directed to credit the accounts of Charles E. Molster, former disbursing clerk of the Department of Commerce, with sums not exceeding \$19.33, in the aggregate, covering disallowances in his account during the December quarter, 1931, and with sums not exceeding in the aggregate \$316.05, covering disallowances in his accounts for the period from December 8, 1932, to and including February 28, 1934.

Indebtedness of  
payee.

SEC. 3. No provision of this Act shall relieve any payee from any indebtedness to the United States of America resulting from the disallowances by the Comptroller General of the United States included in the above set forth sums and which are charged against disbursing officers named herein.

Approved, July 2, 1940.

## [CHAPTER 547]

## AN ACT

Providing for the extension of nonquota status to Frederick Beck.

July 2, 1940  
[H. R. 8910]  
[Private, No. 447]

Frederick Beck.  
Nonquota visa au-  
thorized.  
43 Stat. 155.  
3 U. S. C. § 204 (d).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding section 4 (d) which limits the right of a male minister or professor to secure a nonquota status for his wife and unmarried children, the Secretary of State is hereby authorized and directed to issue a nonquota visa to Frederick Beck, the husband of Professor Vera F. Beck.

Approved, July 2, 1940.

## [CHAPTER 556]

## AN ACT

For the relief of Ethel G. Hamilton.

July 8, 1940  
[S. 3430]  
[Private, No. 448]

Ethel G. Hamilton.  
Consideration of dis-  
ability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
No prior benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider the claim of Ethel G. Hamilton for disability alleged to have been incurred by her on or about November 11, 1937, while she was employed at the Veterans' Administration facility, Biloxi, Mississippi, and to determine said claim upon its merits under the provisions of said Act: *Provided,* That no benefits shall accrue prior to the enactment of this Act.

Approved, July 8, 1940.

## [CHAPTER 557]

## AN ACT

To provide for the reimbursement of certain personnel or former personnel of the United States Marine Corps for the value of personal effects destroyed as a result of a fire at Raritan Arsenal, Metuchen, New Jersey, on October 10, 1938.

July 8, 1940  
[S. 3456]  
[Private, No. 449]

Reimbursement of  
certain Marine Corps  
personnel.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$294.05, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain personnel or former personnel of the United States Marine Corps for the value of personal effects destroyed as a result of a fire at Raritan Arsenal, Metuchen, New Jersey, on October 10, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 8, 1940.

## [CHAPTER 558]

## AN ACT

To provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the United States Navy for personal property lost in the hurricane and flood at New London, Connecticut, on September 21, 1938.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$8,364.96 as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain officers and enlisted men or former officers and enlisted men of the United States Navy for the value of personal property lost in the hurricane and flood at the submarine base, New London, Connecticut, on September 21, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 8, 1940.

July 8, 1940  
[S. 3808]  
[Private, No. 450]

Reimbursement of certain Navy personnel.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 559]

## AN ACT

For the relief of Mr. and Mrs. C. W. Black, and Marion Rabren.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. C. W. Black, rural route, Andalusia, Alabama, the sum of \$3,500, and to Marion Rabren, of Andalusia, Alabama, the sum of \$3,000, in full settlement of all their claims against the United States for the death of their son and daughter, respectively, who were killed on June 4, 1939, when the automobile in which they were riding was struck by a Civilian Conservation Corps truck on the Andalusia-Brewton Highway about two miles south of Andalusia, Alabama: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1940.

July 10, 1940  
[S. 2704]  
[Private, No. 451]

Mr. and Mrs. C. W. Black and Marion Rabren.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 560]

## AN ACT

For the relief of A. A. Ramsay.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the

July 10, 1940  
[S. 3021]  
[Private, No. 452]

A. A. Ramsay.  
Payment to.

sum of \$50 to A. A. Ramsay of Oracle, Arizona, in full settlement of his claim against the United States arising out of a collision with a Civilian Conservation Corps truck at Oracle, Arizona, on December 17, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 561]

AN ACT

For the relief of Earl P. Collins.

July 10, 1940  
[S. 3687]

[Private, No. 463]

Earl P. Collins.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Earl P. Collins, of Brattleboro, Vermont, the sum of \$128.50, in full satisfaction of his claim against the United States for compensation for dental expenses and personal injuries incurred by Avis Collins, a minor daughter, as the result of a collision which occurred when the truck in which she was riding was struck by a United States Army truck operated by Richard Landus, a private, Quartermaster Corps, United States Army, in Greenfield, Massachusetts, on August 29, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 562]

AN ACT

For the relief of M. E. McGivern.

July 10, 1940  
[S. 3742]

[Private, No. 464]

M. E. McGivern.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. E. McGivern the sum of \$465 in full settlement of all claims against the United States, including a claim for refund of the purchase price for the tract described as the southwest quarter northeast quarter of section 30, township 40 north, range 5 east of the fourth principal meridian, arising out of transactions relating to lands situated within the Lac du Flambeau Indian Reservation.

Approved, July 10, 1940.

## [CHAPTER 563]

## AN ACT

For the relief of A. S. Tait.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to A. S. Tait, of Friendship, New York, in full settlement of all claims against the United States for injuries sustained in line of duty as mail messenger on September 3, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1940.

July 10, 1940  
[H. R. 1435]  
[Private, No. 455]

A. S. Tait.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 564]

## AN ACT

For the relief of Harry D. Gann.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry D. Gann, of Reidsville, North Carolina, the sum of \$2,462.64, in full settlement of all claims against the United States for hospitalization, medical services, and personal injuries sustained by his two minor sons as a result of an accident involving an Army airplane, PB-2A, Air Corps, Numbered 35-45, near Reidsville, North Carolina, on September 3, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 10, 1940.

July 10, 1940  
[S. 3649]  
[Private, No. 456]

Harry D. Gann.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 569]

## AN ACT

To authorize the cancelation of deportation proceedings in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor is hereby authorized and directed to cancel the deportation proceedings issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., title 8, secs. 155 and 156), in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this Act, Florence Sinclair Cooper, her daughter, Margaret Lavallie, and Philip P. Roy shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

Approved, July 10, 1940.

July 10, 1940  
[S. 1789]  
[Private, No. 457]

Florence Sinclair  
Cooper and others.  
Cancelation of de-  
portation proceedings.

## [CHAPTER 570]

## AN ACT

For the relief of Jose Mauri.

July 10, 1940

[S. 2774]

[Private, No. 458]

Jose Mauri.  
Admission for permanent residence.

Cancellation of warrant of arrest, etc.

Quota deduction.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws Jose Mauri, of Los Angeles, California, shall be held and considered to have been legally admitted to the United States for permanent residence on the date of his entry into the United States.

SEC. 2. The Secretary of Labor is authorized and directed to cancel any warrants of arrest or orders of deportation which may have been issued with respect to the said Jose Mauri upon the ground of illegal entry into the United States.

SEC. 3. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, July 10, 1940.

## [CHAPTER 571]

## AN ACT

For the relief of Henry Gideon Schiller.

July 10, 1940

[S. 2775]

[Private, No. 459]

Henry Gideon Schiller.  
Admission for permanent residence.

Quota deduction.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the immigration and naturalization laws Henry Gideon Schiller, Saint Louis, Missouri, shall be considered to have been lawfully admitted at Noyes, Minnesota, June , 1931, to the United States for permanent residence.

SEC. 2. Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current year.

Approved, July 10, 1940.

## [CHAPTER 572]

## AN ACT

For the relief of James George Mayfield.

July 10, 1940

[S. 2799]

[Private, No. 460]

James George Mayfield.  
Consideration of disability claim.

Filing of claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within six months after the enactment of this Act, the claim of James George Mayfield, of Springfield, Illinois, for disability alleged to have been caused by injuries sustained by him on August 3, 1937, while in the performance of his duties in the employment of the Bureau of Internal Revenue, Treasury Department.

Approved, July 10, 1940.

[CHAPTER 573]

## AN ACT

For the relief of Dexter and Elizabeth Shiomi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration and naturalization laws the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Dexter and Elizabeth Shiomi.*

Approved, July 10, 1940.

July 10, 1940  
[S. 2909]  
[Private, No. 461]

Dexter and Elizabeth Shiomi.  
Admission for permanent residence.

[CHAPTER 574]

## AN ACT

For the relief of Louise Thorne

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the immigration laws, the Secretary of Labor is authorized and directed to permit Louise Thorne, the wife of a citizen of the United States, to remain permanently in the United States.*

Approved, July 10, 1940.

July 10, 1940  
[S. 2969]  
[Private, No. 462]

Louise Thorne.  
Authorization for permanent residence.

[CHAPTER 575]

## AN ACT

Relating to the citizenship of William Lawrence Tan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 5 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad", approved March 2, 1907, as amended, William Lawrence Tan, of Honolulu, Hawaii, the minor child of Wilma Alberta Geary, a citizen of the United States whose American citizenship was resumed on March 30, 1935, notwithstanding that he is inadmissible for entry into the United States for permanent residence he shall not be deported.*

Approved, July 10, 1940.

July 10, 1940  
[S. 3146]  
[Private, No. 463]

William Lawrence Tan.  
Not subject to deportation.  
34 Stat. 1229.  
8 U. S. C. § 8.

[CHAPTER 576]

## AN ACT

For the relief of Alfred G. Balls.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Alfred G. Balls, former special disbursing agent, Alaska Railroad, Anchorage, Alaska, in the amount of \$1,995, which was paid by him to Phil O. Herriman as salary for services rendered the Alaska Railroad during the period July 1, 1933, to May 31, 1934, the said sum having been disallowed on account of failure to report this position on lists submitted to the Bureau of the Budget, in conformity with letter of the President, dated July 23, 1932.*

Approved, July 10, 1940.

July 10, 1940  
[S. 3706]  
[Private, No. 464]

Alfred G. Balls.  
Credit in account of.

## [CHAPTER 578]

## AN ACT

For the relief of Anne Howard Lay.

July 11, 1940

[S. 4126]

[Private, No. 465]

Anne Howard Lay.  
Payment of annu-  
ity.53 Stat. 583.  
22 U. S. C., Supp. V,  
§ 21.

Effective date.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be paid from the Foreign Service retirement and disability fund to Anne Howard Lay, widow of Julius Lay, a retired Foreign Service officer whose death occurred on August 28, 1939; that is, after July 1, 1939, the effective date of the Act of April 24, 1939, but before the date fixed in accordance with law by the President, by Executive order; that is, September 1, 1939, as the effective date of the provisions of the aforesaid Act which authorize the establishment by retired Foreign Service officers of survivorship annuities in behalf of their widows as beneficiaries, an annuity at a rate equivalent to one-half the maximum annuity which her late husband could have established for her as beneficiary, in accordance with the provisions of the Act of April 24, 1939, and amendments thereto.

This Act shall take effect on the first day of the calendar month following its approval by the President.

Approved, July 11, 1940.

## [CHAPTER 584]

## JOINT RESOLUTION

To confer jurisdiction on the Court of Claims or the District Court of the United States for the Northern District of Georgia to hear, determine, and render judgment upon the claim of Mrs. J. W. Marks, of Stephens County, Georgia.

July 11, 1940  
[S. J. Res. 133]  
[Priv. Res., No. 6]Mrs. J. W. Marks.  
Jurisdiction of desig-  
nated courts to hear  
claim.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims or the District Court of the United States for the Northern District of Georgia to hear, determine, and render judgment upon the claim of Mrs. J. W. Marks to the property referred to and described in a deed by Melzinia Scott to Mrs. J. W. Marks dated June 24, 1925, and recorded in office of clerk, Superior Court of Stephens County, Georgia, June 24, 1925, in deed book numbered 16, page 28, and to hear, determine, and render judgment, if any, on any claim for damages that she may be found to have arising by virtue of the Government of the United States or any of its agents entering upon said property, taking possession thereof or in any way trespassing thereon, and award sufficient relief in the premises as under law and evidence may be shown. Such claim may be instituted at any time within two years after the passage of this joint resolution, notwithstanding the lapse of time, or any statute of limitations.

Time for instituting  
claim.

Proceeding.

SEC. 2. Proceeding in any suit before the Court of Claims or in the District Court of the United States for the Northern District of Georgia under this joint resolution and appeals therefrom, and payment of any judgment thereon, shall be had as in any other case of which the Court of Claims or the District Court of the United States for the Northern District of Georgia might have jurisdiction.

Approved, July 11, 1940.

## [CHAPTER 585]

## AN ACT

For the relief of Edward Hagenson.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in the case of Edward Hagenson, formerly employed by the Alaska Railroad during the period 1932 to May 3, 1934; the General Manager of the Alaska Railroad is authorized and directed to hear, consider and determine any claim filed with said railroad, within one year after the date of enactment of this Act, by said Edward Hagenson or by his heirs, executors, or administrators for compensation under the provisions of such Act of September 7, 1916, as amended, for disability due to silicosis: *Provided,* That no benefits hereunder shall accrue prior to the enactment of this Act.

Approved, July 11, 1940.

July 11, 1940  
[S. 182]  
[Private, No. 466]

Edward Hagenson.  
Consideration of disability claim.

39 Stat. 746-747.  
5 U. S. C. §§ 765-770.

Filing of claim.

*Proviso.*  
No prior benefits.

## [CHAPTER 586]

## AN ACT

For the relief of C. F. Cooley, administrator of the estate of Charles F. Cooley, Junior.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. F. Cooley, administrator of the estate of Charles F. Cooley, Junior, the sum of \$496.15, in full settlement of all claims against the United States for damages to an automobile owned by and used on official business by Charles F. Cooley, Junior, while he was employed as a Federal Prohibition Agent: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

July 11, 1940  
[S. 349]  
[Private, No. 467]

C. F. Cooley.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 587]

## AN ACT

For the relief of Cothran Motors, Incorporated.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cothran Motors, Incorporated, of Raleigh, North Carolina, the sum of \$356.75, in full and final settlement of all its claims against the Government of the United States for repairs to elevator and lighting equipment in property leased by the Treasury Department

July 11, 1940  
[S. 1376]  
[Private, No. 468]

Cothran Motors,  
Inc.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

as temporary quarters for the Raleigh post office from March 10, 1937, to April 9, 1938, said lease providing that the lessor maintain the same in repair: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 588]

AN ACT

For the relief of Edmund S. Dennis.

July 11, 1940

[S. 1531]

[Private, No. 469]

Edmund S. Dennis.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edmund S. Dennis, of Richmond, Virginia, the sum of \$176.80, in full satisfaction of his claim against the United States Government for expenses incurred by reason of accident with a Civilian Conservation Corps car on March 26, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 589]

AN ACT

For the relief of Mary Boyd.

July 11, 1940

[S. 2570]

[Private, No. 470]

Mary Boyd.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Boyd, of Spokane, Washington, the sum of \$3,500, in full settlement of all claims against the United States for the death of her son, Jess P. Boyd, as the result of an accident involving a Government truck operated by an enrollee of the Civilian Conservation Corps between Priest River and Coolin, Idaho, on October 15, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

## [CHAPTER 590]

## AN ACT

For the relief of Lloyd S. Harris.

July 11, 1940  
[S. 2595]

[Private, No. 471]

Lloyd S. Harris.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lloyd S. Harris, of Shiprock, New Mexico, the sum of \$700, in full satisfaction of all claims against the United States because of property losses sustained by said Lloyd S. Harris as a result of a fire which occurred in the Cove Demonstration Area of the Soil Conservation Service on December 10, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with such claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

## [CHAPTER 591]

## AN ACT

Authorizing the naturalization of Thomas A. Lambie.

July 11, 1940  
[S. 2768]

[Private, No. 472]

Thomas A. Lambie.  
Naturalization authorized.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other provision of law, at any time within one year after the date of enactment of this Act, Thomas A. Lambie, of Owings Mills, Maryland, may be naturalized as a citizen of the United States by taking the naturalization oath of allegiance before any court having jurisdiction of the naturalization of aliens.

Approved, July 11, 1940.

## [CHAPTER 592]

## AN ACT

For the relief of Edward J. Ross, and the legal guardian of Betty Ross, a minor.

July 11, 1940  
[S. 2800]

[Private, No. 473]

Edward J. Ross,  
and guardian of Betty  
Ross.  
Payments to.*Proviso.*  
Limitation on attorney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward J. Ross, of Cathlamet, Washington, the sum of \$500, in full settlement of all claims against the United States for expenses incurred by him as a result of injuries sustained by his minor child, Betty Ross, and to the legal guardian of Betty Ross, the sum of \$2,000, in full settlement of all her claims against the United States for personal injuries sustained as a result of being struck by a Civilian Conservation Corps truck operating under supervision of the Forest Service on August 4, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding.

Penalty.

Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 593]

## AN ACT

For the relief of Bessie Sharrah.

July 11, 1940  
[S. 2688]

[Private, No. 474]

Bessie Sharrah.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Bessie Sharrah, of Tucson, Arizona, in full settlement of her claim against the United States arising out of a collision between a United States Army truck and a vehicle driven by her husband, George F. Sharrah, and resulting in his death, on or about December 19, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 11, 1940.

[CHAPTER 594]

## AN ACT

For the relief of Clarence E. Enders and Gertrude Ray Enders.

July 11, 1940  
[S. 3023]

[Private, No. 475]

Clarence E. and Gertrude Ray Enders.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence E. Enders, of Portland, Oregon, the sum of \$528, and to Gertrude Ray Enders, of Portland, Oregon, the sum of \$1,788.95, in full satisfaction of their respective claims against the United States for reimbursement of expenses incurred by them, and for compensation for personal injuries and property damage sustained by them, as a result of a collision between the automobile in which they were riding and a Civilian Conservation Corps truck on United States Highway Numbered 99, near Olympia, Washington, on October 30, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 11, 1940.

[CHAPTER 595]

## AN ACT

For the relief of Twila Snyder.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Twila Snyder, of Butte, Montana, the sum of \$2,676 in full satisfaction of all claims against the United States for medical expenses incurred, and personal injuries sustained, by her as a result of the collision at the intersection of Twenty-first South Street and Twenty-first East Street, Salt Lake City, Utah, on September 28, 1936, of the truck in which she was riding with a War Department truck: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

July 11, 1940

[S. 3039]

[Private, No. 476]

Twila Snyder.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 596]

## AN ACT

For the relief of Velvie W. Smith, and the legal guardian of Glenn Richard Smith.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Velvie W. Smith, of Huntington, West Virginia, the sum of \$150 and to the legal guardian of Glenn Richard Smith, of Huntington, West Virginia, the sum of \$5,000, in full satisfaction of all claims against the United States arising out of the death of Emley Mae Smith, who was killed when a Work Projects Administration truck ran off the highway and struck her on the right-of-way of the Baltimore and Ohio Railroad, in Huntington, West Virginia, on October 9, 1939: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

July 11, 1940

[S. 3059]

[Private, No. 477]

Velvie W. Smith,  
and guardian of Glenn  
Richard Smith.  
Payments to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 597]

## AN ACT

For the relief of the Rodgers Tile Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Rodgers Tile Company, of Seattle, Washington, the sum of \$695.74, in full satisfaction of its claim against the United States for additional compen-

July 11, 1940

[S. 3062]

[Private, No. 478]

Rodgers Tile Co.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

sation for installing tile floor and wainscoting in the generator room of the powerhouse at Bonneville Dam, under contract numbered W-649-eng-583, dated February 2, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 598]

AN ACT

For the relief of Thomas L. Gardner.

July 11, 1940  
[S. 3111]

[Private, No. 479]

Thomas L. Gardner.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas L. Gardner, of Belton, Montana, the sum of \$75, in full satisfaction of his claim against the United States for reimbursement for the loss of a horse hired by the National Park Service for use in connection with emergency conservation work in Glacier National Park during the summer of 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 599]

AN ACT

For the relief of Ina May Everett.

July 11, 1940  
[S. 3280]

[Private, No. 480]

Ina May Everett.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ina May Everett, widow of Leslie Everett, deceased, formerly State highway foreman for Hickman County, Kentucky, the sum of \$1,500, in full settlement of all claims against the United States for the death of her husband, the said Leslie Everett, who died September 11, 1938, as a result of injuries sustained on August 26, 1938, when the truck in which he was riding was struck by a truck operated by an employee of the Works Progress Administration on Highway Numbered 58 one and one-half miles east of Clinton, Kentucky: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

## [CHAPTER 600]

## AN ACT

For the relief of Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, and for other purposes.

July 11, 1940  
[S. 3401]  
[Private, No. 481]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That payments heretofore made for hospital and medical expenses incident to the injury of five enlisted men of Headquarters Company, One Hundred and Seventy-second Infantry, Vermont National Guard, on August 17, 1936, as the result of an automobile accident, and payments made to one of the injured enlisted men as pay subsequent to the termination of the encampment period, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of Major Charles N. Barber, former United States property and disbursing officer, Vermont National Guard, for and on account of all such payments.

Charles N. Barber.  
Credit in accounts  
of.

Approved, July 11, 1940.

## [CHAPTER 601]

## AN ACT

For the relief of George O. Elliott and Winslow Farr Smith.

July 11, 1940  
[S. 3424]  
[Private, No. 482]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George O. Elliott and Winslow Farr Smith, both of Salt Lake City, Utah, the sums of \$1,000 and \$2,000, respectively, in full satisfaction of their claims against the United States, such sums representing fines imposed upon and paid by said claimants on February 2, 1937, in a certain cause in the District Court of the United States in and for the District of Montana (No. 5833), the judgment in said cause having been reversed by the United States Circuit Court of Appeals for the Ninth Circuit (95 Fed. 2d 669), as to said claimants' codefendants (but not as to said claimants since they did not join in said appeal) and said claimants having subsequently received a pardon from the President because of such reversal: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

George O. Elliott  
and Winslow Farr  
Smith.  
Payments to.

*Proriso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, July 11, 1940.

## [CHAPTER 602]

## AN ACT

For the relief of Vernon C. Brown and F. L. Copeland.

July 11, 1940  
[S. 3597]  
[Private, No. 483]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vernon C. Brown the sum of \$80.35 and to F. L. Copeland the sum of \$227.75 in full settlement of their claims for personal injuries and loss of employment arising out of a collision between an automobile

Vernon C. Brown  
and F. L. Copeland.  
Payments to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

being driven by Vernon C. Brown and a truck owned by the Work Projects Administration and driven by Bryant Merryman on August 1, 1939, near Phoenix, Arizona: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

[CHAPTER 603]

AN ACT

For the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department.

July 11, 1940  
[S. 3748]  
[Private, No. 484]

Guy F. Allen.  
Credit in account of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the February 1937 account of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of the Interior, for voucher 16-28071, \$149.94.

Approved, July 11, 1940.

[CHAPTER 604]

AN ACT

To relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers, and for other purposes.

July 11, 1940  
[S. 3749]  
[Private, No. 485]

Veterans' Admini-  
stration.  
Credit in accounts  
of certain former dis-  
bursing officers.

*Proviso.*  
Recovery of pay-  
ments.

J. B. Schommer.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the employees responsible for the excess or erroneous payments represented by the sums (including interest accruals) herein stated be, and they are hereby, relieved of financial liability therefor and the Comptroller General is authorized and directed to allow credit in the settlement of the accounts of the following-named former disbursing officers of the Veterans' Administration and Guy F. Allen, chief disbursing officer, Treasury Department, in such amounts not exceeding the sums (including interest accruals) stated herein which have been, or hereafter may be, disallowed as may be necessary to relieve such disbursing officers of financial liability therefor: *Provided*, That this Act shall not be construed to bar recovery of the amounts herein specified from the persons to whom and through whom such amounts have been paid:

First. J. B. Schommer, former disbursing officer, Veterans' Administration, Washington, District of Columbia, in the sums of \$3,654.84, symbol 99-220; \$1,680.69, symbol 11-499; \$75.21; symbol 11-501; \$3,197.75, symbol 11-532; and \$7,102.47, symbol 11-666, which amounts were expended during the period from July 1, 1929, through June 30, 1934.

William H. Holmes.

Second. William H. Holmes, former disbursing officer, Veterans' Administration, Washington, District of Columbia, in the sums of \$162.70, symbol 11-465, and \$6,853.73, symbol 11-348, which amounts were expended during the period from January 1, 1919, through June 30, 1929.

Third. Norma E. Hesterly, former disbursing officer, Veterans' Administration, Albuquerque, New Mexico, in the sum of \$154.32, symbol 99-101, which amount was expended on September 16, 1931.

Norma E. Hesterly.

Fourth. C. A. Wood, former disbursing officer, Veterans' Administration, Atlanta, Georgia, in the sum of \$4,319.24, symbol 99-102, which amount was expended during the period from November 1, 1929, through June 30, 1933.

C. A. Wood.

Fifth. D. H. Geiger, former disbursing officer, Veterans' Administration, Augusta, Georgia, in the sum of \$116.72, symbol 11-449, which amount was expended in June 1934.

D. H. Geiger.

Sixth. Warren A. Minnis, former disbursing officer, Veterans' Administration, Bay Pines, Florida, in the sum of \$1,045.49, symbol 99-126, which amount was expended during the period from May 1 through May 31, 1931.

Warren A. Minnis.

Seventh. H. H. Barraclough, former disbursing officer, Veterans' Administration, Boston, Massachusetts, in the sum of \$203.54, symbol 99-106, which amount was expended during the period from October 1, 1929, through July 31, 1933.

H. H. Barraclough.

Eighth. Ivan Carrico, former disbursing officer, Veterans' Administration, Charleston, West Virginia (now Huntington), in the sum of \$534.20, symbol 99-110, which amount was expended during the period September 10, 1930, through March 20, 1931.

Ivan Carrico.

Ninth. John W. Reynar, former disbursing officer, Veterans' Administration, Charlotte, North Carolina, in the sums of \$1,906.51, symbol 99-111; and \$100, symbol 11-374, which amounts were expended during the period from March 1, 1931, through August 31, 1933.

John W. Reynar.

Tenth. Cary Dawson, former disbursing officer, Veterans' Administration, Cincinnati, Ohio (now Dayton, Ohio), in the sums of \$439.25, symbol 99-113; and \$60, symbol 11-400, which amounts were expended during the period from September 1, 1927, through April 16, 1935.

Cary Dawson.

Eleventh. L. W. Looker, former disbursing officer, Veterans' Administration, Cleveland, Ohio, in the sum of \$80.29, symbol 99-114, which amount was expended during the period from December 1, 1930, through July 29, 1931.

L. W. Looker.

Twelfth. Charles S. Gawler, former disbursing officer, Veterans' Administration, Columbia, South Carolina, in the sums of \$732.25, symbol 99-115; and \$3,377.98, symbol 11-403, which amounts were expended during the period from May 11, 1927, through March 31, 1935.

Charles S. Gawler.

Thirteenth. Lorena Duncan, former disbursing officer, Veterans' Administration, Dallas, Texas, in the sum of \$531, symbol 99-116, which amount was expended during the period from March 1, 1928, through March 31, 1931.

Lorena Duncan.

Fourteenth. Roy E. Waters, former disbursing officer, Veterans' Administration, Dallas, Texas, in the sum of \$12, symbol 11-519, which amount was expended on July 31, 1932.

Roy E. Waters.

Fifteenth. W. Weldon, former disbursing officer, Veterans' Administration, Hines, Illinois, in the sums of \$1,270.91, symbol 99-231; and \$50.27, symbol 11-521, which amounts were expended during the period from March 1, 1931, through June 30, 1934.

W. Weldon.

Sixteenth. Noel Jeffrey, former disbursing officer, Veterans' Administration, Hines, Illinois, in the sum of \$311.26, symbol 99-227, which amount was expended on June 7, 1930.

Noel Jeffrey.

Seventeenth. E. L. Hlinak, former disbursing officer, Veterans' Administration, Jefferson Barracks, Missouri, in the sum of \$265.62, symbol 99-152, which amount was expended during the period from May 1, 1931, through November 1, 1932.

E. L. Hlinak.

- E. D. Duncan. Eighteenth. E. D. Duncan, former disbursing officer, Veterans' Administration, Little Rock, Arkansas, in the sum of \$863.72, symbol 99-128, which amount was expended during the period from February 1, 1931, through July 31, 1931.
- N. B. Harrison. Nineteenth. N. B. Harrison, former disbursing officer, Veterans' Administration, Los Angeles, California, in the sum of \$693.01, symbol 99-129, which amount was expended during the period from May 1 through May 31, 1931.
- P. E. Haase. Twentieth. P. E. Haase, former disbursing officer, Veterans' Administration, Louisville, Kentucky, in the sum of \$348.06, symbol 99-130, which amount was expended on April 17, 1931.
- Joseph F. Routhier. Twenty-first. Joseph F. Routhier, former disbursing officer, Veterans' Administration, Manila, Philippine Islands, in the sum of \$281.36, symbol 99-207, which amount was expended during the period from January 1 through January 31, 1928.
- N. H. Cobbs. Twenty-second. N. H. Cobbs, former disbursing officer, Veterans' Administration, Manila, Philippine Islands, in the sum of \$66.43, symbol 99-217, which amount was expended during the period from January 1 through January 31, 1929.
- A. B. Gilman. Twenty-third. A. B. Gilman, former disbursing officer, Veterans' Administration, Manila, Philippine Islands, in the sum of \$595.39, symbol 99-214, which amount was expended during the period from January 1, 1930, through March 31, 1931.
- T. H. Daley. Twenty-fourth. T. H. Daley, former disbursing officer, Veterans' Administration, New Orleans, Louisiana, in the sum of \$72.26, symbol 11-256, which amount was expended in March 1925.
- Don Iler. Twenty-fifth. Don Iler, former disbursing officer, Veterans' Administration, New York, New York, in the sums of \$1,439.37, symbol 99-138; and \$192.85, symbol 11-333, which amounts were expended during the period from April 1, 1931, through October 15, 1934.
- Marvin L. Morris. Twenty-sixth. Marvin L. Morris, former disbursing officer, Veterans' Administration, Oklahoma City, Oklahoma, in the sum of \$388.69, symbol 99-139, which amount was expended during the period from January 1 through January 31, 1931.
- P. J. Carney. Twenty-seventh. P. J. Carney, former disbursing officer, Veterans' Administration, Philadelphia, Pennsylvania, in the sum of \$640.75, symbol 99-141, which amount was expended during the period from December 1, 1928, through July 31, 1934.
- J. A. Walker. Twenty-eighth. J. A. Walker, former disbursing officer, Veterans' Administration, Pittsburgh, Pennsylvania, in the sum of \$621.84, symbol 99-210, which amount was expended on August 2, 1932.
- H. F. Heisey. Twenty-ninth. H. F. Heisey, former disbursing officer, Veterans' Administration, Richmond, Virginia (now Roanoke), in the sum of \$184.58, symbol 99-148, which amount was expended during the period from February 1, 1928, through March 31, 1931.
- M. B. Norvell. Thirtieth. M. B. Norvell, former disbursing officer, Veterans' Administration, San Antonio, Texas, in the sum of \$378.97, symbol 99-222, which amount was expended during the period from April 1, 1931, through October 31, 1932.
- L. S. McCracken. Thirty-first. L. S. McCracken, former disbursing officer, Veterans' Administration, San Francisco, California, in the sum of \$86, symbol 11-262, which amount was expended during the period from November 1, 1923, through May 31, 1924.
- H. S. Knapp. Thirty-second. H. S. Knapp, former disbursing officer, Veterans' Administration, Seattle, Washington, in the sum of \$1,194.24, symbol 99-215, which amount was expended on April 23, 1931.
- J. William Yates, Jr. Thirty-third. J. William Yates, Junior, former disbursing officer, Veterans' Administration, Tuscaloosa, Alabama, in the sum of \$333.78, symbol 99-104, which amount was expended during the period from May 9, 1929, through July 31, 1931.

Thirty-fourth. Richard H. Zohm former disbursing officer, Veterans' Administration, Wood, Wisconsin, in the sums of \$630.63, symbol 99-216; and \$1,272.28, symbol 11-430, which amounts were expended for the period from January 1, 1918, through March 15, 1935.

Richard H. Zohm.

Thirty-fifth. Guy F. Allen, chief disbursing officer, Treasury Department, Washington, District of Columbia, in the sums of \$40,585.11, symbols 99-280 to 99-292, inclusive; \$65.36, symbol 89-888; \$4,829.59, symbol 11-647; \$9,010.88, symbol 11-561; \$133.18, symbol 11-564; \$160, symbol 11-566; \$99, symbol 11-569; \$858.90, symbol 11-571; \$10, symbol 11-575; \$111.67, symbol 11-583; and \$82.36, symbol 11-559, which amounts were expended during the period from July 1, 1934, through July 31, 1938, and for which certifying officers are held financially liable.

Treasury Department.  
Credit in accounts of Guy F. Allen.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay to C. A. Blackburn, finance officer, Veterans' Administration, Little Rock, Arkansas, the sum of \$187.16, which amount was paid by him on November 7, 1936.

Veterans' Administration.  
Payment to C. A. Blackburn.

Approved, July 11, 1940.

[CHAPTER 605]

AN ACT

For the relief of Captain David H. Passell and First Lieutenant Paul E. LaMaster.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Captain David H. Passell, Finance Reserve, the sum of \$1,158.21, less any amount subsequently recovered, public funds for which he is accountable, and which were stolen from First Lieutenant Paul E. LaMaster, Field Artillery Reserve, class "A" agent officer for the said Captain Passell, in a pay roll robbery at the Twenty-six Hundred and Sixty-fourth Company, Civilian Conservation Corps, Camp Carroll, Mount Carroll, Illinois, on March 31, 1939: Provided, That the said Lieutenant LaMaster is hereby relieved of pecuniary responsibility for the loss of the said public funds and the Comptroller General of the United States is authorized and directed to settle the final pay accounts of the said Lieutenant LaMaster without deduction for the loss of the said public funds.*

July 11, 1940  
[S. 3763]

[Private, No. 486]

Capt. David H. Passell.  
Credit in accounts of.

Proviso.  
First Lt. Paul E. LaMaster relieved of liability.

Approved, July 11, 1940.

[CHAPTER 606]

AN ACT

For the relief of Lawrence T. Post, G. F. Allen, and D. Buddrus.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit to Doctor Lawrence T. Post, consultant in the Indian Service, and to allow credit in the accounts of G. F. Allen, chief disbursing officer, and D. Buddrus, formerly cashier and certifying officer of the Five Civilized Tribes Agency, Muskogee, Oklahoma, for the amount of \$94.56, representing per diem and travel expenses paid to said Lawrence T. Post for the period June 8 to June 21, 1938, inclusive.*

July 11, 1940  
[S. 3916]

[Private, No. 487]

Dr. Lawrence T. Post.  
Credit allowed to G. F. Allen and D. Buddrus.  
Credit in accounts.

Approved, July 11, 1940.

## [CHAPTER 607]

## AN ACT

July 11, 1940  
[S. 4032]  
[Private, No. 488]

To provide for the reimbursement of Philip A. Penston, pharmacist's mate, first class, United States Coast Guard, for the value of personal and household effects lost and destroyed during the hurricane of September 21, 1938, at New London, Connecticut.

Philip A. Penston.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Philip A. Penston, pharmacist's mate, first class, United States Coast Guard, the sum of \$1,267 in full satisfaction of his claim against the United States for the loss and destruction of his personal and household effects in the hurricane at New London, Connecticut, on September 21, 1938; it appearing that Philip A. Penston, having been transferred from Coast Guard headquarters to duty aboard the Coast Guard Cutter Mojave at Miami, Florida, had pursuant to his orders and prior to such hurricane delivered his personal and household effects to a Coast Guard contractor for packing, crating, and shipment to Miami, that he had no control over such effects at the time of their loss and destruction, and that a Coast Guard Board of investigation found that the amount appropriated by this Act is reasonable and just: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 608]

## AN ACT

For the relief of Elizabeth K. Peeples.

July 11, 1940  
[S. 4048]  
[Private, No. 489]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to allow credit for retirement purposes to Elizabeth K. Peeples for all services rendered by her in the public schools of said District as a teacher, administrative principal, and director of the Community Center Department, for the period between September 1, 1920, and July 15, 1939, upon the payment by her into the teachers' retirement fund of the District of Columbia of such amount as may be determined by said Commissioners to be due such fund for said period with interest thereon at 4 per centum per annum, compounded.

Approved, July 11, 1940.

Elizabeth K. Peeples.  
Service credit for retirement purposes.

## [CHAPTER 609]

## AN ACT

For the relief of J. H. Wootton.

July 11, 1940  
[S. 903]  
[Private, No. 490]

J. H. Wootton.  
Settlement of claim.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle and adjust the claim of J. H. Wootton against the United States and the claim of the United States against J. H.

Wootton involving mileage for the use of his personally owned automobile for transportation from Washington, District of Columbia, to San Francisco, California, in 1934, and the return trip in 1935, upon the basis of the estimated cost by rail for the personal transportation of Mr. Wootton and without regard to section 209 of the Act of June 30, 1932 (47 Stat. 405).

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$21.14, or so much thereof as may be necessary, to pay the amount found due J. H. Wootton.

SEC. 3. Any amount so found due the claimant pursuant to this Act may be applied in satisfaction of any income-tax indebtedness outstanding and unpaid at that time.

Approved, July 11, 1940.

5 U. S. C. §§ 73c, 823a.

Appropriation.

Applicability to income - tax indebtedness.

[CHAPTER 610]

AN ACT

For the relief of Alfred Joseph Wright.

July 11, 1940  
[H. R. 2355]  
[Private, No. 491]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rosetta Louise Tomkins, of Richmond, Virginia, the sum of \$923, in full settlement of all claims against the Government of the United States for personal injuries suffered by her infant son, Alfred Joseph Wright, caused by an automobile truck driven by John Mundy, attached to Civilian Conservation Corps Camp Numbered 1375, located at Fort Harrison, Virginia, on July 8, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Relief of Alfred Joseph Wright.  
Payment to Rosetta Louise Tomkins in settlement of claims for.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 11, 1940.

[CHAPTER 611]

AN ACT

For the relief of the First National Bank of Gettysburg, Pennsylvania, as legal guardian of the three minor children of Dale W. Guise and Gladys M. Guise, both deceased, and Sally C. Guise, Martha G. and Arnold E. Orner.

July 11, 1940  
[H. R. 3161]  
[Private, No. 492]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the First National Bank of Gettysburg, Pennsylvania, as legal guardian of the three minor children of Dale W. Guise and Gladys M. Guise, both deceased, the sum of \$11,398.16. The payment to the said First National Bank of Gettysburg, Pennsylvania, shall be in full settlement of all claims against the United States for hospital, medical, and funeral and burial expenses incurred on account of the injuries and death of the said Dale W. Guise and for funeral and burial expenses incurred on account of the death of the said Gladys M. Guise. Such injuries and deaths resulted from a collision, on April 10, 1938, on United States Highway Numbered 40, about seven miles east of

First National Bank, Gettysburg, Pa.  
Payment to.

Zanesville, Ohio, when the automobile of the said Dale W. Guise in which he and his wife were riding was struck by an ambulance (numbered 71090) in the service of the Civilian Conservation Corps.

Sally C. Guise.  
Payment to.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Sally C. Guise, Arendtsville, Pennsylvania, the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of Christian Guise, her husband, who was a passenger in the car of Dale W. Guise and was killed in the collision described in section 1.

Martha G. and Arnold E. Orner.  
Payment to.

SEC. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martha G. Orner, Arendtsville, Pennsylvania, the sum of \$5,000, and to Arnold E. Orner, her husband, the sum of \$1,975.99. The payment of such sums shall be in full settlement of all claims against the United States for damages sustained on account of the injuries received by the said Martha G. Orner, who was a passenger in the car of Dale W. Guise and suffered injuries in the collision described in section 1, which resulted in the permanent disfigurement and disablement of the said Martha G. Orner and the loss of her unborn child: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 11, 1940.

[CHAPTER 612]

AN ACT

For the relief of George L. Sheldon.

July 11, 1940

[H. R. 3171]

[Private, No. 493]

George L. Sheldon.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George L. Sheldon, East Pepperell, Massachusetts, the sum of \$1,500. The payment of such sum shall be in full settlement of all claims against the United States of the said George L. Sheldon for personal injuries and property damage resulting from a collision, on August 10, 1937, at the junction of Hollis and Groton Streets, Pepperell, Massachusetts, when a truck owned by the said George L. Sheldon and in which he was riding was struck by a motor vehicle operated by an employee of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 11, 1940.

## [CHAPTER 613]

## AN ACT

For the relief of the legal guardian of Betty Lou Frady, and W. L. Frady.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Betty Lou Frady, a minor, of Weldon, Arkansas, the sum of \$3,000, and to W. L. Frady, of Weldon, Arkansas, the sum of \$629.50, in full settlement of all claims against the United States for the permanent injuries sustained by the said Betty Lou Frady, and for expenses incurred by W. L. Frady, in a collision between the Newport, Arkansas, public-school automobile bus, in which the said Betty Lou Frady was an authorized student passenger, and an automobile truck owned and negligently operated by the Works Progress Administration on Arkansas State Highway Numbered 17, near Weldon, Arkansas, on April 26, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 11, 1940.

July 11, 1940  
[H. R. 5258]  
[Private, No. 494]

Betty Lou Frady.  
Payments to guardian of, and to W. L. Frady.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 614]

## AN ACT

For the relief of Clifford J. Williams.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is authorized and directed to credit the account of Clifford J. Williams, postmaster, at Bainbridge, Georgia, in the sum of \$10,068.28. Such sum represents a balance due on a shortage in the accounts of John A. Harrison, former assistant postmaster, which accrued prior to August 15, 1926, the date of the appointment of the said Clifford J. Williams as postmaster aforesaid.

Approved, July 11, 1940.

July 11, 1940  
[H. R. 7843]  
[Private, No. 495]

Clifford J. Williams.  
Credit in account of.

## [CHAPTER 615]

## AN ACT

For the relief of certain settlers in the town site of Ketchum, Idaho.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if, within three years from the date of enactment of this Act, it shall be shown to the satisfaction of the Secretary of the Interior that any lot in the town site of Ketchum, Idaho, as shown on the official plat thereof on file in the General Land Office, has been held in good faith in peaceful, adverse possession by a citizen of the United States, his ancestors or grantors, for more than ten years next preceding the date of enactment of this Act under claim or color of title, and that during such time valuable improvements have been placed on such lot, or taxes levied on such lot have been paid, the Secretary may, in his discretion and under such rules and regulations as he may pre-

July 11, 1940  
[S. 1251]  
[Private, No. 496]

Ketchum, Idaho.  
Issuance of land patents to certain citizens of.

43 U. S. C. §§ 715,  
716.

43 U. S. C. § 714.

*Proviso.*  
Notice of intention  
to purchase.

scribe, cause a patent for such lot to issue to such citizen, upon payment therefor of such price not less than the minimum provided in sections 2384 and 2385 of the United States Revised Statutes, as may be fixed by the Secretary, without requiring a showing of privity with any persons entitled to purchase the lot as a preemption under section 2383, United States Revised Statutes: *Provided*, That notice of intention to purchase the lot under the provisions of this Act is posted for a period of thirty days in the land office for the district in which the town site is situated and is published once a week for four consecutive weeks in some newspaper designated by the Secretary and that no valid protest is filed against such purchase.

Approved, July 11, 1940.

[CHAPTER 616]

AN ACT

For the relief of certain purchasers of, and entrymen upon, opened lands of certain Indian reservations.

July 11, 1940  
[S. 3101]  
[Private, No. 497]

Indian reservations.  
Reinstatement of  
certain entries or pur-  
chases.

Filing of application  
for reinstatement.

*Proviso.*  
Legal requirements.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized to reinstate any entry or purchase, in existence December 31, 1936, on the opened lands within the ceded areas of the Cheyenne River, Coeur d'Alene, Colville, Fort Berthold, Fort Peck, Pine Ridge, Rosebud, or Standing Rock Indian Reservations, or any of the Chippewa lands in Minnesota opened in accordance with the Act of January 14, 1889 (25 Stat. 642), that has been canceled in toto for failure of the claimant thereof to make payment of the purchase money and interest due, or any such entry canceled in part by relinquishment, upon the filing by the claimant in the proper district land office within sixty days from the date of the enactment of this Act, an application for reinstatement accompanied by the full amount of money due under governing laws: *Provided*, That all other requirements of the laws under which the entry or purchase was made have been complied with.

Approved, July 11, 1940.

[CHAPTER 617]

AN ACT

To authorize the Attorney General to donate on behalf of the United States to H. S. Scott, D. W. Collins, Fred M. Gross, trustees, Ashland District Council, Boy Scouts of America, the log house known as the John Secrest home, located on the site of the Federal Correctional Institution near Ashland, Kentucky.

July 11, 1940  
[S. 4090]  
[Private, No. 498]

Ashland District  
Council, Boy Scouts  
of America.  
Donation of certain  
log house to trustees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Attorney General be, and he is hereby, authorized to donate on behalf of the United States to H. S. Scott, D. W. Collins, Fred M. Gross, trustees, Ashland District Council, Boy Scouts of America, that certain log house known as the Secrest house, located on the land comprising the site of the Federal Correctional Institution near Ashland, Kentucky, and formerly occupied by John Secrest, a pioneer in the Boy Scout movement and one of the first scoutmasters in that portion of Kentucky. The house having no value to the Government for institutional purposes, and the ground upon which it stands being needed for other buildings, it shall be removed within such reasonable time as the Attorney General shall fix, and at no expense to the Government.

Approved, July 11, 1940.

## [CHAPTER 619]

## AN ACT

For the relief of Marjorie Buchek.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marjorie Buchek the sum of \$250, in full settlement of all claims against the United States for injuries suffered by her in an automobile accident on June 16, 1937, the responsibility for which has been placed on the driver of a Government truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 12, 1940.

July 12, 1940  
[S. 2560]  
[Private, No. 499]

Marjorie Buchek.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 620]

## AN ACT

For the relief of Ina Jones.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to Ina Jones, in full settlement of all claims against the United States for injuries suffered by her in an automobile accident, responsibility for which was placed on the driver of a Government truck, which accident occurred on June 16, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 12, 1940.

July 12, 1940  
[S. 2561]  
[Private, No. 500]

Ina Jones.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 621]

## AN ACT

For the relief of Edward J. Broggi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward J. Broggi, of Barre, Vermont, the sum of \$115.30 in full satisfaction of his claim against the United States for reimbursement for the value of his personal property lost as the result of a fire which destroyed the supply building at a Civilian Conservation Corps camp, at Northfield, Vermont, on January 27, 1935: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim,

July 12, 1940  
[S. 2717]  
[Private, No. 501]

Edward J. Broggi.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

**Penalty.** and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 12, 1940.

[CHAPTER 622]

AN ACT

To enable Sadao Tanaka to remain permanently in the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provision of the immigration laws, Sadao Tanaka, a native of Japan, admitted into the United States on November 14, 1932, for temporary residence, shall be permitted to remain in the United States permanently as though he had in all respects complied with the immigration laws upon entry, and that the residence in the United States of the said Sadao Tanaka shall date from the approval of this Act.

Approved, July 12, 1940.

[CHAPTER 623]

AN ACT

For the relief of John Nicholas Chicouras.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws, John Nicholas Chicouras, of Aberdeen, Mississippi, shall be held and considered to have been legally admitted to the United States for permanent residence on November 25, 1925, and the Secretary of Labor is authorized and directed to permit said John Nicholas Chicouras to reenter the United States.

**SEC. 2.** Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

Approved, July 12, 1940.

[CHAPTER 624]

AN ACT

For the relief of certain disbursing agents and certifying officers of the Indian Service, the United States Veterans' Administration, and the Treasury Department.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit to certifying officers of the Indian Service and in the accounts of L. E. Baumgarten (deceased), J. V. King, E. W. Jermark, and J. C. Cavill, disbursing agents of the Indian Service; Richard H. Zohm, disbursing agent for the United States Veterans' Administration; and G. F. Allen, chief disbursing officer of the Treasury Department, for certain payments disallowed in the accounts of the above-named officials which were made to and on account of P. D. Southworth, while serving as agricultural extension agent in the Indian Service during the period from March 1933 to February 1936, inclusive.

Approved, July 12, 1940.

July 12, 1940  
[S. 3256]  
[Private, No. 502]

Sadao Tanaka.  
Admission for permanent residence.

July 12, 1940  
[S. 3412]  
[Private, No. 503]

John Nicholas Chicouras.  
Admission for permanent residence.

Reentry authorized.

Quota deduction.

July 12, 1940  
[S. 3707]  
[Private, No. 504]

Indian Service, Veterans' Administration, and Treasury Department.  
Credit in accounts of certain officials.

## [CHAPTER 625]

## AN ACT

For the relief of Hannah S. Bray, Jane Bickers, and Frances Bickers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Hannah S. Bray, Jane Bickers, and Frances Bickers, of Stanardsville, Virginia, and Winchester, Virginia, respectively, out of any money in the Treasury not otherwise appropriated the following sums:

To Hannah S. Bray, the sum of \$5,000 for personal injuries, pain, and suffering and the sum of \$2,695.65 for hospital and physician bills and the sum of \$750 for property damages, or a total of \$8,445.65.

To Jane Bickers, the sum of \$10,000 for personal injuries, pain, and suffering.

To Frances Bickers, the sum of \$5,000 for personal injuries, pain, and suffering.

To Jane and Frances Bickers, the sum of \$4,900.13 for physician and hospital bills.

Said sums being in full settlement of all claims that the above parties have against the United States by reason of injuries and property damages sustained on account of being struck by a Civilian Conservation Corps truck at the intersection of United States Route Numbered 29 and Barracks Road in Charlottesville, Virginia, on July 22, 1939.

SEC. 2. That there shall be a guardian appointed for Frances Bickers, a minor, for the payment of the sum of \$5,000 for her use and benefit.

SEC. 3. That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 12, 1940.

## [CHAPTER 627]

## AN ACT

For the relief of the Leesburg Welding and Garage Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Leesburg Welding and Garage Company, of Leesburg, Florida, the sum of \$1,017.08, in full satisfaction of its claims against the United States for payment for certain materials furnished and services rendered, at the request of officials of the Works Progress Administration, in connection with the Venetian Garden project, official project numbered 65-35-295, in Leesburg, Florida, during the period November 1, 1936, to February 15, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwith-

July 12, 1940

[H. R. 7361]

[Private, No. 505]

Hannah S. Bray,  
Jane and Frances  
Bickers.

Payments to.

Appointment of  
guardian for Frances  
Bickers.

Limitation on attorney's,  
etc., fees.

Penalty.

July 15, 1940

[S. 2289]

[Private, No. 506]

Leesburg Welding  
and Garage Co.  
Payment to.

*Proviso.*  
Limitation on attorney's,  
etc., fees.

Penalty.

standing. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, July 15, 1940.

[CHAPTER 628]

## AN ACT

For the relief of the legal guardian of Paul Sanford, a minor.

July 15, 1940  
[S. 3647]

[Private, No. 507]

Paul Sanford.  
Payment to guardian.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to the legal guardian of Paul Sanford, a minor, of Goodsprings, Walker County, Alabama, in full settlement of all claims against the Government of the United States for injuries received by said minor on the 17th day of October 1939 as the result of blasting operations by Work Projects Administration employees of the United States Government at or near Goodsprings, Walker County, Alabama: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 15, 1940.

[CHAPTER 631]

## AN ACT

For the relief of Nile Shaw and Edgar C. Bardin.

July 16, 1940  
[S. 2018]

[Private, No. 508]

Nile Shaw and Edgar C. Bardin.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nile Shaw, of Whitefish, Montana, the sum of \$2,000, and to Edgar C. Bardin, of Whitefish, Montana, the sum of \$2,000, in full satisfaction of their respective claims against the United States for reimbursement of expenses incurred by them, and for damages for personal injuries and property damage sustained by them, as a result of the automobile in which they were riding having been struck by a Civilian Conservation Corps truck on United States Highway Numbered 2, near Coram, Montana, on July 14, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, July 16, 1940.

[CHAPTER 645]

AN ACT

For the relief of Katherine M. Drier.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding the provisions of section 4 (c) of the Settlement of War Claims Act of 1928, the Secretary of the Treasury is hereby authorized and directed to pay, out of the German special deposit account in the Treasury of the United States, to Katherine M. Drier, an American citizen, formerly resident in Germany, the sum of \$160,000, together with interest thereon at the rate of 5 per centum per annum from January 1, 1920, being the amount due said Katherine M. Drier pursuant to an agreement between the United States of America and the German Government under which all the claims of said Katherine M. Drier against the German Government were settled and adjusted: *Provided*, That payment of such sum of \$160,000 and interest thereon as herein provided shall be made as if an additional award in the sum of \$160,000 with interest at 5 per centum per annum from January 1, 1920, had been entered by the Mixed Claims Commission, United States and Germany, on behalf of Katherine M. Drier.

Approved, July 19, 1940.

July 19, 1940  
[S. 3097]  
[Private, No. 509]

Katherine M. Drier.  
Payment to.  
45 Stat. 280.

*Proviso.*  
Basis of payment.

[CHAPTER 646]

AN ACT

For the relief of Antal or Anthony or Tony Zaicek or Zaiczek.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor be, and is hereby, authorized and directed to record the permanent residence of Antal or Anthony or Tony Zaicek or Zaiczek as of October 2, 1924, and that the warrant of deportation be canceled and Antal or Anthony or Tony Zaicek or Zaiczek shall not again be subject to deportation proceedings for the reasons set up in said warrant.

Upon the enactment of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

Approved, July 19, 1940.

July 19, 1940  
[H. R. 6056]  
[Private, No. 510]

Antal or Anthony or  
Tony Zaicek or Zaiczek.  
Recording of permanent  
residence, etc.

Quota deduction.

[CHAPTER 652]

AN ACT

For the relief of Francis G. McDougall.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$600 as follows: That portion of the sum of \$300 each which may still be unpaid by Francis G. McDougall, of Lowell, Massachusetts, at the time of the approval of this Act, to Louis Guillemette and Ernest Ouellette, both of Lowell, Massachusetts. Said sums shall be accepted by the said Louis Guillemette and Ernest Ouellette in full settlement of all claims against the United States or

August 9, 1940  
[H. R. 719]  
[Private, No. 511]

Louis Guillemette  
and Ernest Ouellette.  
Payments to.

Francis G. McDougall.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

against Francis G. McDougall as the result of their being struck by a United States mail truck operated by the said Francis G. McDougall in the regular performance of his duties as an employee of the Post Office Department on October 22, 1934. The balance of the \$600 appropriated by this Act shall be paid to Francis G. McDougall, in full settlement of his claim against the United States for reimbursement of the amount paid by him in settlement of judgments rendered against him in favor of the said Louis Guillemette and Ernest Ouellette in connection with the accident described: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

[CHAPTER 653]

AN ACT

For the relief of Carl Hurt.

August 9, 1940  
[H. R. 2278]  
[Private, No. 512]

Carl Hurt.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl Hurt, of Allen County, Kentucky, the sum of \$4,000 in full settlement of all claims against the United States for losses incurred by him as the result of injuries received from a rock blown from a quarry operated by the Works Progress Administration on the Settle and Scottsville Highway, in Allen County, Kentucky, on February 27, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

[CHAPTER 654]

AN ACT

For the relief of Fulton Combs.

August 9, 1940  
[H. R. 2490]  
[Private, No. 513]

Fulton Combs.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fulton Combs, of Perry County, Kentucky, the sum of \$1,500 in full settlement of all claims against the United States for injuries and losses sustained by him in a collision with a truck owned by the Civilian Conservation Corps, which occurred on Cutshin Creek, Leslie County, Kentucky, on September 3, 1936, at about 2:30 o'clock postmeridian: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof

shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved, August 9, 1940.

## [CHAPTER 655]

## AN ACT

For the relief of Frank Spears.

August 9, 1940  
[H. R. 3992]  
[Private, No. 514]

Frank Spears.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Spears, of Pulaski County, Arkansas, the sum of \$4,000, in full satisfaction of his claim against the United States for permanent personal injury sustained on February 21, 1928, from the explosion of a high-explosive shell in the immediate vicinity of Camp Pike Reservation, Arkansas: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 9, 1940.

## [CHAPTER 656]

## AN ACT

For the relief of the captain and crew of the fishing boat *Unione* Numbered 1.

August 9, 1940  
[H. R. 5254]  
[Private, No. 515]

Matteo Giacalone  
and others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$289.87 to Matteo Giacalone, captain; the sum of \$70 to Bonao Matteo, member of the crew; the sum of \$217 to Anthony Busalacki, member of the crew; and the sum of \$462 to Andrew Asaro, member of the crew of the fishing boat *Unione* Numbered 1, in full satisfaction of all claims against the United States for damages sustained by the said Captain Matteo Giacalone, Bonao Matteo, Anthony Busalacki, and Andrew Asaro, on account of personal injuries, loss of work, and loss of earnings resulting from a collision on March 1, 1937, between the fishing boat *Unione* Numbered 1 and a Navy airplane piloted by a naval officer: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 9, 1940.

## [CHAPTER 657]

## AN ACT

For the relief of the estate of J. L. Fretwell.

August 9, 1940  
[H. R. 6740]

[Private, No. 516]

J. L. Fretwell.  
Payment to admin-  
istrator of estate of.*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of J. L. Fretwell the sum of \$1,000 in full settlement of all claims against the United States for damages on account of the death of the said J. L. Fretwell who was killed on June 9, 1937, when the automobile in which he was riding was in collision on the Hail Ridge public highway, Rabun County, Georgia, with a truck owned by the Forest Service of the Department of Agriculture: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

## [CHAPTER 658]

## AN ACT

For the relief of J. E. Dambach.

August 9, 1940  
[H. R. 7679]

[Private, No. 517]

J. E. Dambach.  
Payment to.*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,423 to J. E. Dambach, of Evans City, Pennsylvania, in full settlement of all claims against the United States for doctor bills, medicine, and loss of time incurred as the result of a severe injury sustained by him on October 7, 1938, while employed on the farm of George Wahl, Senior, Evans City, Pennsylvania, by a blast of dynamite by Works Progress Administration workmen who were quarrying stone on the property of said George Wahl, Senior: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

## [CHAPTER 659]

## AN ACT

For the relief of Clyde Caietti, a minor.

August 9, 1940  
[H. R. 8246]

[Private, No. 518]

Clyde Caietti.  
Payment to guard-  
ian of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Peter Caietti, of Sacramento, California, as legal guardian of his minor son, Clyde Caietti, in full settlement of all claims against the Government of the United States for personal damage and injury sustained by the said Clyde Caietti on November 2, 1933, when the car in which the said Clyde Caietti was an occupant, was struck by a Civilian Conservation Corps truck

under the jurisdiction of the National Park Service and operated by an employee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

## [CHAPTER 660]

## AN ACT

For the relief of Rufus K. Sanderlin.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rufus K. Sanderlin, Fort Worth, Texas, the sum of \$713.30. The payment of such sum shall be in full settlement of all claims of the said Rufus K. Sanderlin against the United States on account of personal injuries sustained by him on March 3, 1939, when his truck in which he was parked on the Randal Mill Road in Tarrant County, Texas, was struck by a truck in the service of the Works Progress Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

## [CHAPTER 661]

## AN ACT

For the relief of Fred Shelton.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leonard A. Shelton, as legal guardian of his minor son, Fred Shelton, the sum of \$4,062.50 in full settlement of all claims against the United States Government on account of permanent injuries received by the said Fred Shelton, by the explosion of a dynamite cap picked up by the boy in a gravel pit on his father's farm near Lewisville, Denton County, Texas, on August 12, 1936, said dynamite cap having been left carelessly in the pit by Works Progress Administration workers on Works Progress Administration project numbered 3213, being a farm-to-market project: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 9, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

August 9, 1940  
[H. R. 8946]  
[Private, No. 519]

Rufus K. Sanderlin.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

August 9, 1940  
[H. R. 9130]  
[Private, No. 520]

Fred Shelton.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 667]

## AN ACT

For the relief of Thomas Miralia and Betty Miralia.

August 13, 1940  
[H. R. 5116]  
[Private, No. 521]

Thomas Miralia  
and Betty Miralia.  
Payments to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Miralia and Betty Miralia the sum of \$1,170.80 in full settlement of all claims against the United States for injuries resulting from a collision on November 23, 1938, between an Army truck, driven by Richard Stephens, an enrollee of the Civilian Conservation Corps, and a Graham sedan driven and owned by Thomas Miralia: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

## [CHAPTER 668]

## AN ACT

For the relief of Robert L. Taylor.

August 13, 1940  
[H. R. 5309]  
[Private, No. 522]

Robert L. Taylor.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,640 to Robert L. Taylor, of Kingston, Tennessee, in full settlement of all claims against the United States for personal injuries sustained by him, and medical and hospital expenses incident thereto, as a result of a collision of an automobile in which he was riding with a Government Civilian Conservation Corps truck, which truck was being recklessly operated, causing said collision, on United States Highway Numbered 27, two miles south of Harri-man, Tennessee, on December 24, 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

## [CHAPTER 669]

## AN ACT

For the relief of Clyde E. Malle.

August 13, 1940  
[H. R. 5562]  
[Private, No. 523]

Clyde E. Malle.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde E. Malle, of Philadelphia, Pennsylvania, the sum of \$114.28, in full settlement of all claims against the United States for use of a play during March, April, and June of 1936, which he prepared for the Works Progress Administration Federal theater project in Phila-

delphia, and for his services in preparing said play for presentation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 670]

AN ACT

To correct the military records of DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales.

August 13, 1940  
[H. R. 6366]

[Private, No. 524]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following-named officers and former officers of the United States Army shall be entitled to count all their service as cadets at the United States Military Academy in computing for any purpose length of service of any officers of the Army: DeRosey C. Cabell, McFarland Cockrill, James N. Caperton, Junius H. Houghton, Otto F. Lange, Paul B. Parker, James deB. Walbach, and Victor W. B. Wales: *Provided*, That this Act shall not be construed as authorizing the payment of any back pay and allowances that may have accrued prior to the passage of this Act.

DeRosey C. Cabell and others.  
Correction of military records.

*Proviso.*  
No prior benefits.

Approved, August 13, 1940.

[CHAPTER 671]

AN ACT

For the relief of Theodore R. King.

August 13, 1940  
[H. R. 7416]

[Private, No. 525]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to determine the merits of the claim of Theodore R. King for injuries and disabilities alleged to have been sustained by him on January 16, 1937, while in the performance of his duties as special agent to collect cotton statistics in Baxter County, Arkansas, under the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, except that the time limitations in sections 15 to 20, inclusive, of said Act, shall be and are hereby waived: *Provided*, That claim hereunder shall be filed within six months after the approval of this Act.

Theodore R. King.  
Determination of merits of claim of.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Proviso.*  
Time for filing claim.

Approved, August 13, 1940.

[CHAPTER 672]

AN ACT

For the relief of Elizabeth Buxton Hospital.

August 13, 1940  
[H. R. 7668]

[Private, No. 526]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropri-

Elizabeth Buxton Hospital, Newport News, Va.  
Payment to.

ated, to the Elizabeth Buxton Hospital, of Newport News, Virginia, the sum of \$155.30 in full settlement of all claims against the Government of the United States for services rendered to Keaston Church and Lacy Creighton Carrell, Junior, employees of the Fort Eustis National Youth Administration Camp, and hospitalization at the Elizabeth Buxton Hospital given Keaston Church from October 30, 1938, to November 7, 1938, and to Lacy Creighton Carrell, Junior, from November 6, 1938, to November 15, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

[CHAPTER 673]

AN ACT

For the relief of certain disbursing officers of the Division of Disbursement, Treasury Department.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of the following disbursing officers, Division of Disbursement, Treasury Department, with the amounts set opposite their names and symbols: G. F. Allen, symbol 95-981, \$61.10; J. J. Gallagher, symbol 63-01-30, \$5,513.47; P. J. Larkin, symbol 37-01-30, \$11,113.24; and J. W. Yates, Junior, symbol 31-01-30, \$2,445.72; said amounts being public funds for which they are accountable and which comprise payments made to employees of the Resettlement Administration and/or the Farm Security Administration, Department of Agriculture, and which have been disallowed by the Acting Comptroller General of the United States as a result of certain irregularities: *Provided*, That no part of the amounts so credited shall be later charged against the certifying officers of the Resettlement Administration and/or the Farm Security Administration who certified the vouchers upon which such payments were made.

Approved, August 13, 1940.

[CHAPTER 674]

AN ACT

For the relief of Willie Perry.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Willie Perry, a resident of Moro, Lee County, Arkansas, the sum of \$4,000 in full settlement of all claims of the said Willie Perry against the United States for personal injuries sustained by him as a result of being struck, on December 4, 1937, at a point about six or seven miles west of Marianna, Arkansas, on United States Highway Numbered 79, by a vehicle in the service of the Land Utilization Division of the

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

August 13, 1940  
[H. R. 7851]  
[Private, No. 527]

G. F. Allen and  
others.  
Credits in accounts  
of.

*Proviso.*  
Certifying officers  
not to be charged.

August 13, 1940  
[H. R. 7957]  
[Private, No. 528]

Willie Perry.  
Payment to.

Farm Security Administration: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 13, 1940.

[CHAPTER 675]

AN ACT

For the relief of Zoe Hoyt Wagner and Io F. Hoyt.

August 13, 1940  
[H. R. 8028]  
[Private, No. 529]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States, the sum of \$200, to Zoe Hoyt Wagner and the sum of \$945.60 to Io F. Hoyt, compensating the said parties for injuries received in an automobile collision with a car, bearing license D A 43083, being owned by the Bureau of Biological Survey, United States Department of Agriculture, and being operated by Ralph H. Imler, said collision taking place at the intersection of Highways Numbered 66 and 77 just east of Edmond, Oklahoma, on November 18, 1938, and being due to the negligence of Mr. Imler, who did not obey the traffic signs in bringing his car to a stop before entering the intersection: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Zoe Hoyt Wagner  
and Io F. Hoyt.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 13, 1940.

[CHAPTER 676]

AN ACT

For the relief of May C. Taylor.

August 13, 1940  
[H. R. 8091]  
[Private, No. 630]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Home Owners' Loan Corporation is hereby authorized and directed to pay to May C. Taylor, of Newark, New Jersey, the sum of \$497.50, in full settlement of all claims against the Home Owners' Loan Corporation for salary due her for duties performed while employed by the Home Owners' Loan Corporation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

May C. Taylor.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 13, 1940.

## [CHAPTER 677]

## AN ACT

For the relief of Thomas R. Fox.

August 13, 1940

[H. R. 8217]

[Private, No. 531]

Thomas R. Fox.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas R. Fox, of Paducah, Kentucky, the sum of \$2,966.62, in full settlement of all claims against the United States, growing out of his personal injuries occasioned by the negligence of the driver of a Soil Conservation Service automobile operated at the time by the Department of Agriculture on May 13, 1938: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

## [CHAPTER 678]

## AN ACT

For the relief of Edna S. Gardiner.

August 13, 1940

[H. R. 8459]

[Private, No. 532]

Edna S. Gardiner.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Edna S. Gardiner, of Denver, Colorado, in full settlement of all claims against the United States on account of the death of her husband Frank K. Gardiner, who died as a result of being struck by a United States mail truck on September 1, 1939: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 13, 1940.

## [CHAPTER 679]

## AN ACT

For the relief of Doctor A. C. Wade.

August 13, 1940

[H. R. 8504]

[Private, No. 533]

Dr. A. C. Wade.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doctor A. C. Wade, Augusta, Georgia, the sum of \$1,000. The payment of such sum represents reimbursement for the loss sustained by the said Doctor A. C. Wade on account of the forfeiture to the United States of a bond conditioned upon the delivery in court of one Henry Anger. By reason of the nonappearance of the said Henry Anger, such bond was declared forfeited in the Augusta division of the United States District Court for the Southern District of Georgia on April 11, 1939, and the amount of the bond was

subsequently paid by the said Doctor A. C. Wade. The said Doctor A. C. Wade expended several hundred dollars in attempting to apprehend the said Henry Anger, who is an alien, and, on the basis of evidence in the hands of the Federal Bureau of Investigation, appears to have left the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, August 13, 1940.

[CHAPTER 680]

AN ACT

For the relief of certain claimants on account of loss by fire for which the United States was adjudged liable.

August 13, 1940  
[H. R. 8666]  
[Private, No. 534]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the owners of the following lands in Lake Landing Township, Hyde County, North Carolina, the following sums, in full settlement of all claims against the United States for damage and consequent loss sustained as a result of the forest fire or fires which burned land and timber of the Pamlico Timber Corporation, for damage for which the United States was held liable in the District Court of the United States for the Eastern District of North Carolina on August 2, 1937:

Lake Landing  
Township, Hyde  
County, N. C.  
Payments to designated  
claimants.

R. B. Stotesbury, forty-five acres, \$700; E. B. Bell, sixty-two acres, \$1,138; Elizabeth W. O'Neal, one hundred acres, \$1,500; John H. C. Berry, four hundred acres, \$4,800; W. Warren Watson, two hundred and thirty-seven acres, \$2,136; W. Warren Watson, J. S. Mann, and others, two-thirds undivided interest in three hundred and eighty acres (two hundred and fifty-three acres), \$2,533; S. A. Long and L. A. Dudley, nine hundred acres, \$3,600; Closs Gibbs and O. L. Williams, four thousand and two hundred acres, \$1,500; Charles H. Swink, sixty acres, \$525; Closs Gibbs, forty acres, \$400; D. S. McGowan, ten acres, \$80; J. G. Weston heirs, two acres, \$37; W. T. Howard, twenty-eight acres, \$322; G. S. Emory, fifty-five acres, \$550; Emory heirs, seven acres, \$120; J. W. Spence heirs, ninety acres, \$900; George E. Davis, thirty-three acres, \$370; W. M. Ross, four acres, \$24; Mrs. H. T. Weston, six acres, \$98; James McClaud heirs, twenty-five acres, \$309; Mrs. B. H. Black, twenty-five acres, \$125; Mrs. L. L. Boomer, twenty-five acres, \$125; Julian S. Mann, five hundred and fifty-two acres, \$2,350; Julian S. Mann and Roper Lumber Company, two thousand six hundred and ninety-four acres, \$2,500; Elizabeth Pugh estate, thirty-seven acres, \$296; Mrs. B. A. Credle, six acres, \$300; Philip Selby and others, one hundred and fifty acres, \$750; John Midyette, two acres, \$50; State of North Carolina, one thousand acres, \$5,000; in all, \$33,138.

SEC. 2. The Secretary of the Interior is authorized and directed, upon application filed within two years after the date of enactment of this Act by any person not listed in section 1, to determine if such person suffered damage or loss on account of such fire or fires and to determine the amount of such damage, and to report such determinations to the Congress.

Consideration of  
subsequent claims.

Limitation on attorney's, etc., fees.

SEC. 3. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved, August 13, 1940.

[CHAPTER 681]

AN ACT

For the relief of the widow of Donald D. Elliott.

August 13, 1940  
[H. R. 8774]  
[Private, No. 535]

Donald D. Elliott.  
Payment to widow  
of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War shall cause to be paid, out of funds appropriated for pay of the Army current at the time of payment, to the widow of Donald D. Elliott, late a master sergeant in the United States Army, who died on April 14, 1939, such sum as would otherwise have been paid to said widow as a death gratuity under the Act of December 17, 1919 (41 Stat. 367), had the said Donald D. Elliott died while in a pay status and while holding the grade of master sergeant on the day of his death.

10 U. S. C. § 903.

Approved, August 13, 1940.

[CHAPTER 682]

AN ACT

For the relief of certain disbursing officers of the Treasury Department, the Department of the Interior, and the Army.

August 13, 1940  
[H. R. 10634]  
[Private, No. 536]

Designated disbursing officers.  
Credits allowed in accounts of.

*Proviso.*  
Recovery of amounts.

Guy F. Allen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the following-named disbursing officers, without charge against the certifying officers of the Department of the Interior: *Provided,* That this Act shall not be construed to bar recovery of the amounts herein specified from the persons to whom such amounts have been paid:

Roy F. Lassly.

(1) Guy F. Allen, chief disbursing officer, Division of Disbursements, Treasury Department: September 1937 accounts, in the sum of \$80.19, on vouchers 461425, 461426, 461427, 461429, and 461430; March 1935 accounts, in the sum of \$9.30, on voucher 1101528; April 1935 accounts, in the sum of \$4, on voucher 1365855; August 1935 accounts, in the sum of \$32.78, on vouchers 321442 and 316741; February 1936 accounts, in the sum of \$10.44, on voucher 1087731.

J. L. Summers.

(2) Roy F. Lassly, former acting chief disbursing clerk, Department of the Interior: December 1933 accounts, in the sum of \$10.30, on vouchers 9144 and 19269; November 1933 accounts, in the sum of 50 cents, on voucher 15246; January 1934 accounts, in the sum of \$45.56, on vouchers 24021, 21881, and 23000; March 1934 accounts, in the sum of \$38.10, on voucher 32646.

Lt. Col. E. C. Morton.

(3) J. L. Summers, deceased, former chief disbursing clerk, Division of Disbursement, Treasury Department: June 1934 accounts, in the sum of \$177.72, on vouchers 18923 and 19403.

(4) Lieutenant Colonel E. C. Morton, Finance Department, United States Army: January 1935 accounts, in the sum of \$26.89, on voucher 12531.

Approved, August 13, 1940.

[CHAPTER 683]

## AN ACT

For the relief of the Charles H. Amos Handle Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Charles H. Amos Handle Company, of Stilwell, Oklahoma, the sum of \$1,730.15. The Comptroller General of the United States is authorized and directed to release the Charles H. Amos Handle Company of any liability for liquidated damages to the United States arising under contract A9-fs-ECW-610, dated December 30, 1936. Payment under this Act shall be in full settlement of all claims of the company against the United States under such contract. The company, by reason of circumstances beyond its control, was unable to complete delivery under the contract within the time specified, and no actual damage was sustained by the United States on account of the delay: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 14, 1940.

August 14, 1940

[H. R. 8318]

[Private, No. 537]

Charles H. Amos  
Handle Company.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 685]

## AN ACT

For the relief of Walter Chwalek.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Chwalek, of Oswego, New York, the sum of \$2,938.50, in full settlement of all claims against the United States as the result of his receiving personal and property damages when his automobile was struck by a truck in the service of the United States Army on August 24, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 20, 1940.

August 20, 1940

[H. R. 7173]

[Private, No. 538]

Walter Chwalek.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 696]

## AN ACT

For the relief of Wade Crawford, formerly Superintendent of the Klamath Indian Agency.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and is hereby, authorized and directed to allow credit to Wade Crawford, former Superintendent and Special Disbursing Agent for the Klamath Indian

August 27, 1940

[S. 2758]

[Private, No. 539]

Wade Crawford.  
Allowance of credit.

G. F. Allen.  
Credit in accounts  
of.

Refund to Wade  
Crawford.

Proviso.  
Limitation on at-  
torney's, etc., fees.

Penalty.

Agency, Klamath Agency, Oregon, and in the accounts of G. F. Allen, Chief Disbursing Officer, for payments made on voucher 20-19776, April 1936; and voucher 20-43306, April 1937.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to refund to Wade Crawford the sum of \$354.68, said refund to be made from the appropriations credited with such sum as a result of the application of moneys held to the credit of said Wade Crawford in the retirement fund to satisfy disallowances made by the General Accounting Office: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

[CHAPTER 697]

AN ACT

For the relief of Nannie E. Teal.

August 27, 1940  
[S. 3364]

[Private, No. 540]

Nannie E. Teal.  
Payment to.

Proviso.  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, the sum of \$3,000 to Nannie E. Teal, of Hopeville, Georgia, in full settlement of all claims against the United States for personal injuries received as the result of a fall on a Works Progress Administration project at Brookhaven, Georgia, on January 8, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

[CHAPTER 698]

AN ACT

For the relief of Captain Robert W. Evans.

August 27, 1940  
[S. 3400]

[Private, No. 541]

Capt. Robert W.  
Evans.  
Payment to.

Proviso.  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$77 to Captain Robert W. Evans, commanding Headquarters Company 878, Civilian Conservation Corps, Work Camp SCS-37-T, in full settlement of all claims against the United States for the refund of amount paid by him to make good a shortage resulting from robbery of safe in said camp on the night of June 30, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this

Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

[CHAPTER 699]

AN ACT

For the relief of John L. Pennington.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John L. Pennington, of Seattle, Washington, the sum of \$168.40, in full satisfaction of his claim against the United States for reimbursement of expenses incident to official travel during period of employment as field agent, Railroad Retirement Board: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

August 27, 1940  
[S. 3581]  
[Private, No. 542]

John L. Pennington.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 700]

AN ACT

To provide an additional sum for the payment of a claim under the Act entitled "An Act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire at the Marine Barracks, Quantico, Virginia, on October 27, 1938", approved June 19, 1939.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum not to exceed \$31, as may be required by the Secretary of the Navy to reimburse Major Curtis W. LeGette, United States Marine Corps, under such regulations as he may prescribe, pursuant to the provisions of Private Law Numbered 56, Seventy-sixth Congress, approved June 19, 1939, for the loss of reasonable and necessary personal property resulting from the fire which occurred at the Marine Barracks, Quantico, Virginia, on June 19, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney, on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

August 27, 1940  
[S. 3594]  
[Private, No. 543]

Major Curtis W. LeGette.  
Payment to.

53 Stat. 1463.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 701]

AN ACT

For the relief of James H. Hearon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to

August 27, 1940  
[S. 3710]  
[Private, No. 544]

James H. Hearon.  
Payment to.

James H. Hearon the sum of \$322.51 in full settlement of all claims against the United States arising out of his civilian hospital and medical treatment from August 27 to October 1, 1938, which treatment resulted from a disability incurred while Hearon was in an active-duty status with headquarters, One Hundred and Fifty-sixth Cavalry Brigade, San Antonio, Texas: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 702]

AN ACT

For the relief of Charles P. Madsen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles P. Madsen, of Washington, District of Columbia, the sum of \$3,528.36, in full satisfaction of his claim against the United States for payment of medical and hospital expenses and for compensation for personal injuries and property damage sustained by him as the result of being struck by a United States mail truck while walking on the sidewalk along the west side of the city post office in Washington, District of Columbia, on December 26, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

August 27, 1940  
[S. 3741]

[Private, No. 545]

Charles P. Madsen.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

[CHAPTER 703]

AN ACT

For the relief of George W. Coon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended and supplemented, are hereby waived in the case of George W. Coon, of Stidham, Oklahoma; and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed with the Commission, within one year after the date of enactment of this Act, by the said George W. Coon for compensation or other benefits under the provisions of such Act of September 7, 1916, as amended and supplemented, for disability due to injuries alleged to have been sustained by him on or about July 25, 1938, in the performance of his duties as an employee of the Works Progress Administration.

Approved, August 27, 1940.

August 27, 1940  
[S. 3866]

[Private, No. 546]

George W. Coon.  
Consideration of  
claim of.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-  
770.

Time for filing claim.

## [CHAPTER 707]

## AN ACT

For the relief of Mrs. Guy A. McConoha.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Guy A. McConoha, of Poplar, Montana, the sum of \$425.50 in full satisfaction of all claims of such Mrs. Guy A. McConoha against the United States resulting from the loss sustained by her when dispossessed by the Government of a certain Ford automobile purchased with a like sum by the said Mrs. Guy A. McConoha, such automobile, without her knowledge, having been previously forfeited to the United States under the internal revenue laws and laws relating to the suppression of the traffic in intoxicating liquors among the Indians: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, September 4, 1940.

September 4, 1940  
[S. 760]  
[Private, No. 547]Mrs. Guy A. McConoha.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 708]

## AN ACT

For the relief of John P. Shorter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Shorter, of Newport News, Virginia, the sum of \$3,500, in full settlement of all claims against the United States for expenses and injuries sustained as a result of a collision involving a United States Civilian Conservation Corps truck, on June 30, 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, September 4, 1940.

September 4, 1940  
[S. 823]  
[Private, No. 548]John P. Shorter.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 709]

## AN ACT

To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Incorporated.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Suncrest Orchards, Incorporated, against the United States for damages for the alleged wrongful seizure of certain fruit shipped in interstate commerce during the year 1926.

SEC. 2. Such claim may be instituted at any time within two years after the passage of this Act, notwithstanding the lapse of time or

September 4, 1940  
[S. 927]  
[Private, No. 549]Suncrest Orchards,  
Inc.  
Jurisdiction of  
Court of Claims to  
hear claim of.

Institution of claim.

Proceedings, etc.

28 U. S. C. §§ 250-251.

any statute of limitations. Proceedings in any suit before the Court of Claims under this Act, and appeals therefrom, and payment of any judgment thereon, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

Approved, September 4, 1940.

## [CHAPTER 710]

## AN ACT

September 4, 1940

[S. 4042]

[Private, No. 550]

To provide for the acquisition of flowage rights and the payment of certain damages in connection with the operation of the Fort Hall Indian irrigation project, Idaho.

Emory Poulson.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury, upon receipt of advice from the Secretary of the Interior to the effect that an appropriate and properly executed easement has been obtained, be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Emory Poulson, or his heirs, an amount not exceeding \$4,500: *Provided,* That the foregoing amount shall be in full settlement for any and all past and present damages to the lands or personal property of the above-named Emory Poulson in connection with the construction, operation, and maintenance of the Blackfoot Reservoir, Grays Lake, and the conveyance channel from Grays Lake to the Blackfoot Reservoir of the Fort Hall Indian irrigation project, Idaho, and in full payment for the easement obtained from said individual covering the right to flood, impound, withdraw at will, water on, over, and from all lands owned or possessed by said individual in connection with the future operation of said project; and the acceptance of said sum by the said Emory Poulson or his heirs shall act as a quitance of any and all rights or claims that may previously have existed against the United States by reason of such construction and operation of the said project: *Provided further,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents or attorneys on account of services rendered in connection with such claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000.

*Provisos.*  
Amount to be in full settlement for damages.

Easement.

Limitation on attorney's, etc., fees.

Penalty.

Approved, September 4, 1940.

## [CHAPTER 711]

## AN ACT

September 4, 1940

[H. R. 3976]

[Private, No. 551]

For the relief of Violet Knowlen, a minor.

Violet Knowlen.  
Payment to guardian of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Violet Knowlen, a minor, of Brainerd, Minnesota, the sum of \$1,500. The payment of such sum shall be in full settlement of all claims against the United States

on account of personal injuries received by the said Violet Knowlen, when the said Violet Knowlen was struck on September 30, 1938, one mile north of Garrison, Crow Wing County, Minnesota, in front of the Borden Lake School House, on highway numbered 18, by a Civilian Conservation Corps truck operating under the jurisdiction of the National Park Service, Department of the Interior: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, September 4, 1940.

[CHAPTER 712]

AN ACT

For the relief of Hazel Thomas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Hazel Thomas, of Yorba Linda, California, the sum of \$3,500. The payment of such sum shall be in full settlement of all claims against the United States for personal injuries and property damage received when the vehicle in which she was riding was struck on the Angelus Crest Highway, approximately four miles south of Charleton Flats, Los Angeles County, California, about 6 postmeridian on June 24, 1938, by a Forest Service truck numbered 2116: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

September 4, 1940  
[H. R. 6061]  
[Private, No. 552]

Hazel Thomas.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, September 4, 1940.

[CHAPTER 713]

AN ACT

For the relief of Pearl Waldrep Stubbs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Pearl Waldrep Stubbs, mother of Clarence Waldrep, deceased, formerly of Chicago, Illinois, the sum of \$1,750. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of said Clarence Waldrep on May 4, 1938, when struck by an automobile belonging to the United States Government, at the time being driven by Clarence P. Rossner, an investigator for the Bureau of Internal Revenue, United States Government, and who at the time was on duty and engaged in his regular duties as an employee of the United States Government: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent

September 4, 1940  
[H. R. 6334]  
[Private, No. 553]

Pearl Waldrep  
Stubbs.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, September 4, 1940.

## [CHAPTER 714]

## AN ACT

For the relief of Mary Janiec and Ignatz Janiec.

September 4, 1940

[H. R. 8605]

[Private, No. 554]

Mary Janiec and  
Ignatz Janiec.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to Mary Janiec and Ignatz Janiec, of Passaic, New Jersey, in full settlement of all claims against the United States Government on account of the death of her son, Adam Janiec on August 1, 1939, from injuries sustained while riding on a motorcycle on July 28, 1939, on River Drive, Passaic, New Jersey, because of negligence on the part of employees of the Work Projects Administration engaged in work on Work Projects Administration project numbered 6114-16: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, September 4, 1940.

## [CHAPTER 716]

## AN ACT

To carry out the findings of the Court of Claims in the case of Lester P. Barlow against the United States.

September 6, 1940

[S. 813]

[Private, No. 555]

Lester P. Barlow.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester P. Barlow the sum of \$592,719.21, in full settlement of his aerial torpedo patent-infringement claim against the United States as found by the Court of Claims to be due him in its decision of June 7, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, September 6, 1940.

## [CHAPTER 731]

## AN ACT

To confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording and Computing Machines Company, of Dayton, Ohio.

September 24, 1940  
[H. R. 4031]  
[Private, No. 556]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim or claims of the Recording and Computing Machines Company, of Dayton, Ohio, arising out of a series of transactions, contracts, and provisional adjustments between said Recording and Computing Machines Company, of Dayton, Ohio, and the War Department for the manufacture of ordnance materials, equipment, instruments, and so forth, between the years 1916 and 1920, inclusive, and suit on such claims shall be instituted within one year from the date of approval of this Act.

Recording and Computing Machines Company.  
Jurisdiction conferred on Court of Claims to hear claim of.

Commencement of suit.

Approved, September 24, 1940.

## [CHAPTER 732]

## AN ACT

For the relief of Xenophon George Panos.

September 24, 1940  
[H. R. 8551]  
[Private, No. 557]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor be, and he is hereby, directed to cancel forthwith the outstanding warrant of arrest, order of deportation, warrant of deportation, and bond, if any, in the case of the alien, Xenophon George Panos, and is directed not to issue any further such warrants or orders in the case of such alien, insofar as such future warrants or orders are based on the unlawful entry of such alien into the United States prior to the enactment of this Act. Hereafter, for the purpose of the immigration and naturalization laws, such alien shall be considered to have been, at New York, New York, on February 22, 1926, lawfully admitted to the United States for permanent residence.

Xenophon George Panos.  
Cancellation of deportation order, etc.

Admission for permanent residence.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Greek quota for the first year that the said Greek quota is available.

Deduction from quota.

Approved September 24, 1940.

## [CHAPTER 737]

## AN ACT

For the relief of W. J. Hance.

October 4, 1940  
[H. R. 532]  
[Private, No. 558]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. J. Hance, of Coolidge, Texas, the sum of \$180 in full settlement of all claims against the United States for personal injuries sustained by him and damages to his automobile in a collision, occasioned by the negligent driving and operation of a United States Army truck at the intersection of Bell and Second Streets, Coolidge, Texas, on October 13, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any con-

W. J. Hance.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

tract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 4, 1940.

## [CHAPTER 738]

## AN ACT

For the relief of Louis St. Jacques.

October 4, 1940  
[H. R. 5771]

[Private, No. 559]

Louis St. Jacques.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis St. Jacques, Burbank, California, the sum of \$375. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries received by the said Louis St. Jacques on September 21, 1938, in Burbank, California, when a United States Army airplane struck the house in which he resided: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, October 4, 1940.

## [CHAPTER 739]

## AN ACT

For the relief of James Murphy, Senior.

October 4, 1940  
[H. R. 6230]

[Private, No. 560]

James Murphy, Sr.  
Consideration of  
claim of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the requirements of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in the case of James Murphy, Senior, of New Rochelle, New York, formerly employed in the Civilian Conservation Corps, and the United States Employees' Compensation Commission is authorized and directed to consider and act upon any claim filed by him within six months after the date of enactment of this Act, under the remaining provisions of such Act, as amended, applicable to enrollees of the Civilian Conservation Corps, for compensation for disability alleged to have resulted from injury sustained on September 28, 1934, in the performance of his duties as an enrollee in the Civilian Conservation Corps: *Provided*, That compensation, if any, shall be paid from and after date of enactment of this Act.

39 Stat. 746, 747.  
5 U. S. C. §§ 766-770.

Time for filing  
claim.

*Proviso.*  
No prior benefits.

Approved, October 4, 1940.

## [CHAPTER 740]

## AN ACT

For the relief of Louis A. Charland.

October 4, 1940  
[H. R. 6805]

[Private, No. 561]

Louis A. Charland.  
Consideration of  
claim of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the Act entitled "An Act to provide compensation for employees of

the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Louis A. Charland for disability alleged to have been incurred by him on or about November 11, 1935, when engaged in authorized activities while an employee of the Veterans' facility at Sunmount, New York, and to determine said claim upon its merits and under the provisions of said Act: *Provided*, That such claim be filed within six months after the passage of this Act: *And provided further*, That no benefits shall accrue prior to the approval of this Act.

Approved, October 4, 1940.

39 Stat. 746, 747.  
5 U. S. C. §§ 765-770.

*Provisos.*  
Time for filing claim.  
No prior benefits.

[CHAPTER 741]

AN ACT

For the relief of John A. Kames.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Kames the sum of \$475, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all claims against the United States on account of the loss of certain personal property, belonging to the said Kames, while the latter was a prisoner in the United States penitentiary at Leavenworth, Kansas, and while the said property was in the custody of the prison authorities: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 4, 1940.

October 4, 1940  
[H. R. 10036]  
[Private, No. 562]

John A. Kames.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 747]

AN ACT

For the relief of Emelie Witzzenbacher.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Emelie Witzzenbacher, of Cincinnati, Ohio, the sum of \$1,000 in full settlement of all claims against the United States for personal injuries sustained by her on October 31, 1938, when she was tripped and forcibly thrown to the ground by a tightly stretched, unmarked and unguarded line stretched across the intersection of Fairmount Avenue and Blaine Road, in Cincinnati, Ohio, by workmen employed by the Works Progress Administration who were excavating in order to install a new curbing: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 5, 1940.

October 5, 1940  
[H. R. 7881]  
[Private, No. 563]

Mrs. Emelie Witzzenbacher.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 748]

## AN ACT

For the relief of Roland Hanson, a minor, and Doctor E. A. Julien.

October 5, 1940  
[S. 1160]  
[Private, No. 564]

Roland Hanson.  
Payment to guardian of.

Dr. E. A. Julien.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Roland Hanson, a minor, of Turlock, California, the sum of \$1,250, in full satisfaction of said Roland Hanson's claim against the United States for damages for injuries sustained by him as a result of being struck by a United States Army truck on Highway Numbered 99 in Turlock, California, on May 23, 1937, and to Doctor E. A. Julien, of Turlock, California, the sum of \$500, in full satisfaction of his claim for professional services rendered said Roland Hanson: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 5, 1940.

## [CHAPTER 749]

## AN ACT

For the relief of Eucl Caldwell.

October 5, 1940  
[H. R. 1174]  
[Private, No. 565]

Eucl Caldwell.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in full settlement of all claims against the United States to Eucl Caldwell, of Poteau, Oklahoma, for personal injuries resulting from an accident involving a Government truck operated in connection with the Civilian Conservation Corps, on United States Highway Numbered 271, near Poteau, Oklahoma, on April 27, 1935: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 5, 1940.

## [CHAPTER 750]

## AN ACT

For the relief of LaVera Hampton.

October 5, 1940  
[H. R. 4571]  
[Private, No. 566]

LaVera Hampton.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to LaVera Hampton, Huntsville, Alabama, the sum of \$5,000 in full settlement of all claims against the United States for damages sustained by the said LaVera Hampton as a result of the death of her husband, W. P. Hampton, on or about April 1, 1933, as a result of

a gunshot wound inflicted by a Federal Prohibition Agent in the vicinity of Hillsboro, Alabama: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 5, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 751]

AN ACT

For the relief of Charles F. Martin, a minor.

October 5, 1940  
[H. R. 4724]

[Private, No. 567]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of Charles F. Martin, of Boston, Massachusetts, a minor, the sum of \$1,813.25, upon either the making of an assignment of all rights under, or the filing of a discharge and satisfaction of, a judgment and execution for the sum of \$3,055.25 rendered in the Superior Court of the Commonwealth of Massachusetts for the county of Suffolk, on March 24, 1938, against William J. Owens, of Boston, Massachusetts, the operator of a truck of the Civilian Conservation Corps, in favor of the said Charles F. Martin, for damages sustained as a result of personal injuries received May 7, 1935, in Boston, Massachusetts, when he was struck by the said truck while it was being operated by the same William J. Owens in the regular course of his duties. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as a result of such injuries: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Charles F. Martin.  
Payment to guardian of.

Conditions.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 5, 1940.

[CHAPTER 752]

AN ACT

For the relief of David J. Williams, Junior, a minor.

October 5, 1940  
[H. R. 5814]

[Private, No. 568]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$300 to R. Madge Williams, Sharpville, Pennsylvania, as legal guardian of David J. Williams, Junior, a minor, in full settlement of all claims against the United States for injuries sustained by the said David J. Williams, Junior, as the result of an accident on April 17, 1938, on the Sharon-Greenville Road, Pennsylvania, involving a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or

David J. Williams, Jr.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 5, 1940.

[CHAPTER 753]

## AN ACT

For the relief of Regina Howell.

October 5, 1940  
[H. R. 6108]

[Private, No. 569]

Regina Howell.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Regina Howell, of Farwell, Michigan, widow of Joseph Paul Howell, the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by her on account of the loss of the life of her husband, the said Joseph Paul Howell, who was killed on March 5, 1938, near Harrison, Michigan, by a Civilian Conservation Corps truck: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 5, 1940.

[CHAPTER 754]

## AN ACT

For the relief of John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton.

October 5, 1940  
[H. R. 6456]

[Private, No. 570]

John Toepel and  
others.  
Payments to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton, all of Ashland, Wisconsin, the sum of \$276 each. The payment of such sums shall be in full settlement of all claims against the United States arising out of work performed by them as senior technicians, Works Progress Administration, Ashland County, Wisconsin, during the period from July 6, to November 5, 1936, in connection with official project numbered 65-53-25. The services of the said John Toepel, Robert Scott, Widmer Smith, and Louis Knowlton were requisitioned by the conservation engineer, Works Progress Administration District Numbered 7, but payment for such services has been denied on the grounds that such appointments were made without proper procedure or authority: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 5, 1940.

## [CHAPTER 755]

## AN ACT

For the relief of Joe L. McQueen.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joe L. McQueen, of Biloxi, Mississippi, the sum of \$500, in full and final settlement of any and all claims against the United States for injuries received when he was struck by an Army truck on Mississippi State Highway Numbered 57, twelve miles north of Biloxi, Mississippi, on August 8, 1938: Provided, That no part of the amount appropriated by this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved, October 5, 1940.

October 5, 1940  
[H. R. 7139]  
[Private, No. 571]

Joe L. McQueen.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 766]

## AN ACT

For the relief of Ben L. Kessinger and M. Carlisle Minor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Home Owners' Loan Corporation is hereby authorized and directed to pay to the following-named persons the sums hereinafter specified, in full satisfaction of their claims against the Home Owners' Loan Corporation for services rendered as employees of the Home Owners' Loan Corporation: Ben L. Kessinger, of Lexington, Kentucky, \$125 for his salary for the month of October 1934 as assistant district counsel for the Home Owners' Loan Corporation at its Lexington, Kentucky, office; M. Carlisle Minor, of Danville, Kentucky, \$175 for his salary for the month of October 1934 as assistant district counsel for the Home Owners' Loan Corporation at its Lexington, Kentucky, office; and M. Carlisle Minor, \$85.20 for his services as fee attorney in Boyle County, Kentucky, for the Home Owners' Loan Corporation: Provided, That no part of the amount paid pursuant to this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Approved, October 8, 1940.

October 8, 1940  
[H. R. 1183]  
[Private, No. 572]

Ben L. Kessinger  
and M. Carlisle  
Minor.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 767]

## AN ACT

For the relief of the estate of Alfred Batrack.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dawson B. Taylor, as administrator of the estate of Alfred Batrack, formerly of Seattle, Washington, the sum of \$1,034.95 in full settlement*

October 8, 1940  
[H. R. 1912]  
[Private, No. 573]

Alfred Batrack.  
Payment to administrator of estate of.

of all claims against the United States for damages sustained by said estate on account of the death of Alfred Batrack who was fatally injured on May 27, 1937, when he was struck on the back by a falling scaffold used on a Works Progress Administration project in painting the ceiling of the Seattle Public Library, Seattle, Washington: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

[CHAPTER 768]

AN ACT

For the relief of Wasył Kulmatycki.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wasył Kulmatycki, a resident of Canada, or his duly authorized representative, the sum of \$500, in full settlement of all claims against the United States for the refund of the amount of a bond issued under Form 554 of the United States Department of Labor, Immigration and Naturalization Service, deposited by him with the immigration authorities of San Antonio, Texas, conditioned upon his departure from the United States on or before April 21, 1924, such bond being subsequently forfeited, although such Wasył Kulmatycki departed from the United States within the period fixed in such bond: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

[CHAPTER 769]

AN ACT

For the relief of Henry J. Wise.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry J. Wise the sum of \$378 in full settlement of all claims against the United States because of damages to his automobile and personal injuries sustained when a United States mail truck collided with his car on November 29, 1936, at Saint Paul, Minnesota: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

October 8, 1940  
[H. R. 2286]

[Private, No. 574]

Wasył Kulmatycki.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

October 8, 1940  
[H. R. 4815]

[Private, No. 575]

Henry J. Wise.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 770]

## AN ACT

For the relief of Arthur Joseph Reiber, a minor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Reiber, as legal guardian of Arthur Joseph Reiber, his minor son, the sum of \$100 in full settlement of all claims against the United States for personal injuries sustained by the said Arthur Joseph Reiber, as a result of a collision between the automobile in which he was riding and a Civilian Conservation Corps truck on the road to Potter Valley, approximately one-fourth mile from Soda Creek in the county of Lake, State of California, on or about May 19, 1936: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

October 8, 1940  
[H. R. 5040]  
[Private, No. 576]

Arthur Joseph Reiber.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 771]

## AN ACT

For the relief of Paul J. Kohanik.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Paul J. Kohanik the sum of \$69.85. Such sum shall be in full satisfaction of all claims against the United States for damages to claimant's automobile which was in a collision in the city of Minneapolis, Minnesota, on December 22, 1935, with an automobile driven by Enrollee Wield Wallace in the service of the Civilian Conservation Corps and owned by the United States Government: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

October 8, 1940  
[H. R. 5314]  
[Private, No. 577]

Paul J. Kohanik.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 772]

## AN ACT

For the relief of John J. Murphy.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Murphy, of Indianapolis, Indiana, the sum of \$500 in full settlement of all claims against the United States for personal loss suffered as the result of a loss of a like sum of money, the funds of the Post Office Department, which Mr. Murphy's superiors ordered and advised

October 8, 1940  
[H. R. 5365]  
[Private, No. 578]

John J. Murphy.  
Payment to.

him to repay from his personal funds, and which sum he did then and there deduct from his personal funds and apply to the funds of the Post Office Department, all in violation of Postal Laws and Regulations, and for which he should not have been held to have been responsible, as postal authorities have exonerated said John J. Murphy, following official investigation, of having been a party to, or responsible for, said robbery: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

[CHAPTER 773]

AN ACT

For the relief of Albert DePonti.

October 8, 1940

[H. R. 5776]

[Private, No. 579]

Albert DePonti.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert DePonti, of Saint Paul, Minnesota, the sum of \$5,000, in full settlement of all claims against the United States for personal injuries sustained from a bullet which was fired by a soldier of the United States Army from a rifle employed in target practice on the United States rifle range at Fort Snelling, Minnesota, May 22, 1937: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

[CHAPTER 774]

AN ACT

For the relief of the estate of James A. Rivera.

October 8, 1940

[H. R. 5863]

[Private, No. 580]

Francisca F. Rivera.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francisca F. Rivera, mother of James A. Rivera, the sum of \$5,000, in full settlement of all claims against the Government of the United States resulting from the death of her son, the said James A. Rivera, who was struck and killed by an Army truck of the United States at Fort Jay, New York, on the 17th day of September 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 775]

## AN ACT

For the relief of George R. Stringer.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George R. Stringer, of Bloomingdale, Indiana, the sum of \$549.05, in full settlement of all claims against the United States for a payment to the postmaster at Roachdale, Indiana, by said George R. Stringer for the purchase of war-savings stamps on June 25, 1918, which said amount was embezzled by the said postmaster, and said war-savings stamps were never delivered to said George R. Stringer: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

October 8, 1940

[H. R. 6210]

[Private, No. 581]

George R. Stringer.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 776]

## AN ACT

For the relief of Rufus E. Farmer.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rufus E. Farmer, Berryville, Arkansas, the sum of \$5,000, in full settlement of all claims against the United States for personal injuries sustained when the vehicle in which he was riding was struck by a truck of the United States Civilian Conservation Corps, camp SCS-16, Department of Agriculture, near United States Highway Numbered 62 near said camp, on May 31, 1938: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 8, 1940.

October 8, 1940

[H. R. 6842]

[Private, No. 582]

Rufus E. Farmer.  
Payment to.*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 799]

## AN ACT

For the relief of the Franco-American Construction Company.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Franco-American Construction Company the sum of \$9,323.75 in full settlement of its claims against the United States growing out of a certain contract it had with the Government of the United States for the construction of an extension to the power plant building numbered 41, at the Navy Yard, New York, New York, together

October 9, 1940

[S. 3437]

[Private, No. 583]

Franco-American  
Construction Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

with certain incidental work in connection therewith: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Penalty.

Approved, October 9, 1940.

[CHAPTER 800]

AN ACT

For the relief of Nell Mullen.

October 9, 1940  
[H. R. 1887]

[Private, No. 584]

Nell Mullen.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nell Mullen, of Scranton, Pennsylvania, the sum of \$950, in full settlement of all claims she may have against the Government for injuries received by her in the United States Post Office Building, at Scranton, Pennsylvania, on December 22, 1924, when she slipped and fell because of the wet condition of the floor of said building: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

[CHAPTER 801]

AN ACT

For the relief of Umberto Tedeschi.

October 9, 1940  
[H. R. 2036]

[Private, No. 585]

Umberto Tedeschi.  
Cancellation of order of deportation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Umberto Tedeschi heretofore issued on the grounds that admission to the United States had been fraudulently gained and that he shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at Brooklyn, New York.

Admission for permanent residence.

Approved, October 9, 1940.

[CHAPTER 802]

AN ACT

For the relief of Emma Knutson.

October 9, 1940  
[H. R. 2684]

[Private, No. 586]

Emma Knutson.  
Cancellation of deportation proceedings.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Labor is hereby authorized and directed to cancel deportation proceedings in the case of Emma Knutson, any provision of existing law to the contrary notwithstanding.

From and after the date of the approval of this Act, Emma Knutson shall not again be subject to deportation by reason of the same facts upon which the outstanding proceeding rests, and she shall be deemed to have been lawfully admitted at Blaine, Washington, November 18, 1924, as an immigrant for permanent residence.

Admission for permanent residence.

Approved, October 9, 1940.

[CHAPTER 803]

AN ACT

For the relief of June Thompson, a minor.

October 9, 1940  
[H. R. 3009]  
[Private, No. 587]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the United States, the sum of \$250 to Theo. J. Thompson, as legal guardian of June Thompson, a minor, for personal injuries caused by the negligence of Works Progress Administration employees in November 1936 at Boyceville, Wisconsin: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

June Thompson.  
Payment to guardian of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

[CHAPTER 804]

AN ACT

For the relief of Josefina Alvarado.

October 9, 1940  
[H. R. 4066]  
[Private, No. 588]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Josefina Alvarado. Hereafter, for the purpose of the immigration and naturalization laws, such alien shall be deemed to have been lawfully admitted to the United States for permanent residence.

Josefina Alvarado.  
Cancellation of order of deportation.

Admission for permanent residence.

Approved, October 9, 1940.

[CHAPTER 805]

AN ACT

For the relief of Alex Silberstein, Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, minors.

October 9, 1940  
[H. R. 4441]  
[Private, No. 589]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to the legal guardian of Alex Silberstein, a minor, and the sum of \$50 each to the legal guardians of each of the following: Magdalene Silberstein, Alice Silberstein, Eleanor Goldfarb, Lillian Goldfarb, Jackie Goldfarb, and Florence Karp, all minors, in full settlement of all claims against the United States on account of personal injuries sustained by the said minors on August 23, 1936, when the automobile truck in which they were riding was struck by a Department of the

Alex Silberstein and others.  
Payments to guardians of.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Interior truck on the Deep Creek-Great Bridge Boulevard, in the county of Norfolk, Virginia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

[CHAPTER 806]

AN ACT

For the relief of Sallie Barr.

October 9, 1940  
[H. R. 4615]  
[Private, No. 590]

Sallie Barr.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to Sallie Barr, of Harrisburg, Pennsylvania. Such payment shall be in full settlement of all claims against the United States on account of injuries to her resulting from an accident at Boulder Dam on July 4, 1936: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

[CHAPTER 807]

AN ACT

To record the lawful admission to the United States for permanent residence of Esther Klein.

October 9, 1940  
[H. R. 4656]  
[Private, No. 591]

Esther Klein.  
Admission for permanent residence.

Deduction from quota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admission to the United States for permanent residence of Esther Klein, at New York, New York, on November 1, 1928, and that the said Esther Klein for all purposes, under the immigration and naturalization laws, shall be deemed to have been lawfully admitted to the United States as an immigrant for permanent residence.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Hungarian quota for the first year that the said Hungarian quota is available.

Approved, October 9, 1940.

## [CHAPTER 808]

## AN ACT

For the relief of Rosa Paone.

October 9, 1940  
[H. R. 4954]  
[Private, No. 592]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Rosa Paone heretofore issued on the ground that on June 11, 1933, admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of crimes involving moral turpitude, and thereupon Rosa Paone shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York, New York, on June 11, 1933. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by or any admission to citizenship ordered and certificate of naturalization heretofore issued to Rosa Paone, which were predicated upon the claim of lawful admission to the United States for permanent residence upon June 11, 1933, shall hereafter be deemed valid unless the original seven-year period of validity of such declaration of intention has heretofore expired or Rosa Paone has heretofore been found otherwise not eligible to such benefit under the naturalization laws.

Rosa Paone.  
Cancellation of order  
of deportation.

Admission for per-  
manent residence.

Validity of petition,  
etc., for citizenship.

Condition.

Deduction from  
quota.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Italian quota for the first year that the said Italian quota is available.

Approved, October 9, 1940.

## [CHAPTER 809]

## AN ACT

For the relief of Major Clarence H. Greene, United States Army, retired.

October 9, 1940  
[H. R. 5264]  
[Private, No. 593]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clarence H. Greene, of Providence, Rhode Island, major in the United States Army, retired, in full settlement of all claims against the United States, such portion of \$15,068.85 as the Comptroller General finds that the said Clarence H. Greene has paid to the United States on account of the claim of the United States against him arising out of a loss of public funds at Mitchel Field, New York, brought about by the payment of fraudulent vouchers, none of which, however, were paid by the said claimant. The said Clarence H. Greene is hereby released from any and all liability to the United States arising out of said loss: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Ma]. Clarence H.  
Greene.  
Payment to.

Release from liabil-  
ity.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, October 9, 1940.

## [CHAPTER 810]

## AN ACT

For the relief of Isaac Surmany.

October 9, 1940

[H. R. 5417]

[Private, No. 594]

Isaac Surmany.  
Cancellation of order  
of deportation.*Proviso.*  
Admission for per-  
manent residence.  
Accrual of benefits.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 14 of the Act approved May 26, 1924 (43 Stat. 162; U. S. C., title 8, sec. 214), to the contrary, the Secretary of Labor is hereby authorized and directed to cancel the order of, and warrant of arrest for, deportation heretofore issued against Isaac Surmany: *Provided*, That upon the approval of this Act said Isaac Surmany shall be deemed to have been admitted to the United States for permanent residence: *And provided further*, That no benefits shall be deemed to have accrued to said Isaac Surmany by reason of this Act prior to the approval hereof.

Approved, October 9, 1940.

## [CHAPTER 811]

## AN ACT

For the relief of John P. Hart.

October 9, 1940

[H. R. 6060]

[Private, No. 595]

John P. Hart.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John P. Hart, of Chicago, Illinois, the sum of \$1,000, in full settlement of all claims against the United States for refund of value of Liberty Bond deposited as bail for one Fred Sering, who was arrested for violation of the National Prohibition Act on January 9, 1926, the said John P. Hart having secured an order of the court directing the clerk of the court to pay to him the sum of \$1,486.55, representing the face value of the bond, plus the premium and interest realized from the sale of said bond and others, with which order the clerk was not able to comply as the money had been covered into the Treasury of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 812]

## AN ACT

For the relief of John E. Avery.

October 9, 1940

[H. R. 6216]

[Private, No. 596]

John E. Avery.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to John E. Avery, Rural Free Delivery Numbered 2, Honey Grove, Texas, in full settlement of all claims against the United States for personal injuries and expenses incident thereto sustained by the said John E. Avery on April 26, 1938, as the result of a collision involving a Works Progress Administration truck, assignment numbered 24941, said truck being employed at that time in connection with project numbered 6634, Honey Grove, Texas, street

improvement and construction: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of any services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

[CHAPTER 813]

AN ACT

For the relief of the Wallie Motor Company.

October 9, 1940

[H. R. 6457]

[Private, No. 597]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Wallie Motor Company, Ashland, Wisconsin, the sum of \$1,352.09. The payment of such sum shall be in full settlement of all claims against the United States by such company arising out of the furnishing of certain motor vehicles and automobile supplies to the Works Progress Administration, Ashland County, Wisconsin, for use in connection with official project numbered 65-53-25 during the period from September 3, 1936, to March 31, 1937. Such vehicles and supplies were furnished on the requisition of the conservation engineer, Works Progress Administration District Numbered 7, but payment has been denied on the grounds that such requisitions were issued without proper procedure or authority: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Wallie Motor Company.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

[CHAPTER 814]

AN ACT

For the relief of F. W. Heaton

October 9, 1940

[H. R. 6512]

[Private, No. 698]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. W. Heaton, of Albuquerque, New Mexico, the sum of \$1,834.50, in full settlement of all claims against the United States, on account of the loss of an eye and other permanent physical disabilities resulting from injuries received on July 29, 1938, while working at the Mescalero Indian Agency, New Mexico, and while in private employ on Government property: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

F. W. Heaton.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

## [CHAPTER 815]

## AN ACT

For the relief of George F. Kermath.

October 9, 1940

[H. R. 6639]

[Private, No. 599]

George F. Kermath.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George F. Kermath, of Rochester, New York, the sum of \$640.34, in full settlement of all claims against the United States for the reimbursement of medical expenses incurred by him between June 23 and July 12, 1938, as the direct result of an emergency caused by his service-connected disability: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 816]

## AN ACT

For the relief of Mrs. Hama Torii Emerson.

October 9, 1940

[H. R. 6820]

[Private, No. 600]

Mrs. Hama Torii  
Emerson.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the date of the approval of this Act, Mrs. Hama Torii Emerson, who was admitted into the Territory of Hawaii on June 27, 1931, for a temporary stay and is the Japanese wife of a citizen of the United States, shall be deemed to have been lawfully admitted as an immigrant for permanent residence.

Approved, October 9, 1940.

## [CHAPTER 817]

## AN ACT

For the relief of Esther Jacobs.

October 9, 1940

[H. R. 6888]

[Private, No. 601]

Esther Jacobs.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor is hereby authorized and directed to record the admission of Esther Jacobs for permanent residence. This Act shall not be deemed to create a record of the admission of the said Esther Jacobs for immigration or naturalization purposes, and if the said Esther Jacobs is a quota immigrant, the quota of her nationality as determined by the Immigration Act of 1924 for the current year, or if the quota for that year be exhausted, then the quota for the following year shall be reduced by one. The said Esther Jacobs shall not hereafter be subject to deportation for the same cause or causes upon which the order of deportation is based.

Approved, October 9, 1940.

## [CHAPTER 818]

## AN ACT

For the relief of Salvatore Taras.

October 9, 1940

[H. R. 6946]

[Private, No. 602]

Salvatore Taras.  
Cancellation of order  
of deportation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of

43 Stat. 153.  
8 U. S. C. §§ 201-  
229; Supp. V, §§ 209 (f),  
213 (a), 213a.

arrest and the order of deportation heretofore issued against Salvatore Taras, and that the alien shall not hereafter become subject to deportation for the cause contained in the present warrant. Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the nonpreference category of the quota during the current quota year.

Deduction from  
quota.

Approved, October 9, 1940.

[CHAPTER 819]

AN ACT

For the relief of Walter B. McDougall and Herbert Maier.

October 9, 1940  
[H. R. 7276]

[Private, No. 603]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* Walter B. McDougall, wildlife technician, and Herbert Maier, associate regional director, both of the National Park Service, Department of the Interior, stationed at Santa Fe, New Mexico, are hereby released from any liability to refund or pay to the United States the sums of \$113.14 and \$14.75, in total sum of \$127.89, for the cost of transportation and per diem allowance in lieu of subsistence of said Walter B. McDougall and Herbert Maier for the periods February 26, 1936, to March 6, 1936, and February 26, 1936, to February 27, 1936, from Deming, New Mexico, to Washington, District of Columbia, and return to Oklahoma City, Oklahoma, and from Deming, New Mexico, to Denver, Colorado, both respectively, who, at the request of the Office of the Director, National Park Service, Washington, District of Columbia, accompanied the bodies of Roger W. Toll, then Superintendent of Yellowstone National Park, and George M. Wright, then wildlife expert, both of the National Park Service, killed in an accident on February 25, 1936, while traveling on a highway near Deming, New Mexico, on official business, which claims therefor were disallowed by the General Accounting Office after payment, which disallowance has been upheld by the Acting Comptroller General by notices of exception dated June 18, 1937, taken against the accounts of G. F. Allen, Disbursing Officer, Washington, District of Columbia. No deduction on account of such payment of such payment of such sums shall hereafter be made from any amount due or payable out of Government funds to the said Walter B. McDougall or Herbert Maier.

Walter B. McDougall and Herbert Maier.  
Release from liability to make refund.

Approved, October 9, 1940.

[CHAPTER 820]

AN ACT

For the relief of Lillian Brown, and Silas Young.

October 9, 1940  
[H. R. 7302]

[Private, No. 604]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$750 to Lillian Brown, and the sum of \$750 to Silas Young, both of Lenapah, Oklahoma, in full settlement of all claims against the United States on account of personal injuries sustained by the said Lillian Brown and Silas Young, arising out of an accident on April 19, 1935, near Mingo, Oklahoma, when a truck in the service of the Civilian Conservation Corps collided with the automobile in which they were riding: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be

Lillian Brown and  
Silas Young.  
Payments to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 821]

## AN ACT

For the relief of the parents of Charldean Finch.

October 9, 1940  
[H. R. 7425]

[Private, No. 606]

Noble Finch and  
Cardie Finch.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Noble Finch and Cardie Finch, of Atoka, Oklahoma, the sum of \$3,500 in full settlement of all claims against the United States for damages sustained by the said Noble Finch and Cardie Finch by reason of the death of their daughter, Charldean Finch, caused by injuries sustained when she was struck, at the intersection of C Street with United States Highway 69-75, in the city of Atoka, Oklahoma, on April 11, 1939, by a truck in the service of the Civilian Conservation Corps: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 822]

## AN ACT

For the relief of Estelle M. Corbett.

October 9, 1940  
[H. R. 7747]

[Private, No. 606]

Estelle M. Corbett.  
Payment to.

Proviso.  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized and directed to be appropriated, from funds to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, the sum of \$1,850 to be paid to Estelle M. Corbett, of Detroit, Michigan, in full settlement of all claims against the United States and the municipal government of the District of Columbia for personal injuries sustained by her on November 14, 1939, when she was struck near the intersection of First and B Streets Southeast, in the city of Washington, District of Columbia, by a motor vehicle owned by the National Guard of the District of Columbia and operated by a member of that organization while in the performance of his duties as a member of said organization: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 823]

## AN ACT

For the relief of Boston and Maine Railroad.

October 9, 1940  
[H. R. 7815]  
[Private, No. 607]Boston and Maine  
Railroad.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,698.63 to Boston and Maine Railroad, a corporation existing under the laws of the Commonwealth of Massachusetts and having a usual place of business in Boston in said Commonwealth, in full settlement of all claims against the Government of the United States for damage to property sustained by the said Boston and Maine Railroad caused by the explosion of the acetylene-producing building in the Boston Navy Yard on November 13, 1934: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

## [CHAPTER 824]

## AN ACT

For the relief of Betty Jane Bear Robe.

October 9, 1940  
[H. R. 7910]  
[Private, No. 608]Betty Jane Bear  
Robe.  
Payment for account of; condition.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the superintendent of the Pine Ridge Indian Reservation, South Dakota, for the account of Betty Jane Bear Robe, minor child and sole heir to the estate of Bessie Bear Robe, the sum of \$2,000. Subject to the approval of the Secretary of the Interior, not to exceed \$500 of such sum may be expended by such superintendent to pay debts outstanding against the estate of the said Bessie Bear Robe. The payment of such sum of \$2,000 shall be in full settlement of all claims against the United States on account of the death of Aloysius Spotted Bear, minor son of the said Bessie Bear Robe, who was killed on March 30, 1938, when struck by an automobile of the United States Indian Service while alighting from an Indian Service school bus on United States Highway Numbered 18 within the boundaries of the Pine Ridge Indian Reservation, South Dakota: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

## [CHAPTER 825]

## AN ACT

For the relief of Antonio Sabatini.

October 9, 1940  
[H. R. 8163]

[Private, No. 609]

Antonio Sabatini.  
Cancellation of order  
of deportation.Eligibility for natu-  
ralization.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation heretofore issued against Antonio Sabatini. Hereafter, for the purpose of the immigration and naturalization laws, and notwithstanding the commission of the offense with which he was charged in his native land, that if he can meet the requirements of the naturalization laws, he may be admitted to citizenship and such offense shall not be considered a bar to his naturalization.

Approved, October 9, 1940.

## [CHAPTER 826]

## AN ACT

For the relief of Allen B. Boyer.

October 9, 1940  
[H. R. 8301]

[Private, No. 610]

Allen B. Boyer.  
Redemption of cer-  
tain stamps.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Allen B. Boyer of Rural Route Numbered 3, Snohomish, Washington, certain war-savings certificate stamps, series of 1918, issued to him but later destroyed by fire, such redemption to be in the amount of \$600.

Approved, October 9, 1940.

## [CHAPTER 827]

## AN ACT

For the relief of Ernest Lyle Greenwood and Phyllis Joy Greenwood.

October 9, 1940  
[H. R. 8744]

[Private, No. 611]

Ernest Lyle Green-  
wood and Phyllis Joy  
Greenwood.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor be, and is hereby, authorized and directed to record the lawful admittance for permanent residence of Ernest Lyle Greenwood and Phyllis Joy Greenwood, subjects of Canada, upon the date of the enactment of this Act, and that they shall, for all purposes under the immigration and naturalization laws, be deemed to have been lawfully admitted to the United States as immigrants for permanent residence.

Approved, October 9, 1940.

## [CHAPTER 828]

## AN ACT

To amend the records at the port of New York to show the admission of Steve Zegura, Junior, and B. Dragomir Zegura as aliens admitted for permanent residence.

October 9, 1940  
[H. R. 8830]

[Private, No. 612]

Steve Zegura, Jr.,  
and B. Dragomir Ze-  
gura.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the records at the port of New York showing arrival on December 6, 1929, on the steamship Leviathan, of Steve Zegura, Junior, and B. Dragomir Zegura, be, and they are hereby, amended to establish the arrival of the persons herein named as aliens for permanent residence instead of citizens of the United States as now recorded. From and after the

date of approval of this Act, the persons herein named shall be deemed to have been admitted to the United States on December 6, 1929, as aliens for permanent residence in compliance with law, any provision of the immigration and naturalization statutes notwithstanding.

Approved, October 9, 1940.

## [CHAPTER 829]

## AN ACT

To provide for the reimbursement of certain officers and men of the Coast and Geodetic Survey for the value of personal effects lost, damaged, or destroyed in a fire aboard the Coast and Geodetic Survey launch Mikawe at Norfolk, Virginia, on October 27, 1939.

October 9, 1940  
[H. R. 9073]  
[Private, No. 613]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieutenant Francis L. Gallen, the sum of \$196.55; to Lieutenant (Junior Grade) Edward B. Brown, Junior, the sum of \$135.75; to Anon J. Small, boatswain, the sum of \$105.50; to James D. Walter, assistant to engineer, the sum of \$49.25; to Marvin C. Jenkins, chief writer, the sum of \$18.55; to William D. Bennett, quartermaster, first class, the sum of \$42.80; to John C. Phillips, seaman, able-bodied, the sum of \$36.75; to Robert W. Larmour, seaman, able-bodied, the sum of \$20; to Lester D. Jenkins, seaman, able-bodied, the sum of \$60; to Elton E. Mooney, seaman, able-bodied, the sum of \$82; and to Isaac R. Jones, ship's cook, first class, the sum of \$84, all claimants being members of the United States Coast and Geodetic Survey; said sums, in all, \$831.15, to be in full settlement of all claims against the Government for loss, damage, or destruction of personal effects caused by an explosion and fire aboard the Coast and Geodetic Survey launch Mikawe at Norfolk, Virginia, on October 27, 1939: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Coast and Geodetic Survey.  
Reimbursement of certain officers and men for loss of personal property, etc.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

## [CHAPTER 830]

## AN ACT

To provide for the issuance of a license to practice the healing art in the District of Columbia to Doctor A. L. Ridings.

October 9, 1940  
[H. R. 9284]  
[Private, No. 614]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any limitations relating to the time within which an application for a license must be filed or to the granting of licenses on a reciprocal basis in the jurisdiction from which the applicant came, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Doctor A. L. Ridings, formerly of Sherman, Texas, if found qualified in accordance with the Provisions of section 25 of the Healing Arts Practice Act, District of Columbia, 1928.

Dr. A. L. Ridings.  
License to practice the healing art in District of Columbia.

45 Stat. 1335.  
20 D. C. Code § 141.

Approved, October 9, 1940.

## [CHAPTER 831]

## AN ACT

For the relief of Bela Karlovitz.

October 9, 1940  
[H. R. 9840]

[Private, No. 615]

Bela Karlovitz.  
Admission for per-  
manent residence.Deduction from  
quota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the immigration and naturalization laws Bela Karlovitz, of Wilksburg, Pennsylvania, a research engineer temporarily in the United States as a visitor, shall be considered to have been lawfully admitted, at New York, New York, on September 1, 1938, to the United States for permanent residence.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct one number from the Hungarian quota for the first year that the said Hungarian quota is available.

Approved, October 9, 1940.

## [CHAPTER 832]

## AN ACT

For the relief of William M. Irvine.

October 9, 1940  
[H. R. 10155]

[Private, No. 616]

William M. Irvine.  
Waiver of citizen-  
ship requirements as  
to compensation  
earned by.Payment to Wil-  
liam M. Irvine.*Proriso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the audit of the accounts of the postmaster at Los Angeles, California, the Comptroller General of the United States be, and he is hereby, authorized and directed to waive the citizenship requirements of section 5 of the Act of March 28, 1938 (52 Stat. 148), as to compensation earned by William M. Irvine during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, California.

SEC. 2. The postmaster at Los Angeles, California, is hereby authorized and directed to pay William M. Irvine, under the applicable appropriation of the Postal Service, such part of \$304.05 as has not been paid to him, or, having heretofore been paid to him, has been refunded by the payee, such sum representing the net amount of compensation earned by him during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, California: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 9, 1940.

## [CHAPTER 833]

## AN ACT

For the relief of Anthony Borsellino.

October 9, 1940  
[H. R. 10191]

[Private, No. 617]

Anthony Borsellino.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized and directed to be appropriated, from funds to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, the sum of \$3,500, to be paid to Anthony Borsellino, of Washington, District of Columbia, in full settlement of all claims against the United States and the municipal government of the District of Columbia, on account of the death of his minor son,

Joseph Borsellino, as a result of injuries received through the negligent operation of a truck belonging to the District of Columbia National Guard, on June 23, 1933, at Third Street and Maine Avenue, Washington, District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 9, 1940.

[CHAPTER 834]

AN ACT

Authorizing the Secretary of the Interior to issue to Henry W. Shurlds and W. H. White a patent to certain lands in the State of Mississippi.

October 9, 1940  
[H. R. 9942]

[Private, No. 618]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Henry W. Shurlds and W. H. White a patent in fee to the following described lands, to wit: Lots 5, 6, 7, 8, 13, 14, 15, 16; lot 12, less twelve acres in the form of a parallelogram off of the east side of said lot 12, and lot 17, less thirteen acres in the form of a parallelogram off of the east side of said lot 17, all in section 19, township 15 north, range 1 east, Choctaw meridian, Holmes County, Mississippi, containing three hundred and seventy-eight and eighty one-hundredths acres, more or less: *Provided, however*, That the issuance of such patent shall operate only as a conveyance of all the right, title, and interest of the United States in and to the lands described herein, but shall not affect any valid adverse rights of third parties should any such rights exist.

Henry W. Shurlds  
and W. H. White.  
Issuance of land patent to.

*Proviso.*  
Valid adverse rights of third parties.

Approved, October 9, 1940.

[CHAPTER 835]

AN ACT

Authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi.

October 9, 1940  
[H. R. 9943]

[Private, No. 619]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Ruth Gainey Branscome a patent in fee to the following-described lands, to wit: Lots 3, 4, 9, 10, 11, and 18, and twelve acres in the form of a parallelogram off of the east side of lot 12, and thirteen acres in the form of a parallelogram off of the east side of lot 17, all of said land being in section 19, township 15 north, range 1 east, Choctaw meridian, Holmes County, Mississippi, containing two hundred and sixty-seven and twenty-eight one-hundredths acres, more or less: *Provided, however*, That the issuance of such patent shall operate only as a conveyance of all the right, title, and interest of the United States in and to the lands described herein, but shall not affect any valid adverse rights of third parties should any such rights exist.

Ruth Gainey Branscome.  
Issuance of land patent to.

*Proviso.*  
Valid adverse rights of third parties.

Approved, October 9, 1940.

## [CHAPTER 854]

## AN ACT

For the relief of C. Z. Bush and W. D. Kennedy.

October 10, 1940

[H. R. 3481]

[Private, No. 620]

C. Z. Bush and  
W. D. Kennedy.  
Payments to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. Z. Bush, of Dawson, Georgia, the sum of \$1,704.50 for personal injuries sustained, and to W. D. Kennedy, of Dawson, Georgia, the sum of \$72.80 for property damage suffered, in full satisfaction of their claims against the United States, sustained when the automobile in which they were riding was struck by a National Park Service truck operated in connection with the Civilian Conservation Corps, on the Dawson-Albany Highway, near Dawson, Georgia, on August 12, 1937: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 10, 1940.

## [CHAPTER 855]

## AN ACT

For the relief of Warren Zimmerman.

October 10, 1940

[H. R. 4126]

[Private, No. 621]

Warren Zimmer-  
man.  
Payment to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Warren Zimmerman, of Lawrence, Kansas, the sum of \$580.26, in full settlement of all claims against the United States for losses sustained because of the failure of the postmaster and postal employees at Lawrence, Kansas, to handle mail deposited in that post office in accordance with the understanding and agreement made with this patron: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 10, 1940.

## [CHAPTER 856]

## AN ACT

For the relief of James Robert Harman.

October 10, 1940

[H. R. 6782]

[Private, No. 622]

James Robert Har-  
man.  
Honorable discharge  
from U. S. military  
service.

*Proviso.*  
No back pay or pen-  
sion.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers James Robert Harman, who was a member of the Sixty-fifth Service Squadron, Air Corps, shall be held and considered to have been honorably discharged from the military service of the United States on May 15, 1931: *Provided,* That no back pay or pension shall be held to have accrued prior to the approval of this Act.

Approved, October 10, 1940.

## [CHAPTER 863]

## AN ACT

For the relief of William A. Reithel.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the sum of \$3,000, out of any money in the Treasury not otherwise appropriated, to William A. Reithel, of Brooklyn, New York, in full settlement of all claims against the United States for personal injury by reason of the negligent driving of an Army auto-truck driver which resulted in driving over the foot of the said William A. Reithel and necessitating amputation of the foot: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 14, 1940.

October 14, 1940  
[H. R. 3907]  
[Private, No. 623]

William A. Reithel.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 864]

## AN ACT

For the relief of Frank Hall.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Hall, of New Paris, Ohio, the sum of \$3,700. Such sum represents and shall be in full settlement of all claims against the United States for loss incurred in the destruction by fire of real and chattel property on or about February 18, 1939, said fire resulting from actions of an agent or agents of the Soil Conservation Service, United States Department of Agriculture: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 14, 1940.

October 14, 1940  
[H. R. 7283]  
[Private, No. 624]

Frank Hall.  
Payment to.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

## [CHAPTER 865]

## AN ACT

For the relief of Joseph B. Rupinski and Maria Zofia Rupinski.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the administration of the immigration and naturalization laws the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against Joseph B. Rupinski and Maria Zofia Rupinski, his wife, heretofore issued on the ground that admission to the United States had been fraudulently gained, and that they shall hereafter be deemed to have been lawfully admitted to the United States as of April 2, 1925, for permanent residence and naturalization.

October 14, 1940  
[H. R. 7515]  
[Private, No. 625]

Joseph B. Rupinski  
and Maria Zofia Rupinski.  
Cancellation of order of deportation.

Admission for permanent residence and naturalization.

Deduction from  
quota.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the preference category of the quota during the current year.

Approved, October 14, 1940.

[CHAPTER 866]

AN ACT

For the relief of Howard R. M. Browne.

October 14, 1940

[H. R. 7784]

[Private, No. 626]

Howard R. M.  
Browne.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Howard R. M. Browne, of Kansas City, Kansas, the sum of \$137 in full settlement for baggage and property lost at La Nue, France, on or about June 14, 1918, while serving as a first lieutenant, Three Hundred and Seventieth Infantry, American Expeditionary Forces.

Approved, October 14, 1940.

[CHAPTER 867]

AN ACT

For the relief of Leo Neumann and his wife, Alice Neumann.

October 14, 1940

[H. R. 8295]

[Private, No. 627]

Leo Neumann and  
Alice Neumann.  
Admission for per-  
manent residence.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That Leo Neumann and his wife, Alice Neumann, formerly of Germany, now temporarily in this country, shall be admitted to the United States of America for permanent residence here, notwithstanding any provision of the immigrations laws of the United States now in effect.

Deduction from  
quota.

Upon the enactment of this Act the Secretary of State shall instruct the proper quota-control officer to deduct two numbers from the German quota for the first year that the said German quota is available.

Approved, October 14, 1940.

[CHAPTER 868]

AN ACT

For the relief of Ralph W. Daggett, formerly lieutenant, Quartermaster Corps, United States Army.

October 14, 1940

[H. R. 8333]

[Private, No. 628]

Lt. Ralph W. Dag-  
gett.  
Credit in account  
of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Lieutenant Ralph W. Daggett, formerly of the Quartermaster Corps, United States Army, on account of the loss of public funds for which he was responsible, amounting to \$707.44, and which represents a shortage which is apparently unexplained according to the inspectors; and further, that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ralph W. Daggett, \$275.10, the same being the amount of final pay and which was withheld from him; and \$14 paid to Comptroller General McCarl by post-office money order to apply on the account.

Payment to.

Approved, October 14, 1940.

[CHAPTER 869]

## AN ACT

For the relief of Howard Mondt.

October 14, 1940

[H. R. 8705]

[Private, No. 629]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 1118, Revised Statutes, the Secretary of War be, and he is hereby, authorized to reenlist in the United States Army Howard Mondt, Air Corps, Hamilton Field, California, at the expiration of the said Howard Mondt's present period of enlistment on November 9, 1940, and on such future dates as the said Howard Mondt may make application for reenlistment: *Provided*, That he meets the other requirements for enlistment in the Army.

Howard Mondt.  
Reenlistment.  
10 U. S. C. § 622.

*Proviso.*  
Meeting of other re-  
quirements.

Approved, October 14, 1940.

[CHAPTER 870]

## AN ACT

To record the lawful admission to the United States for permanent residence of  
Nicholas G. Karas.

October 14, 1940

[H. R. 8906]

[Private, No. 630]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Labor be, and is hereby, authorized and directed to withhold and suspend further proceedings in the case of Nicholas G. Karas, of Pittsburgh, Pennsylvania, who has been directed to voluntarily depart from the United States in lieu of an order of deportation; and further that the Secretary of Labor be, and is hereby, authorized and directed to record the admission for permanent residence of the said Nicholas G. Karas in the United States on May 20, 1912, and that he shall for all purposes under the immigration and naturalization laws be deemed to have been admitted as an immigrant for permanent residence.

Nicholas G. Karas.  
Suspension of pro-  
ceedings.

Admission for per-  
manent residence.

Approved, October 14, 1940.

[CHAPTER 873]

## AN ACT

To confer jurisdiction on the Court of Claims to hear and determine the claim  
of Lamborn and Company.

October 14, 1940

[H. R. 5937]

[Private, No. 651]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim, together with interest thereon, of Lamborn and Company against the United States for alleged loss and damage suffered by the said Lamborn and Company, and which arises out of certain transactions involving the purchase of two thousand tons of sugar in the Republic of Argentina on and between May 25, 1920, and June 15, 1920, and the importation of the said sugar into the United States, pursuant to the representations and requests of the Department of Justice of the United States; and to enter such decree or judgment against the United States for such loss and damage as equity and justice shall require.

Lamborn and Com-  
pany.  
Jurisdiction con-  
ferred upon Court of  
Claims to hear claim  
of.

SEC. 2. In the proceedings upon such claim before the Court of Claims, the United States shall not avail itself of the defense that the Department of Justice of the United States acted without legal authority in making representations or requests or issuing directions or fixing restrictions with regard to the purchase, importation, or disposition of such sugar.

Restriction.

Commencement of suit.

Proceedings.

28 U. S. C. § 250.

SEC. 3. Suit upon such claim may be instituted at any time within six months after the date of enactment of this Act, notwithstanding the lapse of time, laches, or any statute of limitations. Proceedings for the determination of such claim and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Approved, October 14, 1940.

[CHAPTER 874]

AN ACT

October 14, 1940

[H. R. 10354]

[Private, No. 632]

For the relief of Guy F. Allen, chief disbursing officer, Treasury Department, and for other purposes.

Guy F. Allen.  
Adjustment in accounts of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow in the accounts of Guy F. Allen, chief disbursing officer, Treasury Department, sums aggregating not to exceed \$7,193.35, disallowed in his accounts, without raising charges against the officers who certified the vouchers for payment, covering payments made by him in the period from April 1, 1935, to September 30, 1936.

Frank White and others.  
Adjustment in accounts of.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow in the accounts of Frank White, deceased, H. T. Tate, W. O. Woods, and W. A. Julian, sums of not to exceed \$34,867.48, \$4,146.72, \$44,316.76, and \$77,727.83, respectively, representing unavailable items in their accounts as former Treasurers and Treasurer of the United States: *Provided,* That any recoveries heretofore or hereafter made in respect of any of the foregoing items may, in the discretion of the Comptroller General of the United States, be applied to offset unavailable items of a similar character hereafter arising in the accounts of the former Treasurers and Treasurer to whose account the recovery pertains, upon a showing that such unavailable items have occurred without fault or negligence on the part of said former Treasurers and Treasurer.

*Proviso.*  
Use of recoveries to offset items of similar character.

Treasurer of United States.  
Sum appropriated to cover losses in office of.

SEC. 3. The sum of \$1,345.30 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover losses in the Office of the Treasurer of the United States due to cashing of checks of a remarried widow, and issuance of checks for excessive amounts to veterans in redemption of bonds by postmasters.

Adjustment of accounts relating to the public debt.

SEC. 4. For the purpose of adjusting the accounts relating to the public debt of the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,437.46 which shall be deposited by the Secretary of the Treasury in the accounts of the Treasurer of the United States as public debt receipts: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 14, 1940.

## [CHAPTER 880]

## AN ACT

For the relief of Verdie Barker and Fred Walter.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Verdie Barker, of Bloomingdale, Jefferson County, Ohio, the sum of \$2,000; and to Fred Walter, of Richmond, Jefferson County, Ohio, the sum of \$200, in full settlement of all claims against the United States for personal injuries sustained by them on November 21, 1937, when the truck in which they were riding was struck by a United States Department of Interior truck numbered 6458, assigned to Civilian Conservation Corps Company 580, Camp SP-9, Broadacre, Ohio: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 14, 1940.

October 14, 1940  
[H. R. 5053]

[Private, No. 633]

Verdie Barker and  
Fred Walter.  
Payments to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 881]

## AN ACT

For the relief of Samuel Roberts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Samuel Roberts, Somerville, Massachusetts, the sum of \$1,387.10, upon either the making of an assignment of all rights under, or upon the filing of a discharge and satisfaction of, a judgment and execution for a like sum rendered in the district court of Somerville against the operator of a United States mail truck in favor of the said Samuel Roberts, for damages sustained by him as the result of personal injuries received on January 6, 1937, when he was struck on Massachusetts Avenue, Somerville, Massachusetts, by the said mail truck. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained as the result of such injuries: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 14, 1940.

October 14, 1940  
[H. R. 6091]

[Private, No. 634]

Samuel Roberts.  
Payment to.

Conditions.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 882]

## AN ACT

Granting six months' pay to Lillian M. Reymonda.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is hereby authorized and directed to pay, out of the current appropriation for "Pay, Subsistence and Transportation,

October 14, 1940  
[H. R. 7916]

[Private, No. 635]

Lillian M. Rey-  
monda.  
Payment to.

*Proviso.*  
Establishment of  
dependency.

Navy", to Lillian M. Reymonda, mother of Earl Morris Reymonda, late seaman, first class, United States Navy, who died on September 6, 1923, at Annapolis, Maryland, a sum equal to six months' pay at the rate received by Earl Morris Reymonda at the time of his death: *Provided*, That Lillian M. Reymonda shall first establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon her son, Earl Morris Reymonda, at the time of his death, and the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government.

Approved, October 14, 1940.

[CHAPTER 883]

AN ACT

For the relief of the late John L. Summers, former disbursing clerk, Treasury Department.

October 14, 1940  
[H. R. 10194]  
[Private, No. 636]

John L. Summers.  
Credit in accounts  
of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the late John L. Summers, former disbursing clerk, Treasury Department, for all payments allowed in his accounts by certificate of settlement numbered G-98954-T, dated January 19, 1940, in the amount of \$12,023.75, together with the amounts of any additional payments which may be or may have been suspended or disallowed in his accounts more than three years after such payments were made: *Provided*, That the Secretary of the Treasury shall certify that in his opinion there is no evidence of fraud on the part of such former disbursing clerk in connection with such payments.

Approved, October 14, 1940.

*Proviso.*  
Certification as to  
lack of evidence of  
fraud.

[CHAPTER 900]

AN ACT

For the relief of J. J. Greenleaf.

October 17, 1940  
[S. 527]  
[Private, No. 637]

J. J. Greenleaf.  
Payment to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of the balance due from the Government of the United States, to J. J. Greenleaf, of Richmond, Kentucky, the sum of \$10,000 for services rendered to the Government of the United States by J. J. Greenleaf pursuant to his employment to represent the Government of the United States in certain litigation, which employment is evidenced by a letter addressed to him by the Honorable Homer S. Cummings, the Attorney General of the United States, on August 9, 1935, which employment was enlarged by letter of August 23, 1935, addressed to him by George C. Sweeney, Assistant Attorney General: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 17, 1940.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 901]

## AN ACT

For the relief of Mrs. E. V. Maki.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. E. V. Maki, of Escatawpa, Jackson County, Mississippi, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mrs. E. V. Maki on account of the loss of her son, Gaston Maki, who was killed on November 1, 1935, when the truck on which he was riding collided with a truck of the Civilian Conservation Corps bearing United States Department of Agriculture tag numbered 12-171 and operated by an enrollee of the Civilian Conservation Corps named Howard Jones, said collision having occurred approximately one mile north of McHenry, Mississippi, on United States Highway Numbered 49: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, October 17, 1940.

October 17, 1940  
[H. R. 1874]  
[Private, No. 638]

Mrs. E. V. Maki.  
Payment to.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

## [CHAPTER 902]

## AN ACT

For the relief of Adolph Burstein.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the immigration and naturalization laws Adolph Burstein shall be considered to have been lawfully admitted at New York, New York, on February 25, 1925, to the United States for permanent residence.

Approved, October 17, 1940.

October 17, 1940  
[H. R. 6083]  
[Private, No. 639]

Adolph Burstein.  
Admission for per-  
manent residence.

## [CHAPTER 905]

## AN ACT

Authorizing and directing the Comptroller General of the United States to allow credit in the accounts of Lieutenant Colonel Frank H. Lusse, formerly of the Kentucky National Guard.

October 21, 1940  
[S. 3489]  
[Private, No. 640]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States be, and he hereby is, authorized and directed to allow credit in the accounts of Lieutenant Colonel Frank H. Lusse, formerly of the Kentucky National Guard, in the sum of \$4,749, representing payments made by him incident to the appointment of George (Richard) James, as caretaker, employed under section 90 of the National Defense Act, as amended (U. S. C., title 32 (Supp.), sec. 42), during the period January 1, 1927, to April 30, 1932, to the extent the payments are otherwise correct, where the services have been performed and the United States has received the full benefits of the payments, notwithstanding the services were actually performed by another than the person appointed.

Lt. Col. Frank H.  
Lusse.  
Credit allowed in  
accounts of.

39 Stat. 205.  
32 U. S. C. § 42;  
Supp. V. § 42.

Approved, October 21, 1940.

## [CHAPTER 907]

## AN ACT

For the relief of certain Navajo Indians, and for other purposes.

October 21, 1940  
[S. 4212]

[Private, No. 641]

Wilson Platero and  
others.  
Deposit to credit of  
estates of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Secretary of the Interior the sum of \$15,000, which amount shall be deposited as individual Indian money to the credit of the estates of the following-named deceased Navajo Indians, and in the respective amounts stated for distribution to the heirs of such deceased Indians as determined by the Secretary of the Interior in accordance with existing law: Wilson Platero, \$2,500; Meguelius Sacatero, \$2,500; Tom Wood, \$2,500; John Apachite, \$2,500; Roy Chavez, \$2,500; and John Chavez, \$2,500.

Dempsey Sacatero  
and Jose Mexicano.  
Deposit to credit of.

SEC. 2. The Secretary of the Treasury is also authorized and directed to pay to the Secretary of the Interior the sum of \$2,000, which amount shall be deposited as individual Indian money to the credit of Dempsey Sacatero and Jose Mexicano, or their heirs, in the sum of \$1,000 each.

Compensation in  
full.

*Provisos.*  
Expenditures.

SEC. 3. The amounts herein appropriated shall be in full compensation for deaths or injuries sustained in an accident occurring near Gallup, New Mexico, on December 6, 1936: *Provided*, That the amounts herein appropriated shall be expended in accordance with the regulations governing the handling of individual Indian money: *Provided further*, That no part of the amount herein appropriated shall be paid to or received by any agent or attorney on account of services rendered in connection with these claims, and any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Prohibition on at-  
torney's, etc., fees.

Penalty.

Approved, October 21, 1940.

## [CHAPTER 909]

## AN ACT

For the relief of the widows of the late George A. Meffan and John Glenn.

October 25, 1940  
[S. 4249]

[Private, No. 642]

George A. Meffan  
and John Glenn.  
Payments to wid-  
ows of.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of George A. Meffan, late a United States marshal for the State of Idaho, and to the widow of John Glenn, late a United States deputy marshal for the State of Idaho, the sum of \$5,000 each, on account of the death of their husbands who were killed on July 31, 1940, in the State of Idaho, while in the performance of their duty: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, October 25, 1940.

## [CHAPTER 911]

## AN ACT

For the relief of Elliott L. Hovel.

October 29, 1940

[S. 3493]

[Private, No. 643]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elliott L. Hovel, of San Antonio, Texas, the sum of \$173.29, in full settlement of all claims against the United States for damages sustained as a result of an accident on June 16, 1937, in which his car was struck by an Army truck being driven in a reckless manner: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Elliott L. Hovel.  
Payment to.*Proviso.*  
Limitation on at-  
torney's, etc., fees.

Penalty.

Approved, October 29, 1940.

## [CHAPTER 912]

## AN ACT

To confer jurisdiction upon the United States District Court for the Western District of Kentucky to hear, determine, and render judgment upon the claim of Theodore R. Troendle, sole stockholder of the Dawson Springs Construction Company.

October 29, 1940

[S. 4360]

[Private, No. 644]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Theodore R. Troendle, as the sole owner of the capital stock of the Dawson Springs Construction Company, a Delaware corporation, which heretofore forfeited its charter, is hereby authorized to bring suit or suits as he may respectfully desire to so do against the United States of America, to recover damages, if any, for alleged loss or losses suffered or sustained by said Dawson Springs Construction Company by reason of any breach which may be found on the part of the United States of a contract dated February 2, 1920, or any modification thereof, for the construction of eight buildings for the United States Public Health Service Sanatorium at Dawson Springs, Kentucky. Jurisdiction is hereby conferred upon the District Court of the United States for the Western District of Kentucky to hear, consider, determine, and render judgment for the respective amounts of such damages, if any, in favor of said Theodore R. Troendle, as may be found to have been sustained or suffered by the said Dawson Springs Construction Company, with the same right of appeal as in other cases and notwithstanding any lapse of time or statute of limitations and notwithstanding the provisions of section 3477 of the Revised Statutes: *Provided*, That such action will be brought within one year from the date this Act shall become effective.*

Theodore R. Troen-  
dle.  
Authorization to sue  
United States.Court of Jurisdic-  
tion.31 U. S. C. § 203.  
*Proviso.*  
Commencement of  
suit.

Approved, October 29, 1940.

## [CHAPTER 913]

## AN ACT

For the relief of Charles S. Ladinsky and Moe Kanner.

October 29, 1940

[H. R. 10285]

[Private, No. 645]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to*

Charles S. Ladinsky  
and Moe Kanner.  
Payment to.

Charles S. Ladinsky and Moe Kanner, both of Saint Louis, Missouri, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States growing out of loss sustained by the said Charles S. Ladinsky and Moe Kanner on account of the forfeiture to the United States of a bail bond conditioned upon the appearance in court of one John A. Rosenfeld: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

Approved, October 29, 1940.

[CHAPTER 918]

AN ACT

Granting a pension to Frances Folsom Cleveland Preston.

November 25, 1940  
[H. R. 9589]  
[Private, No. 646]

Frances Folsom  
Cleveland Preston.  
Pension granted to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to place on the pension roll, the name of Frances Folsom Cleveland Preston, former widow of Grover Cleveland, late a President of the United States, and pay her a pension at the rate of \$5,000 per year.

Approved, November 25, 1940.

[CHAPTER 925]

AN ACT

For the relief of Mrs. George C. Hamilton and Nanette Anderson.

November 29, 1940  
[H. R. 4561]  
[Private, No. 647]

Mrs. George C.  
Hamilton.  
Payment to.

Nanette Anderson.  
Payment to guardian.

*Proviso.*  
Limitation on attorney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. George C. Hamilton of McComb, Mississippi, the sum of \$250, and to the legal guardian of Nanette Anderson, a minor, of McComb, Mississippi, the sum of \$1,000, in full settlement of all claims against the United States on account of personal injuries received by them on May 28, 1938, when the car in which they were riding collided with a Government truck owned by the National Park Service and driven by one Emmett Deer, an employee of the Percy Quin State Park, said collision being entirely the fault of the driver of the Government truck: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, November 29, 1940.

[CHAPTER 933]

AN ACT

For the relief of the estate of Doctor B. L. Pursifull, Grace Pursifull, Eugene Pursifull, Ralph Pursifull, Bobby Pursifull, and Dora Little.

December 16, 1940  
 [H. R. 658]  
 [Private, No. 648]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to the estate of Doctor B. L. Pursifull; \$1,500 to Grace Pursifull; \$200 to the legal representative of Ralph Pursifull; \$125 to the legal representative of Eugene Pursifull; and \$1,200 to the legal representative of Bobby Pursifull, each of whom are infants under the age of twenty-one years; and \$1,000 to Dora Little, all residing at McKee, Jackson County, Kentucky, in full settlement of all claims for damages against the Government of the United States on account of bodily injuries and damages received by them and each of them on or about June 6, 1937, when the car in which they were riding was struck by a Civilian Conservation Corps truck assigned to the Forest Service, near McKee, Kentucky: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Estate of Dr. B. L. Pursifull; Grace Pursifull and others.  
 Payments to.

*Proviso.*  
 Limitation on attorney's, etc., fees.

Penalty.

Approved, December 16, 1940.

[CHAPTER 935]

AN ACT

To provide for the issuance of a license to practice chiropractic in the District of Columbia to Lou Davis.

December 30, 1940  
 [H. R. 8665]  
 [Private, No. 649]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is authorized to issue a license to practice chiropractic in the District of Columbia to Lou Davis in accordance with the provisions of the Act of Congress entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, and on condition that the said Lou Davis shall be found by said Commission to be otherwise qualified to practice under the provisions of said Act.

Lou Davis.  
 License to practice chiropractic in D. C., authorized.

45 Stat. 1335.  
 20 D. C. Code § 140;  
 Supp. V, § 140.

Approved, December 30, 1940.

[CHAPTER 937]

AN ACT

For the relief of Herbert Zucker, Emma Zucker, Hanni Zucker, Dorrit Claire Zucker, and Martha Hirsch.

January 3, 1941  
 [S. 4227]

[Private, No. 650]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Attorney General of the United States be, and he is hereby, authorized and directed to accord nunc pro tunc examinations under the immigration laws to Herbert Zucker, Emma Zucker, Hanni Zucker, and Dorrit Claire Zucker, citizens of France, and Martha Hirsch, citizen of

Herbert Zucker and others.  
 Admission for permanent residence.

Quota deductions.

Czechoslovakia, and if such aliens upon examination be found admissible to the United States except for lack of immigration visas he shall record their lawful admittance for permanent residence as of the date of their temporary entry at New York on November 17, 1939. Upon the making of such record of permanent admission and payment by the aliens of fees fixed by law the Secretary of State shall instruct the proper quota-control officers to deduct four numbers from the German quota and one from the Czechoslovak quota of the current fiscal year.

Approved, January 3, 1941.

## [CHAPTER 940]

## AN ACT

For the relief of Mr. and Mrs. T. G. Ramsey.

January 7, 1941

[H. R. 7965]

[Private, No. 651]

Mr. and Mrs. T. G.  
Ramsey.  
Payments to.

*Proviso.*  
Limitation on attor-  
ney's, etc., fees.

Penalty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Mr. T. G. Ramsey, of Roxie, Mississippi; the sum of \$2,000 to Mrs. T. G. Ramsey, of Roxie, Mississippi, in full settlement of all claims against the United States for damage sustained by them on September 25, 1939, when the truck in which they were riding was struck by a Government truck operated in connection with the Civilian Conservation Corps and driven by an employee of Camp F-26, Meadville, Mississippi: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, January 7, 1941.

# CONCURRENT RESOLUTIONS

# CONCURRENT RESOLUTIONS

## SECOND SESSION, SEVENTY-SIXTH CONGRESS

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### JOINT MEETING

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, the 21st day of September 1939, at 2 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed, September 21, 1939.

September 21, 1939  
[H. Con. Res. 36]

Communications  
from the President.

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### NEUTRALITY

*Resolved by the Senate (the House of Representatives concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Relations of the Senate be, and is hereby, authorized and empowered to have printed for its use five hundred additional copies of the hearings held before said committee during the Seventy-fourth Congress, second session, on the bill (S. 3474) relating to neutrality.

Passed, October 12, 1939.

October 12, 1939  
[S. Con. Res. 30]

Printing of additional copies of hearings on S. 3474, 74th Congress.

34 Stat. 1012.  
44 U. S. C. § 164.

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### ADJOURNMENT

*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall adjourn on Friday, the 3d day of November, 1939, and that when they adjourn on said day they stand adjourned sine die.

Passed, November 3, 1939.

November 3, 1939  
[S. Con. Res. 31]

Adjournment of Congress, Nov. 3, 1939.

# CONCURRENT RESOLUTIONS

## THIRD SESSION, SEVENTY-SIXTH CONGRESS

January 3, 1940

[H. Con. Res. 38]

### JOINT MEETING

Communications  
from the President.

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 3d day of January 1940, at 2 o'clock in the afternoon for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed, January 3, 1940.

February 15, 1940

[S. Con. Res. 32]

Joint committee on  
arrangements.  
*Ante*, p. 629.

### INAUGURATION OF THE PRESIDENT-ELECT

*Resolved by the Senate (the House of Representatives concurring),* That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January 1941.

Passed, February 15, 1940.

March 4, 1940

[H. Con. Res. 45]

Printing of proceed-  
ings at commemora-  
tive ceremonies.

### SUPREME COURT, SESQUICENTENNIAL

*Resolved by the House of Representatives (the Senate concurring),* That the proceedings at the various ceremonies in commemoration of the one hundred and fiftieth anniversary of the commencement of the first session of the Supreme Court of the United States, together with such additional matter as the Joint Committee on Arrangements in charge of these ceremonies may deem fitting and appropriate, in connection with this historical event, be printed, with illustrations, as a document; and that two hundred thousand additional copies be printed, of which fifty thousand shall be for the use of the Senate and one hundred and fifty thousand shall be for the use of the House of Representatives.

Passed, March 4, 1940.

March 4, 1940

[H. Con. Res. 46]

Printing of addi-  
tional copies of hear-  
ings.

34 Stat. 1012.  
44 U. S. C. § 154.

48 Stat. 943.  
19 U. S. C. §§ 1351-  
1354; Supp. V, §§  
1351, 1352.  
*Ante*, p. 107.

### FOREIGN TRADE AGREEMENTS

*Resolved by the House of Representatives (the Senate concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, empowered to have printed for its use two thousand additional copies of the hearings held before said committee during the current session on the resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Passed, March 4, 1940.

## INVESTIGATION OF RAILROADS, ETC.

March 12, 1940

[S. Con. Res. 38]

*Resolved by the Senate (the House of Representatives concurring),* That there be printed three thousand additional copies of each part and subsequent parts of Senate Report Numbered 1182, submitted pursuant to S. Res. 71 (Seventy-fourth Congress), entitled "Investigation of Railroads, Holding Companies, and Affiliated Companies", of which two thousand copies shall be for the use of the Committee on Interstate Commerce, five hundred copies for the use of the Senate document room, and five hundred copies for the use of the House document room.

Printing of additional copies of Senate report.

Passed, March 12, 1940.

## JOINT COMMITTEE ON FORESTRY

March 28, 1940

[H. Con. Res. 51]

*Resolved by the House of Representatives (the Senate concurring),* That the time for making the report of the Joint Committee on Forestry (established pursuant to S. Con. Res. 31, Seventy-fifth Congress) is hereby extended to April 1, 1941, and any amounts available for the expenses of such committee shall be available for expenditure until such date.

Time extension for report.  
52 Stat. 1452; 53 Stat. 1550, 1553.

Passed, March 28, 1940.

## INVESTIGATION OF SILVER

April 9, 1940

[S. Con. Res. 41]

*Resolved by the Senate (the House of Representatives concurring),* That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Special Committee on the Investigation of Silver, United States Senate, be, and is hereby, authorized and empowered to have printed in one volume for its use fifteen hundred additional copies of the hearings held before said committee pursuant to the resolution (S. Res. 187, Seventy-fourth Congress, first session) authorizing a special committee of the Senate to investigate the administration, and the economic and commercial effect, of the Silver Purchase Act of 1934.

Printing of additional copies of Senate committee hearings.  
34 Stat. 1012.  
44 U. S. C. § 154.

Passed, April 9, 1940.

48 Stat. 1178.  
31 U. S. C. §§ 448-448e.

## INTERMEDIATE REPORT OF SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL LABOR RELATIONS BOARD

April 11, 1940

[H. Con. Res. 58]

*Resolved by the House of Representatives (the Senate concurring),* That there be printed twenty-five thousand additional copies of House Report Numbered 1902, current Congress, entitled "Intermediate Report of Special Committee to Investigate the National Labor Relations Board", of which three thousand copies shall be for the use of the Senate document room and twenty-two thousand copies shall be for the use of the House document room.

Printing of additional copies of House report.

Passed, April 11, 1940.

May 6, 1940

[H. Con. Res. 62]

## WORK PROJECTS ADMINISTRATION

Printing of additional copies of hearings.

Work Projects Administration.  
34 Stat. 1012.  
44 U. S. C. § 154.

Appropriations, work relief and relief.  
1941.

*Resolved by the House of Representatives (the Senate concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Appropriations of the House of Representatives is hereby authorized and empowered to have printed, with illustrations, for its use two thousand additional copies of each part of the hearings held before a subcommittee of such committee, during the current session, pursuant to the resolution (H. Res. 130) directing the Committee on Appropriations to make an investigation and study of the Work Projects Administration as a basis for legislation, and one thousand additional copies of the hearing held before a subcommittee of such committee during the current session on the estimates of appropriations for work relief and relief for the fiscal year ending June 30, 1941.

Passed, May 6, 1940.

May 16, 1940

[H. Con. Res. 67]

## JOINT MEETING

Communications from the President.

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, the 16th day of May 1940, at 1 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed, May 16, 1940.

May 17, 1940

[S. Con. Res. 45]

## PAINTING OF SCENE AT SIGNING OF CONSTITUTION

Temporary placement in Capitol rotunda; ceremonies.

53 Stat. 583.  
*Ante*, p. 1209; *post*, p. 1405.

Arrangements for ceremonies; expenses.

*Resolved by the Senate (the House of Representatives concurring),* That the commission authorized to employ an artist to paint a painting of the scene at the signing of the Constitution, created by Public Resolution Numbered 11, approved April 20, 1939, be, and it is hereby, authorized to place temporarily in the rotunda of the Capitol the painting by the artist employed by the said commission, and to hold ceremonies in the rotunda on the said occasion.

The Architect of the Capitol is hereby authorized to make the necessary arrangements for the ceremonies, the expenses of which shall not exceed the sum of \$1,000, of which one-half shall be payable from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the commission.

Passed, May 17, 1940.

May 20, 1940

[S. Con. Res. 47]

## APPROPRIATIONS, NAVY DEPARTMENT, ETC., 1941

Appointment of conferees on bill (H. R. 8438) rescinded.  
*Ante*, p. 265.

Return of bill, etc., to Senate.

*Resolved by the Senate (the House of Representatives concurring),* That the action of the two Houses, respectively, with reference to the appointment of conferees on the bill (H. R. 8438) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes, be, and it is hereby, rescinded; and that the bill, with the accompanying papers, be returned to the Senate.

Passed, May 20, 1940.

## PUBLIC SCHOOLS, D. C.

*Resolved by the Senate (the House of Representatives concurring),* That the Clerk of the House of Representatives be, and he is hereby, authorized and directed, in the enrollment of the bill (H. R. 9326) to provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes, to make the following change, namely: On page 4, lines 8 and 9 of the engrossed bill, strike out "July 1, 1938" and insert "July 1, 1940".

Passed, June 7, 1940.

June 7, 1940

[S. Con. Res. 48]

Correction in enrollment of bill (H. R. 9326) respecting educational employees.  
*Ante*, p. 349.

## PRISON-MADE GOODS

*Resolved by the Senate (the House of Representatives concurring),* That the action of the Speaker of the House of Representatives in signing the enrolled joint resolution (S. J. Res. 59) authorizing the Bureau of Labor Statistics to collect information as to amount and value of all goods produced in State and Federal prisons be, and it is hereby, rescinded; and be it further

*Resolved,* That the Secretary of the Senate be, and he is hereby, authorized and directed, in the reenrollment of the said joint resolution, to make the following change, namely: In line 15 of the engrossed joint resolution strike out "May 1, 1940" and insert "May 1, 1941".

Passed, June 11, 1940.

June 11, 1940

[S. Con. Res. 50]

Signing of enrolled joint resolution (S. J. Res. 59) rescinded.  
*Ante*, p. 401.

Correction in reenrollment.

## KURT WESSELY

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 2598) for the relief of Kurt Wessely, to make the following change, namely: In line 9 of the engrossed bill strike out "numbers" and insert "number".

Passed, June 12, 1940.

June 12, 1940

[S. Con. Res. 51]

Correction in enrollment of bill (S. 2598).  
*Ante*, p. 1290.

## RECESS OF CONGRESS

*Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn on Saturday, June 22, 1940, they stand adjourned until 12 o'clock meridian Monday, July 1, 1940.

Passed, June 22, 1940.

June 22, 1940

[H. Con. Res. 83]

Adjournment until July 1, 1940.

## PAINTING OF SCENE AT SIGNING OF CONSTITUTION

*Resolved by the House of Representatives (the Senate concurring),* That the proceedings, held in the Rotunda of the United States Capitol at the unveiling of the painting depicting the scene of the signing of the Constitution of the United States, be printed, with illustrations, in such form and style as may be directed by the Joint Committee on Printing, as a House document; and that five hundred thousand copies be printed, of which one hundred and twenty-five thousand copies shall be for the use of the Senate and three hundred and seventy-five thousand copies shall be for the use of the House of Representatives.

Passed, July 11, 1940.

July 11, 1940

[H. Con. Res. 73]

Printing of proceedings at unveiling.  
*Ante*, pp. 1209, 1404.

July 11, 1940

[H. Con. Res. 86]

Adjournment until  
July 22, 1940.

## RECESS OF CONGRESS

*Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn on Thursday, July 11, 1940, they stand adjourned until 12 o'clock meridian, Monday, July 22, 1940.  
Passed, July 11, 1940.

August 5, 1940

[S. Con. Res. 53]

Corrections in en-  
rollment of bill  
(S. 1114).  
*Ante*, p. 784.

## U. S. DISTRICT COURT, HAWAII

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of the Senate be, and he is hereby, authorized and directed, in the enrollment of the bill (S. 1114) to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, Jarvis Island, Canton Island, Enderbury Island, and for other purposes, to make the following changes, namely: On page 1, lines 7 and 8, of the engrossed bill, after "Howland Island," insert "and".

Amend the title so as to read: "An Act to extend the jurisdiction of the United States District Court, Territory of Hawaii, over the Midway Islands, Wake Island, Johnston Island, Sand Island, Kingman Reef, Kure Island, Baker Island, Howland Island, and Jarvis Island, and for other purposes."

Passed, August 5, 1940.

August 19, 1940

[S. Con. Res. 40]

Preamble.

## MEDITERRANEAN FRUITFLY ERADICATION

Whereas, pursuant to S. J. Res. 177, Seventy-sixth Congress, first session, a subcommittee of the Committee on Claims of the Senate has held a hearing with respect to the losses sustained by certain persons in the State of Florida as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida by the United States Government; and

Whereas in the opinion of such subcommittee a satisfactory showing has been made to justify and require an accurate and dependable determination of the actual losses sustained as a result of such campaign, the nature and character of such losses, and the persons by whom such losses were sustained: Therefore be it

*Resolved by the Senate (The House of Representatives concurring),* That there is hereby created a special joint congressional committee to be composed of three members of the Committee on Claims of the Senate, to be appointed by the chairman thereof, and three members of the Committee on Claims of the House of Representatives, to be appointed by the chairman of such committee. It shall be the duty of such special committee to make a full and complete investigation with respect to the losses sustained as a result of the Mediterranean fruitfly eradication and quarantine campaign conducted in the State of Florida in 1929 and 1930 by the United States Government, with a view to determining, among other things, the nature, character, and amount of such losses, the circumstances under which such losses occurred, and the persons by whom such losses were sustained. The committee shall report to the Congress at the earliest practicable date the results of its investigation, together with its recommendations, if any, for necessary legislation.

Special Joint Con-  
gressional committee  
to investigate losses in  
Florida.Report to Congress  
with recommenda-  
tions.

For the purposes of this concurrent resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-sixth and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$10,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman of the committee.

Authority of committee.

Limitation and division of expenses.

Passed, August 19, 1940.

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#### EXCESS PROFITS TAXATION ACT FOR 1940

*Resolved by the House of Representatives (the Senate concurring),* That, in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use three thousand additional copies of the hearings, held before said committee during the current session, on proposed legislation relative to the Excess Profits Taxation Act for 1940.

Passed, August 29, 1940.

August 29, 1940  
[H. Con. Res. 87]

Printing of additional copies of hearings.  
34 Stat. 1012.  
44 U. S. C. § 154.

*Ante*, p. 975.

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#### TRANSPORTATION ACT OF 1940

*Resolved by the House of Representatives (the Senate concurring),* That there be printed sixty thousand additional copies of Public Law Numbered 785, current Congress, entitled "Transportation Act of 1940", of which ten thousand copies shall be for the use of the Senate document room and fifty thousand copies shall be for the use of the House document room.

Passed, September 19, 1940.

September 19, 1940  
[H. Con. Res. 88]

Printing of additional copies.  
*Ante*, p. 898.

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#### SECOND EXCESS PROFITS TAX ACT OF 1940

*Resolved by the House of Representatives (the Senate concurring),* That there be printed sixty-five thousand additional copies of Public Law Numbered 801, current session, entitled "Second Excess Profits Tax Act of 1940", of which ten thousand copies shall be for the use of the Senate document room, fifty thousand copies shall be for the use of the House document room, three thousand for the Committee on Ways and Means of the House, and two thousand for the Committee on Finance of the Senate.

Passed, October 11, 1940.

October 11, 1940  
[H. Con. Res. 91]

Printing of additional copies.  
*Ante*, pp. 974, 975.

November 25, 1940  
[H. Con. Res. 92]

## INTERSTATE MIGRATION OF DESTITUTE CITIZENS

Printing of additional copies of hearings.  
34 Stat. 1012.  
44 U. S. C. § 154.

*Resolved by the House of Representatives (the Senate concurring),* That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Select Committee of the House of Representatives Investigating the Interstate Migration of Destitute Citizens be, and is hereby, authorized and empowered to have printed for its use three thousand additional copies of its hearings held before said committee, pursuant to the resolution (H. Res. 63) entitled "A resolution to inquire into the interstate migration of destitute citizens to study, survey, and investigate the social and economic needs, and the movement of indigent persons across State lines".

Passed, November 25, 1940.

December 5, 1940  
[S. Con. Res. 56]

## INAUGURAL CEREMONIES, 1941

Erection of additional stand.

Division of expenses.

*Resolved by the Senate (the House of Representatives concurring),* That, in order to conform to the seating accommodations for the inaugural ceremonies in 1937, the Committee on Arrangements for the inauguration of the President-elect of the United States on the East Plaza of the Capitol on January 20, 1941, be, and it is hereby, authorized to have erected, under the supervision of the Architect of the Capitol, an additional stand, the expenses of which shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Passed, December 5, 1940.

# TREATIES

### NOTICE

In this section are included all instruments, whether called treaties, conventions, protocols, or otherwise, entered into on the part of the United States by the President by and with the advice and consent of the Senate.

# TREATIES

*Agreement between the United States of America and Great Britain for the exchange of cotton and rubber. Signed at London June 23, 1939; ratification advised by the Senate of the United States June 29, 1939; ratified by the President of the United States July 17, 1939; ratification of the United States deposited at London August 25, 1939; effective by exchange of notes August 25, 1939; proclaimed by the President of the United States September 6, 1939.*

June 23, 1939  
[T. S. No. 947]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS an agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for the exchange of cotton and rubber was concluded and signed by their respective Plenipotentiaries at London on the twenty-third day of June, one thousand nine hundred and thirty-nine, the original of which agreement is word for word as follows:

Preamble.

### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM FOR THE EXCHANGE OF COTTON AND RUBBER.

THE Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, desiring to make arrangements for the exchange of cotton and rubber, have agreed as follows—

Text.

#### ARTICLE 1.

The United States Government will supply to the Government of the United Kingdom, delivered on board ship, compressed to high density, at New Orleans, Louisiana, and at other Gulf and Atlantic deep water ports to be agreed upon between the two Governments, 600,000 bales of raw cotton of the grades and staples which will be specified by the Government of the United Kingdom. The United States Government will make available in adequate quantities for such purpose cotton from the stock on which the United States Government has made advances to growers.

Delivery of raw cotton by U. S.

- (a) The price will be fixed on the basis of the average market price as published by the Bureau of Agricultural Economics for middling  $\frac{3}{8}$ -inch cotton during the period January 1st–June 23rd, 1939, for spot delivery at New Orleans, plus 0.24 cent per

Determination of price.

lb. for cost of compression and delivery on board ship, with adjustments in price for other grades and staples according to differences above or below middling  $\frac{3}{8}$ -inch quoted in that period.

- Inspection. (b) The cotton will be inspected to determine its classification in accordance with the Universal Cotton Standards for grade and the official standards of the United States for staple, and shall be accepted, by experts appointed by the Government of the United Kingdom. Any disputes which may arise will be settled by Boards of Referees constituted of three members of whom one shall be nominated by the Government of the United Kingdom.
- Settlement of disputes. (c) Samples representing the cotton of the grades and staples specified by the Government of the United Kingdom will be made available for inspection and acceptance during a period of six months beginning 15 days after the entry into force of this Agreement, and such inspection and acceptance will be made within a reasonable time after the cotton is so made available. Delivery at the warehouse at the port of sailing with provision for free delivery on board ship at high density will be made within 15 days after inspection and acceptance, and storage and insurance charges will be borne by the United States Government for a period of two weeks but no more after delivery at the warehouse at the port of sailing.
- Samples, availability for inspection, etc.; period. (c) Samples representing the cotton of the grades and staples specified by the Government of the United Kingdom will be made available for inspection and acceptance during a period of six months beginning 15 days after the entry into force of this Agreement, and such inspection and acceptance will be made within a reasonable time after the cotton is so made available. Delivery at the warehouse at the port of sailing with provision for free delivery on board ship at high density will be made within 15 days after inspection and acceptance, and storage and insurance charges will be borne by the United States Government for a period of two weeks but no more after delivery at the warehouse at the port of sailing.
- Weights. (d) All cotton will be invoiced and accepted on gross weights at the time of delivery.

#### ARTICLE 2.

Delivery of rubber by United Kingdom; value.

The Government of the United Kingdom will supply to the Government of the United States, delivered on board ship at Singapore and, by agreement between the two Governments, at other convenient ports, rubber in bales, of the grades which will be specified by the Government of the United States, to a value equivalent to that of the total value of the cotton to be supplied in accordance with Article 1 of this Agreement. In determining such equivalent value, the rate of exchange between Straits Settlements dollars and United States dollars shall be deemed to be the average of the buying rate during the period January 1st-June 23rd, 1939, in the New York market, at noon, for cable transfers payable in Straits Settlements dollars, as certified by the Federal Reserve Bank to the Secretary of the United States Treasury and published in Treasury Decisions.

Determination of equivalent value; rate of exchange.

Calculation of quantity of rubber.

- (a) The quantity of rubber will be calculated upon the average market price, as published by the Department of Statistics in the Straits Settlements, for No. 1 ribbed smoked sheets, during the period January 1st-June 23rd, 1939, for spot delivery at Singapore plus 0.25 Straits Settlements cent per lb. for cost of baling and delivery on board ship, with adjustments in price for other grades according to differences quoted in that period.
- Inspection. (b) The rubber will be inspected and accepted by experts appointed by the United States Government. Any disputes will be settled in accordance with the normal custom of the trade.
- Settlement of disputes. (c) The rubber will be made available for inspection and acceptance by experts appointed by the Government of the United States during a period of six months beginning at a date to
- Availability for inspection, etc.; period.

be agreed upon by the two Governments, and such inspection and acceptance will be made within a reasonable time after the rubber is so made available. Delivery at the warehouse at the port of shipment with provision for free delivery on board ship will be made within a period of 15 days after inspection and acceptance, and storage and insurance charges will be borne by the Government of the United Kingdom for a period of two weeks but no more after delivery at the warehouse at the port of shipment.

#### ARTICLE 3.

If either Government should find that delivery in accordance with the arrangements specified in Articles 1 and 2 is likely to restrict supplies available to commercial markets unduly or to stimulate undue price increases, the two Governments shall consult with a view to postponing delivery or taking other action in order to avoid or minimise such restriction of supplies or such price increases.

Consultation to avoid restriction of supplies, etc.

#### ARTICLE 4.

The intention of the United States Government and of the Government of the United Kingdom being to acquire the reserves of cotton and rubber, respectively, against the contingency of a major war emergency, each Government undertakes not to dispose of its stock (otherwise than for the purpose of replacing such stocks by equivalent quantities in so far as may be expedient for preventing deterioration) except in the event of such an emergency. If, however, either Government should at any future date decide that the time has come to liquidate its stock of cotton or rubber, as the case may be, it may do so only after (a) consulting the other Government as to the means to be employed for the disposal of such stock, and (b) taking all steps to avoid disturbance of the markets. In no case may either Government dispose of such stocks, except in the case of a major war emergency, before a date seven years after the coming into force of this Agreement.

Purpose of acquiring reserves declared.

Mutual restriction on disposal of stocks.

Consultation, etc., before liquidation.

Additional disposal restriction; exception.

#### ARTICLE 5.

The Government of the United Kingdom will use their best endeavours to secure that the export is permitted under the International Rubber Regulation Scheme of an amount of rubber approximately equivalent to the amount of rubber to be supplied to the United States Government under this Agreement in addition to the amount of rubber which would, under the normal operation of the Scheme, be released to meet current consumption needs.

Additional exports under International Rubber Regulation Scheme.

#### ARTICLE 6.

Each Government undertakes, in shipping to its own ports the stocks of cotton and rubber, respectively, provided for in this Agreement, so far as may be possible to distribute the tonnage equally

Distribution of tonnage between ships of both countries.

between the ships of the two countries, provided that the shipping space required is obtainable at reasonable rates. Consultation for the purpose of giving effect to this Article shall be between the Board of Trade and the Maritime Commission.

#### ARTICLE 7.

Action by U. S. having effect of export subsidy on cotton.

Should the United States Government, before the delivery is completed of the cotton provided for in Article 1 of this Agreement, take any action which has the effect of an export subsidy, they will deliver to the Government of the United Kingdom an additional quantity of cotton proportionate to the reduction in price below that provided for in Article 1 of this Agreement caused by such action.

#### ARTICLE 8.

Date of coming into force.  
Post, p. 1415.

The present Agreement shall come into force on a date to be agreed upon between the two Governments.

Signatures.

In witness whereof the Undersigned, duly authorised thereto, have signed the present Agreement and have affixed thereto their seals.

Done in London in duplicate this 23rd day of June, 1939.

[SEAL] JOSEPH P. KENNEDY

[SEAL] OLIVER F. G. STANLEY

Ratification.

AND WHEREAS the said agreement has been duly ratified on the part of the Government of the United States of America and its instrument of ratification was deposited with the Government of the United Kingdom at London on the twenty-fifth day of August, one thousand nine hundred and thirty-nine;

Date of coming into force.  
Post, p. 1415.

AND WHEREAS the said agreement was put into force, in accordance with Article 8 thereof, on August 25, 1939 by an exchange of notes at London on that day;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said agreement to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## EXCHANGE OF NOTES

*The British Secretary of State for Foreign Affairs (Halifax) to  
the American Ambassador (Kennedy)*

No. A 5285/26/45.

FOREIGN OFFICE, S. W. 1.

25th. August, 1939.

YOUR EXCELLENCY,

In accordance with the provisions of Article 8 of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America regarding the exchange of cotton and rubber, I have the honour to propose that the Agreement shall come into force on the 25th August 1939.

*Ante, p. 1414.*

2. If this proposal is acceptable to the United States Government, I have the honour to suggest that the present note and Your Excellency's reply to that effect be regarded as placing on record the Agreement between the two governments in this matter.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

HALIFAX

His Excellency

The Honourable JOSEPH P. KENNEDY,

*etc., etc., etc.*

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*The American Ambassador (Kennedy) to the British Secretary of  
State for Foreign Affairs (Halifax)*

No. 1152

EMBASSY OF THE UNITED STATES OF AMERICA

London, August 25, 1939.

MY LORD:

I have the honor to acknowledge the receipt of Your Excellency's note of to-day's date, in which you propose, in accordance with the provisions of Article 8 of the Agreement between our two Governments regarding the exchange of cotton and rubber signed on June 23, 1939, that it shall come into force on August 25, 1939, and further suggest that Your Excellency's note and my reply thereto shall be regarded as placing on record the agreement between our Governments in this matter.

In reply I have the honor to inform Your Excellency that the proposal that the Agreement concerning the exchange of cotton and

rubber shall come into force on August 25, 1939, is acceptable to my Government as is also Your Excellency's suggestion that Your Excellency's note and the present reply shall be regarded as making the record to that effect.

I have the honor to be, with the highest consideration, My Lord,  
Your most obedient, humble servant,

JOSEPH P. KENNEDY

The Right Honorable  
Viscount HALIFAX, K. G., G. C. S. I.,  
*etc. etc., etc.,*  
*Foreign Office, S. W. 1.*

*General radio regulations (Cairo revision, 1938) and final radio protocol (Cairo revision, 1938) annexed to the Telecommunication Convention (Madrid, 1932) between the United States of America and other powers. Signed at Cairo April 8, 1938; ratification advised by the Senate of the United States July 21, 1939; ratified by the President of the United States August 11, 1939; Bureau of the International Telecommunication Union at Bern notified on August 24, 1939 of ratification by the United States of America; proclaimed by the President of the United States September 18, 1939.*

April 8, 1938  
[T. S. No. 948]

**[General Radio Regulations (Cairo Revision, 1938) and  
Final Radio Protocol (Cairo Revision, 1938)]**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a revision of the General Radio Regulations annexed to the International Telecommunications Convention signed at Madrid on December 9, 1932, was adopted at the International Radio Conference which convened at Cairo on February 1, 1938, and was signed on April 8, 1938, by the empowered delegates of the United States of America and sixty-nine other countries, together with a final protocol to the said revision of the General Radio Regulations, embracing reservations made by the Governments of certain countries, which revision and final protocol are word for word as follows:

Preamble.  
49 Stat. 2391.

## Règlement général des radiocommunications

(Revision du Caire, 1938)

ANNEXÉ À LA

### CONVENTION INTERNATIONALE DES TÉLÉCOMMUNICATIONS

(Madrid, 1932)

ARTICLE PREMIER.

#### *Définitions.*

##### § 1.

*Télécommunication:* Toute communication télégraphique ou téléphonique de signes, de signaux, d'écrits, d'images et de sons de toute nature, par fil, radio ou autres systèmes ou procédés de signalisation électriques ou visuels (sémaphores) (voir annexe à la Convention).

*Réseau général des voies de télécommunication:* L'ensemble des voies de télécommunication existantes ouvertes au service public, à l'exclusion des voies de radiocommunication du service mobile.

*Radiocommunication:* Toute télécommunication à l'aide des ondes hertziennes (voir annexe à la Convention).

*Radiotélégramme:* Télégramme originaire ou à destination d'une station mobile transmis, sur tout ou partie de son parcours, par les voies de radiocommunication du service mobile (voir annexe à la Convention).

*Télégraphie:* Télécommunication par un système quelconque de signalisation télégraphique. Le mot "télégramme" vise aussi le "radiotélégramme", sauf lorsque le texte exclut expressément une telle signification.

*Téléphonie:* Télécommunication par un système quelconque de signalisation téléphonique.

*Fréquence assignée à une station:* La fréquence assignée à une station est la fréquence qui occupe le centre de la bande de fréquences dans laquelle la station est autorisée à travailler. En général, cette fréquence est celle de l'onde porteuse.

*Bande de fréquences d'une émission:* La bande de fréquences d'une émission est la bande de fréquences effectivement occupée par cette émission, pour le type de transmission et pour la vitesse de signalisation utilisée.

*Tolérance de fréquence:* La tolérance de fréquence est l'écart maximum admis entre la fréquence réelle d'une émission et la fréquence que

[Translation]<sup>1</sup>**General Radio Regulations**

(Cairo Revision, 1938)

ANNEXED TO THE

INTERNATIONAL TELECOMMUNICATION CONVENTION

49 Stat. 2393.

(Madrid, 1932)

## ARTICLE 1

[1] *Definitions*

## §1

[2] *Telecommunication*: Any telegraph or telephone communication of signs, signals, writings, images, and sounds of any nature, by wire, radio, or other systems or processes of electric or visual (semaphore) signaling (see the annex to the Convention.)

Definitions.

49 Stat. 2441.

[3] *General network of telecommunication channels*: The whole of the existing telecommunication channels open to public service, with the exception of the radio channels of the mobile service.

[4] *Radio communication*: Any telecommunication by means of Hertzian waves (see the annex to the Convention).

49 Stat. 2441.

[5] *Radiotelegram*: Telegram originating in or intended for a mobile station, transmitted on all or part of its route over the radio channels of the mobile service (see the annex to the Convention).

49 Stat. 2441.

[6] *Telegraphy*: Telecommunication by any system of telegraph signaling. The word "telegram" also covers "radiotelegram", except when the text expressly precludes such a meaning.

[7] *Telephony*: Telecommunication by any system of telephone signaling.

[8] *Frequency assigned to a station*: The frequency assigned to a station is the frequency occupying the center of the frequency band in which the station is authorized to work. In general, this frequency is that of a carrier wave.

[9] *Frequency band of an emission*: The frequency band of an emission is the frequency band actually occupied by this emission for the type of transmission and for the signaling-speed used.

[10] *Frequency tolerance*: The frequency tolerance is the maximum permissible separation between the actual frequency of an emission

<sup>1</sup> [The original proclamation does not include the translation.]

cette émission devrait avoir (fréquence notifiée ou fréquence choisie par l'opérateur).

*Puissance d'un émetteur radioélectrique:* La puissance d'un émetteur radioélectrique est la puissance fournie à l'antenne. Les données suivantes sont applicables pour les types d'émetteurs indiqués ci-dessous:

*Radiotélégraphie sur ondes entretenues:* Dans le cas d'un émetteur utilisant les émissions des types A1 ou A2, la puissance est celle qui est fournie à l'antenne pendant que le manipulateur est abaissé.

*Type usuel à double bande latérale:* Dans le cas d'un émetteur d'ondes modulées par amplitude du type usuel à double bande latérale, la puissance dans l'antenne est représentée par deux nombres, l'un donnant la valeur de la puissance de l'onde porteuse fournie à l'antenne et l'autre exprimant le taux maximum réel de modulation utilisé.<sup>1)</sup>

*Autres types:* Dans le cas d'émetteurs d'ondes modulées par amplitude autres que le type usuel à double bande latérale, on indiquera comme puissance de l'émetteur la puissance maximum fournie à l'antenne.

## § 2.

*Service fixe:* Un service assurant des radiocommunications de toute nature entre points fixes, à l'exclusion des services de radiodiffusion et des services spéciaux.

*Service mobile:* Un service de radiocommunication exécuté entre stations mobiles et stations terrestres et par les stations mobiles communiquant entre elles, à l'exclusion des services spéciaux (voir annexe à la Convention).

*Service aéronautique:* Un service de radiocommunication exécuté entre stations d'aéronef et stations terrestres et par les stations d'aéronef entre elles. Ce terme s'applique également aux services fixes et spéciaux de radiocommunication destinés à assurer la sécurité de la navigation aérienne.

*Service de radiodiffusion:* Un service effectuant la diffusion d'émissions destinées à être reçues par le public en général; ce service comprend exclusivement <sup>2)</sup>:

- a) *le service radiophonique:* service effectuant la diffusion d'émissions pour l'audition à distance de la parole et de la musique;
- b) *le service de télévision:* service effectuant la diffusion d'émissions pour la vision à distance d'objets <sup>3)</sup> fixes ou en mouvement.

*Service de fac-similés:* Un service effectuant des émissions pour reproduire à distance des images fixes d'une façon permanente.<sup>4)</sup>

*Service spécial:* Un service de télécommunication opérant spécialement pour les besoins d'un service d'intérêt général déterminé

<sup>1)</sup> Ce taux est exprimé en tant pour cent.

<sup>2)</sup> Voir exception "service de fac-similés".

<sup>3)</sup> "Objets" est pris ici au sens optique du mot.

<sup>4)</sup> Ce service de fac-similés peut être effectué par des stations de radiodiffusion, des stations fixes ou des stations du service mobile.

and the frequency which this emission should have (frequency notified or frequency chosen by the operator).

[11] *Power of a radio transmitter:* The power of a radio transmitter is the power supplied to the antenna. For the types of transmitters indicated hereinafter, the following data are applicable:

[12] *Continuous wave radiotelegraphy:* In the case of a transmitter employing type-A1 or -A2 emissions the power is that delivered to the antenna during the marking (key-closed) condition.

[13] *Conventional double-sideband type:* In the case of an amplitude-modulated wave transmitter of the conventional double-sideband type the power in the antenna is represented by two numbers, one indicating the value of the carrier-wave power supplied to the antenna and the other indicating the actual maximum percentage of modulation used.<sup>1</sup>

[14] *Other types:* In the case of amplitude-modulated wave transmitters of other than the conventional double-sideband type, the maximum power delivered to the antenna shall be given as the power of the transmitter.

[15] §2

[16] *Fixed service:* A service carrying on radio communication of any kind between fixed points, with the exception of the broadcasting services and special services.

[18] *Mobile service:* A radio service carried on between mobile and land stations and by mobile stations communicating among themselves, excluding special services (see the annex to the Convention).

49 Stat. 2443.

[19] *Aeronautical service:* A radio service carried on between aircraft stations and land stations and by aircraft stations among themselves. This term shall also apply to fixed and special radio services intended to insure the safety of aerial navigation.

[20] *Broadcasting service:* A service carrying on the broadcasting of transmissions intended to be received by the general public; this service shall include exclusively: <sup>2</sup>

[21] (a) *radiotelephone service:* service carrying on the broadcasting of transmissions for reception at a distance of voice and music;

[22] (b) *television service:* service carrying on the broadcasting of transmissions for the visual reception at a distance of fixed or moving objects.<sup>3</sup>

[23] *Facsimile service:* A service making transmissions for the reproduction at a distance of fixed images in a permanent form.<sup>4</sup>

[24] *Special service:* A telecommunication service carried on especially for the needs of a specific service of general interest and not

[17] <sup>1</sup> This percentage shall be expressed in x percent.

[28] <sup>2</sup> See the exception "facsimile service" [nos. 23 and 30].

[29] <sup>3</sup> "Objects" is used here in the optical sense of the word.

[30] <sup>4</sup> This facsimile service may be carried on by broadcasting stations, fixed stations, or mobile service stations.

et non ouvert à la correspondance publique, tel que: un service de radiophare, de radiogoniométrie, de signaux horaires, de bulletins météorologiques réguliers, d'avis aux navigateurs, de messages de presse adressés à tous, d'avis médicaux (consultations radiométriques), de fréquences étalonnées, d'émissions destinées à des buts scientifiques, etc.

### § 3.

*Station fixe:* Station non susceptible de se déplacer et communiquant, par le moyen de radiocommunication, avec une ou plusieurs stations établies de la même manière.

*Station terrestre:* Une station non susceptible de se déplacer et effectuant un service mobile.

*Station côtière:* Une station terrestre effectuant un service avec les stations de navire. Ce peut être une station fixe affectée aussi aux communications avec les stations de navire; elle n'est alors considérée comme station côtière que pendant la durée de son service avec les stations de navire.

*Station aéronautique:* Une station terrestre effectuant un service avec les stations d'aéronef. Ce peut être une station fixe affectée aussi aux communications avec les stations d'aéronef; elle n'est alors considérée comme station aéronautique que pendant la durée de son service avec les stations d'aéronef.

*Station mobile:* Une station susceptible de se déplacer et qui habituellement se déplace.

*Station de bord:* Une station placée à bord, soit d'un navire qui n'est pas amarré en permanence, soit d'un aéronef.

*Station de navire:* Une station placée à bord d'un navire qui n'est pas amarré en permanence.

*Station d'aéronef:* Une station placée à bord de tout aéronef.<sup>1)</sup>

*Station portative:* Une station destinée à être facilement déplacée mais qui n'est pas habituellement utilisée lorsqu'elle est en mouvement.

*Station de radiophare:* Une station spéciale dont les émissions sont destinées à permettre à une station de bord de déterminer son relèvement ou une direction par rapport à la station de radiophare, éventuellement aussi la distance qui la sépare de cette dernière.

*Station radiogoniométrique:* Une station pourvue d'appareils spéciaux destinés à déterminer la direction des émissions d'autres stations.

*Station d'amateur:* Une station utilisée par un "amateur", c'est-à-dire par une personne dûment autorisée, s'intéressant à la technique radioélectrique dans un but uniquement personnel et sans intérêt pécuniaire.

*Station expérimentale privée:* Une station privée destinée à des expériences en vue du développement de la technique ou de la science radioélectrique.

<sup>1)</sup> "aéronef" est un terme général couvrant les avions, les dirigeables, les ballons libres ou captifs, etc.

open to public correspondence, such as: a service of radiobeacons, radio direction-finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices (medical consultation by radio), standard frequencies, emissions for scientific purposes, et cetera.

[25]

## §3

[26] *Fixed station*: A station not capable of being moved and communicating by radio with one or more stations established in the same manner.

[27] *Land station*: A station not capable of being moved, carrying on a mobile service.

[31] *Coast station*: A land station carrying on a service with ship stations. This may be a fixed station assigned also to communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations.

[32] *Aeronautical station*: A land station carrying on a service with aircraft stations. This may be a fixed station assigned also to communication with aircraft stations; in this case, it shall be considered as an aeronautical station only for the duration of its service with aircraft stations.

[33] *Mobile station*: A station capable of being moved and which ordinarily does move.

[34] *On-board station*: A station on board either a ship which is not permanently moored, or an aircraft.

[35] *Ship station*: A station on board a ship which is not permanently moored.

[36] *Aircraft station*: A station on board any aircraft.<sup>1</sup>

[37] *Portable station*: A station intended to be moved easily but which is not ordinarily used while in motion.

[38] *Radiobeacon station*: A special station the emissions of which are intended to enable an on-board station to determine its bearing or a direction with reference to the radiobeacon station, and in some cases also the distance which separates it from the latter.

[39] *Radio direction-finding station*: A station equipped with special apparatus for determining the direction of the emissions of other stations.

[40] *Amateur station*: A station used by an "amateur," that is, by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

[41] *Private experimental station*: A private station intended for experiments looking to the development of radio technique or science.

[42] <sup>1</sup> "Aircraft" is a general term including airplanes, dirigibles, free or captive balloons, et cetera.

*Station privée de radiocommunication:* Une station privée, non ouverte à la correspondance publique, qui est autorisée uniquement à échanger avec d'autres "stations privées de radiocommunication" des communications concernant les affaires propres du ou des licenciés.

#### ARTICLE 2.

##### *Secret des radiocommunications.*

Les administrations s'engagent à prendre les mesures nécessaires pour faire interdire et réprimer:

- a) l'interception, sans autorisation, de radiocommunications qui ne sont pas destinées à l'usage général du public,
- b) la divulgation du contenu ou simplement de l'existence, la publication ou tout usage quelconque, sans autorisation, des radiocommunications mentionnées sous le paragraphe a).

#### ARTICLE 3.

##### *Licence.*

§ 1. (1) Aucune station émettrice ne pourra être établie ou exploitée par un particulier, ou par une entreprise quelconque, sans licence spéciale délivrée par le gouvernement du pays dont relève la station en question.

(2) Les stations mobiles qui ont leur port d'attache dans une colonie, un territoire sous souveraineté ou mandat, un territoire d'outre-mer ou un protectorat peuvent être considérées comme dépendant de l'autorité de cette colonie, de ces territoires ou de ce protectorat, en ce qui concerne la délivrance des licences.

§ 2. Le titulaire d'une licence est tenu de garder le secret des télécommunications, comme il est prévu à l'article 24 de la Convention. En outre, il doit résulter de la licence qu'il est interdit de capter les correspondances de radiocommunications autres que celles que la station est autorisée à recevoir et que, dans le cas où de telles correspondances sont involontairement reçues, elles ne doivent être ni reproduites, ni communiquées à des tiers, ni utilisées dans un but quelconque, et leur existence même ne doit pas être révélée.

§ 3. Afin de faciliter la vérification des licences délivrées à des stations mobiles, il est ajouté, s'il y a lieu, au texte rédigé dans la langue nationale, une traduction en une langue dont l'usage est très répandu dans les relations internationales.

§ 4. Le gouvernement qui délivre la licence à une station mobile y mentionne la catégorie dans laquelle cette station est classée au point de vue de la correspondance publique internationale.

#### ARTICLE 4.

##### *Choix des appareils.*

§ 1. Le choix des appareils et des dispositifs radioélectriques à employer dans une station est libre, à condition que les ondes émises satisfassent aux stipulations du présent Règlement.

[43] *Private radio station:* A private station, not open to public correspondence, which is authorized solely to exchange with other "private radio stations" communications concerning the private business of the license-holder or -holders.

## ARTICLE 2

### *Secrecy of Radio Communications*

[44] The administrations agree to take the necessary measures to prohibit and prevent:

Secrecy of radio communications.

[45] (a) the unauthorized interception of radio communications not intended for the general use of the public;

[46] (b) the divulging of the contents or of the mere existence, the publication or any use whatever, without authorization, of the radio communication mentioned in paragraph (a) [No. 45].

## ARTICLE 3

### *License*

[47] §1. (1) No transmitting station may be established or operated by any person or by any enterprise whatever without a special license issued by the government of the country to which the station in question is subject.

License.

[48] (2) Mobile stations having their port of registry in a colony, a territory under sovereignty or mandate, an overseas territory, or a protectorate, may be considered as being subject to the authority of this colony, these territories, or this protectorate, so far as concerns the issuance of licenses.

[49] §2. The holder of a license shall be bound to preserve the secrecy of telecommunications, as provided for in article 24 of the Convention. In addition, the license must state that it is prohibited to receive radio correspondence other than that which the station is authorized to receive, and that, in case such correspondence is received involuntarily, it must neither be reproduced nor communicated to third persons, nor used for any purpose whatever, and that the very existence thereof must not be revealed.

49 Stat. 2411.

[50] §3. In order to facilitate the verification of licenses issued to mobile stations, there shall be added, when necessary, to the text drafted in the national language, a translation of this text into a language in general use in international relations.

[51] §4. The government issuing the license to a mobile station shall mention therein the category to which this station belongs from the standpoint of international public correspondence.

## ARTICLE 4

### *Choice of Apparatus*

[52] §1. The choice of radio apparatus and devices to be used in a station shall be unrestricted, provided that the waves emitted satisfy the provisions of the present Regulations.

Choice of apparatus.

§ 2. Toutefois, dans les limites compatibles avec les exigences économiques, le choix des appareils d'émission, de réception et de mesure doit s'inspirer des plus récents progrès de la technique, tels qu'ils sont indiqués notamment dans les avis du C.C.I.R.

#### ARTICLE 5.

##### *Classification des émissions.*

§ 1. Les émissions sont classées ci-dessous d'après l'usage auquel elles servent, en supposant que leur modulation ou leur manipulation éventuelle est faite seulement en amplitude.

##### 1° Ondes entretenues:

*Type A0.* Ondes dont les oscillations successives sont identiques en régime permanent <sup>1)</sup>

*Type A1.* Télégraphie à ondes entretenues pures. Une onde entretenue qui est manipulée suivant un code télégraphique.

*Type A2.* Télégraphie modulée. Une onde porteuse modulée à une ou plusieurs fréquences audibles; la ou les fréquences audibles ou leur combinaison avec la porteuse étant manipulées suivant un code télégraphique.

*Type A3.* Téléphonie. Ondes résultant de la modulation d'une onde porteuse par des fréquences correspondant à la voix, à la musique ou à d'autres sons.

*Type A4.* Fac-similé. Ondes résultant de la modulation d'une onde porteuse par des fréquences produites lors de l'exploration d'une image fixe en vue de sa reproduction sous une forme permanente.

*Type A5.* Télévision. Ondes résultant de la modulation d'une onde porteuse par des fréquences produites lors de l'exploration d'objets <sup>2)</sup> fixes ou en mouvement.

(Nota: Les largeurs de bande auxquelles correspondent ces émissions sont indiquées à l'appendice 3.)

##### 2° Ondes amorties:

*Type B.* Ondes composées de séries successives d'oscillations dont l'amplitude, après avoir atteint un maximum, diminue graduellement, les trains d'ondes étant manipulés en suivant un code télégraphique.

§ 2. Dans la classification ci-dessus, on admet la présence d'une onde porteuse dans tous les cas. Cependant, celle-ci peut ne pas être transmise.

Cette classification n'envisage pas l'exclusion de l'emploi, dans des conditions déterminées par les administrations intéressées, de types d'ondes non compris dans les définitions précédentes.

§ 3. Les ondes seront désignées, en premier lieu, par leur fréquence en kilocycles par seconde (kc/s) ou en mégacycles par seconde

<sup>1)</sup> Ces ondes sont utilisées seulement dans des cas particuliers, tels que les émissions de fréquences étalonnées.

<sup>2)</sup> "Objets" est pris ici au sens optique du mot.

[53] §2. However, within limits compatible with economic requirements, the choice of transmitting, receiving, and measuring apparatus must be guided by the most recent technical progress as shown, notably, in the Opinions of the C. C. I. R.

## ARTICLE 5

### *Classification of Emissions*

[54] §1. Emissions shall be classified below according to the purpose for which they are used, assuming their modulation or their possible keying to be only in amplitude. Classification of emissions.

[55] 1. Continuous waves:

[56] *Type A0.* Waves the successive oscillations of which are identical under fixed conditions.<sup>1</sup>

[57] *Type A1.* Telegraphy on pure continuous waves. A continuous wave which is keyed according to a telegraph code.

[58] *Type A2.* Modulated telegraphy. A carrier wave modulated at one or more audible frequencies, the audible frequency or frequencies or their combination with the carrier wave being keyed according to a telegraph code.

[59] *Type A3.* Telephony. Waves resulting from the modulation of a carrier wave by frequencies corresponding to the voice, to music, or to other sounds.

[61] *Type A4.* Facsimile. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of a fixed image with a view to its reproduction in a permanent form.

[62] *Type A5.* Television. Waves resulting from the modulation of a carrier wave by frequencies produced at the time of the scanning of fixed or moving objects.<sup>2</sup>

[63] (Note.—The band widths to which these emissions correspond are indicated in appendix 3.)

[64] 2. Damped waves:

[65] *Type B.* Waves composed of successive series of oscillations the amplitude of which, after attaining a maximum, decreases gradually, the wave trains being keyed according to a telegraph code.

[66] §2. In the above classification, the presence of a carrier wave is assumed in all cases. However, such carrier wave may or may not be transmitted.

[67] This classification does not contemplate exclusion of the use, by the administrations concerned, under specified conditions, of types of waves not included in the foregoing definitions.

[68] §3. Waves shall be indicated first by their frequency in kilocycles per second (kc) or in megacycles per second (mc). Following

[60] <sup>1</sup> These waves are used only in special cases, such as standard frequency emissions.

[70] <sup>2</sup> "Objects" is used here in the optical sense of the word.

(Mc/s). A la suite de cette désignation sera indiquée, entre parenthèses, la longueur approximative en mètres. Dans le présent Règlement, la valeur approximative de la longueur d'onde en mètres est le quotient de la division du nombre 300 000 par la fréquence exprimée en kilocycles par seconde.

#### ARTICLE 6.

##### *Qualité des émissions.*

§ 1. Les ondes émises par une station doivent être, autant que le permet l'état de la technique, maintenues exactement à la fréquence autorisée et exemptes de toute émission qui n'est pas essentielle au type de la communication effectuée.

§ 2. (1) L'état de la technique dans les différents cas d'exploitation est défini par les appendices 1, 2 et 3 relatifs à l'exactitude de la fréquence, au niveau des harmoniques et à la largeur de la bande de fréquences occupée.

(2) En ce qui concerne la largeur des bandes de fréquences occupées par les émissions, il faut tenir compte, dans la pratique, des conditions suivantes:

1° Largeur de la bande donnée dans l'appendice 3.

2° Variation de la fréquence de l'onde porteuse.

3° Conditions techniques supplémentaires, telles que les possibilités techniques relatives à la forme des caractéristiques des circuits filtrants, tant pour les émetteurs que pour les récepteurs.

§ 3. (1) Les administrations vérifieront fréquemment si les ondes émises par les stations relevant de leur autorité répondent aux prescriptions du présent Règlement.

(2) On s'efforcera d'obtenir une collaboration internationale en cette matière.

§ 4. Afin de réduire les brouillages dans la bande de fréquences au-dessus de 6 000 kc/s (longueurs d'onde inférieures à 50 m), il est recommandé d'employer, lorsque la nature du service le permet, des systèmes d'antennes directives.

#### ARTICLE 7.

##### *Répartition et emploi des fréquences (longueurs d'onde) et des types d'émission.*

§ 1. Sous réserve des dispositions du § 4 (3) ci-dessous, les administrations des pays contractants peuvent attribuer une fréquence quelconque et un type d'onde quelconque à toute station radio-électrique sous leur autorité, à la seule condition qu'il n'en résulte pas de brouillages avec un service quelconque d'un autre pays.

§ 2. Toutefois, les administrations s'engagent à attribuer aux stations qui, en raison de leur nature même, sont susceptibles de causer de sérieux brouillages dans les services d'un autre pays contractant, des fréquences et des types d'onde, selon le genre de leur service, en conformité avec les règles de répartition et d'emploi des ondes telles qu'elles sont indiquées ci-dessous.

this indication, there shall be given, in parentheses, the approximate length in meters. In the present Regulations, the approximate value of the wavelength in meters is the quotient of the number 300,000 divided by the frequency expressed in kilocycles per second.

## ARTICLE 6

### *Quality of Emissions*

[69] §1. The waves emitted by a station must be kept on the authorized frequency as exactly as the state of the art permits, and their radiation must be as free as practically possible from all emissions not essential to the type of communication carried on.

Quality of emissions.

[71] §2. (1) The state of the art in the various cases of operation is defined in appendixes 1, 2, and 3, concerning the exactitude of the frequency, the level of harmonics, and the width of the frequency band occupied.

Post, pp. 1589, 1593, 1595.

[72] (2) Concerning the widths of frequency bands occupied by emissions, in practice, the following conditions must be taken into account:

[73] 1. Width of the band as shown in appendix 3.

Post, p. 1595.

[74] 2. Variation of the frequency of the carrier wave.

[75] 3. Other technical conditions, such as the technical possibilities with regard to the form of filter-circuit characteristics, both for transmitters and for receivers.

[76] §3. (1) The administrations shall frequently check the waves emitted by the stations under their jurisdiction to determine whether or not they comply with the provisions of the present Regulations.

[77] (2) International cooperation in this matter shall be sought.

[78] §4. In order to reduce interference in the frequency bands above 6,000 kc (wavelengths below 50 m), the use of directive-antenna systems is recommended when such use is compatible with the nature of the service.

## ARTICLE 7

### *Allocation and Use of Frequencies (Wavelengths) and of Types of Emission*

[79] §1. Subject to the provisions of §4 (3) below [Nos. 86, 87, 88, and 89], the administrations of the contracting countries may assign any frequency and any type of wave to any radio station under their jurisdiction on the sole condition that no interference with any service of another country will result therefrom.

Allocation and use of frequencies, etc.

[80] §2. However, the administrations agree to assign to stations which, by their very nature, are capable of causing serious interference with the services of another contracting country, frequencies and types of waves, according to the type of service they operate, in conformity with rules for allocation and use of waves, as set forth below.

Les fréquences assignées par les administrations à leurs stations doivent être choisies de manière à éviter, autant que possible, de brouiller les services appartenant aux pays contractants et effectués par des stations existantes dont les fréquences ont été notifiées au Bureau de l'Union, selon les dispositions des articles 15 et 16 et de l'appendice 8.

§ 3. Dans le cas où des bandes de fréquences sont attribuées à un service déterminé, les stations de ce service doivent employer des fréquences suffisamment éloignées des limites de ces bandes, pour ne pas produire de brouillage nuisible dans le travail des stations appartenant aux services auxquels sont attribuées les bandes de fréquences immédiatement voisines.

§ 4. (1) *a)* Les administrations intéressées s'entendent, en cas de besoin, pour la fixation des ondes à attribuer aux stations dont il s'agit, ainsi que pour la détermination des conditions d'emploi des ondes ainsi attribuées.

*b)* Les administrations d'une région quelconque peuvent conclure, conformément à l'article 13 de la Convention, des arrangements régionaux concernant l'attribution soit de bandes de fréquences aux services des pays participants, soit de fréquences aux stations de ces pays, et concernant les conditions d'emploi des ondes ainsi attribuées. Les dispositions des §§ 1 et 2 ainsi que celles de l'article 16, § 1. (6) s'appliquent également à tout arrangement de cette nature.

(2) Les administrations intéressées prennent les accords nécessaires pour éviter les brouillages et, en cas de besoin, feront appel, à cet effet, conformément à la procédure qui sera convenue entre elles par des accords bilatéraux ou régionaux, à des organes soit d'expertise, soit d'expertise et de conciliation. Si aucun arrangement en vue d'éviter les brouillages ne peut être réalisé, les prescriptions de l'article 15 de la Convention peuvent être appliquées.

(3) *a)* En ce qui concerne la radiodiffusion européenne et sous réserve de tout droit qui reviendrait aux administrations extra-européennes en vertu du présent Règlement, les modalités ci-dessous, qui pourront être abrogées ou modifiées par accord entre les administrations européennes et qui ne modifient en rien les dispositions de l'article 16, § 1. (6), sont apportées à l'application du principe énoncé au § 1.

*b)* A défaut d'accord préalable entre les administrations des pays européens contractants, la faculté prévue au § 1 ne pourra, dans les limites de la région européenne, être utilisée en vue d'effectuer un service de radiodiffusion en dehors des bandes autorisées par le présent Règlement sur des fréquences au-dessous de 1560 kc/s (longueurs d'onde au-dessus de 192,3 m).

*c)* L'administration qui désire établir un tel service ou obtenir une modification des conditions fixées par un accord antérieur relatif à un tel service (fréquence, puissance, position géographique, etc.) en saisit les administrations européennes par l'intermédiaire du Bureau de l'Union. Toute administration qui n'aura pas répondu dans un délai de six

[81] The frequencies assigned by the administrations to their stations must be selected in such a manner as to avoid, so far as possible, interfering with services belonging to the contracting countries and operated by existing stations of which the frequencies have been notified to the Bureau of the Union, in accordance with the provisions of articles 15 and 16, and of appendix 8.

*Post*, pp. 1499, 1501, 1605.

[82] §3. In the case where bands of frequencies are assigned to a specific service, the stations of that service must use frequencies sufficiently separated from the limits of these bands so as not to produce harmful interference with the operation of stations belonging to services to which the frequency bands immediately adjoining have been assigned.

[83] §4. (1) (a) The administrations concerned shall conclude agreements, if need be, for determining the waves to be assigned to the stations in question, as well as for laying down the conditions of use of the waves thus assigned.

[84] (b) The administrations of any region may, in accordance with article 13 of the Convention, conclude regional arrangements regarding the allocation either of frequency bands to the services of the participating countries or of frequencies to stations of these countries, and concerning the conditions for the use of the waves so assigned. The provisions of §§1 and 2 [Nos. 79, 80, and 81], as well as those of Article 16, §1 (6) [Nos. 345 and 346], shall also apply to any arrangement of this nature.

49 Stat. 2401.

*Post*, p. 1808.

[85] (2) The administrations concerned shall conclude the necessary agreements to avoid interference and, when needed, shall, for this purpose, in conformity with the procedure which will be agreed among them in bilateral or regional agreements, call upon organs of expert investigation or of expert investigation and conciliation. If no agreement can be reached with regard to avoiding interference, the provisions of article 15 of the Convention may be applied.

Agreements for avoiding of interference.

49 Stat. 2408.

[86] (3) (a) With regard to European broadcasting and subject to any right to which the extra-European administrations might be entitled by virtue of the present Regulations, the detailed provisions below, which can be abrogated or changed by agreement among the European administrations and which in no way change the provisions of article 16, §1 (6) [Nos. 345 and 346], shall be brought to bear in applying the principle laid down in §1 [No. 79].

*Post*, p. 1503; *ante*, p. 1429.

[87] (b) Failing a preliminary agreement between the administrations of the European contracting countries, the right contemplated in §1 [No. 79] may not, within the limits of the European region, be used for the purpose of carrying on a broadcasting service outside the bands authorized by the present Regulations on frequencies below 1,560 kc (wavelengths above 192.3 m).

[88] (c) An administration wishing to establish such a service or to obtain a change in the conditions laid down by a previous agreement with regard to such a service (frequency, power, geographic position, et cetera) shall submit the request to the European administrations through the Bureau of the Union. Any administration which does

semaines après réception de ladite communication sera considérée comme ayant donné son assentiment.

d) Il est bien entendu qu'un tel accord préalable sera également nécessaire toutes les fois que, dans une station de radiodiffusion européenne, travaillant hors des bandes de fréquences autorisées, un changement sera apporté aux caractéristiques précédemment notifiées au Bureau de l'Union, et que ce changement sera susceptible d'affecter les conditions de brouillages internationaux.

§ 5. En principe, la puissance des stations de radiodiffusion qui travaillent avec des fréquences inférieures à 5 000 kc/s (longueurs d'onde supérieures à 60 m) ne doit pas dépasser la valeur permettant d'assurer économiquement un service national efficace et de bonne qualité dans les limites du pays considéré.

§ 6. En principe, l'emplacement des stations de radiodiffusion puissantes, et plus particulièrement de celles qui travaillent près des limites des bandes de fréquences réservées à la radiodiffusion, doit être choisi de manière à éviter, autant que possible, la gêne causée aux services de radiodiffusion des autres pays ou aux autres services travaillant avec des fréquences voisines.

§ 7. Le tableau ci-dessous donne la répartition des fréquences (longueurs d'onde approximatives) entre les divers services.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m).

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne *)	Autres régions
10-100	30 000-3 000	Fixes		
100-110	3 000-2 727	a) Fixes b) Mobiles		
110-125	2 727-2 400	Mobiles		
125-150 <sup>1)</sup>	2 400-2 000	Mobiles maritimes (ouverts à la correspondance publique exclusivement)		
150-160 <sup>2)</sup>	2 000-1 875	Mobiles.		

\*) Définition de la région européenne: La région européenne est définie au Nord et à l'Ouest par les limites naturelles de l'Europe, à l'Est par le méridien de 40° Est de Greenwich et au Sud par le parallèle de 30° Nord, de façon à englober la partie occidentale de l'U. R. S. S. et les territoires bordant la Méditerranée, à l'exception des parties de l'Arabie et de l'Arabie saoudite qui se trouvent comprises dans ce secteur.

<sup>1)</sup> L'onde de 143 kc/s (2 100 m) est l'onde d'appel des stations mobiles utilisant des ondes longues entretenues.

<sup>2)</sup> Une Conférence européenne ou régionale peut admettre dans cette bande une ou plusieurs stations de radiodiffusion en dérogation à condition qu'elles ne gênent pas les services mobiles.

not answer within six weeks after the receipt of the said communication shall be considered as having given its assent.

[89] (d) It is fully understood that such a preliminary agreement shall also be necessary whenever, in a European broadcasting station, operating outside the authorized frequency bands, a change is made in the characteristics previously notified to the Bureau of the Union, and when such change is capable of affecting the conditions of international interference.

[90] §5. In principle, the power of broadcasting stations working on frequencies below 5,000 kc (wavelengths above 60 m) must not exceed the value necessary to insure economically an effective high-quality national service within the limits of the country considered.

[91] §6. In principle, the location of powerful broadcasting stations, and especially of those which operate near the limits of the frequency bands reserved to broadcasting, must be chosen in such a way as to avoid, so far as possible, interference caused to the broadcasting services of other countries or to other services operating on neighboring frequencies.

[92] §7. The following table shows the allocation of frequencies (approximate wavelengths) to the various services.

ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region*	Other regions
10-100	30, 000-3, 000	Fixed		
100-110	3, 000-2, 727	(a) Fixed (b) Mobile		
110-125	2, 727-2, 400	Mobile		
125-150 (1)	2, 400-2, 000	Maritime mobile (open to public correspondence exclusively)		
150-160 (2)	2, 000-1, 875	Mobile		

[93] \*Definition of the European region: The European region is limited on the north and west by the natural boundaries of Europe, on the east by the meridian 40° E. of Greenwich and on the south by the parallel 30° N., so as to include the western part of the U.S.S.R. and the territories bordering on the Mediterranean, except the parts of Arabia and Saudi Arabia which are included in this sector.

[94] 1 The wave of 143 kc (2,100 m) is the calling-wave of mobile stations using long continuous waves.

[95] 2 A European or regional conference may admit one or several broadcasting stations by derogation, provided that mobile services are not hampered.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 KC/S (30 000 À 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
160-285 <sup>5) 6)</sup>	1875-1053		160-240 (1875-1250) Radiodiffusion <sup>4)</sup> . 240-255 (1250-1176) a) non ouverts à la correspondance publique. b) Radiodiffusion <sup>5), 6)</sup> . 255-265 (1176-1132) a) Aéronautiques b) Radiodiffusion <sup>5), 6)</sup> . 265-285 (1132-1053) Aéronautiques.	160-200 (1875-1500) a) Fixes. b) Mobiles. c) Aéronautiques. 200-285 (1500-1053) Aéronautiques et mobiles exception faite des postes commerciaux des navires.
285-290 <sup>6) 7)</sup>	1053-1034		Aéronautiques.	Radiophares. Les radiophares maritimes auront la priorité.
290-315 <sup>6) 7) 8)</sup>	1034-952	Radiophares	Radiophares maritimes.	Les radiophares maritimes auront la priorité.
315-320 <sup>6) 7)</sup>	952-938		Radiophares maritimes.	Aéronautiques.
320-325 <sup>6)</sup>	938-923		Aéronautiques	a) Aéronautiques b) Mobiles non ouverts à la correspondance publique

<sup>5)</sup> Les administrations européennes sont autorisées à s'entendre entre elles pour placer dans la bande de 240 à 265 kc/s (1 250 à 1 132 m) des stations de radiodiffusion qui, du fait de leur position géographique, ne gêneront pas les services non ouverts à la correspondance publique et les services aéronautiques. Par ailleurs, ces services s'organiseront pour ne pas brouiller la réception des stations de radiodiffusion ainsi choisies, dans les limites des territoires nationaux de ces stations.

<sup>6)</sup> Les services ouverts à la correspondance publique ne sont pas admis dans les bandes destinées à la radiodiffusion, comprises entre 160 et 265 kc/s (1 875 et 1 132 m), même sous le couvert de l'article 7, § 1.

<sup>7)</sup> La bande de 160 à 265 kc/s (1 875 à 1 132 m) est également attribuée à la radiodiffusion dans l'Afrique du Sud, l'Australie, les Indes britanniques et la Nouvelle-Zélande à condition que les stations qui utilisent ces fréquences pour la radiodiffusion soient placées de manière à éviter des brouillages avec les services des pays qui n'utilisent pas ces fréquences pour la radiodiffusion.

<sup>8)</sup> La bande de 265 à 365 kc/s (1 132 à 822 m) est utilisée au Japon pour les radiophares aéronautiques et maritimes.

<sup>9)</sup> Une bande de 30 kc/s de largeur, comprise entre les limites de 285 et 320 kc/s (1 053 et 938 m), est allouée dans chaque région au service des radiophares. Dans la région européenne, cette bande est réservée aux seuls radiophares maritimes.

<sup>10)</sup> Sur tout le territoire de l'U. R. S. S., la bande de 290 à 315 kc/s (1034 à 952 m) est utilisée par les radiophares aéronautiques et maritimes.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
160-285 ( <sup>6</sup> ) ( <sup>6</sup> )	1, 875-1, 053		160-240 (1,875-1,250) Broadcasting ( <sup>4</sup> ) 240-255 (1,250-1,176) (a) Not open to public correspondence (b) Broadcasting ( <sup>2</sup> ) ( <sup>4</sup> ) 255-265 (1,176-1,132) (a) Aeronautical (b) Broadcasting ( <sup>2</sup> ) ( <sup>4</sup> ) 265-285 (1,132-1,053) Aeronautical	1 6 0 - 2 0 0 ( 1 , 8 7 5 - 1,500) (a) Fixed (b) Mobile (c) Aeronautical 2 0 0 - 2 8 5 ( 1 , 5 0 0 - 1,053) Aeronautical and mobile except commercial ship stations
285-290 ( <sup>6</sup> ) ( <sup>7</sup> )	1, 053-1, 034		Aeronautical	Radiobeacons Maritime radio-beacons shall have priority
290-315 ( <sup>6</sup> ) ( <sup>7</sup> ) ( <sup>8</sup> )	1, 034-952	Radio-beacons	Maritime radio-beacons	Maritime radio-beacons shall have priority
315-320 ( <sup>6</sup> ) ( <sup>7</sup> )	952-938		Maritime radio-beacons	Aeronautical
320-325 ( <sup>6</sup> )	938-923		Aeronautical	(a) Aeronautical (b) Mobile not open to public correspondence

[96] <sup>2</sup> The European administrations shall be authorized to arrange among themselves for placing in the band of 240 to 265 kc (1,250 to 1,132 m) broadcasting stations which, by reason of their geographical position, will not interfere with services not open to public correspondence or with aeronautical services. Furthermore, these services shall be organized in such a way as not to interfere with the reception of the broadcasting stations thus chosen, within the limits of the national territories of these stations.

[97] <sup>4</sup> Services open to public correspondence shall not be admitted in the bands allocated to broadcasting, between 160 and 265 kc (1,875 and 1,132 m), even under the terms of Article 7, §1 [No. 79].

[98] <sup>4</sup> The band 160-265 kc (1,875-1,132 m) shall also be assigned to broadcasting in South Africa, Australia, British India, and New Zealand upon the condition that the stations which use these frequencies for broadcasting be placed in such a manner as to avoid interference with the services of countries not using these frequencies for broadcasting.

[99] <sup>4</sup> The band from 265 to 365 kc (1,132 to 822 m) shall be used in Japan for aeronautical and maritime radiobeacons.

[100] <sup>7</sup> A band of 30 kc in width, included between the limits of 285 and 320 kc (1,053 and 938 m), shall be allocated in each region to the radiobeacon service. In the European region, this band shall be reserved solely for maritime radiobeacons.

[101] <sup>8</sup> On the entire territory of the U. S. S. R. the band of 290-315 kc (1,034-952 m) shall be used by aeronautical and maritime radiobeacons.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 KC/S (30 000 À 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
325-345 <sup>9)</sup>	923-870	Aéronautiques		
345-365 <sup>9)</sup>	870-822		Aéronautiques	a) Aéronautiques b) Mobiles non ouverts à la correspondance publique
365-380	822-789	a) Radiogoniométrie b) Mobiles, à condition de ne pas gêner la radiogoniométrie. Sont exclues les ondes du type B		
380-385 <sup>10)</sup>	789-779		Non ouverts à la correspondance publique	a) Radiogoniométrie b) Mobiles, à condition de ne pas gêner la radiogoniométrie. Sont exclues les ondes du type B.
385-395 <sup>10)</sup>	779-759		Non ouverts à la correspondance publique	a) Mobiles b) Aéronautiques Les maritimes auront la priorité; il est entendu que la priorité se rapporte aux services existants

<sup>9)</sup> La bande de 265 à 365 kc/s (1 132 à 822 m) est utilisée au Japon pour les radiophares aéronautiques et maritimes.

<sup>9)</sup> L'onde de 333 kc/s (900 m) est l'onde générale d'appel pour les stations d'aéronef travaillant dans la bande de 325 à 345 kc/s (923 à 870 m), sauf là où des accords régionaux en disposent autrement.

<sup>10)</sup> Sur tout le territoire de l'U. R. S. S., les bandes de 380 à 395 kc/s (789 à 759 m) et de 515 à 550 kc/s (583 à 545 m) sont utilisées par les services mobiles maritimes et aéronautiques, sous réserve qu'aucune interférence ne se produise avec les services autorisés des autres pays.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
325-345 ( <sup>9</sup> ) ( <sup>9</sup> )	923-870	Aeronautical		
345-365 ( <sup>9</sup> )	870-822		Aeronautical	(a) Aeronautical (b) Mobile not open to public correspondence
365-380	822-789	(a) Radio direction-finding. (b) Mobile, provided it does not interfere with radio direction-finding. Type-B waves shall be excluded.		
380-385 ( <sup>10</sup> )	789-779		Not open to public correspondence	(a) Radio direction-finding. (b) Mobile, provided it does not interfere with radio direction-finding. Type-B waves shall be excluded.
385-395 ( <sup>10</sup> )	779-759		Not open to public correspondence	(a) Mobile. (b) Aeronautical. Maritime services shall have priority; it is understood that priority refers to existing services.

[99] \* The band from 265 to 365 kc (1,132 to 822 m) shall be used in Japan for aeronautical and maritime radiobeacons.

[102] \* The wave of 333 kc (900 m) is the general calling-wave for the aircraft stations working within the band 325-345 kc (923-870 m), except where regional agreements provide otherwise.

[103] \* On the entire territory of the U. S. S. R., the frequency bands from 380 to 395 kc (789 to 759 m) and from 515 to 550 kc (583 to 545 m) shall be used by the maritime and aeronautical mobile services, on condition that there will be no interference therefrom with the authorized services of other countries.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
395-400	759-750		Aéronautiques <sup>11)</sup>	a) Mobiles b) Aéronautiques Les maritimes auront la priorité; il est entendu que la priorité se rapporte aux services existants
400-415	750-723		Aéronautiques <sup>11)</sup>	Mobiles
415-460	723-652	Mobiles	Sauf aéronautiques <sup>12)</sup>	
460-485	652-619	Mobiles A1 et A2 seulement (sauf aéronautiques)		
485-515 <sup>13)</sup>	619-583	Mobiles (détresse, appel, etc.)		
515-550 <sup>10) 14)</sup>	583-545	Non ouverts à la correspondance publique A1 et A2 seulement		
550-1 500 <sup>15)</sup>	545-200	a) Radiodiffusion b) Onde de 1 364 kc/s (219,9 m) A1, A2 pour les services mobiles exclusivement <sup>16)</sup>		

<sup>10)</sup> Sur tout le territoire de l'U. R. S. S., les bandes de 390 à 395 kc/s (789 à 759 m) et de 515 à 550 kc/s (583 à 545 m) sont utilisées par les services mobiles maritimes et aéronautiques, sous réserve qu'aucune interférence ne se produise avec les services autorisés des autres pays.

<sup>11)</sup> La bande de 395 à 415 kc/s (759 à 723 m) est seulement utilisée pour les communications entre les aéronefs et les stations aéronautiques et par les radiophares.

<sup>12)</sup> Les administrations européennes sont autorisées à s'entendre entre elles pour placer dans la bande de 415 à 460 kc/s (723 à 652 m) des stations de radiodiffusion qui, du fait de leur position géographique et de leur puissance limitée, ne gêneront pas les services mobiles maritimes.

<sup>13)</sup> L'onde de 500 kc/s (600 m) est l'onde internationale d'appel et de détresse. L'emploi de cette onde est défini aux articles 19, 22 et 30.

<sup>14)</sup> Les administrations européennes sont autorisées à s'entendre entre elles pour maintenir dans la bande de 515 à 550 kc/s (583 à 545 m) les stations de radiodiffusion existantes qui, du fait de leur position géographique, ne gêneront ni les services mobiles dans la bande de 485 à 515 kc/s (619 à 583 m), ni les services non ouverts à la correspondance publique dans la bande de 515 à 550 kc/s (583 à 545 m).

Par ailleurs, les services non ouverts à la correspondance publique s'organiseront pour ne pas brouiller la réception des stations de radiodiffusion ainsi choisies, dans les limites des territoires nationaux de ces stations.

<sup>15)</sup> Les services mobiles peuvent utiliser la bande de 550 à 1 300 kc/s (545 à 230,8 m), à condition de ne pas brouiller les services d'un pays qui utilise cette même bande exclusivement pour la radiodiffusion.

<sup>16)</sup> L'emploi de la fréquence de 1 364 kc/s (219,9 m) en onde du type B est autorisé, au Japon, pour les petits bateaux dont la puissance est inférieure à 300 watts, et à la condition qu'il n'en résulte pas de brouillage pour les services des autres pays. Toutefois, dans la région de l'Amérique du Nord les seules ondes du type A1 sont autorisées entre 18 00 et 23 00 h, heure locale.

ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
395-400	759-750		Aeronautical <sup>(11)</sup>	(a) Mobile. (b) Aeronautical. Maritime services shall have priority; it is understood that priority refers to existing services.
400-415	750-723		Aeronautical <sup>(11)</sup>	Mobile
415-460	723-652	Mobile	Except aeronautical <sup>(12)</sup>	
460-485	652-619	Mobile A1 and A2 only (except aeronautical)		
485-515 <sup>(13)</sup>	619-583	Mobile (distress, calling, etc.)		
515-550 <sup>(10)</sup> <sup>(14)</sup>	583-545	Not open to public correspondence, A1 and A2 only		
550-1,500 <sup>(15)</sup>	545-200	(a) Broadcasting (b) Wave of 1,364 kc (219.9 m) A1, A2 for mobile services exclusively <sup>(16)</sup>		

[103] <sup>10</sup> On the entire territory of the U. S. S. R., the frequency bands from 380 to 395 kc (789 to 759 m) and from 515 to 550 kc (583 to 545 m) shall be used by the maritime and aeronautical mobile services, on condition that there will be no interference therefrom with the authorized services of other countries.

[104] <sup>11</sup> The band of 395-415 kc (759-723 m) shall be used only for communications between aircraft and aeronautical stations and by radiobeacons.

[105] <sup>12</sup> The European administrations shall be authorized to arrange among themselves to place in the band of 415-460 kc (723-652 m) broadcasting stations which, by reason of their geographical position and their limited power, will not interfere with the maritime mobile services.

[106] <sup>13</sup> The wave of 500 kc (600 m) shall be the international calling- and distress-wave. The use of this wave is defined in articles 19, 22, and 30 (*§1, §4, and §§7*).

[107] <sup>14</sup> The European administrations shall be authorized to arrange among themselves to maintain in the band 515-550 kc (583-545 m) the existing broadcasting stations which, by reason of their geographical position, will interfere neither with the mobile services in the band of 485-515 kc (619-583 m) nor with the services not open to public correspondence in the band of 515-550 kc (583-545 m).

[108] Moreover, the services not open to public correspondence will be organized in such a manner as not to interfere with the reception of the broadcasting stations so chosen, within the limits of the national territories of these stations.

[109] <sup>15</sup> The mobile services may use the band of 550 to 1,300 kc (545 to 230.8 m), on the condition that they will not interfere with the services of a country which uses that same band exclusively for broadcasting.

[110] <sup>16</sup> The use of the frequency of 1,364 kc (219.9 m) in type-B waves shall be authorized in Japan, for small ships of which the power is below 300 watts, and on condition that no interference will result therefrom to the services of other countries. However, in the region of North America, only type-A1 waves shall be authorized between 18:00 and 23:00 o'clock, local time.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 KC/S (30 000 À 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
1 500-1 600	200-187,5		1 500-1 560 (200-192,3) Radiodiffusion } <sup>17)</sup> 1 560-1 600 (192,3-187,5) Mobiles sauf aéronautiques } <sup>18)</sup>	a) Fixes b) Mobiles c) Radiodiffusion
1 600-1 715 <sup>18) 21)</sup>	187,5-174,9		1 600-1 630 (187,5-184,0) a) Fixes b) Mobiles mari- times A1 et A2seulement 1 630-1 670 (184,0-179,6) Onde d'appel et de dé- tresse pour les services m o b i l e s m a r i t i m e s (A3 seule- ment) 1 670-1 715 (179,6-174,9) Mobiles sauf aé- ronautiques (A3 seulement)	a) Fixes b) Mobiles
1 715-2 000	174,9-150		1 715-1 925 (174,9-155,8) a) Amateurs b) Fixes c) Mobiles ma- ritimes 1 925-2 000 (155,8-150) a) Amateurs b) Mobiles ma- ritimes (A3 seulement)	a) Amateurs b) Fixes c) Mobiles

<sup>17)</sup> Il est nécessaire que les fréquences des ondes porteuses des stations de radiodiffusion observent un écart de 5 kc/s au moins à partir de la limite supérieure de la bande allouée.

<sup>18)</sup> La fréquence de 1 650 kc/s (182 m) est à la fois une onde d'appel et l'onde de détresse pour le service mobile de radiotéléphonie avec les stations de navire de faible puissance. La réglementation de l'emploi de cette onde fait l'objet de l'article 31.

<sup>19)</sup> En principe, cette bande de fréquences est réservée au service téléphonique avec les stations de navire de faible puissance. Les pays dont les bateaux n'utilisent pas ce type de communication éviteront l'usage de la télégraphie dans cette bande dans les régions voisines de celles où ce service téléphonique existe.

<sup>20)</sup> Aucun trafic ne peut se faire dans la bande de 1 630 à 1 670 kc/s (184,0 à 179,6 m).

<sup>21)</sup> A l'intérieur de l'Europe, les bandes de 1 560 à 1 630 kc/s et de 1 670 à 1 715 kc/s (192,3 à 184,0 et 179,6 à 174,9 m) peuvent être utilisées par les services fixes à courte distance, à condition de ne pas brouiller les services mobiles.

*Remarque.*—Une conférence européenne qui aura lieu avant l'entrée en vigueur du présent Règlement, pourra décider exceptionnellement d'annexer à son protocole certaines des dérogations particulières qu'elle aura pu décider dans les bandes régionales et qu'elles estimera devoir y faire figurer. Ces dérogations s'ajouteront à celles prévues dans les notes relatives au tableau qui précède.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
1,500-1,600	200-187.5		1,500-1,560 (200-192.3) Broadcasting <sup>(17)</sup> 1,560-1,600 (192.3-187.5) Mobile except aeronautical <sup>(19)</sup>	(a) Fixed (b) Mobile (c) Broadcasting
1,600-1,715 ( <sup>18</sup> ) ( <sup>21</sup> )	187.5-174.9		1,600-1,630 (187.5-184.0) (a) Fixed (b) Maritime mobile, A1 and A2 only 1,630-1,670 (184.0-179.6) Calling- and distress-wave for the maritime mobile services (A3 only) <sup>(20)</sup> 1,670-1,715 (179.6-174.9) Mobile except aeronautical (A3 only)	(a) Fixed (b) Mobile
1,715-2,000	174.9-150		1,715-1,925 (174.9-155.8) (a) Amateur (b) Fixed (c) Maritime mobile 1,925-2,000 (155.8-150) (a) Amateur (b) Maritime mobile (A3 only)	(a) Amateur (b) Fixed (c) Mobile

[111] <sup>17</sup> It is necessary for the frequencies of the carrier waves of broadcasting stations to keep a separation of 5 kc at least, from the upper limit of the allocated band.

[112] <sup>18</sup> The frequency of 1,650 kc (181.8 m) shall be both a calling-wave and the distress-wave for the mobile service of radiotelephony with low-power ship stations. The use of this wave shall be regulated by the provisions of article 31.

[113] <sup>19</sup> As a general rule, this frequency band shall be reserved for the telephone service with low-power ship stations. The countries whose ships do not use this type of communication will avoid the use of telegraphy in this band in regions adjacent to those where this telephone service is operated.

[114] <sup>20</sup> No traffic can be carried on in the band of 1,630-1,670 kc (184.0-179.6 m).

[115] <sup>21</sup> Within Europe, the frequency bands of 1,560-1,630 kc and of 1,670-1,715 kc (192.3-184.0 and 179.6-174.9 m) may be used by the short-distance fixed services, provided that they will not interfere with the mobile services.

[116] *Note.*—A European conference, which shall take place before the going into effect of these Regulations, may decide, as an exception, to annex to its protocol certain special derogations upon which it may decide in the *regional bands* and which it may deem necessary to show therein. Such derogations will be added to those provided for in the notes relating to the preceding table.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
2 000-3 500	150-85,71		2 000-2 050 (150-146,3) <sup>22)</sup> a) Fixes b) Mobiles ma- ritimes 2 050-2 070 (146,3-144,9) Radiosondages 2 070-2 330 (144,9-128,8) a) Fixes b) Mobiles ma- ritimes 2 330-2 360 (128,8-127,1) non ouverts à la correspon- dance pu- blique <sup>23)</sup> 2 360-2 635 (127,1-113,9) a) Fixes b) Mobiles ma- ritimes 2 635-2 660 (113,9-112,8) non ouverts à la correspon- dance pu- blique <sup>23)</sup> 2 660-2 810 (112,8-106,8) a) Fixes b) Mobiles sauf aéronautiques 2 810-2 860 (106,8-104,9) Aéronautiques 2 860-2 900 (104,9-103,4) a) Fixes b) Mobiles sauf aéronautiques 2 900-2 925 (103,4-102,6) Radiophares maritimes	2 000-2 300 (150-130,4) <sup>22)</sup> a) Fixes b) Mobiles 2 300-2 500 (130,4-120) a) Fixes b) Mobiles c) Radiodiffu- sion <sup>24)</sup> 2 500-3 300 (120-90,91) a) Fixes b) Mobiles

<sup>22)</sup> Sur tout le territoire de l'U.R.S.S. la bande de 2 000 à 2 050 kc/s (150 à 146,3 m) est utilisée exclusivement par les services aéronautiques sous réserve qu'aucune interférence ne se produise avec les services autorisés des autres pays.

<sup>23)</sup> Sur tout le territoire de l'U.R.S.S. les attributions des bandes de 2 330 à 2 360 kc/s (128,8 à 127,1 m), de 2 635 à 2 660 kc/s (113,9 à 112,8 m), de 3 065 à 3 095 kc/s (97,88 à 96,93 m) de 3 635 à 3 685 kc/s (82,53 à 81,41 m) et de 4 480 à 4 530 kc/s (68,96 à 66,23 m) sont faites conformément à la dernière colonne du tableau (Autres régions).

<sup>24)</sup> Pour les conditions d'utilisation de ces bandes par le service de la radiodiffusion, voir le § 8.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
2,000–3,500	150–85.71		2,000–2,050 (150–146.3) <sup>(22)</sup>	2,000–2,300 (150–130.4) <sup>(22)</sup>
			(a) Fixed	(a) Fixed
			(b) Maritime mobile	(b) Mobile
			2,050–2,070 (146.3–144.9)	
			Radiousounding	
			2,070–2,330 (144.9–128.8)	2,300–2,500 (130.4–120)
			(a) Fixed	(a) Fixed
			(b) Maritime mobile	(b) Mobile
			2,330–2,360 (128.8–127.1)	(c) Broadcast- ing <sup>(24)</sup>
			not open to public correspondence <sup>(23)</sup>	
			2,360–2,635 (127.1–113.9)	2,500–3,300 (120–90.91)
(a) Fixed	(a) Fixed			
(b) Maritime mobile	(b) Mobile			
2,635–2,660 (113.9–112.8)				
not open to public correspondence <sup>(23)</sup>				
2,660–2,810 (112.8–106.8)				
(a) Fixed				
(b) Mobile except aeronautical				
2,810–2,860 (106.8–104.9)				
Aeronautical				
2,860–2,900 (104.9–103.4)				
(a) Fixed				
(b) Mobile except aeronautical				
2,900–2,925 (103.4–102.6)				
Maritime radio-beacons				

[117] <sup>22</sup> Over the entire territory of the U.S.S.R. the band from 2,000 to 2,050 kc (150 to 146.3 m) shall be used exclusively by the aeronautical services, provided that no interference occurs to the authorized services of other countries.

[118] <sup>23</sup> Over the entire territory of the U.S.S.R. allocations of the bands of 2,330 to 2,360 kc (128.8 to 127.1 m), 2,635 to 2,660 kc (113.9 to 112.8 m), 3,065 to 3,095 kc (97.83 to 96.93 m), 3,635 to 3,685 kc (82.53 to 81.41 m) and 4,480 to 4,530 kc (66.96 to 66.23 m) shall be made in accordance with the last column of the table (Other regions).

[119] <sup>24</sup> For the conditions of use of these bands by the broadcasting service, see § 8.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
2 000-3 500	150-85,71		2 925-2 930 (102,6-102,4) Mesures de l'iono- sphère 2 930-3 065 (102,4-97,88) a) Fixes b) Mobiles 3 065-3 095 (97,88-96,93) non ouverts à la correspon- dance publi- que <sup>23)</sup> 3 095-3 245 (96,93-92,45) a) Fixes b) Mobiles 3 245-3 305 (92,45-90,77) Aéronautiques 3 305-3 500 (90,77-85,71) a) Fixes b) Mobiles	3 300-3 500 (90,91-85,71) a) Fixes b) Mobiles c) Radiodiffu- sion <sup>24)</sup>
3 500-4 000	85,71-75		3 500-3 635 (85,71-82,53) a) Amateurs b) Fixes c) Mobiles 3 635-3 685 (82,53-81,41) non ouverts à la correspon- dance publi- que <sup>23)</sup> 3 685-3 950 (81,41-75,95) a) Amateurs b) Fixes c) Mobiles 3 950-4 000 (75,95-75) Aéronautiques	a) Amateurs b) Fixes c) Mobiles

<sup>23)</sup> Sur tout le territoire de l'U.R.S.S. les attributions des bandes de 2 330 à 2 360 kc/s (123,8 à 127,1 m), de 2 635 à 2 660 kc/s (113,9 à 112,8 m), de 3 065 à 3 095 kc/s (97,88 à 96,93 m) de 3 635 à 3 685 kc/s (82,53 à 81,41 m) et de 4 480 à 4 530 kc/s (66,96 à 66,23 m) sont faites conformément à la dernière colonne du tableau (Autres régions).

<sup>24)</sup> Pour les conditions d'utilisation de ces bandes par le service de la radiodiffusion, voir le § 8.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
2, 000—3, 500	150—85. 71		2,925—2,930 (102.6—102.4) Ionosphere measurements 2,930—3,065 (102.4—97.88) (a) Fixed (b) Mobile 3,065—3,095 (97.88—96.93) not open to public corre- spondence <sup>(18)</sup>  3,095—3,245 (96.93—92.45) (a) Fixed (b) Mobile 3,245—3,305 (92.45—90.77) Aeronautical 3,305—3,500 (90.77—85.71) (a) Fixed (b) Mobile	3,300—3,500 (90.91—85.71) (a) Fixed (b) Mobile (c) Broadcast- ing <sup>(19)</sup>
3,500—4,000	85.71—75		3,500—3,635 (85.71—82.53) (a) Amateur (b) Fixed (c) Mobile 3,635—3,685 (82.53—81.41) not open to public corre- spondence <sup>(18)</sup>  3,685—3,950 (81.41—75.95) (a) Amateur (b) Fixed (c) Mobile 3,950—4,000 (75.95—75) Aeronautical	(a) Amateur (b) Fixed (c) Mobile

[118] <sup>18</sup> Over the entire territory of the U.S.S.R. allocations of the bands of 2,330 to 2,360 kc (128.8 to 127.1 m), 2,635 to 2,660 kc (113.9 to 112.8 m), 3,065 to 3,095 kc (97.88 to 96.93 m), 3,635 to 3,685 kc (82.53 to 81.41 m) and 4,480 to 4,530 kc (66.96 to 66.23 m) shall be made in accordance with the last column of the table (Other regions).

[119] <sup>19</sup> For the conditions of use of these bands by the broadcasting service, see § 8.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
4 000-5 500	75-54,55	a) Fixes b) Mobiles	Exception pour 4 480-4 530 (66, 96-66,23) non ouverts à la cor- respondance publique <sup>25)</sup> 25)	4 000-4 770 (75-62,89) <sup>25)</sup>  a) Fixes b) Mobiles 4 770-4 965 (62,89-60,42) <sup>25)</sup>  a) Fixes b) Mobiles c) Radiodiffusion <sup>26)</sup>  4 965-5 500 (60,42-54,55)  a) Fixes b) Mobiles

Fréquences kc/s	Longueurs d'onde m	Services
		Attribution générale
5 500-5 640	54,55-53,19	Mobiles
5 640-5 700	53,19-52,63	Aéronautiques
5 700-6 000	52,63-50	Fixes
6 000-6 200 <sup>26)</sup>	50-48,39	Radiodiffusion
6 200-6 675 <sup>27) 28)</sup>	48,39-44,94	Mobiles
6 675-7 000	44,94-42,86	Fixes
7 000-7 200	42,86-41,67	Amateurs
7 200-7 300 <sup>29)</sup>	41,67-41,10	a) Amateurs b) Radiodiffusion

<sup>25)</sup> Sur tout le territoire de l'U.R.S.S. les attributions des bandes de 2 230 à 2 360 kc/s (123,8 à 127,1 m), de 2 635 à 2 660 kc/s (113,9 à 112,8 m), de 3 065 à 3 095 kc/s (97,88 à 96,93 m) de 3 635 à 3 685 kc/s (82,53 à 81,41 m) et de 4 480 à 4 530 kc/s (66,96 à 66,23 m) sont faites conformément à la dernière colonne du tableau (Autres régions).

<sup>26)</sup> Pour les conditions d'utilisation de ces bandes par le service de la radiodiffusion, voir le § 8.

<sup>27)</sup> Sur tout le territoire de l'U.R.S.S. les bandes de 4 000 à 4 050 kc/s (75 à 74,07 m) et de 4 780 à 4 820 kc/s (63,16 à 62,24 m) sont utilisées exclusivement par les services aéronautiques.

<sup>28)</sup> Les administrations s'efforceront de déplacer aussi rapidement que possible les stations autres que celles de radiodiffusion se trouvant actuellement dans les bandes 6 150-6 200 kc/s (48,78-48,39 m); 9 600-9 700 kc/s (31,25-30,93 m); 17 800-17 850 kc/s (16,85-16,81 m); 21 550-21 750 kc/s (13,92-13,79 m).

Elles devront, par ailleurs, prendre toutes dispositions utiles pour que les stations de radiodiffusion émettant hors des bandes allouées à ce service soient ramenées dans les bandes de la radiodiffusion.

<sup>29)</sup> Pour l'utilisation de cette bande par les services aéronautiques voir le § 9.

<sup>30)</sup> L'onde de 6 210 kc/s (48,31 m) est l'onde générale d'appel pour les stations d'aéronef travaillant dans la bande comprise entre 6 000 et 25 000 kc/s (50-12 m) sauf là où des accords régionaux en disposent autrement.

<sup>31)</sup> Cette bande ne peut être utilisée par la radiodiffusion que dans les régions autres que le continent américain (y compris les territoires et possessions des états de ce continent).

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
4, 000–5, 500	75–54. 55	(a) Fixed (b) Mo- bile	Except for 4,480– 4,530 (66.96– 66.23) not open to pub- lic correspond- ence <sup>(23)</sup> <sup>(25)</sup>	4,000–4,770 (75–62.89) <sup>(25)</sup> (a) Fixed (b) Mobile 4,770–4,965 (62.89– 60.42) <sup>(25)</sup> (a) Fixed (b) Mobile (c) Broadcast- ing <sup>(24)</sup> 4,965–5,500 (60.42– 54.55) (a) Fixed (b) Mobile

Frequencies kc	Wavelengths m	Services
		General allocation
5, 500–5, 640	54. 55–53. 19	Mobile
5, 640–5, 700	53. 19–52. 63	Aeronautical
5, 700–6, 000	52. 63–50	Fixed
6, 000–6, 200 <sup>(26)</sup>	50–48. 39	Broadcasting
6, 200–6, 675 <sup>(27)</sup> <sup>(28)</sup>	48. 39–44. 94	Mobile
6, 675–7, 000	44. 94–42. 86	Fixed
7, 000–7, 200	42. 86–41. 67	Amateur
7, 200–7, 300 <sup>(29)</sup>	41. 67–41. 10	(a) Amateur (b) Broadcasting

[118] <sup>23</sup> Over the entire territory of the U.S.S.R. allocations of the bands of 2,330 to 2,360 kc (128.8 to 127.1 m), 2,635 to 2,660 kc (113.9 to 112.8 m), 3,065 to 3,095 kc (97.88 to 96.93 m), 3,635 to 3,685 kc (82.53 to 81.41 m) and 4,480 to 4,530 kc (66.96 to 66.23 m) shall be made in accordance with the last column of the table (Other regions).

[119] <sup>24</sup> For the conditions of use of these bands by the broadcasting service, see § 8.

[120] <sup>25</sup> Over the entire territory of the U. S. S. R. the bands of 4,000 to 4,050 kc (75 to 74.07 m) and 4,750 to 4,820 kc (63.16 to 62.24 m) shall be used exclusively by the aeronautical services.

[121] <sup>26</sup> The administrations shall endeavor to remove, as soon as possible, the stations other than broadcasting stations which are now in the bands of 6,150–6,200 kc (48.78–48.39 m); 9,600–9,700 kc (31.25–30.93 m); 17,800–17,850 kc (16.85–16.81 m); 21,550–21,750 kc (13.92–13.79 m).

[122] Furthermore, they must take all the necessary precautions to insure that the broadcasting stations transmitting outside of the frequency bands allotted to this service may be brought back into the broadcasting bands.

[123] <sup>27</sup> For the use of this band by the aeronautical services, see § 9.

[124] <sup>28</sup> The wave of 6,210 kc (48.31 m) shall be the general calling-wave for aircraft stations working in the band included between 6,000 and 26,000 kc (50–12 m), except where regional agreements provide otherwise.

[125] <sup>29</sup> This band may be used for broadcasting only in regions other than the American Continents (including territories and possessions of the states of these continents).

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences kc/s	Longueurs d'onde m	Services
		Attribution générale
7 300-8 200	41,10-36,59	Fixes
8 200-8 550 <sup>27)</sup>	36,59-35,09	Mobiles
8 550-8 900 <sup>27)</sup>	35,09-33,71	a) Fixes b) Mobiles
8 900-9 500	33,71-31,58	Fixes
9 500-9 700 <sup>28)</sup>	31,58-30,93	Radiodiffusion
9 700-11 000	30,93-27,27	Fixes
11 000-11 400 <sup>27)</sup>	27,27-26,32	Mobiles
11 400-11 700	26,32-25,64	Fixes
11 700-11 900	25,64-25,21	Radiodiffusion
11 900-12 300	25,21-24,39	Fixes
12 300-12 825 <sup>27)</sup>	24,39-23,39	Mobiles
12 825-13 350 <sup>27)</sup>	23,39-22,47	a) Fixes b) Mobiles
13 350-14 000	22,47-21,43	Fixes
14 000-14 400	21,43-20,83	Amateurs
14 400-15 100	20,83-19,87	Fixes
15 100-15 350	19,87-19,54	Radiodiffusion
15 350-16 400	19,54-18,29	Fixes
16 400-17 100	18,29-17,54	Mobiles
17 100-17 750 <sup>27)</sup>	17,54-16,90	a) Fixes b) Mobiles
17 750-17 850 <sup>28)</sup>	16,90-16,81	Radiodiffusion
17 850-21 450	16,81-13,99	Fixes
21 450-21 750 <sup>28)</sup>	13,99-13,79	Radiodiffusion
21 750-22 300	13,79-13,45	Mobiles
22 300-24 600 <sup>27)</sup>	13,45-12,20	a) Fixes b) Mobiles
24 600-25 000	12,20-12	Mobiles

<sup>28)</sup> Les administrations s'efforceront de déplacer aussi rapidement que possible les stations autres que celles de radiodiffusion se trouvant actuellement dans les bandes 6 150-6 200 kc/s (48,78-48,39 m); 9 600-9 700 kc/s (31,25-30,93 m); 17 800-17 850 kc/s (16,85-16,81 m); 21 650-21 750 kc/s (13,92-13,79 m).

Elles devront, par ailleurs, prendre toutes dispositions utiles pour que les stations de radiodiffusion émettant hors des bandes allouées à ce service soient ramenées dans les bandes de la radiodiffusion.

<sup>27)</sup> Pour l'utilisation de cette bande par les services aéronautiques voir le § 9.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies kc	Wavelengths m	Services
		General allocation
7, 300–8, 200	41. 10–36. 59	Fixed
8, 200–8, 550 <sup>(27)</sup>	36. 59–35. 09	Mobile
8, 550–8, 900 <sup>(27)</sup>	35. 09–33. 71	(a) Fixed (b) Mobile
8, 900–9, 500	33. 71–31. 58	Fixed
9, 500–9, 700 <sup>(28)</sup>	31. 58–30. 93	Broadcasting
9, 700–11, 000	30. 93–27. 27	Fixed
11, 000–11, 400 <sup>(27)</sup>	27. 27–26. 32	Mobile
11, 400–11, 700	26. 32–25. 64	Fixed
11, 700–11, 900	25. 64–25. 21	Broadcasting
11, 900–12, 300	25. 21–24. 39	Fixed
12, 300–12, 825 <sup>(27)</sup>	24. 39–23. 39	Mobile
12, 825–13, 350 <sup>(27)</sup>	23. 39–22. 47	(a) Fixed (b) Mobile
13, 350–14, 000	22. 47–21. 43	Fixed
14, 000–14, 400	21. 43–20. 83	Amateur
14, 400–15, 100	20. 83–19. 87	Fixed
15, 100–15, 350	19. 87–19. 54	Broadcasting
15, 350–16, 400	19. 54–18. 29	Fixed
16, 400–17, 100	18. 29–17. 54	Mobile
17, 100–17, 750 <sup>(27)</sup>	17. 54–16. 90	(a) Fixed (b) Mobile
17, 750–17, 850 <sup>(28)</sup>	16. 90–16. 81	Broadcasting
17, 850–21, 450	16. 81–13. 99	Fixed
21, 450–21, 750 <sup>(28)</sup>	13. 99–13. 79	Broadcasting
21, 750–22, 300	13. 79–13. 45	Mobile
22, 300–24, 600 <sup>(27)</sup>	13. 45–12. 20	(a) Fixed (b) Mobile
24, 600–25, 000	12. 20–12	Mobile

[121] \* The administrations shall endeavor to remove, as soon as possible, the stations other than broadcasting stations which are now in the bands of 6,150–6,200 kc (48.78–48.39 m); 9,600–9,700 kc (31.25–30.93 m); 17,800–17,850 kc (16.85–16.81 m); 21,550–21,750 kc (13.92–13.79 m).

[122] Furthermore, they must take all the necessary precautions to insure that the broadcasting stations transmitting outside of the frequency bands allotted to this service may be brought back into the broadcasting bands.

[123] \* For the use of this band by the aeronautical services, see § 9.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 kc/s (30 000 à 1,5 m)—Continuée.

Fréquences Mc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
25-25,6	12-11,72	Mobiles		Continent américain Radiodif- fusion.
25,6-26,6	11,72-11,28	Radiodiffusion		
26,6-27,5	11,28-10,91	Fixes		Continent améri- cain 26,6-27 (11,28- 11,11)—Radio- diffusion. 27-27,5 (11,11- 10,91) Fixes et Mobiles.
27,5-28	10,91-10,71	Radiosondages		Continent améri- cain Fixes— Mobiles—Ra- diosondages
28-30	10,71-10	Amateurs—Expériences		
30-32	10-9,375		Postes de petite puissance <sup>20)</sup>	Régional <sup>21)</sup>
32-32,5	9,375-9,231		Radiophares mari- times	Régional <sup>21)</sup>
32,5-40	9,231- 7,5	<sup>22)</sup>	Aéronautiques	Régional <sup>21)</sup>
40-40,5	7,5-7,407		Fixes-Mobiles	Régional <sup>21)</sup>
40,5-56	7,407-5,357		Télévision et pos- tes de petite puis- sance <sup>20)</sup> <i>Nota: Les pays voisins s'enten- dront pour placer dans la bande 40, 5- 58, 5 (7,407-5, 128) leur voies de télévision de manière à laisser libre dans chaque pays une bande de 6 Mc/s pour les postes de pe- tite puissance.</i>	Régional <sup>21)</sup>

<sup>20)</sup> Il faut entendre par postes de petite puissance, des postes dont la puissance est inférieure à 1 kW.

<sup>21)</sup> En ce qui concerne l'attribution des fréquences supérieures à 30 Mc/s (longueurs d'onde inférieures à 10 m), le tableau de l'appendice 4 indique une répartition qui servira de base pour les recherches et les expériences ultérieures sur le continent américain.

<sup>22)</sup> Les diverses administrations conviennent de protéger dans leurs pays respectifs les fréquences 32,3 Mc/s, 38,0 Mc/s, 75 Mc/s, 94,3 Mc/s et 110,3 Mc/s (9, 7,895, 4, 3,181, 2,710 m) utilisées pour la protection de la navigation sur les lignes aériennes internationales.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies mc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
25-25.6	12-11.72	Mobile		American Continents: Broadcasting
25.6-26.6	11.72-11.28	Broadcasting		
26.6-27.5	11.28-10.91	Fixed		American Continents 26.6-27 (11.28-11.11) Broadcasting 27-27.5 (11.11-10.91) Fixed and Mobile
27.5-28	10.91-10.71	Radiosounding		American Continents: Fixed-Mobile-Radiosounding
28-30	10.71-10	Amateurs-Experiments		
30-32	10-9.375		Low-power stations <sup>(26)</sup>	Regional <sup>(21)</sup>
32-32.5	9.375-9.231		Maritime radio-beacons	Regional <sup>(21)</sup>
32.5-40	9.231-7.5	<sup>(22)</sup>	Aeronautical	Regional <sup>(21)</sup>
40-40.5	7.5-7.407		Fixed-Mobile	Regional <sup>(21)</sup>
40.5-56	7.407-5.357		Television and low-power stations <sup>(26)</sup> <i>Note: Adjacent countries shall arrange among themselves to place their television channels in the band of 40.5-58.5 (7.407-5.128), in order to leave one 6-mc band free in each country for low-power stations.</i>	Regional <sup>(21)</sup>

[126] <sup>26</sup> By low-power stations must be understood stations by which the power is below 1 kw.

[127] <sup>21</sup> With respect to the assignment of the frequencies above 30 mc (wavelengths below 10 m), the table in appendix 4 indicates a distribution which will be used on the American Continents as a basis for future research and experiments.

[128] <sup>22</sup> The different administrations undertake to protect, in their respective countries, the frequencies of 33.3 mc, 38 mc, 75 mc, 94.3 mc, and 110.3 mc (9, 7.895, 4, 3.181, 2.710 m) used for the protection of navigation on international airlines.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 KC/S (30 000 À 1,5 m)—Continuée.

Fréquences Mc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
56-58, 5	5, 357-5, 128		Télévision et postes de petite puissance <sup>30)</sup> <i>Nota:</i> Les administrations pourront autoriser éventuellement les amateurs à utiliser la bande 56-58,5 (5,357-5,128)	Amateurs—Expériences
58, 5-60	5, 128-5		Amateurs. Expériences. Postes de petite puissance <sup>30)</sup>	Amateurs—Expériences
60-64	5-4, 688		Postes de petite puissance <sup>30)</sup>	Régional <sup>31)</sup>
64-70, 5	4, 688-4, 255		Télévision	Régional <sup>31)</sup>
70, 5-74, 5	4, 255-4, 027		Postes de petite puissance <sup>30)</sup>	Régional <sup>31)</sup>
74, 5-75, 5	4, 027-3, 974	<sup>32)</sup>	Aéronautiques	Régional <sup>31)</sup>
75, 5-85	3, 974-3, 529		Postes de petite puissance <sup>30)</sup>	Régional <sup>31)</sup>
85-94	3, 529-3, 191		Télévision	Régional <sup>31)</sup>
94-94, 5	3, 191-3, 175	<sup>32)</sup>	Aéronautiques	Régional <sup>31)</sup>
94, 5-95, 5	3, 175-3, 141		Radiosondages	Régional <sup>31)</sup>
95, 5-110	3, 141-2, 727		Postes de petite puissance <sup>30)</sup>	Régional <sup>31)</sup>
110-110, 5	2, 727-2, 715	<sup>32)</sup>	Aéronautiques	Régional <sup>31)</sup>
110, 5-112	2, 715-2, 679		Postes de petite puissance <sup>30)</sup>	Régional <sup>31)</sup>
112-120	2, 679-2, 5		Postes de petite puissance <sup>30)</sup> <i>Nota:</i> Les administrations pourront éventuellement autoriser les amateurs à utiliser la bande 112-120 (2, 679-2, 5)	Régional <sup>31)</sup>

<sup>30)</sup> Il faut entendre par postes de petite puissance, des postes dont la puissance est inférieure à 1 k W.

<sup>31)</sup> En ce qui concerne l'attribution des fréquences supérieures à 30 Mc/s (longueurs d'onde inférieures à 10 m), le tableau de l'appendice 4 indique une répartition qui servira de base pour les recherches et les expériences ultérieures sur le continent américain.

<sup>32)</sup> Les diverses administrations conviennent de protéger dans leurs pays respectifs les fréquences 33,3 Mc/s, 38,0 Mc/s, 75 Mc/s, 94,3 Mc/s et 110,3 Mc/s (9, 7,895, 4, 3,181, 2,710 m) utilisées pour la protection de la navigation sur les lignes aériennes internationales.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies mc	Wavelengths m	Services		
		General allocation	Regional allocations	
			European region	Other regions
56-58.5	5.357-5.128		Television and low-power stations <sup>(30)</sup> <i>Note: The administrations may, if need be, authorize amateurs to use the band of 56-58.5 (5.357-5.128).</i>	Amateur-Experiments
58.5-60	5.128-5		Amateur. Experiments. Low-power stations. <sup>(30)</sup>	Amateur-Experiments
60-64	5-4.688		Low-power stations <sup>(30)</sup>	Regional <sup>(31)</sup>
64-70.5	4.688-4.255		Television	Regional <sup>(31)</sup>
70.5-74.5	4.255-4.027		Low-power stations <sup>(30)</sup>	Regional <sup>(31)</sup>
74.5-75.5	4.027-3.974	<sup>(32)</sup>	Aeronautical	Regional <sup>(31)</sup>
75.5-85	3.974-3.529		Low-power stations <sup>(30)</sup>	Regional <sup>(31)</sup>
85-94	3.529-3.191		Television	Regional <sup>(31)</sup>
94-94.5	3.191-3.175	<sup>(32)</sup>	Aeronautical	Regional <sup>(31)</sup>
94.5-95.5	3.175-3.141		Radiosounding	Regional <sup>(31)</sup>
95.5-110	3.141-2.727		Low-power stations <sup>(30)</sup>	Regional <sup>(31)</sup>
110-110.5	2.727-2.715	<sup>(32)</sup>	Aeronautical	Regional <sup>(31)</sup>
110.5-112	2.715-2.679		Low-power stations <sup>(30)</sup>	Regional <sup>(31)</sup>
112-120	2.679-2.5		Low-power stations <sup>(30)</sup> <i>Note: The administrations, if need be, may authorize the amateurs to use the band of 112-120 (2.679-2.5).</i>	Regional <sup>(31)</sup>

[126] <sup>30</sup> By low-power stations must be understood stations by which the power is below 1 kw.

[127] <sup>31</sup> With respect to the assignment of the frequencies above 30 mc (wavelengths below 10 m), the table in appendix 4 indicates a distribution which will be used on the American Continents as a basis for future research and experiments.

[128] <sup>32</sup> The different administrations undertake to protect, in their respective countries, the frequencies of 33.3 mc, 38 mc, 75 mc, 94.3 mc, and 110.3 mc (9, 7.895, 4, 3.181, 2.710 m) used for the protection of navigation on international airlines.

RÉPARTITION DES BANDES DE FRÉQUENCES ENTRE 10 ET 200 000 KC/S (30 000 À 1,5 m)—Continuée.

Fréquences Mc/s	Longueurs d'onde m	Services		
		Attribution générale	Attributions régionales	
			Région européenne	Autres régions
120-150	2,5-2		Postes de petite puissance <sup>*)</sup>	Régional <sup>*)</sup>
150-157	2-1,911		Aéronautiques	Régional <sup>*)</sup>
157-162	1,911-1,852		Mobiles	Régional <sup>*)</sup>
162-170	1,852-1,765		Postes de petite puissance <sup>*)</sup>	Régional <sup>*)</sup>
170-200	1,765-1,5		Télévision et radio- diffusion	Régional <sup>*)</sup>

<sup>\*)</sup> Il faut entendre par postes de petite puissance, des postes dont la puissance est inférieure à 1 kW.

<sup>\*)</sup> En ce qui concerne l'attribution des fréquences supérieures à 30 Mc/s (longueurs d'onde inférieures à 10 m), le tableau de l'appendice 4 indique une répartition qui servira de base pour les recherches et les expériences ultérieures sur le continent américain.

§ 8. Les services de radiodiffusion peuvent utiliser des fréquences comprises entre 2 300 et 2 500 kc/s (130,4 et 120 m), entre 3 300 et 3 500 kc/s (90,91 et 85,71 m) et entre 4 770 et 4 965 kc/s (62,89 et 60,42 m) aux conditions suivantes:

I. FRÉQUENCES COMPRISSES ENTRE 2 000 ET 3 500 KC/S (150 ET 85,71 M).

1° Dans la région comprise entre le méridien 30° Ouest et le méridien 50° Est d'une part (en se dirigeant vers l'est à partir du méridien 30° Ouest), le parallèle 30° N et le parallèle 30° S d'autre part, les deux bandes ci-dessous:

2 300-2 500 kc/s (130,4-120 m)

3 300-3 500 kc/s (90,91-85,71 m)

peuvent être employées pour les services de radiodiffusion, concurremment avec les services fixes et mobiles. Des accords régionaux fixeront la puissance maxima de nuit et la répartition des fréquences à l'intérieur de ces bandes, de manière à éviter

- a) que des brouillages ne se produisent dans la région considérée,
- b) que les stations de radiodiffusion de cette région ne provoquent des brouillages avec les stations des services fixes et mobiles travaillant déjà dans ces bandes.

2° Dans la région comprise entre le méridien 50° Est et le méridien 140° Ouest d'une part (en se dirigeant vers l'est à partir du méridien 50° Est), le parallèle 30° N et le parallèle 30° S d'autre part, à l'exclusion des îles Hawaï, les deux bandes de fréquences ci-dessus mentionnées peuvent être employées pour les services de radiodiffusion concurremment avec les services fixes et mobiles. Des accords régionaux fixeront la répartition des fréquences à l'intérieur de ces bandes de manière à éviter que des brouillages ne se produisent dans la région dont il s'agit.

## ALLOCATION OF FREQUENCY BANDS BETWEEN 10 AND 200,000 KC (30,000 AND 1.5 M)—Continued

Frequencies mc	Wavelengths m	Services		
		General alloca- tion	Regional allocations	
			European region	Other regions
120-150	2.5-2		Low-power sta- tions <sup>(30)</sup>	Regional <sup>(31)</sup>
150-157	2-1.911		Aeronautical	Regional <sup>(31)</sup>
157-162	1.911-1.852		Mobile	Regional <sup>(31)</sup>
162-170	1.852-1.765		Low-power sta- tions <sup>(30)</sup>	Regional <sup>(31)</sup>
170-200	1.765-1.5		Television a n d broadcasting	Regional <sup>(31)</sup>

[126] \* By low-power stations must be understood stations by which the power is below 1 kw.

[127] \* With respect to the assignment of the frequencies above 30 mc (wavelengths below 10 m), the table in appendix 4 indicates a distribution which will be used on the American Continents as a basis for future research and experiments.

[129] §8. The broadcasting services may use the frequencies included between 2,300 and 2,500 kc (130.4 and 120 m), between 3,300 and 3,500 kc (90.91 and 85.71 m), and between 4,770 and 4,965 kc (62.89 and 60.42 m) under the following conditions:

[130] I. FREQUENCIES INCLUDED BETWEEN 2,000 AND 3,500 KC  
(150 AND 85.71 M)

[131] 1. In the region included between meridian 30° W. and meridian 50° E., on the one hand (going east from meridian 30° W.), parallel 30° N. and parallel 30° S., on the other, the following two frequency bands—

2,300-2,500 kc (130.4-120 m)  
3,300-3,500 kc (90.91-85.71 m)

may be used for the broadcasting services jointly with the fixed and mobile services. Regional agreements will determine the maximum night power and the distribution of frequencies within these bands in such a way as to avoid:

[132] (a) the occurrence of interference in the region considered,  
[133] (b) the creation of interference, by broadcasting stations of this region, with the stations of fixed and mobile services already working in these bands.

[134] 2. In the region included between meridian 50° E. and meridian 140° W., on the one hand (going east from meridian 50° E.), parallel 30° N. and parallel 30° S., on the other hand, excluding the Hawaiian Islands, the above two frequency bands may be used for the broadcasting services concurrently with the fixed and mobile services. Regional agreements will determine the distribution of frequencies within these bands in such a manner as to avoid the occurrence of interference in the region involved.

3° Dans la région comprise entre le méridien 30° Ouest et le méridien 140° Ouest (en se dirigeant vers l'ouest à partir du méridien 30° Ouest).

- a) en ce qui concerne la zone située au sud du parallèle 5° de latitude sud, la bande de 2 300 à 2 500 kc/s (130,4 à 120 m) peut être employée par les services de radiodiffusion, concurremment avec les services mobiles;
- b) en ce qui concerne les pays du continent américain compris entre le sud du Mexique et le nord de la Colombie, la bande de 2 300 à 2 350 kc/s (130,4 à 127,7 m) peut être réservée à la radiodiffusion. Cette allocation est faite en vertu d'un accord aux termes duquel il ne sera pas utilisé plus de 2 fréquences distinctes par pays à l'intérieur de cette bande, avec des restrictions convenables relativement à la puissance et à l'emploi d'antennes directives, et à condition que les stations de radiodiffusion ne provoquent pas de brouillages des stations des autres services qui utilisent actuellement ces fréquences, au nord et au sud de la partie du continent américain considérée au présent paragraphe;
- c) en outre, la bande de 2 350 à 2 400 kc/s (de 127,7 à 125 m) peut être employée pour la radiodiffusion par le Guatemala, El Salvador, le Honduras, le Nicaragua, Costa-Rica, Panama et la zone du Canal. Cet emploi est subordonné à un accord régional conclu entre les administrations des pays ci-dessus mentionnés, en vue d'éviter tout brouillage des services fixes et mobiles existants.
- d) en ce qui concerne les possessions anglaises, françaises et néerlandaises situées à l'est du méridien 80° Ouest d'une part, entre le parallèle 20° N et la côte de l'Amérique du Sud d'autre part, la bande de 2 300 à 2 400 kc/s (130,4–125 m) peut être employée par les services de radiodiffusion, concurremment avec les services fixes et mobiles, à condition que les stations de radiodiffusion ne provoquent pas de brouillages des stations des services fixes et mobiles du continent américain qui travaillent déjà dans cette bande.

## II. FRÉQUENCES COMPRISES ENTRE 4 000 ET 5 500 KC/S (75 ET 54,55 M).

1° Dans la région comprise entre le méridien 0° et le méridien 140° Ouest d'une part (en se dirigeant vers l'est à partir du méridien 0°), le parallèle 30° N et le parallèle 30° S d'autre part, la bande de 4 835 à 4 965 kc/s (62,05 à 60,42 m) peut être employée par les services de radiodiffusion concurremment avec les services fixes et mobiles, à condition:

- a) que les stations de radiodiffusion ne provoquent pas de brouillages des stations fixes qui travaillent déjà dans cette bande. Dans ce but, il y aura lieu de faire usage, autant que possible, d'antennes directives;
- b) que la puissance maximum de nuit desdites stations n'excède pas 5 kilowatts.

2° Dans la région comprise entre le méridien 0° et le méridien 30° Ouest d'une part (en se dirigeant vers l'ouest à partir du méridien 0°), le parallèle 30° N et le parallèle 30° S d'autre part, la bande de 4 770 à 4 900 kc/s (62,89–61,22 m)—voies utilisables 4 775–4 895

[135] 3. In the region included between meridian  $30^{\circ}$  W. and meridian  $140^{\circ}$  W. (going west from meridian  $30^{\circ}$  W.):

[136] (a) As regards the zone situated south of parallel  $5^{\circ}$  S. latitude, the band of 2,300–2,500 kc (130.4–120 m) may be used by the broadcasting services concurrently with the mobile services.

[137] (b) As regards the countries of the American Continents included between the south of Mexico and the north of Colombia, the frequency band of 2,300–2,350 kc (130.4–127.7 m) may be reserved for broadcasting. This allocation is made pursuant to an agreement under the terms of which no more than two separate frequencies a country will be used within this band, with suitable restrictions as to power and the use of directive antennas, and on the condition that the broadcasting stations do not cause interference with the stations of other services now using these frequencies, north and south of that part of the American Continents considered in this paragraph.

[138] (c) In addition, the band of 2,350–2,400 kc (127.7–125 m) may be used for broadcasting by Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and the Canal Zone. This use shall be subject to a regional agreement concluded between the administrations of the countries above mentioned, so as to avoid causing any interference in the existing fixed and mobile services.

[139] (d) Regarding the possessions of Great Britain, France, and the Dutch East Indies, which are located to the east of meridian  $80^{\circ}$  W., on the one hand, between parallel  $20^{\circ}$  N. and the coast of South America, on the other, the frequency band of 2,300–2,400 kc (130.4–125 m) may be used by the broadcasting services concurrently with the fixed and mobile services, on condition that the broadcasting stations cause no interference with the fixed and mobile stations of the American Continents which are already working in this band.

[140] II. FREQUENCIES INCLUDED BETWEEN 4,000 AND 5,500 KC (75 AND 54.55 M)

[141] 1. In the region included between meridian  $0^{\circ}$  and meridian  $140^{\circ}$  W., on the one hand (going east from meridian  $0^{\circ}$ ), parallel  $30^{\circ}$  N. and parallel  $30^{\circ}$  S., on the other, the band 4,835–4,965 kc (62.05–60.42 m) may be used by the broadcasting services concurrently with the fixed and mobile services, on condition:

[142] (a) That the broadcasting stations cause no interference with the fixed stations which are already working in this band. For that purpose, directional antennas should be used so far as possible.

[143] (b) That the maximum night power of the said stations does not exceed 5 kw.

[144] 2. In the region included between meridian  $0^{\circ}$  and meridian  $30^{\circ}$  W., on the one hand (going west from meridian  $0^{\circ}$ ), parallel  $30^{\circ}$  N. and parallel  $30^{\circ}$  S., on the other, the frequency band of 4,770 to 4,900 kc (62.89–61.22 m)—usable channels 4,775–4,895 kc (62.83–

kc/s (62,83–61,29 m)—peut être employée par les services de radio-diffusion, concurremment avec les services fixes et mobiles, sous les mêmes réserves que celles qui figurent aux alinéas a) et b) de 1° ci-dessus.

3° Dans la région de l'Amérique du Sud située au nord du parallèle 5° S, la bande de 4 770 à 4 900 kc/s (62,89–61,22 m)—voies utilisables 4 775–4 895 kc/s (62,83–61,29 m)—peut être employée par les services de radiodiffusion concurremment avec les services fixes et mobiles sous les mêmes réserves que celles qui figurent aux alinéas a) et b) de 1° ci-dessus.

### III. PRESCRIPTIONS DIVERSES S'APPLIQUANT À LA RADIODIFFUSION DANS LES RÉGIONS TROPICALES.

1° Les administrations intéressées s'engagent à collaborer pour rendre aussi efficace que possible la radiodiffusion dans les trois bandes de 2 300–2 500 kc/s (130,4–120 m), 3 300–3 500 kc/s (90,91–85,71 m) et 4 835–4 965 kc/s (62,05–60,42 m).

2° En ce qui concerne les dispositions relatives à la radiodiffusion dans les régions tropicales, les administrations intéressées dans la zone située entre le méridien 50° Est et le méridien 140° Ouest en se dirigeant vers l'est, d'une part, et entre le parallèle 30° N et le parallèle 30° S, d'autre part (à l'exclusion des îles Hawaï) se consulteront au sujet de la puissance et de la fréquence à employer dans l'établissement de nouvelles stations de radiodiffusion utilisant une puissance supérieure à 1 kW.

§ 9. Répartition des fréquences pour les services aéronautiques entre 6 000 et 25 000 kc/s (50–12 m).

a) Dans la région européenne, l'U.R.S.S., l'Afrique et l'Amérique du Sud, les bandes qui suivent sont attribuées à titre exclusif aux services aéronautiques:

6 500– 6 600 kc/s	(46,15–45,45 m)
8 480– 8 580 kc/s	(35,38–34,97 m)
11 300–11 400 kc/s	(26,55–26,32 m)
12 770–12 830 kc/s	(23,49–23,38 m)
17 250–17 375 kc/s	(17,39–17,27 m)
23 200–23 380 kc/s	(12,93–12,83 m)

b) Attribution générale des fréquences pour les routes aériennes intercontinentales.

Les fréquences (longueurs d'onde) suivantes sont réservées sur une base mondiale pour les routes aériennes intercontinentales.

1	2	3
Bande de fréquences de l'aéronautique	Subdivision des bandes par route	Fréquences affectées à chaque route kc/s (m)
6 500–6 600 kc/s (46,15–45,45 m)	6 500–6 520 kc/s (46,15–45,45 m) Route: Europe–Afrique	6 503 (46,13), 6 510 (46,08), 6 517 (46,03)

61.29 m)—may be used by the broadcasting services concurrently with the fixed and mobile services, subject to the same conditions as those appearing in paragraphs (a) and (b) of 1 above [Nos. 142 and 143].

[145] 3. In the region of South America situated north of parallel 5° S., the band of 4,770 to 4,900 kc (62.89–61.22 m)—usable channels 4,775–4,895 kc (62.83–61.29 m)—may be used by the broadcasting services concurrently with the fixed and mobile services, subject to the same conditions as those appearing in paragraphs (a) and (b) of 1 above [Nos. 142 and 143].

[146] III. VARIOUS PROVISIONS APPLYING TO BROADCASTING IN TROPICAL REGIONS

[147] 1. The interested administrations undertake to collaborate with a view to making broadcasting as efficient as possible in the three bands of 2,300–2,500 kc (130.4–120 m), 3,300–3,500 kc (90.91–85.71 m), and 4,835–4,965 kc (62.05–60.42 m).

[148] 2. With respect to the provisions relating to broadcasting in tropical regions, the administrations concerned, in the zone located between the meridian of 50° E. and the meridian of 140° W., going east, on the one hand, and between parallel 30° N. and that of 30° S., on the other hand (excluding the Hawaiian Islands), shall consult each other regarding the power and the frequency to be used in constructing new broadcasting stations using power in excess of 1 kw.

[149] §9. *Allocation of Frequencies for Aeronautical Services Between 6,000 and 25,000 kc (50–12 m)*

[150] (a) In the European region, in the U. S. S. R., in Africa, and in South America, the following bands shall be assigned exclusively to the aeronautical services:

6,500–6,600 kc	(46.15–45.45 m)
8,480–8,580 kc	(35.38–34.97 m)
11,300–11,400 kc	(26.55–26.32 m)
12,770–12,830 kc	(23.49–23.38 m)
17,250–17,375 kc	(17.39–17.27 m)
23,200–23,380 kc	(12.93–12.83 m)

[151] (b) General allocation of frequencies for intercontinental aeronautical routes.

[152] The following frequencies (wavelengths) shall be reserved, on a universal basis, for intercontinental aeronautical routes:

Intercontinental  
aeronautical routes.

1	2	3
Aeronautical frequency band	Band subdivision by routes	Frequency assignments to each route kc (m)
6,500–6,600 kc (46.15–45.45 m)	6,500–6,520 kc (46.15–46.01 m) Route: Europe–Africa	6,503 (46.13), 6,510 (46.08), 6,517 (46.03)

1	2	3
Bande de fréquences de l'aéronautique	Subdivision des bandes par route	Fréquences affectées à chaque route kc/s (m)
6 500-6 600 kc/s (46,15-45,45 m)	6 520-6 540 kc/s (46,01-45,87m) Route: (1) Europe—Amérique du Sud  (2) Europe—Amérique du Nord via Arctique	6 523 (45,99), 6 530 (45,94), 6 537 (45,89), 6 550 (45,80)* 6 523 (45,99), 6 530 (45,94), 6 537 (45,89).
	6 540-6 560 kc/s (45,87-45,73 m) Bande auxiliaire	6 543 (45,85)* 6 550 (45,80)* 6 557 (45,75)*
	6 560-6 580 kc/s (45,73-45,59 m) Route: (1) Europe—Amérique du Nord  (2) Transpacifique	6 563 (45,71), 6 570 (45,66), 6 577 (45,61), 6 543 (45,85)* 6 563 (45,71), 6 570 (45,66), 6 577 (45,61), 6 557 (45,75)*
	6 580-6 600 kc/s (45,59-45,45 m) Route: (1) Europe—Asie—Australie  (2) Interaméricaine	6 583 (45,57), 6 590 (45,52), 6 597 (45,48), 6 557 (45,75)* 6 583 (45,57), 6 590 (45,52), 6 597 (45,48), 6 557 (45,75)*
	8 215-8 235 kc/s (36,52-36,43 m)	[voir note a)] 8 215-8 235 kc/s (36,52-36,43 m) Route: Interaméricaine
8 480-8 580 kc/s (35,38-34,97 m)	8 480-8 489 kc/s (35,38-35,34 m) Route: Europe—Amérique du Nord, via Arctique	8 485 (35,36)
	[voir note b)] 8 489-8 512 kc/s (35,34-35,24 m) Route: Europe—Afrique	8 492 (35,33), 8 500 (35,29), 8 507 (35,27)
	[voir note b)] 8 512-8 535 kc/s (35,24-35,15 m) Route: Europe—Asie—Australie	8 515 (35,23), 8 523 (35,20), 8 531 (35,17)
	8 535-8 558 kc/s (35,15-35,05 m) Route: Europe—Amérique du Nord	8 538 (35,14), 8 546 (35,10), 8 554 (35,07)

\*Fréquence supplémentaire qui ne doit être employée qu'en cas de brouillage ou lorsque les conditions de trafic ne permettent pas d'utiliser les autres fréquences assignées à cette route.

1	2	3
Aeronautical frequency band	Band subdivision by routes	Frequency assignments to each route kc (m)
6,500-6,600 kc (46.15-45.45 m)	6,520-6,540 kc (46.01-45.87 m) Route: (1) Europe—South America (2) Europe—North America via Arctic	6,523 (45.99), 6,530 (45.94), 6,537 (45.89), 6,550 (45.80)* 6,523 (45.99), 6,530 (45.94), 6,537 (45.89)
	6,540-6,560 kc (45.87-45.73 m) Auxiliary band	6,543 (45.85)* 6,550 (45.80)* 6,557 (45.75)*
	6,560-6,580 kc (45.73-45.59 m) Route: (1) Europe—North America (2) Trans-Pacific	6,563 (45.71), 6,570 (45.66), 6,577 (45.61), 6,543 (45.85)* 6,563, (45.71), 6,570 (45.66), 6,577 (45.61), 6,557 (45.75)*
	6,580-6,600 kc (45.59-45.45 m) Route: (1) Europe—Asia—Australia (2) Inter-American	6,583 (45.57), 6,590 (45.52), 6,597 (45.48), 6,557 (45.75)* 6,583 (45.57), 6,590 (45.52), 6,597 (45.48), 6,557 (45.75)*
	8,215-8,235 kc (36.52-36.43 m)	(See no. 154) 8,215-8,235 kc (36.52-36.43 m) Route: Inter-American
8,480-8,580 kc (35.38-34.97 m)	8,480-8,489 kc (35.38-35.34 m) Route: Europe—North America via Arctic	8,485 (35.36)
	(See no. 155) 8,489-8,512 kc (35.34-35.24 m) Route: Europe—Africa	8,492 (35.33), 8,500 (35.29), 8,507 (35.27)
	(See no. 155) 8,512-8,535 kc (35.24-35.15 m) Route: Europe—Asia—Australia	8,515 (35.23), 8,523 (35.20), 8,531 (35.17)
	8,535-8,558 kc (35.15-35.05 m) Route: Europe—North America	8,538 (35.14), 8,546 (35.10), 8,554 (35.07)

[153] \*Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route.

1	2	3
Bande de fréquences de l'aéronautique	Subdivision des bandes par route	Fréquences affectées à chaque route kc/s (m)
8 480-8 580 kc/s (35,38-34,97 m)	8 558-8 580 kc/s (35,05-34,97 m) Route: (1) Europe—Amérique du Sud (2) Transpacifique	8 561 (35,04), 8 569 (35,01), 8 577 (34,98) 8 561 (35,04), 8 569 (35,01), 8 577 (34,98)
11 300-11 400 kc/s (26,55-26,32 m)	11 300-11 325 kc/s (26,55-26,49 m) Route: Europe—Amérique du Nord	11 306 (26,54), 11 319 (26,50)
	11 325-11 350 kc/s (26,49-26,43 m) Route: (1) Europe—Afrique (2) Europe—Amérique du Nord via Arctique	11 331 (26,48), 11 344 (26,45) 11 331 (26,48), 11 344 (26,45)
	11 350-11 375 kc/s (26,43-26,38 m) Route: (1) Europe—Amérique du Sud (2) Transpacifique	11 356 (26,43), 11 369 (26,38) 11 356 (26,43), 11 369 (26,38)
	11 375-11 400 kc/s (26,38-26,32 m) Route: (1) Europe—Asie—Australie (2) Interaméricaine	11 381 (26,36), 11 394 (26,33) 11 381 (26,36), 11 394 (26,33)
	12 770-12 830 kc/s (23,49-23,38 m)	12 770-12 782 kc/s (23,49-23,47 m) Route: Europe—Amérique du Nord
	[voir note b ] 12 782-12 794 kc/s (23,47-23,45 m) Bande auxiliaire	12 788 (23,47)*
	[voir note b ] 12 794-12 806 kc/s (23,45-23,42 m) Route: Europe—Asie—Australie	12 800 (23,44), 12 788 (23,47)*
	12 806-12 818 kc/s (23,42-23,40 m) Route: Europe—Afrique	12 812 (23,42), 12 788 (23,47)*
	12 818-12 830 kc/s (23,40-23,38 m) Route: (1) Europe—Amérique du Sud (2) Transpacifique	12 824 (23,39) 12 824 (23,39)

1	2	3
Aeronautical frequency band	Band subdivision by routes	Frequency assignments to each route kc (m)
8,480–8,580 kc (35.38–34.97 m)	8,558–8,580 kc (35.05–34.97 m) Route: (1) Europe—South America (2) Trans-Pacific	8,561 (35.04), 8,569 (35.01), 8,577 (34.98) 8,561 (35.04), 8,569 (35.01), 8,577 (34.98)
11,300–11,400 kc (26.55–26.32 m)	11,300–11,325 kc (26.55–26.49 m) Route: Europe—North America	11,306 (26.54), 11,319 (26.50)
	11,325–11,350 kc (26.49–26.43 m) Route: (1) Europe—Africa (2) Europe—North America via Arctic	11,331 (26.48), 11,344 (26.45) 11,331 (26.48), 11,344 (26.45)
	11,350–11,375 kc (26.43–26.38 m) Route: (1) Europe—South America (2) Trans-Pacific	11,356 (26.43), 11,369 (26.38) 11,356 (26.43), 11,369 (26.38)
	11,375–11,400 kc (26.38–26.32 m) Route: (1) Europe—Asia—Australia (2) Inter-American	11,381 (26.36), 11,394 (26.33) 11,381 (26.36), 11,394 (26.33)
	12,770–12,830 kc (23.49–23.38 m)	12,770–12,782 kc (23.49–23.47 m) Route: Europe—North America
(See no. 155) 12,782–12,794 kc (23.47–23.45 m) Auxiliary band		12,788 (23.47)*
(See no. 155) 12,794–12,806 kc (23.45–23.42 m) Route: Europe—Asia—Australia		12,800 (23.44), 12,788 (23.47)*
12,806–12,818 kc (23.42–23.40 m) Route: Europe—Africa		12,812 (23.42), 12,788 (23.47)*
12,818–12,830 kc (23.40–23.38 m) Route: (1) Europe—South America (2) Trans-Pacific		12,824 (23.39) 12,824 (23.39)

[\*See footnote on p. 1461.]

1	2	3
Bande de fréquences de l'aéronautique	Subdivision des bandes par route	Fréquences affectées à chaque route kc/s (m)
17 250-17 375 kc/s (17,39-17,27 m)	17 250-17 281 kc/s (17,39-17,36 m) Route: (1) Europe—Asie—Australie (2) Interaméricaine	17 257 (17,38), 17 274 (17,37) 17 257 (17,38), 17 274 (17,37)
	17 281-17 312 kc/s (17,36-17,33 m) Route: (1) Europe—Afrique (2) Europe—Amérique du Nord via Arctique	17 288 (17,35)*, 17 305 (17,34) 17 288 (17,35)
	17 312-17 343 kc/s (17,33-17,30 m) Route: (1) Europe—Amérique du Sud (2) Transpacifique	17 319 (17,32), 17 336 (17,30) 17 319 (17,32), 17 336 (17,30)
	17 343-17 374 kc/s (17,30-17,27 m) Route: Europe—Amérique du Nord	17 350 (17,29), 17 367 (17,27) [voir note b)] 17 288 (17,35)*
23 200-23 380 kc/s (12,93-12,83 m)	23 200-23 245 kc/s (12,93-12,90 m) Route: Europe—Amérique du Nord	23 211 (12,92), 23 234 (12,91)
	23 245-23 290 kc/s (12,90-12,88 m) Route: (1) Europe—Amérique du Sud (2) Europe—Amérique du Nord via Arctique	23 256 (12,90), 23 279 (12,89) 23 256 (12,90), 23 279 (12,89)
	23 290-23 335 kc/s (12,88-12,85 m) Route: (1) Europe—Afrique (2) Interaméricaine	23 301 (12,88), 23 324 (12,86) 23 301 (12,88), 23 324 (12,86)
	23 335-23 380 kc/s (12,85-12,83 m) Route: (1) Europe—Asie—Australie (2) Transpacifique	23 346 (12,85), 23 369 (12,84) 23 346 (12,85), 23 369 (12,84)

Note a) Les services existant en dehors du continent américain jouissent de la priorité.

Note b) Les services existants du continent américain, ainsi que des territoires et possessions des états de ce continent, jouissent de la priorité.

1	2	3
Aeronautical frequency band	Band subdivision by routes	Frequency assignments to each route kc (m)
17,250-17,375 kc (17.39-17.27 m)	17,250-17,281 kc (17.39-17.36 m) Route: (1) Europe-Asia-Australia (2) Inter-American	17,257 (17.38), 17,274 (17.37) 17,257 (17.38), 17,274 (17.37)
	17,281-17,312 kc (17.36-17.33 m) Route: (1) Europe-Africa (2) Europe-North America via Arctic	17,288 (17.35),* 17,305 (17.34) 17,288 (17.35)
	17,312-17,343 kc (17.33-17.30 m) Route: (1) Europe-South America (2) Trans-Pacific	17,319 (17.32), 17,336 (17.30) 17,319 (17.32), 17,336 (17.30)
	17,343-17,374 kc (17.30-17.27 m) Route: Europe-North America	17,350 (17.29), 17,367 (17.27) (See No. 155) 17,288 (17.35)*
23,200-23,380 kc (12.93-12.83 m)	23,200-23,245 kc (12.93-12.90 m) Route: Europe-North America	23,211 (12.92), 23,234 (12.91)
	23,245-23,290 kc (12.90-12.88 m) Route: (1) Europe-South America (2) Europe-North America via Arctic	23,256 (12.90), 23,279 (12.89) 23,256 (12.90), 23,279 (12.89)
	23,290-23,335 kc (12.88-12.85 m) Route: (1) Europe-Africa (2) Inter-American	23,301 (12.88), 23,324 (12.86) 23,301 (12.88), 23,324 (12.86)
	23,335-23,380 kc (12.85-12.83 m) Route: (1) Europe-Asia-Australia (2) Trans-Pacific	23,346 (12.85), 23,369 (12.84) 23,346 (12.85), 23,369 (12.84)

[154] Note (a) Services existing outside the American Continents shall enjoy priority.

[155] Note (b) Existing services of the American Continents, as well as of the territories and possessions of the states of these continents, shall enjoy priority.

\*See footnote on p. 1461.]

*Remarque 1.* Sauf exceptions mentionnées dans les notes a) et b), les stations aéronautiques et d'aéronef employant les fréquences des routes auxquelles elles sont assignées ont la priorité sur tous les autres services.

*Remarque 2.* Les fréquences assignées aux routes intercontinentales indiquées sont à la disposition des services aéronautiques de tous les pays utilisant ces routes. Les usagers de ces fréquences coopèrent en ce qui concerne l'exploitation des stations, afin d'éviter des brouillages mutuels.

*Remarque 3.* Sur les routes intercontinentales, seules les émissions type A1 peuvent être effectuées.

*Remarque 4.* Dans la Région européenne, l'U.R.S.S., l'Afrique et l'Amérique du Sud, les bandes mentionnées dans le tableau du § 9 a) du présent article peuvent être employées exclusivement pour le service aéronautique, sous réserve de la priorité indiquée par la Remarque 1 ci-dessus. Ces bandes peuvent être employées dans d'autres régions pour les services aéronautiques, exclusivement ou non exclusivement, dans les conditions indiquées à la Remarque 1.

*Remarque 5.* Dans la région européenne, la partie des bandes mobiles entre 6 000 et 25 000 kc/s (50 et 12 m) qui n'est pas allouée en exclusivité aux services aéronautiques demeure affectée exclusivement aux services mobiles maritimes, excepté pour l'onde générale d'appel des stations aéronautiques 6 210 kc/s (48,31 m). Toutefois, les stations mobiles aéronautiques pourront effectuer leur service de correspondance publique avec les stations côtières dans les bandes des services mobiles maritimes, conformément à des accords qui interviendront entre les administrations intéressées.

§ 10. (1) L'usage des ondes du type B est interdit dans toutes les stations radioélectriques. Par exception, dans les stations de navire, il est admis sur les fréquences suivantes:

375 kc/s (800 m) radiogoniométrie seulement.  
425 kc/s (706 m) trafic.  
500 kc/s (600 m).

(2) L'usage des ondes du type B de toutes fréquences sera interdit à partir du 1er janvier 1940, sauf pour les émetteurs de navire qui, travaillant à pleine puissance, dépenseront moins de 300 watts mesurés aux bornes de l'alternateur.

(3) Les administrations s'efforceront d'abandonner le plus tôt possible les ondes du type B autres que l'onde de 500 kc/s (600 m).

§ 11. (1) Dans les régions de trafic intense des côtes de l'Europe les postes de navire, travaillant en ondes du type A2, dans la gamme de 365 à 550 kc/s (822 à 545 m), doivent utiliser, dans la mesure du possible, les fréquences de 425 kc/s (706 m) et de 480 kc/s (625 m).

(2) Aucune station côtière européenne n'est autorisée à employer ces fréquences.

§ 12. L'emploi des ondes du type A1 seulement est autorisé entre 100 et 160 kc/s (3 000 et 1 875 m); la seule exception à cette règle est relative aux ondes du type A2 qui peuvent être utilisées dans la bande de 100 à 125 kc/s (3 000 à 2 400 m) pour les signaux horaires exclusivement.

[156] *Remark 1.* Except as indicated in Notes (a) and (b) [Nos. 154 and 155], aeronautical and aircraft stations using frequencies on the routes to which they are assigned shall have priority over all other services.

[157] *Remark 2.* The frequencies assigned to the intercontinental routes indicated shall be available to the aeronautical services of all countries using these routes. Users of the frequencies shall cooperate concerning the operation of stations so as to avoid mutual interference.

[158] *Remark 3.* Type-A1 emissions only may be used on the intercontinental routes.

[159] *Remark 4.* In the European region, the U.S.S.R., Africa, and South America, the bands mentioned in the table in §9 (a) of this article [No. 150] may be used exclusively for the aeronautical service, subject to the priority specified in *Remark 1* above. [No. 156]. These bands may also be used in other regions for aeronautical services, exclusively or not, subject to the conditions contained in *Remark 1*. [No. 156].

*Ante*, p. 1459.

[160] *Remark 5.* In the European region, that part of the mobile bands between 6,000 and 25,000 kc (50 and 12 m) which is not exclusively allocated to the aeronautical services shall remain assigned exclusively to the maritime mobile services, except for the general calling-wave for aeronautical stations 6,210 kc (48.31 m). However, aeronautical mobile stations may carry on their public correspondence with coast stations in the bands of the maritime mobile services, in accordance with agreements to be made between the administrations concerned.

[161] §10. (1) The use of type-B waves shall be forbidden in all radio stations. As an exception, it shall be permitted in ship stations on the following frequencies:

Type-B waves.

375 kc (800 m) radio direction-finding only,  
425 kc (706 m) traffic,  
500 kc (600 m).

[162] (2) The use of type-B waves on all frequencies shall be prohibited, beginning January 1, 1940, except for ship transmitters which, when working at full power, shall use less than 300 watts measured at the terminals of the alternator.

[163] (3) The administrations shall endeavor to abandon as soon as possible type-B waves other than the 500-kc (600-m) wave.

[164] §11. (1) In regions of intense traffic on the coasts of Europe, ship stations operating on type-A2 waves in the range of 365 to 550 kc (822–545 m) must, so far as possible, use the frequencies of 425 kc (706 m) and of 480 kc (625 m).

[165] (2) No European coast station is authorized to use these frequencies.

[166] §12. The use of type-A1 waves only shall be authorized between 100 and 160 kc (3,000 and 1,875 m); the only exception to this rule shall be for type-A2 waves which may be used in the band 100 to 125 kc (3,000 to 2,400 m) for time signals exclusively.

§ 13. Dans la bande de 460 à 550 kc/s (652 à 545 m), aucun type d'émission susceptible de rendre inopérants les signaux de détresse, d'alarme, de sécurité ou d'urgence, émis sur 500 kc/s (600 m), n'est autorisé.

§ 14. (1) Dans la bande de 325 à 345 kc/s (923 à 870 m), aucun type d'émission susceptible de rendre inopérants les signaux de détresse, de sécurité ou d'urgence, n'est autorisé.

(2) Cette règle ne s'applique pas aux régions où des accords particuliers en disposent autrement.

§ 15. (1) En principe, toute station qui assure un service entre points fixes sur une onde de fréquence inférieure à 110 kc/s (longueur d'onde supérieure à 2 727 m) doit employer une seule fréquence, choisie parmi les bandes attribuées audit service (§ 7 ci-dessus), pour chacun des émetteurs qu'elle comporte, susceptibles de fonctionner simultanément.

(2) Il n'est pas permis à une station de faire usage, pour un service entre points fixes, d'une fréquence autre que celle attribuée comme il est dit ci-dessus.

§ 16. En principe, les stations emploient les mêmes fréquences et les mêmes types d'émission pour les transmissions de messages par la méthode unilatérale que pour leur service normal. Toutefois, des arrangements régionaux peuvent être réalisés en vue de dispenser les stations intéressées de se soumettre à cette règle.

§ 17. Une station fixe peut effectuer, sur sa fréquence normale de travail, comme service secondaire, des émissions destinées aux stations mobiles, à condition:

- a) que les administrations intéressées jugent nécessaire d'utiliser cette méthode exceptionnelle de travail;
- b) qu'il n'en résulte aucune augmentation des brouillages.

§ 18. Afin de faciliter l'échange des messages météorologiques synoptiques dans les régions européennes, les fréquences 41,6 kc/s; 42,25 kc/s; 89,5 kc/s et 99,85 ks/s (7 210 m; 7 100 m; 3 352 m et 3 005 m) sont attribuées au service météorologique.

§ 19. (1) Pour faciliter la transmission et la distribution rapides des renseignements utiles à la découverte des crimes et à la poursuite des criminels, une fréquence entre 37,5 et 100 kc/s (entre 8 000 et 3 000 m) sera réservée pour cet objet, par des arrangements régionaux [à savoir, pour l'Europe, l'onde de 83,40 kc/s (3 597 m)].

(2) En outre, les fréquences de 3 490 kc/s (85,96 m), 4 165 kc/s (72,03 m), 6 792 kc/s (44,17 m) sont attribuées aux services de police, dans les régions situées en dehors du continent américain.

§ 20. Chaque administration peut attribuer aux stations d'amateur des bandes de fréquences conformes au tableau de répartition (§ 7 ci-dessus).

§ 21. En vue de réduire les brouillages dans les bandes de fréquences supérieures à 4 000 kc/s (longueurs d'onde inférieures à 75 m), utilisées par le service mobile, et en particulier pour éviter de gêner les communications téléphoniques à grande distance de ce

[167] §13. In the band 460 to 550 kc (652 to 545 m) no type of emission capable of rendering inoperative the distress, alarm, safety, or urgent signals sent on 500 kc (600 m) shall be authorized.

Distress, etc., signals, interferences.

[168] §14. (1) In the band 325 to 345 kc (923 to 870 m), no type of emission capable of rendering inoperative distress, safety, or urgent signals shall be authorized.

[169] (2) This rule shall not apply to regions in which special agreements provide otherwise.

[170] §15. (1) In principle, any station carrying on a service between fixed points on a wave with a frequency below 110 kc (wavelength above 2,727 m) must use only one frequency, chosen from the bands allocated to the said service (§7 above), for each of its transmitters capable of simultaneous operation.

Use of only one frequency.

[171] (2) A station shall not be permitted to use a frequency other than that allocated as stated above, for a service between fixed points.

[172] §16. In principle, the stations shall use the same frequencies and the same types of emission for the transmission of messages by the unilateral method as for their normal service. Regional arrangements may, however, be made for the purpose of exempting the stations concerned from complying with this rule.

[173] §17. A fixed station may, as secondary service, on its normal working frequency, make transmissions intended for mobile stations on the following conditions:

Transmissions for mobile stations; conditions.

[174] (a) that the administrations concerned deem it necessary to use this exceptional working-method;

[175] (b) that no increase in interference results therefrom.

[176] §18. In order to facilitate the exchange of synoptic meteorological messages in the European regions, the frequencies of 41.6 kc, 42.25 kc, 89.5 kc, and 99.85 kc (7,210 m, 7,100 m, 3,352 m, and 3,005 m) shall be allocated to the meteorological service.

Exchange of synoptic meteorological messages.

[177] §19. (1) To facilitate rapid transmission and distribution of information of value in the detection of crime and pursuit of criminals, a frequency between 37.5 and 100 kc (between 8,000 and 3,000 m) shall be reserved for this purpose by regional arrangements [namely, for Europe, the wave of 83.40 kc (3,597 m)].

Criminal detection, etc.

[178] (2) In addition, the frequencies of 3,490 kc (85.96 m), 4,165 kc (72.03 m), 6,792 kc (44.17 m) shall be assigned to police services, in the regions located outside of the American Continents.

Police services.

[179] §20. Each administration may allocate to amateur stations frequency bands in accordance with the allocation table (§7 above).

Amateur stations.

[180] §21. In order to decrease interference in the frequency bands above 4,000 kc (wavelengths below 75 m), used by the mobile service, and particularly in order to avoid interfering with the long-distance telephone communications of this service, the administrations agree to

Interference provisions.

service, les administrations sont d'accord pour adopter, autant que possible, les règles suivantes, en tenant compte du développement de la technique courante:

- (1) a) Dans les bandes de fréquences supérieures à 5 500 kc/s (longueurs d'onde inférieures à 54,55 m) attribuées exclusivement au service mobile, les fréquences (longueurs d'onde) qui devront être utilisées par les stations de navire affectées au service commercial seront du côté des basses fréquences (ondes plus longues) et spécialement dans les limites des bandes harmoniques énumérées ci-dessous:

5 500 à 5 550 kc/s	(54,55 à 54,05 m)
6 200 à 6 250 kc/s	(48,39 à 48 m)
8 230 à 8 330 kc/s	(36,45 à 36,01 m)
11 000 à 11 100 kc/s	(27,27 à 27,03 m)
12 340 à 12 500 kc/s	(24,31 à 24 m)
16 460 à 16 660 kc/s	(18,23 à 18,01 m)
22 000 à 22 200 kc/s	(13,64 à 13,51 m).

*Note.* Les bandes de fréquences de 4 115 à 4 165 kc/s (72,90 à 72,03 m) peuvent également être utilisées par les stations susdites [voir aussi (2), c) ci-dessous].

- b) Cependant, toute station commerciale de navire dont l'émission satisfait aux tolérances de fréquence exigées des stations terrestres au § 2, (1) de l'article 6, peut émettre sur la même fréquence que la station côtière avec laquelle elle communique.
- c) Quant une communication, pour laquelle aucun arrangement spécial n'a été fait, doit être établie entre une station de navire, d'une part, et une autre station de navire ou une station côtière, d'autre part, la station mobile utilisera une des fréquences suivantes situées approximativement au milieu des bandes:

4 140 kc/s	(72,46 m)
5 520 kc/s	(54,35 m)
6 210 kc/s	(48,31 m)
8 280 kc/s	(36,23 m)
11 040 kc/s	(27,17 m)
12 420 kc/s	(24,15 m)
16 560 kc/s	(18,12 m)
22 080 kc/s	(13,59 m).

*Note.* Les administrations sont d'accord pour indiquer, en notifiant la fréquence d'une station côtière, celle des ondes spécifiées à l'alinéa (1), c) sur laquelle l'écoute sera faite.

- (2) a) Les stations de navire affectées au service commercial n'utiliseront les bandes communes supérieures à 4 000 kc/s (longueurs d'onde inférieures à 75 m) qu'autant que leurs émissions satisferont aux tolérances de fréquence spécifiées pour les stations terrestres au § 2, (1) de l'article 6. Dans ces cas, les fréquences employées doivent être choisies du côté des fréquences les plus hautes (ondes plus courtes) de la bande commune et, plus spécialement, dans les limites des bandes harmoniques énumérées ci-dessous:

4 400 à 4 450 kc/s	(68,18 à 67,42 m)
8 800 à 8 900 kc/s	(34,09 à 33,71 m)
13 200 à 13 350 kc/s	(22,73 à 22,47 m)
17 600 à 17 750 kc/s	(17,05 à 16,90 m)
22 900 à 23 000 kc/s	(13,10 à 13,04 m).

adopt the following rules, wherever possible, taking into account current engineering development:

- [181] (1) (a) In the frequency bands above 5,500 kc (wavelengths below 54.55 m) allocated exclusively to the mobile service, the frequencies (wavelengths) which must be used by ship stations carrying on commercial service shall be on the low-frequency (long-wave) side of the band, and especially within the limits of the harmonic bands enumerated below:

5,500 to 5,550 kc (54.55 to 54.05 m)  
 6,200 to 6,250 kc (48.39 to 48 m)  
 8,230 to 8,330 kc (36.45 to 36.01 m)  
 11,000 to 11,100 kc (27.27 to 27.03 m)  
 12,340 to 12,500 kc (24.31 to 24 m)  
 16,460 to 16,660 kc (18.23 to 18.01 m)  
 22,000 to 22,200 kc (13.64 to 13.51 m)

- [182] *Note.*—The frequency bands of 4,115 to 4,165 kc (72.90 to 72.03 m) may also be used by the above-mentioned stations [see also (2) (c) below.] [No. 188]

- [183] (b) However, any commercial ship station the emissions of which comply with the frequency tolerances required of land stations under §2 (1) of article 6 [No. 71], may transmit on the same frequency as the coast station with which it communicates.

*Ante*, p. 1429.

- [184] (c) When a communication for which no special arrangement has been made must be established between a ship station, on one hand, and another ship station or a coast station, on the other hand, the mobile station shall use one of the following frequencies situated approximately in the middle of the bands:

4,140 kc (72.46 m)  
 5,520 kc (54.35 m)  
 6,210 kc (48.31 m)  
 8,280 kc (36.23 m)  
 11,040 kc (27.17 m)  
 12,420 kc (24.15 m)  
 16,560 kc (18.12 m)  
 22,080 kc (13.59 m)

- [185] *Note.*—The administrations agree, in reporting the frequency of a coast station, to indicate on which one of the waves specified in No. 184 listening will be carried on.

- [186] (2) (a) Ship stations carrying on commercial service shall use the shared bands above 4,000 kc (wavelengths below 75 m) only when their emissions comply with the frequency tolerances specified for land stations in §2 (1) of article 6 [No. 71]. In this case, the frequencies used must be chosen on the higher-frequency (shorter-wave) side of the shared band and, more especially, in the limits of the harmonic bands enumerated below:

4,400 to 4,450 kc (68.18 to 67.42 m)  
 8,800 to 8,900 kc (34.09 to 33.71 m)  
 13,200 to 13,350 kc (22.73 to 22.47 m)  
 17,600 to 17,750 kc (17.05 to 16.90 m)  
 22,900 to 23,000 kc (13.10 to 13.04 m)

- b) On peut également utiliser des fréquences choisies dans la portion de la bande réservée aux services mobiles de 6 600 à 6 675 kc/s (45,45 à 44,94 m), en relation harmonique avec les bandes précédentes.
- c) Les prescriptions de l'alinéa (2), a) ne s'appliquent pas à la portion de la bande commune entre 4 115 et 4 165 kc/s (72,90 et 72,03 m) qui peut être utilisée par toute station de navire affectée au service commercial.
- (3) En choisissant les fréquences des nouvelles stations fixes et côtières, les administrations éviteront d'employer les fréquences des bandes spécifiées dans les alinéas (1), a), (2) a), (2), b) et (2), c).

§ 22. (1) Il est reconnu que les fréquences entre 5 000 et 30 000 kc/s (60 et 10 m) sont susceptibles de se propager sur de grandes distances.

(2) Etant donné que l'emploi de ces fréquences pour des communications à courte ou à moyenne distance est susceptible de brouiller les communications à grande distance, les administrations s'efforceront, dans toute la mesure du possible, de réserver les fréquences de cette bande pour des communications à grande distance.

(3) Il est recommandé de n'utiliser pour la radiodiffusion à longue distance dans cette bande de fréquences, que des émetteurs d'une puissance au moins égale à 5 kW.

§ 23. En Europe, Afrique, Asie, les radiophares directionnels de faible puissance et dont la portée ne dépasse pas 50 km environ peuvent faire usage de toute fréquence dans la bande de 1 560 à 3 500 kc/s (192,3 à 85,71 m), à l'exception de la bande de protection de 1 630 à 1 670 kc/s (184,0 à 179,6 m), sous réserve d'accord des pays dont les services sont susceptibles d'être brouillés.

#### ARTICLE 8.

##### *Stations d'amateur et stations expérimentales privées.*

§ 1. L'échange de communications entre stations d'amateur et entre stations expérimentales privées de pays différents est interdit si l'administration de l'un des pays intéressés a notifié son opposition à cet échange.

§ 2. (1) Lorsque cet échange est permis, les communications doivent s'effectuer en langage clair et se limiter aux messages ayant trait aux expériences et à des remarques d'un caractère personnel pour lesquelles, en raison de leur manque d'importance, le recours au service télégraphique public ne saurait entrer en considération. Il est absolument interdit aux titulaires des stations d'amateur de transmettre des communications internationales émanant de tierces personnes.

(2) Les dispositions ci-dessus peuvent être modifiées par des arrangements particuliers entre les pays intéressés.

§ 3. Dans les stations d'amateur ou dans les stations expérimentales privées, autorisées à effectuer des émissions, toute personne manœuvrant les appareils, pour son propre compte ou pour celui de tiers, doit avoir prouvé qu'elle est apte à transmettre les textes en signaux du

- [187] (b) Frequencies chosen in the portion of the band reserved to mobile services from 6,600 to 6,675 kc (45.45 to 44.94 m), in harmonic relation with the preceding bands, may also be used.
- [188] (c) The provisions of paragraph (2) (a) [No. 186] shall not apply to the portion of the shared band between 4,115 and 4,165 kc (72.90 and 72.03 m) which may be used by any ship station carrying on a commercial service.
- [189] (3) In selecting frequencies for new fixed and coast stations, the administrations shall avoid using the frequencies in the bands specified in paragraphs (1) (a), (2) (a), (2) (b), and (2) (c) [Nos. 181, 186, 187, and 188].

[190] §22. (1) It is recognized that the frequencies between 5,000 and 30,000 kc (60 and 10 m) are capable of propagation over great distances.

Long-distance communications.

[191] (2) The administrations shall make every possible effort to reserve the frequencies of this band for long-distance communications, in view of the fact that their use for short- or medium-distance communications is likely to interfere with long-distance communications.

[192] (3) It is recommended that only transmitters having a power equal to at least 5 kw be used for long-distance broadcasting in this frequency band.

[193] §23. In Europe, Africa, and Asia, low-power directional radio-beacons the range of which does not exceed about 50 km may use any frequency in the band 1,560 to 3,500 kc (192.3 to 85.71 m) except the guard band of 1,630 to 1,670 kc (184.0 to 179.6 m), subject to agreements with the countries whose services are likely to suffer interference.

## ARTICLE 8

### *Amateur Stations and Private Experimental Stations*

[194] §1. The exchange of communications between amateur stations and between private experimental stations of different countries shall be forbidden if the administration of one of the interested countries has given notice of its opposition to this exchange.

Exchange provisions.

[195] §2. (1) When this exchange is permitted, the communications must be carried on in plain language and be limited to messages relating to experiments and to remarks of a private nature for which, by reason of their lack of importance, the use of the telegraph service could not enter into consideration. It shall be strictly forbidden for owners of amateur stations to transmit international communications emanating from third persons.

[196] (2) The foregoing provisions may be modified by special arrangements between the interested countries.

[197] §3. In amateur stations or in private experimental stations, authorized to conduct transmissions, any person operating the apparatus on his own account or for third persons must have proved that he is able to transmit texts in Morse code signals and to read,

code Morse et à lire, à la réception radiotélégraphique auditive, les textes ainsi transmis. Elle ne peut se faire remplacer que par des personnes autorisées possédant les mêmes aptitudes.

§ 4. Les administrations prennent telles mesures qu'elles jugent nécessaires pour vérifier les capacités, au point de vue technique, de toute personne manœuvrant les appareils.

§ 5. (1) La puissance maximum que les stations d'amateur et les stations expérimentales privées peuvent utiliser est fixée par les administrations intéressées, en tenant compte des qualités techniques des opérateurs et des conditions dans lesquelles lesdites stations doivent travailler.

(2) Toutes les règles générales fixées dans la Convention et dans le présent Règlement s'appliquent aux stations d'amateur et aux stations expérimentales privées. En particulier, la fréquence des ondes émises doit être aussi constante et aussi exempte d'harmoniques que l'état de la technique le permet.

(3) Au cours de leurs émissions, ces stations doivent transmettre, à de courts intervalles, leur indicatif d'appel, ou leur nom dans le cas de stations expérimentales non encore pourvues d'indicatif d'appel.

#### ARTICLE 9.

##### *Conditions à remplir par les stations mobiles.*

###### A. GÉNÉRALITÉS.

§ 1. Les stations mobiles doivent être établies de manière à se conformer, en ce qui concerne les fréquences et les types d'onde, aux dispositions faisant l'objet de l'article 7.\*

§ 2. La fréquence d'émission des stations mobiles sera vérifiée le plus souvent possible par le service d'inspection dont elles relèvent.

§ 3. Les appareils récepteurs doivent être tels que le courant qu'ils induisent dans l'antenne soit aussi réduit que possible et n'incommode pas les stations du voisinage.

§ 4. Les changements de fréquence dans les appareils émetteurs et récepteurs de toute station mobile doivent pouvoir être effectués aussi rapidement que possible. Toutes les installations doivent être telles que, la communication étant établie, le temps nécessaire au passage de l'émission à la réception et vice versa soit aussi réduit que possible.

§ 5. Diffusion d'émissions radiophoniques, voir l'article 21, § 1 (2).

###### B. STATIONS DE NAVIRE.

§ 6. (1) Les appareils d'émission utilisés dans les stations de navire travaillant sur des ondes du type A2 ou B dans les bandes autorisées entre 365 et 515 kc/s (822 et 583 m) doivent être pourvus de dispositifs permettant, d'une manière facile, d'en réduire sensiblement la puissance.

\*En ce qui concerne la restriction de l'installation d'émetteurs d'ondes du type B et l'usage des ondes du type B sur des navires, voir l'article 7, § 10, (1) à (3).

by aural radiotelegraph reception, texts so transmitted. He can be replaced only by authorized persons possessing the same qualifications.

[198] §4. Administrations shall take such measures as they judge necessary to verify, from a technical standpoint, the qualifications of any person operating the apparatus.

[199] §5. (1) The maximum power which amateur stations and private experimental stations may use shall be fixed by the interested administrations, taking account of the technical qualifications of the operators and of the conditions under which the said stations must work.

[200] (2) All the general rules laid down in the Convention and in the present Regulations shall apply to amateur stations and to private experimental stations. In particular, the frequency of the wave emitted must be as constant and as free from harmonics as the state of the art permits.

[201] (3) In the course of their emissions, these stations must, at short intervals, transmit their call signals or, in the case of experimental stations not yet provided with call signals, their names.

## ARTICLE 9

### *Conditions to be Observed by Mobile Stations*

#### A. GENERAL

[202] §1. Mobile stations must be established in such a way as to conform, as regards frequencies and types of waves, to the provisions forming the subject of article 7.\*

General regulations.

*Ante*, p. 1429.

[203] §2. The frequency of emission of mobile stations shall be verified as often as possible by the inspection service to which they are subject.

[204] §3. Receiving apparatus must be such that the current which they induce into the antenna shall be as low as possible and shall not disturb neighboring stations.

[205] §4. Transmitting and receiving sets of any mobile station must permit of making frequency changes as rapidly as possible. All installations must be such that, after the communication is established, the time necessary to change from transmission to reception and *vice versa* shall be as short as possible.

[207] §5. For broadcasting of radiophone transmissions, see article 21, §1 (2) [No. 473].

*Post*, p. 1523.

#### B. SHIP STATIONS

[208] §6. (1) The transmitting apparatus used in ship stations working on type-A2 or -B waves in the authorized band between 365 and 515 kc (822 and 583 m) must be provided with devices making it possible conveniently and appreciably to reduce the power thereof.

Ship stations.

[206] \*Regarding the restriction upon the installation of type-B wave transmitters and the use of type-B waves on ships, see article 7, §10, (1) to (3) [Nos. 161, 162, and 163].

(2) Cette disposition n'est pas obligatoire pour les émetteurs d'ondes du type B, dont la puissance à pleine charge, mesurée aux bornes de l'alternateur, ne dépasse pas 300 watts.

(3) Toutes les stations de navire émettant sur des fréquences dans les bandes de 100 à 160 kc/s (3 000 à 1 875 m) et sur des fréquences supérieures à 4 000 kc/s (longueurs d'onde inférieures à 75 m) doivent être munies d'un ondemètre, ayant une précision au moins égale à 5/1 000, lorsque l'émetteur lui-même n'est pas susceptible d'être réglé avec cette précision ou une précision plus grande.

§ 7. Toute station établie à bord d'un navire obligatoirement pourvu d'un appareil radioélectrique par suite d'un accord international doit pouvoir émettre et recevoir:

- a) sur l'onde de 500 kc/s (600 m) du type A2 ou B et,
- b) en outre, au moins sur deux autres ondes du type A2 ou B, dans la bande autorisée entre 365 et 485 kc/s (822 et 619 m).

La disposition visée en b) ne s'applique pas aux émetteurs des bateaux de sauvetage ni aux émetteurs de secours des stations de navire.

§ 8. En plus des ondes visées ci-dessus, les stations de navire équipées pour émettre des ondes des types A1, A2 ou A3 peuvent employer les ondes autorisées à l'article 7.\*

§ 9. Tous les appareils de stations de navire établis pour la transmission d'ondes du type A1 des bandes autorisées entre 100 et 160 kc/s (3 000 et 1 875 m) doivent permettre l'emploi, en plus de la fréquence de 143 kc/s (2 100 m), de deux fréquences au minimum choisies dans ces bandes.

§ 10. (1) Toutes les stations à bord des navires obligatoirement pourvus d'appareils radiotélégraphiques doivent être à même de recevoir l'onde de 500 kc/s (600 m) et, en outre, toutes les ondes nécessaires à l'accomplissement du service qu'elles effectuent.

(2) Ces stations doivent être à même de recevoir facilement et efficacement, sur les mêmes fréquences, les ondes des types A1 et A2.

(3) Il est recommandé de munir les stations de navire des première et deuxième catégories de dispositifs permettant l'émission et la réception sans manœuvre de commutation.

#### C. STATIONS D'AÉRONEF.

§ 11. Toute station d'aéronef, effectuant un parcours maritime et astreinte par une réglementation nationale ou internationale à entrer en communication avec les stations du service mobile maritime, doit pouvoir émettre et recevoir sur l'onde de 500 kc/s (600 m), type A2.

\*En ce qui concerne la restriction de l'installation d'émetteurs d'ondes du type B et l'usage des ondes du type B sur des navires, voir l'article 7, § 10, (1) à (3).

[209] (2) This provision shall not be compulsory for type-B wave transmitters of which the power, at full load, measured at the terminals of the alternator, does not exceed 300 watts.

[210] (3) All ship stations transmitting on frequencies in the bands of 100 to 160 kc (3,000 to 1,875 m) and on frequencies above 4,000 kc (wavelengths below 75 m) must be equipped with a wave meter having a precision at least equal to 5/1000 when the transmitter itself is incapable of being adjusted with this precision or better.

[211] §7. Any station installed on board a ship compulsorily provided with radio apparatus as a result of an international agreement must be able to transmit and receive:

[212] (a) on the wave of 500 kc (600 m), type A2 or B and,

[213] (b) in addition, on at least two other waves of type A2 or B in the authorized band between 365 and 485 kc (822 and 619 m).

[214] The provision set forth in no. 213 shall not apply to transmitters on lifeboats or to emergency transmitters of ship stations.

[215] §8. In addition to the waves mentioned above, ship stations equipped to transmit type-A1, -A2, or -A3 waves may use the waves authorized in article 7.\*

[216] §9. All the ship-station apparatus installed for the transmission of type-A1 waves in the authorized band between 100 and 160 kc (3,000 and 1,875 m) must permit of using at least two frequencies, selected in this band, in addition to the frequency of 143 kc (2,100 m).

[217] §10. (1) All stations on board ships compulsorily provided with radiotelegraph apparatus must be capable of receiving the wave of 500 kc (600 m) and, in addition, all the waves necessary to the operation of the service which they carry on.

[218] (2) These stations must be capable of receiving type-A1 and -A2 waves on the same frequencies easily and efficiently.

[219] (3) It is recommended that ship stations of the first and second categories be equipped with devices permitting transmission and reception without the manipulation of switches.

#### C. AIRCRAFT STATIONS

[220] §11. Any aircraft station, following a maritime course and required by national or international regulations to communicate with stations of the maritime mobile service, must be capable of transmitting and receiving on the wave of 500 kc (600 m), type A2.

Aircraft stations.

\*[See footnote on p. 1475 (No. 206).]

## ARTICLE 10.

*Certificats des opérateurs.*

## A. DISPOSITIONS GÉNÉRALES.

§ 1. (1) Le service de toute station mobile, radiotélégraphique ou radiotéléphonique, doit être assuré par un opérateur radiotélégraphiste, titulaire d'un certificat délivré ou reconnu par le gouvernement dont dépend cette station. Toutefois, dans les stations mobiles pourvues d'une installation radioélectrique de faible puissance [d'une puissance d'onde porteuse dans l'antenne ne dépassant pas 100 watts, sauf dans le cas des accords régionaux prévus au § 8, (4)], et lorsque cette installation est utilisée seulement pour la téléphonie, le service peut être assuré par un opérateur titulaire d'un certificat de radiotéléphoniste.

(2) Dans le cas d'indisponibilité absolue de l'opérateur, au cours d'une traversée, d'un vol ou d'un voyage, le commandant ou la personne responsable de la station mobile peut autoriser, mais à titre temporaire seulement, un opérateur titulaire d'un certificat délivré par un autre gouvernement contractant, à assurer le service radioélectrique. Lorsqu'il doit être fait appel, comme opérateur provisoire, à une personne ne possédant pas de certificat, ou à un opérateur n'ayant pas de certificat suffisant, son intervention doit se limiter uniquement aux signaux de détresse, d'urgence et de sécurité, aux messages qui s'y rapportent et aux messages urgents relatifs à la marche du navire ou de l'aéronef. De toute façon, cet opérateur (ou cette personne) doit être remplacé aussitôt que possible par un opérateur titulaire du certificat prévu au § 1 (1) ci-dessus. Les personnes utilisés dans ce cas sont astreintes aux mêmes devoirs que les opérateurs titulaires au sujet du secret des correspondances, comme prévu au § 2 ci-dessous.

§ 2. (1) Chaque administration prend les mesures nécessaires pour soumettre les opérateurs à l'obligation du secret des correspondances et pour éviter, dans la plus grande mesure possible, l'emploi frauduleux des certificats.

(2) A cet effet, les certificats portent les signes distinctifs permettant de reconnaître leur authenticité, tels que cachets de l'administration qui les a délivrés, signature du titulaire. Les administrations peuvent employer, si elles le désirent, d'autres moyens d'authentification.

(3) Afin de faciliter la vérification des certificats délivrés aux opérateurs du service mobile, il est ajouté, s'il y a lieu, au texte rédigé dans la langue nationale, une traduction de ce texte en une langue dont l'usage est très répandu dans les relations internationales.

§ 3. (1) Il y a deux classes de certificats ainsi qu'un certificat spécial pour les opérateurs radiotélégraphistes. Il y a, de plus, un certificat restreint pour les services aéronautiques.

Il y a deux catégories de certificats pour les opérateurs radiotéléphonistes (général et restreint).

## ARTICLE 10

*Operators' Certificates*

## A. GENERAL PROVISIONS

[221] §1. (1) The service of every mobile radiotelegraph or radiotelephone station must be performed by a radiotelegraph operator holding a certificate issued or recognized by the government to which this station is subject. However, in mobile stations equipped with a low-power radio installation [power of the carrier wave in the antenna not exceeding 100 watts, except in the case of regional agreements provided for in §8 (4)] [No. 269], and when this installation is used for telephony only, the service may be carried on by an operator holding a radiotelephone operator's certificate.

General provisions.

Post, p. 1487.

[222] (2) In case of absolute unavailability of the operator in the course of a crossing, flight, or voyage, the master or the person responsible for the mobile station may authorize, but only temporarily, an operator holding a certificate issued by another contracting government to carry on the radio service. When it is necessary to employ, as temporary operator, a person not holding a certificate or an operator holding an inadequate certificate, this service must be limited entirely to distress, urgent, and safety signals, messages referring thereto, and urgent messages relating to the course of the ship or the aircraft. In any case, this operator (or this person) must be replaced as soon as possible by an operator holding the certificate provided for in §1 (1) above [No. 221]. The persons employed in these cases shall be held to the same duties in respect of secrecy of correspondence as regular operators, as provided in §2 below [No. 223].

Temporary operators.

[223] §2. (1) Each administration shall take the necessary measures to place the operators under obligation to observe the secrecy of correspondence and to avoid, to the greatest possible extent, the fraudulent use of certificates.

Secrecy of correspondence.

[224] (2) The certificates shall, to this effect, carry distinguishing signs by which their authenticity can be recognized, such as the stamp of the administration having issued them, bearer's signature. The administrations may, if they so desire, employ other means of authentication.

[225] (3) In order to facilitate verification of certificates issued to operators of the mobile service, there shall be added, when necessary, to the text written in the national language, a translation of this text into a language extensively used in international relations.

[226] §3. (1) There shall be two classes of certificates and a special certificate for radiotelegraph operators. In addition, there shall be a limited certificate for the aeronautical services.

Classes of certificates.

[227] There shall be two classes of certificates for radiotelephone operators (general and limited).

(2) Les conditions à imposer pour l'obtention de ces certificats sont contenues dans les paragraphes suivants; ces conditions sont des minima.

(3) Chaque gouvernement reste libre de fixer le nombre des examens jugés nécessaires pour accéder auxdits certificats.

(4) Le titulaire d'un certificat de radiotélégraphiste de 1re classe ou de 2e classe <sup>1)</sup> peut assurer le service radiotéléphonique de toute station mobile.

#### B. CERTIFICAT DE RADIOTÉLÉGRAPHISTE DE 1RE CLASSE.

§ 4. Le certificat de 1re classe est délivré aux opérateurs qui ont fait preuve des connaissances et aptitudes techniques et professionnelles énumérées ci-dessous:

- a) La connaissance des principes généraux d'électricité et de la théorie de la radiotélégraphie et de la radiotéléphonie, ainsi que la connaissance du réglage et du fonctionnement pratique des types d'appareils utilisés dans le service mobile radiotélégraphique et radiotéléphonique, y compris les appareils utilisés pour la radiogoniométrie et la prise des relevements radiogoniométriques.
- b) La connaissance théorique et pratique du fonctionnement des appareils accessoires, tels que groupes électrogènes, accumulateurs, etc., utilisés pour la mise en œuvre et le réglage des appareils indiqués au littéra a).
- c) Les connaissances pratiques nécessaires pour effectuer, par les moyens du bord, les réparations d'avaries pouvant survenir aux appareils, en cours de voyage.
- d) L'aptitude à la transmission correcte et à la réception auditive correcte de groupes de code (mélange de lettres, de chiffres et de signes de ponctuation), à une vitesse de 20 (vingt) groupes par minute, et d'un texte en langage clair, à une vitesse de 25 (vingt-cinq) mots par minute. Chaque groupe de code doit comprendre cinq caractères, chaque chiffre ou signe de ponctuation comptant pour deux caractères. Le mot moyen du texte en langage clair doit comporter cinq caractères. La durée de chaque épreuve de transmission et de réception sera, en général, de cinq minutes.
- e) L'aptitude à la transmission correcte et à la réception correcte téléphoniques.
- f) La connaissance détaillée des Règlements s'appliquant à l'échange des radiocommunications, la connaissance des documents relatifs à la taxation des radiocommunications, la connaissance de la partie de la Convention pour la sauvegarde de la vie humaine en mer se rapportant à la radiotélégraphie, et, pour la navigation aérienne, la connaissance des dispositions spéciales régissant le service radioélectrique de la navigation aérienne. Dans ce cas, le certificat stipule que le titulaire a subi avec succès les épreuves portant sur ces dispositions.

<sup>1)</sup> Exceptionnellement, il est admis que le certificat de 2e classe peut être limité exclusivement au service radiotélégraphique. Dans ce cas, une mention doit être portée sur ce certificat.

[228] (2) The conditions to be required for obtaining these certificates are contained in the following paragraphs; they shall be minimum requirements.

[229] (3) Each government shall be free to fix the number of examinations deemed necessary to obtain the said certificates.

[230] (4) The holder of a first- or second-class<sup>1</sup> radiotelegraph operator's certificate may perform the radiotelephone service of any mobile station.

#### B. FIRST-CLASS RADIOTELEGRAPH OPERATOR'S CERTIFICATE

[232] §4. The first-class certificate shall be issued to operators who have shown that they possess the professional and technical qualifications enumerated below:

First-class certificate.

- [233] (a) Knowledge of the general principles of electricity and of the theory of radiotelegraphy and radiotelephony, as well as knowledge of the adjustment and of the practical operation of the types of apparatus used in the radiotelegraph and radiotelephone mobile service, including apparatus for radio direction-finding and the taking of radio direction-finding bearings.
- [234] (b) The theoretical and practical knowledge of the operation of the accessory apparatus, such as motor-generator sets, storage batteries, et cetera, used in the operation and adjustment of the apparatus specified in (a) [No. 233].
- [235] (c) The practical knowledge necessary to make, with the means on board, the repairs of damage which may have occurred to the apparatus during a voyage.
- [236] (d) Ability to transmit correctly and to receive correctly, by ear, code groups (mixtures of letters, figures, and punctuation marks) at a speed of 20 (twenty) groups per minute, and of a text in plain language, at a speed of 25 (twenty-five) words per minute. Each code group must contain 5 characters, each figure or punctuation mark counting as 2 characters. The average word of the text in plain language must contain 5 characters. The duration of each sending and receiving test shall, as a rule, be 5 minutes.
- [237] (e) Ability to perform correct telephone transmission and correct telephone reception.
- [238] (f) Detailed knowledge of the Regulations applying to the exchange of radio communications, knowledge of documents relative to charges for radio communications, knowledge of the radiotelegraph part of the Convention for the Safety of Life at Sea, and, in the case of aerial navigation, knowledge of the special provisions regulating the radio service of aerial navigation. In that case, the certificate shall stipulate that the holder has successfully passed the examinations dealing with these provisions.

[231] <sup>1</sup> In exceptional cases, the second-class certificate may be limited exclusively to the radiotelegraph service. In this case, mention of the fact must be borne on this certificate.

- g) La connaissance de la géographie générale du monde, notamment des principales lignes de navigation (maritimes ou aériennes, suivant la catégorie du certificat) et des voies de télécommunication les plus importantes.
- h) S'il y a lieu, la connaissance d'une langue dont l'usage est très répandu dans la correspondance internationale du service mobile. Les candidats doivent être capables de s'exprimer d'une manière convenable, tant verbalement que par écrit. Chaque gouvernement indique lui-même la ou les langues qui sont imposées.

#### C. CERTIFICAT DE RADIOTÉLÉGRAPHISTE DE 2E CLASSE.

§ 5. Le certificat de 2e classe est délivré aux opérateurs qui ont fait preuve des connaissances et aptitudes techniques et professionnelles énumérées ci-dessous:

- a) La connaissance théorique et pratique élémentaire de l'électricité, de la radiotélégraphie et de la radiotéléphonie ainsi que la connaissance du réglage et du fonctionnement pratique des types d'appareils utilisés dans le service mobile radiotélégraphique et radiotéléphonique y compris les appareils utilisés pour la radiogoniométrie et la prise des relevements radiogoniométriques.
- b) La connaissance théorique et pratique élémentaire du fonctionnement des appareils accessoires, tels que groupes électrogènes, accumulateurs, etc., utilisés pour la mise en œuvre et le réglage des appareils mentionnés au littéra a).
- c) Les connaissances pratiques suffisantes pour pouvoir effectuer les petites réparations, en cas d'avaries survenant aux appareils.
- d) L'aptitude à la transmission correcte et à la réception auditive correcte de groupes de code (mélange de lettres, de chiffres et de signes de ponctuation) à une vitesse de 16 (seize) groupes par minute. Chaque groupe de code doit comprendre cinq caractères, chaque chiffre ou signe de ponctuation comptant pour deux caractères. La durée de chaque épreuve de transmission et de réception est, en général, de cinq minutes.
- e) L'aptitude à la transmission correcte et à la réception correcte téléphoniques<sup>1)</sup>.
- f) La connaissance des Règlements s'appliquant à l'échange des radiocommunications, la connaissance des documents relatifs à la taxation des radiocommunications, la connaissance de la partie de la Convention pour la sauvegarde de la vie humaine en mer se rapportant à la radiotélégraphie, et, pour la navigation aérienne, la connaissance des dispositions spéciales régissant le service radioélectrique de la navigation aérienne. Dans ce cas, le certificat stipule que le titulaire a subi avec succès les épreuves portant sur ces dispositions.
- g) La connaissance de la géographie générale du monde, notamment des principales lignes de navigation (maritimes ou aériennes, suivant la catégorie du certificat) et des voies de télécommunication les plus importantes.

<sup>1)</sup> Sauf le cas prévu à la note <sup>1)</sup> concernant l'article 10, § 3 (4).

- [239] (g) Knowledge of the general geography of the world, particularly the principal navigation lines (maritime or aerial, according to the class of certificate) and the most important telecommunication channels.
- [240] (h) If necessary, knowledge of one language very widely used in the international correspondence of the mobile service. Candidates must be capable of expressing themselves in a suitable manner, both verbally and in writing. Each government shall determine itself which language or languages will be required.

#### C. SECOND-CLASS RADIOTELEGRAPH OPERATOR'S CERTIFICATE

- [241] §5. The second-class certificate shall be issued to operators who have shown that they possess the professional and technical qualifications enumerated below: Second-class certificate.
- [242] (a) Elementary theoretical and practical knowledge of electricity, radiotelegraphy, and radiotelephony, as well as knowledge of the adjustment and practical operation of the types of apparatus used in the radiotelegraph and radiotelephone mobile service, including apparatus for radio direction-finding and the taking of radio direction-finding bearings.
- [243] (b) Elementary theoretical and practical knowledge of the operation of accessory apparatus, such as motor-generator sets, storage batteries, et cetera, used in the operation and adjustment of the apparatus mentioned in (a) [No. 242].
- [244] (c) Practical knowledge sufficient for making minor repairs in case of damage to the apparatus.
- [245] (d) Ability to transmit correctly and to receive correctly, by ear, code groups (mixtures of letters, figures, and punctuation marks) at a speed of 16 (sixteen) groups per minute. Each code group must contain 5 characters, each figure or punctuation mark counting as 2 characters. The duration of each sending and receiving test shall, as a rule, be 5 minutes.
- [246] (e) Ability to perform correct telephone transmission and correct telephone reception.<sup>1</sup>
- [247] (f) Knowledge of the Regulations applying to the exchange of radio communications, knowledge of documents relative to charges for radio communications, knowledge of the radiotelegraph part of the Convention for the Safety of Life at Sea, and, in the case of aerial navigation, knowledge of the special provisions regulating the radio service of aerial navigation. In that case, the certificate shall stipulate that the holder has successfully passed the examinations dealing with these provisions.
- [248] (g) Knowledge of the general geography of the world, particularly the principal lines of navigation (maritime or aerial, according to the class of certificate) and the most important telecommunication channels.

[251] <sup>1</sup> Except as provided in footnote 1 concerning article 10, §3 (4) [No. 231].

- h)* S'il y a lieu, la connaissance élémentaire d'une langue dont l'usage est très répandu dans la correspondance internationale du service mobile. Les candidats doivent être capables de s'exprimer d'une manière convenable, tant verbalement que par écrit. Chaque gouvernement indique lui-même la ou les langues qui sont imposées.

D. CERTIFICAT SPÉCIAL DE RADIOTÉLÉGRAPHISTE.

- § 6. *a)* Le service radiotélégraphique des navires et de tous véhicules, autres que les aéronefs, auxquels une installation radiotélégraphique n'est pas imposée par des accords internationaux peut être effectué par des opérateurs titulaires d'un certificat spécial de radiotélégraphiste.
- b)* Le service radiotélégraphique des aéronefs desservant des lignes régulières internationales ou intercontinentales et dont les stations sont susceptibles d'entrer en communication avec des stations terrestres ou mobiles de services autres que les services aéronautiques, mais non admis à participer au service international de la correspondance publique, peut également être effectué par des opérateurs titulaires d'un certificat spécial de radiotélégraphiste.
- c)* Ce certificat est délivré aux opérateurs capables d'assurer les radiocommunications à la vitesse de transmission et de réception prévue pour l'obtention du certificat de radiotélégraphiste de 2e classe.
- d)* Il appartient à chaque gouvernement intéressé de fixer les autres conditions pour l'obtention de ce certificat.

E. CERTIFICAT RESTREINT DE RADIOTÉLÉGRAPHISTE POUR LES SERVICES AÉRONAUTIQUES <sup>1)</sup>

- § 7. *a)* Dans les services aéronautiques, un certificat restreint de radiotélégraphiste peut être délivré aux opérateurs des stations d'aéronef non affectés aux transports publics (avions de tourisme) qui, en général, ne sont pas autorisés à employer le service radioélectrique organisé pour les lignes régulières internationales ou intercontinentales, ni à entrer en communication avec des stations mobiles ou des stations terrestres de services autres que les services aéronautiques, ni à prendre part au service de la correspondance publique, à condition que ces opérateurs soient capables d'assurer les radiocommunications à la vitesse minimum de 16 mots à la minute, en langage clair, dans leur langue nationale.
- b)* Ce certificat restreint ne peut être délivré qu'en application d'accords régionaux, conclus entre gouvernements intéressés, fixant en particulier les autres conditions d'obtention et les régions pour lesquelles ce certificat sera valable.
- c)* Ce certificat restreint n'autorise son titulaire:

1° qu'à assurer le service des stations de bord ne pouvant travailler que dans les bandes ou sur les fréquences exclusivement réservées aux

<sup>1)</sup> A titre exceptionnel, il est concédé provisoirement au Gouvernement de la Nouvelle-Zélande d'accorder un certificat restreint dont il fixe les conditions d'obtention, aux opérateurs des navires de faible tonnage de sa nationalité, qui ne s'éloignent pas des côtes dudit pays et qui ne prennent part au travail général des stations mobiles que d'une manière restreinte. Il est interdit à ces opérateurs de participer au service international de la correspondance publique.

- [249] (h) If necessary, elementary knowledge of one language very widely used in the international correspondence of the mobile service. Candidates must be capable of expressing themselves in a suitable manner, both verbally and in writing. Each government shall determine itself which language or languages will be required.

D. SPECIAL RADIOTELEGRAPH OPERATOR'S CERTIFICATE

- [250] §6. (a) The radiotelegraph service of ships and all vehicles other than aircraft for which a radiotelegraph installation is not required by international agreements may be carried on by operators holding a special radiotelegraph operator's certificate. Special certificate.
- [252] (b) The radiotelegraph service of aircraft serving regular international or intercontinental lines—the stations of which are capable of entering into communication with land or mobile stations of services other than aeronautical services—but not permitted to take part in the international service of public correspondence may also be carried on by operators holding a special radiotelegraph operator's certificate.
- [253] (c) This certificate shall be issued to operators capable of performing radio communications at the sending and receiving speed required for obtaining a second-class radiotelegraph operator's certificate.
- [254] (d) It shall devolve upon each interested government to determine the other requirements for obtaining this certificate.

E. LIMITED RADIOTELEGRAPH OPERATOR'S CERTIFICATE FOR THE AERONAUTICAL SERVICES<sup>1</sup>

- [255] §7. (a) In the aeronautical services, a limited radiotelegraph operator's certificate may be issued to operators of aircraft stations not engaged in public transportation (tourist airplanes) which, in general, shall not be authorized to make use of the radio service organized for regular international or intercontinental lines, nor to enter into communication with mobile stations or land stations of services other than the aeronautical services, nor to take part in the service of public correspondence, provided that these operators are capable of performing radio communications at a minimum speed of 16 words per minute, in plain language, in their national language. Limited certificate.
- [256] (b) This limited certificate may be issued only in application of regional agreements concluded between interested governments, laying down, in particular, the other conditions for obtaining this certificate and the areas in which it will be valid.
- [258] (c) This limited certificate shall authorize its bearer solely:
- [259] 1. To perform the service of on-board stations able to operate only in bands or on frequencies reserved exclusively for the aeronauti-

[257] <sup>1</sup> As an exceptional case, the Government of New Zealand shall be provisionally granted the right to issue a limited certificate—to be obtained upon conditions which it shall determine—to operators of low-tonnage vessels of its nationality, who shall not travel far from the coasts of the said country nor take part in the general work of mobile stations except to a limited degree. Such operators shall be forbidden to participate in the international service of public correspondence.

services aéronautiques et fonctionnant de façon à ne pas créer de brouillages dans les autres services;

2° qu'à communiquer avec les stations aéronautiques désignées dans les accords régionaux susvisés.

- d) Il est fait mention, sur les certificats délivrés aux opérateurs, des conditions qui précèdent relatives à l'usage et à la validité de ce certificat, ainsi que des pays pour lesquels il est valable en vertu desdits accords.

#### F. CERTIFICAT DE RADIOTÉLÉPHONISTE.

§ 8. (1) Le certificat général de radiotéléphoniste est délivré aux opérateurs qui ont fait preuve des connaissances et aptitudes professionnelles énumérées ci-dessous [voir aussi § 3, (4)]:

- a) La connaissance pratique de la radiotéléphonie, surtout en vue d'éviter des brouillages.
- b) La connaissance du réglage et du fonctionnement des appareils de radiotéléphonie.
- c) L'aptitude à la transmission correcte et à la réception correcte téléphoniques.
- d) La connaissance des Règlements s'appliquant à l'échange des communications radiotéléphoniques et de la partie des Règlements des radiocommunications concernant la sécurité de la vie humaine.

(2) Pour les stations radiotéléphoniques dont la puissance de l'onde porteuse dans l'antenne ne dépasse pas 50 watts, il est admis que chaque gouvernement intéressé fixe lui-même les conditions d'obtention du certificat de radiotéléphoniste (certificat restreint de radiotéléphoniste).

(3) Dans un certificat de radiotéléphoniste, il doit être indiqué si celui-ci est un certificat général ou un certificat restreint.

(4) Pour satisfaire à des besoins spéciaux, des accords régionaux peuvent fixer les conditions à remplir pour l'obtention d'un certificat de radiotéléphoniste, destiné à être utilisé dans des stations radiotéléphoniques remplissant certaines conditions techniques et certaines conditions d'exploitation. Il est fait mention de ces conditions et de ces accords sur les certificats délivrés à ces opérateurs. Ces accords sont admis sous réserve que les services internationaux ne soient pas brouillés.

#### G. STAGES PROFESSIONNELS.

§ 9. (1) Avant de devenir chef de poste d'une station de navire de la première catégorie (article 25, § 3), un opérateur de 1re classe doit avoir au moins une année d'expérience comme opérateur à bord d'un navire ou dans une station côtière.

(2) Pour devenir chef de poste d'une station de navire de la deuxième catégorie (article 25, §3), un opérateur de 1re classe doit avoir au moins six mois d'expérience comme opérateur à bord d'un navire ou dans une station côtière.

cal services and operating in such a manner as not to cause interference with other services;

[260] 2. To communicate with the aeronautical stations designated in the above-mentioned regional agreements.

[261] (d) The foregoing conditions concerning the use and validity of this certificate, as well as the countries in which it will be valid under the terms of these agreements, shall be mentioned on the certificates issued to the operators.

#### F. RADIOTELEPHONE OPERATOR'S CERTIFICATE

[262] §8. (1) The general radiotelephone operator's certificate shall be issued to operators who have shown that they possess the professional knowledge and ability described below [see also §3 (4)] [No. 230]:

Radiotelephone operator's certificate.

*Ante*, p. 1481.

[263] (a) Practical knowledge of radiotelephony, especially with a view to avoiding interference.

[264] (b) Knowledge of the adjustment and operation of radiotelephone apparatus.

[265] (c) Ability to transmit and receive correctly by telephone.

[266] (d) Knowledge of the Regulations applying to the exchange of radiotelephone communications and of that part of the Radio Regulations which relates to safety of human life.

[267] (2) For the radiotelephone stations in which the power of the carrier wave in the antenna does not exceed 50 watts, each government concerned shall be permitted to determine the conditions for obtaining its own radiotelephone operator's certificate (limited radiotelephone operator's certificate).

[268] (3) A radiotelephone operator's certificate must show whether it is a general or limited certificate.

[269] (4) In order to cover special needs, regional agreements may determine the conditions to be fulfilled in order to obtain a radiotelephone operator's certificate intended for use in radiotelephone stations fulfilling certain technical conditions and certain operating conditions. These conditions and agreements shall be stated in the certificates issued to these operators. Such agreements shall be accepted provided the international services be not interfered with.

#### G. PROFESSIONAL GRADES

[270] §9. (1) Before becoming chief operator in a ship station of the first category (article 25, §3) [No. 629] a first-class operator must have had at least 1 year's experience as operator on board a ship or in a coast station.

Professional grades.

*Post*, p. 1551.

[271] (2) In order to become chief operator in a ship station of the second category (article 25, §3) [Nos. 630, 632, and 633], a first-class operator must have had at least 6 months' experience as operator on board a ship or in a coast station.

(3) Les opérateurs munis d'un certificat de 1re classe sont autorisés à embarquer comme chef de poste sur les navires dont la station est classée dans la troisième catégorie (article 25, § 3).

(4) a) Les opérateurs munis d'un certificat de 2e classe sont autorisés à embarquer comme chef de poste sur les navires dont la station est classée dans la troisième catégorie (article 25, § 3).

b) Après avoir justifié d'un service d'au moins six mois à bord d'un navire, ils peuvent embarquer comme chef de poste sur les navires dont la station est classée dans la deuxième catégorie.

(5) Le gouvernement qui délivre un certificat peut n'autoriser un opérateur à assurer le service à bord d'un aéronef que lorsque cet opérateur aura rempli d'autres conditions (par exemple: accompli un certain nombre d'heures de vol dans le service mobile aéronautique, etc.)

#### ARTICLE 11.

##### *Autorité du commandant.*

§ 1. Le service radioélectrique d'une station mobile est placé sous l'autorité supérieure du commandant ou de la personne responsable du navire, de l'aéronef ou de tout autre véhicule portant la station mobile.

§ 2. Celui qui détient cette autorité doit exiger des opérateurs l'observation du présent Règlement.

§ 3. Le commandant ou la personne responsable, ainsi que toutes les personnes qui peuvent avoir connaissance du texte ou simplement de l'existence des radiotélégrammes, ou de tout renseignement quelconque obtenu au moyen du service radioélectrique, sont soumis à l'obligation de garder et d'assurer le secret des correspondances.

#### ARTICLE 12.

##### *Inspection des stations.*

§ 1. (1) Les gouvernements ou administrations compétents des pays où une station mobile fait escale peuvent exiger la production de la licence. L'opérateur de la station mobile, ou la personne responsable de la station, doit se prêter à cette constatation. La licence doit être conservée de façon qu'elle puisse être fournie sans délai. Toutefois, la production de la licence peut être remplacée par l'affichage à demeure, dans la station, d'une copie de la licence, certifiée conforme par l'autorité qui l'a délivrée.

(2) Les inspecteurs compétents doivent être en possession d'une carte ou d'un insigne d'identité qu'ils doivent montrer à la demande du commandant ou de son remplaçant.

(3) Lorsque la licence ne peut être produite, ou que des anomalies manifestes sont constatées, les gouvernements ou administrations peuvent faire procéder à l'inspection des installations radioélectriques, en vue de s'assurer qu'elles répondent aux stipulations du présent Règlement.

[272] (3) Operators provided with a first-class certificate shall be authorized to embark as chief operators on ships of which the station belongs to the third category (article 25, §3) [Nos. 631, 634, and 635].

[273] (4) (a) Operators holding a second-class certificate shall be authorized to embark as chief operators on ships of which the station belongs to the third category (article 25, §3) [Nos. 631, 634, and 635].

[274] (b) After having shown at least 6 months' service on board a ship, they may embark as chief operators on ships of which the station belongs to the second category.

[275] (5) The government issuing a certificate may authorize an operator to perform service on board an aircraft only after this operator has fulfilled other conditions (for example: accomplished a certain number of flying-hours in the aeronautical mobile service, et cetera).

## ARTICLE 11

### *Authority of the Master*

[276] §1. The radio service of a mobile station shall be placed under the supreme authority of the master or the person responsible for the ship, aircraft, or any other vehicle carrying the mobile station. Authority of the master.

[277] §2. The person holding this authority must require the operators to comply with the present Regulations.

[278] §3. The master or responsible person as well as any persons who may have knowledge of the text or simply the existence of radiotelegrams, or of any information acquired by means of the radio service, shall be bound by the obligation to observe and insure the secrecy of the correspondence.

## ARTICLE 12

### *Inspection of Stations*

[279] §1. (1) The competent governments or administrations of countries where a mobile station calls, may demand the production of the license. The operator of the mobile station or the person responsible for the station must submit to this verification. The license must be kept in such a way that it may be furnished without delay. However, the production of the license may be replaced by a permanent posting in the station, of a copy of the license certified by the authority which has granted it. Inspection of stations.

[280] (2) The competent inspectors must have in their possession a card or badge of identification which they must show upon the request of the master or of his substitute.

[281] (3) When the license cannot be produced or when manifest irregularities are detected, the governments or administrations may proceed to the inspection of radio installations in order to ascertain that they satisfy the requirements of the present Regulations.

(4) En outre, les inspecteurs sont en droit d'exiger la production des certificats des opérateurs, sans qu'aucune justification de connaissances professionnelles puisse être demandée.

§ 2. (1) Lorsqu'un gouvernement ou une administration s'est trouvé dans l'obligation de recourir à la mesure prévue au § 1 ci-dessus, ou lorsque les certificats d'opérateur n'ont pu être produits, le gouvernement ou l'administration dont dépend la station mobile en cause doit en être informé sans retard. Pour le surplus, il est procédé, le cas échéant, ainsi que le prescrit l'article 13.

(2) Le délégué du gouvernement ou de l'administration qui a inspecté la station doit, avant de quitter celle-ci, faire part de ses constatations au commandant ou à la personne responsable (voir l'article 11) ou à leur remplaçant.

§ 3. En ce qui concerne les conditions techniques et d'exploitation auxquelles doivent satisfaire, pour le service de radiocommunication international, les stations mobiles titulaires d'une licence, les gouvernements contractants s'engagent à ne pas imposer aux stations mobiles étrangères qui se trouvent temporairement dans leurs eaux territoriales, ou s'arrêtent temporairement sur leur territoire, des conditions plus rigoureuses que celles qui sont prévues dans le présent Règlement. Ces prescriptions n'affectent en rien les dispositions qui, étant du ressort d'accords internationaux relatifs à la navigation maritime ou aérienne, ne sont pas déterminés dans le présent Règlement.

#### ARTICLE 13.

##### *Rapports sur les infractions.*

§ 1. Les infractions à la Convention ou aux Règlements des radiocommunications sont signalées à leur administration par les stations qui les constatent et ce, au moyen d'états conformes au modèle reproduit à l'appendice 5.

§ 2. Dans le cas d'infractions importantes, commises par une station, les représentations y relatives doivent être faites à l'administration du pays dont dépend cette station par les administrations qui les constatent.

§ 3. Si une administration a connaissance d'une infraction à la Convention ou aux Règlements, commise dans une des stations qu'elle a autorisées, elle constate les faits, fixe les responsabilités et prend les mesures nécessaires.

#### ARTICLE 14.

##### *Indicatifs d'appel.*

§ 1. (1) Toutes les stations ouvertes au service international de la correspondance publique et toutes les stations d'aéronef non ouvertes au service international de la correspondance publique ainsi que les stations d'amateur, les stations expérimentales privées et les stations privées de radiocommunication, doivent posséder des indicatifs d'appel de la série internationale attribuée à chaque pays dans le tableau de répartition ci-dessous. Dans ce tableau, la première lettre ou les deux premières lettres prévues pour les indicatifs d'appel distinguent la nationalité des stations.

[282] (4) Moreover, the inspectors shall have the right to demand the production of the operators' certificates although no proof of professional qualifications may be demanded.

[283] §2. (1) When a government or an administration has found it necessary to resort to the measures provided for in §1 above [No. 281], or when it has not been possible to produce the operators' certificates, the government or the administration to which the mobile station is subject must be so informed without delay. In addition, the procedure specified in article 13 should be followed should necessity arise.

[284] (2) The representative of the government or of the administration which has inspected the station must, before leaving the latter, communicate his findings to the commander or to the responsible person (see article 11) or to their substitute.

[285] §3. As regards the technical and operating conditions which mobile stations holding a license must satisfy in the international radio-communication service, the contracting governments shall bind themselves not to impose upon foreign mobile stations which are temporarily located in their territorial waters, or which may stop temporarily in their territory, conditions more stringent than those which are provided for in the present Regulations. These provisions shall in no way affect the provisions which, coming within the scope of international agreements relative to maritime or air navigation, are not determined in the present Regulations.

### ARTICLE 13

#### *Reporting of Violations*

[286] §1. Violations of the Convention or the Radio Regulations shall be reported by the stations detecting them to their administration by means of statements conforming to the model shown in appendix 5.

Reporting of violations.

[287] §2. In case of serious violations committed by a station, the representations relating to them must be made to the administration of the country to which this station is subject by the administrations detecting them.

Post, p. 1599.

[288] §3. If an administration has knowledge of a violation of the Convention or of the Regulations by a station which it has authorized, it shall ascertain the facts, determine the responsibility, and take the necessary action.

### ARTICLE 14

#### *Call Signals*

[289] §1. (1) All stations open to the international service of public correspondence and all aircraft stations not open to the international service of public correspondence, as well as amateur stations, private experimental stations, and private radio stations, must have call signals from the international series assigned to each country in the following table. In this table, the first letter or the first two letters of the call signals show the nationality of the station.

Call signals.

(2) Lorsqu'une station fixe emploie, dans le service international, plus d'une fréquence, chaque fréquence est désignée par un indicatif d'appel distinct, utilisé uniquement pour cette fréquence.

TABLEAU DE RÉPARTITION DES INDICATIFS D'APPEL.

Pays	Indicatifs
Chili . . . . .	CAA—CEZ
Canada . . . . .	CFA—CKZ
Cuba . . . . .	CLA—CMZ
Maroc . . . . .	CNA—CNZ
Cuba . . . . .	COA—COZ
Bolivie . . . . .	CPA—CPZ
Colonies portugaises . . . . .	CQA—CRZ
Portugal . . . . .	CSA—CUZ
Uruguay . . . . .	CVA—CXZ
Canada . . . . .	CYA—CZZ
Allemagne . . . . .	D
Espagne . . . . .	EAA—EHZ
Irlande . . . . .	EIA—EJZ
Japon . . . . .	EKA—EKZ
République de Libéria . . . . .	ELA—ELZ
Japon . . . . .	EMA—EOZ
Iran . . . . .	EPA—EQZ
Japon . . . . .	ERA—ERZ
Estonie . . . . .	ESA—ESZ
Ethiopie . . . . .	ETA—ETZ
Japon . . . . .	EUA—EYZ
Allemagne . . . . .	EZA—EZZ
France et colonies et protectorats . . . . .	F
Grande-Bretagne . . . . .	G
Hongrie . . . . .	HAA—HAZ
Suisse . . . . .	HBA—HBZ
Equateur . . . . .	HCA—HDZ
Suisse . . . . .	HEA—HEZ
Pologne . . . . .	HFA—HFZ
Japon . . . . .	HGA—HGZ
République d'Haïti . . . . .	HHa—HHZ
République Dominicaine . . . . .	HIA—HIZ
République de Colombie . . . . .	HJA—HKZ
Japon . . . . .	HLA—HMZ
Iraq . . . . .	HNA—HNZ
République de Panama . . . . .	HOA—HPZ
République de Honduras . . . . .	HQA—HRZ
Siam . . . . .	HSA—HSZ
Nicaragua . . . . .	HTA—HTZ
République de El Salvador . . . . .	HUA—HUZ
Etat de la Cité du Vatican . . . . .	HVA—HVZ
France et colonies et protectorats . . . . .	HWA—HYZ
Royaume de l'Arabie saoudite . . . . .	HZA—HZZ
Italie et colonies . . . . .	I
Japon . . . . .	J
Etats-Unis d'Amérique . . . . .	K
Norvège . . . . .	LAA—LNZ
République Argentine . . . . .	LOA—LWZ
Luxembourg . . . . .	LXA—LXZ
Lithuanie . . . . .	LYA—LYZ
Bulgarie . . . . .	LZA—LZZ
Grande-Bretagne . . . . .	M
Etats-Unis d'Amérique . . . . .	N
Pérou . . . . .	OAA—OCZ

[290] (2) When a fixed station in the international service uses more than one frequency, each frequency shall be designated by a separate call signal used for that country only.

[291] TABLE OF ALLOCATION OF CALL SIGNALS

Country	Call signals
Chile . . . . .	CAA—CEZ
Canada . . . . .	CFA—CKZ
Cuba . . . . .	CLA—CMZ
Morocco . . . . .	CNA—CNZ
Cuba . . . . .	COA—COZ
Bolivia . . . . .	CPA—CPZ
Portuguese Colonies . . . . .	CQA—CRZ
Portugal . . . . .	CSA—CUZ
Uruguay . . . . .	CVA—CXZ
Canada . . . . .	CYA—CZZ
Germany . . . . .	D
Spain . . . . .	EAA—EHZ
Ireland . . . . .	EIA—EJZ
Japan . . . . .	EKA—EKZ
Republic of Liberia . . . . .	ELA—ELZ
Japan . . . . .	EMA—EOZ
Iran . . . . .	EPA—EQZ
Japan . . . . .	ERA—ERZ
Estonia . . . . .	ESA—ESZ
Ethiopia . . . . .	ETA—ETZ
Japan . . . . .	EUA—EYZ
Germany . . . . .	EZA—EZZ
France and Colonies and Protectorates . . . . .	F
Great Britain . . . . .	G
Hungary . . . . .	HAA—HAZ
Switzerland . . . . .	HBA—HBZ
Ecuador . . . . .	HCA—HDZ
Switzerland . . . . .	HEA—HEZ
Poland . . . . .	HFA—HFZ
Japan . . . . .	HGA—HGZ
Republic of Haiti . . . . .	HHA—HHZ
Dominican Republic . . . . .	HIA—HIZ
Republic of Colombia . . . . .	HJA—HKZ
Japan . . . . .	HLA—HMZ
Iraq . . . . .	HNA—HNZ
Republic of Panama . . . . .	HOA—HPZ
Republic of Honduras . . . . .	HQA—HRZ
Siam . . . . .	HSA—HSZ
Nicaragua . . . . .	HTA—HTZ
Republic of El Salvador . . . . .	HUA—HUZ
Vatican City State . . . . .	HVA—HVZ
France and Colonies and Protectorates . . . . .	HWA—HYZ
Kingdom of Saudi Arabia . . . . .	HZA—HZZ
Italy and Colonies . . . . .	I
Japan . . . . .	J
United States of America . . . . .	K
Norway . . . . .	LAA—LNZ
Republic of Argentina . . . . .	LOA—LWZ
Luxemburg . . . . .	LXA—LXZ
Lithuania . . . . .	LYA—LYZ
Bulgaria . . . . .	LZA—LZZ
Great Britain . . . . .	M
United States of America . . . . .	N
Peru . . . . .	OAA—OCZ

Pays	Indicatifs
Syrie et Liban . . . . .	ODA—ODZ
Autriche . . . . .	OEA—O EZ
Finlande . . . . .	OFA—OJZ
Tchécoslovaquie . . . . .	OKA—OMZ
Belgique et colonies . . . . .	ONA—OTZ
Danemark . . . . .	OUA—OZZ
Pays-Bas . . . . .	PAA—PIZ
Curacao . . . . .	PJA—PJZ
Indes néerlandaises . . . . .	PKA—POZ
Brésil . . . . .	PPA—PYZ
Surinam . . . . .	PZA—PZZ
(Abréviations)	Q
Union des Républiques Soviétistes Socialistes . . . . .	R
Suède . . . . .	SAA—SMZ
Pologne. . . . .	SNA—SRZ
Egypte . . . . .	SSA—SUZ
Grèce . . . . .	SVA—SZZ
Turquie . . . . .	TAA—TCZ
Guatemala . . . . .	TDA—TDZ
Costa-Rica . . . . .	TEA—TEZ
Islande . . . . .	TFA—TFZ
Guatemala . . . . .	TGA—TGZ
France et colonies et protectorats . . . . .	THA—THZ
Costa-Rica . . . . .	TIA—TIZ
France et colonies et protectorats . . . . .	TJA—TZZ
Union des Républiques Soviétistes Socialistes . . . . .	U
Canada . . . . .	VAA—VGZ
Fédération Australienne . . . . .	VHA—VNZ
Terre-Neuve . . . . .	VOA—VOZ
Colonies et protectorats britanniques . . . . .	VPA—VSZ
Indes britanniques . . . . .	VTA—VWZ
Canada . . . . .	VXA—VYZ
Fédération Australienne . . . . .	VZA—VZZ
Etats-Unis d'Amérique . . . . .	W
Mexique . . . . .	XAA—XFZ
Chine . . . . .	XGA—XUZ
France et colonies et protectorats . . . . .	XVA—XWZ
Colonies portugaises . . . . .	XXA—XXZ
Birmanie . . . . .	XYA—XZZ
Afghanistan . . . . .	YAA—YAZ
Indes néerlandaises. . . . .	YBA—YHZ
Iraq . . . . .	YIA—YIZ
Nouvelles-Hébrides . . . . .	YJA—YJZ
Union des République Soviétistes Socialistes. . . . .	YKA—YKZ
Lettonie . . . . .	YLA—YLZ
Ville libre de Danzig . . . . .	YMA—YMZ
Nicaragua . . . . .	YNA—YNZ
Roumanie. . . . .	YOA—YRZ
République de El Salvador . . . . .	YSA—YSZ
Yougoslavie . . . . .	YTA—YUZ
Vénézuéla . . . . .	YVA—YWZ
Union des Républiques Soviétistes Socialistes . . . . .	YXA—YZZ
Albanie . . . . .	ZAA—ZAZ
Colonies et protectorats britanniques . . . . .	ZBA—ZJZ
Nouvelle-Zélande . . . . .	ZKA—ZMZ
Colonies et protectorats britanniques . . . . .	ZNA—ZOZ
Paraguay . . . . .	ZPA—ZPZ
Colonies et protectorats britanniques . . . . .	ZQA—ZQZ
Union de l'Afrique du Sud . . . . .	ZRA—ZUZ
Brésil . . . . .	ZVA—ZZZ

Country	Call signals
Syria and Lebanon . . . . .	ODA—ODZ
Austria . . . . .	OEA—OEZ
Finland . . . . .	OFA—OJZ
Czechoslovakia . . . . .	OKA—OMZ
Belgium and Colonies . . . . .	ONA—OTZ
Denmark . . . . .	OUA—OZZ
Netherlands . . . . .	PAA—PIZ
Curaçao . . . . .	PJA—PJZ
Netherlands Indies . . . . .	PKA—POZ
Brazil . . . . .	PPA—PYZ
Surinam . . . . .	PZA—PZZ
(Abbreviations) . . . . .	Q
Union of Soviet Socialist Republics . . . . .	R
Sweden . . . . .	SAA—SMZ
Poland . . . . .	SNA—SRZ
Egypt . . . . .	SSA—SUZ
Greece . . . . .	SVA—SZZ
Turkey . . . . .	TAA—TCZ
Guatemala . . . . .	TDA—TDZ
Costa Rica . . . . .	TEA—TEZ
Iceland . . . . .	TFA—TFZ
Guatemala . . . . .	TGA—TGZ
France and Colonies and Protectorates . . . . .	THA—THZ
Costa Rica . . . . .	TIA—TIZ
France and Colonies and Protectorates . . . . .	TJA—TZZ
Union of Soviet Socialist Republics . . . . .	U
Canada . . . . .	VAA—VGZ
Commonwealth of Australia . . . . .	VHA—VNZ
Newfoundland . . . . .	VOA—VOZ
British Colonies and Protectorates . . . . .	VPA—VSZ
British India . . . . .	VTA—VWZ
Canada . . . . .	VXA—VYZ
Commonwealth of Australia . . . . .	VZA—VZZ
United States of America . . . . .	W
Mexico . . . . .	XAA—XFZ
China . . . . .	XGA—XUZ
France and Colonies and Protectorates . . . . .	XVA—XWZ
Portuguese Colonies . . . . .	XXA—XXZ
Burma . . . . .	XYA—XZZ
Afghanistan . . . . .	YAA—YAZ
Netherlands Indies . . . . .	YBA—YHZ
Iraq . . . . .	YIA—YIZ
New Hebrides . . . . .	YJA—YJZ
Union of Soviet Socialist Republics . . . . .	YKA—YKZ
Latvia . . . . .	YLA—YLZ
Free City of Danzig . . . . .	YMA—YMZ
Nicaragua . . . . .	YNA—YNZ
Rumania . . . . .	YOA—YRZ
Republic of El Salvador . . . . .	YSA—YSZ
Yugoslavia . . . . .	YTA—YUZ
Venezuela . . . . .	YVA—YWZ
Union of Soviet Socialist Republics . . . . .	YXA—YZZ
Albania . . . . .	ZAA—ZAZ
British Colonies and Protectorates . . . . .	ZBA—ZJZ
New Zealand . . . . .	ZKA—ZMZ
British Colonies and Protectorates . . . . .	ZNA—ZOZ
Paraguay . . . . .	ZPA—ZPZ
British Colonies and Protectorates . . . . .	ZQA—ZQZ
Union of South Africa . . . . .	ZRA—ZUZ
Brazil . . . . .	ZVA—ZZZ

§ 2. Les indicatifs d'appel sont formés de:

- a) trois lettres, dans le cas de stations terrestres;
- b) trois lettres, ou trois lettres suivies d'un seul chiffre (autre que 0 ou 1), dans le cas de stations fixes;
- c) quatre lettres, dans le cas de stations de navire;
- d) cinq lettres, dans le cas de stations d'aéronef;
- e) cinq lettres, précédées et suivies du signal du code Morse correspondant au "souligné" (. . - - . -), dans le cas de stations à bord d'aéronefs effectuant un transport intéressant le fonctionnement de la Société des Nations; en radiotéléphonie, l'indicatif d'appel de ces aéronefs est précédé des mots "Société des Nations";
- f) quatre lettres, suivies d'un seul chiffre (autre que 0 ou 1), dans le cas d'autres stations mobiles;
- g) une ou deux lettres et un seul chiffre (autre que 0 ou 1), suivi d'un groupe de trois lettres au plus dans le cas de stations d'amateur, de stations expérimentales privées et de stations privées de radiocommunication; toutefois, l'interdiction d'employer les chiffres 0 et 1 ne s'applique pas aux stations d'amateur.

§ 3. (1) Dans le service aéronautique, après que la communication a été établie au moyen de l'indicatif d'appel complet [voir § 2, d) et e)], la station d'aéronef peut employer un indicatif abrégé constitué:

- a) en radiotélégraphie, par les première et dernière lettres de l'indicatif d'appel complet de cinq lettres;
- b) en radiotéléphonie, par tout ou partie du nom du propriétaire de l'aéronef (compagnie ou particulier) suivi des deux dernières lettres de la marque d'immatriculation.

(2) Les dispositions de ce paragraphe pourront être complétées ou modifiées par des accords régionaux entre pays intéressés.

L'emploi de ces indicatifs abrégés ne sera valable qu'à l'intérieur du service aéronautique.

§ 4. (1) Les 26 lettres de l'alphabet, ainsi que les chiffres dans les cas prévus au § 2, peuvent être employés pour former les indicatifs d'appel; les lettres accentuées sont exclues.

(2) Toutefois, les combinaisons de lettres indiquées ci-dessous ne peuvent être employées comme indicatifs d'appel:

- a) combinaisons commençant par A ou par B, ces deux lettres étant réservées pour la partie géographique du Code International de Signaux;
- b) combinaisons employées dans le Code International de Signaux, deuxième partie;<sup>1)</sup>
- c) combinaisons qui pourraient être confondues avec les signaux de détresse ou avec d'autres signaux de même nature;
- d) combinaisons réservées pour les abréviations à employer dans les services de radiocommunication (appendice 11).

<sup>1)</sup> Les combinaisons indiquées en b) pourront être utilisées par les aéronefs après que le comité permanent du Code International de Signaux aura donné son accord sur cette question et pris, en ce qui concerne ce code, les mesures nécessaires pour éviter toute confusion. Cet accord sera notifié par le Bureau de l'Union.

- [292] §2. Call signals shall consist of:
- [293] (a) three letters, in the case of land stations;
- [294] (b) three letters, or three letters followed by a single figure (other than 0 or 1), in the case of fixed stations;
- [295] (c) four letters, in the case of ship stations;
- [296] (d) five letters, in the case of aircraft stations;
- [297] (e) five letters preceded and followed by the Morse code signal corresponding to "underlined" (. . — — . —), in the case of stations on aircraft carrying matter having to do with the functioning of the League of Nations; in radiotelephony, the call signal of these aircraft shall be preceded by the words "Société des Nations";
- [298] (f) four letters followed by a single figure (other than 0 or 1), in the case of other mobile stations;
- [299] (g) one or two letters and a single figure (other than 0 or 1) followed by a group of not more than three letters, in the case of amateur stations, private experimental stations, and private radio stations; however, the prohibition against the use of the figures 0 and 1 shall not apply to amateur stations.

[300] §3. (1) In the aeronautical service, after communication has been established by means of the complete call signal [see §2 (d) and (e)] [Nos. 296 and 297], the aircraft station may use an abbreviated call signal composed:

- [301] (a) in radiotelegraphy, of the first and last letters of the complete 5-letter call signal;
- [302] (b) in radiotelephony, of all or part of the name of the owner of the aircraft (company or individual) followed by the last two letters of the registration mark.

[303] (2) The provisions of this paragraph may be completed or changed by regional agreements between the countries concerned.

[304] The use of these abbreviated signals shall be valid only in the interior of the aeronautical service.

[305] §4. (1) The 26 letters of the alphabet, as well as the figures in the cases provided for in §2, may be used to form call signals; accented letters shall be excluded.

[306] (2) However, the following letter combinations may not be used for call signals:

Combinations not to be used.

- [307] (a) combinations beginning with A or B, these two letters being reserved for the geographical part of the International Code of Signals;
- [308] (b) combinations used in the International Code of Signals, second part;<sup>1</sup>
- [309] (c) combinations which might be confused with distress signals or with other signals of a similar character;
- [310] (d) combinations reserved for the abbreviations to be used in the radio services (appendix 11).

Post, p. 1621.

[316] <sup>1</sup> The combinations indicated in (b) [No. 308] may be used by aircraft after the Permanent Committee of the International Code of Signals has agreed on this question, and after it has taken, so far as this code is concerned, the measures necessary to avoid any confusion. This agreement will be notified by the Bern Bureau.

§ 5. (1) Chaque pays choisit les indicatifs d'appel de ses stations dans la série internationale qui lui est allouée et notifiée au Bureau de l'Union les indicatifs d'appel qu'il a attribués à ses stations. Cette notification ne concerne pas les indicatifs d'appel attribués aux stations d'amateur, aux stations expérimentales privées et aux stations privées de radiocommunication.

(2) Les signaux distinctifs qui ont été attribués aux navires lors de leur enregistrement dans la liste des navires de leur pays, en vue de la signalisation visuelle et auditive, doivent, en général, concorder avec les indicatifs d'appel des stations de navire.

(3) Le Bureau de l'Union veille à ce qu'un même indicatif d'appel ne soit pas attribué plus d'une fois et à ce que les indicatifs d'appel qui pourraient être confondus avec les signaux de détresse, ou avec d'autres signaux de même nature, ne soient pas attribués.

#### ARTICLE 15.

##### *Documents de service.*

§ 1. Le Bureau de l'Union dresse et publie les documents de service suivants:

- a) les nomenclatures de toutes les stations terrestres, mobiles, fixes ayant un indicatif d'appel de la série internationale et ouvertes ou non à la correspondance publique; les nomenclatures des stations effectuant des services spéciaux et des stations de radiodiffusion;
- b) la liste des fréquences. Cette liste indique toutes les fréquences attribuées aux stations de radiocommunication et notifiées au Bureau de l'Union en vertu des prescriptions de l'article 16;
- c) une statistique générale des radiocommunications;
- d) une carte des stations côtières ouvertes à la correspondance publique;
- e) un tableau et une carte destinés à être annexés à la nomenclature des stations côtières et de navire, et indiquant les zones et les heures de service à bord des navires dont les stations sont classées dans la deuxième catégorie (voir appendices 6 et 7);
- f) une liste alphabétique des indicatifs d'appel des stations mentionnées sous a) et pourvues d'un indicatif d'appel de la série internationale. Cette liste est dressée sans considération de nationalité. Elle est précédée du tableau de répartition des indicatifs d'appel figurant à l'article 14.

§ 2. (1) Les nomenclatures des stations [§ 1, a)] sont publiées en fascicules séparés, ainsi qu'il suit:

- I. Nomenclature des stations côtières et de navire.
- II. Nomenclature des stations aéronautiques et d'aéronef.
- III. Nomenclature des stations effectuant des services spéciaux.
- IV. Nomenclature des stations fixes (Index à la liste des fréquences pour les stations fixes en service).
- V. Nomenclature des stations de radiodiffusion.

[311] §5. (1) Each country shall choose call signals for its stations from the international series which is allocated to it and shall notify the Bureau of the Union of the call signals which it has assigned to its stations. This notification does not concern the call signals allocated to amateur stations, to private experimental stations, and to private radio stations.

[312] (2) The special signals which have been allocated to ships at the time of their registry in the list of ships of their country, for visual and aural signaling, must in general agree with the call signals of ship stations.

[313] (3) The Bureau of the Union shall see that the same call signal is not allocated more than once and that those call signals which might be confused with distress signals, or with other signals of a similar character, are not allocated.

## ARTICLE 15

### *Service Documents*

[314] §1. The Bureau of the Union shall prepare and publish the following service documents:

Service documents.

[315] (a) The nomenclatures of all the land, mobile, and fixed stations having a call signal from the international series, whether or not open to public correspondence; the nomenclatures of the stations operating special services and broadcasting stations.

[317] (b) The frequency list. This list shall give all the frequencies assigned to radio stations and reported to the Bureau of the Union pursuant to the provisions of article 16.

[318] (c) General radio statistics.

[319] (d) A chart of coast stations open to public correspondence.

[320] (e) A table and a chart to be annexed to the nomenclature of coast and ship stations indicating the zones and hours of service on board ships of which the stations belong to the second category (see appendixes 6 and 7).

Post, pp. 1001, 1005.

[321] (f) An alphabetical list of the call signals of the stations mentioned in (a) [No. 315] and provided with a call signal of the international series. This list shall be arranged without considering nationality. It shall be preceded by the call-signal-allocation table appearing in article 14.

[322] §2. (1) The nomenclatures of stations [§1 (a)] [No. 315] shall be published in separate volumes as follows:

Nomenclatures.

[323] I. Nomenclature of Coast and Ship Stations.

[324] II. Nomenclature of Aeronautical and Aircraft Stations.

[325] III. Nomenclature of Stations Operating Special Services.

[326] IV. Nomenclature of Fixed Stations (Index to the List of Frequencies for Fixed Stations in Service).

[327] V. Nomenclature of Broadcasting Stations.

(2) Dans les nomenclatures I, II et III, chaque catégorie de stations est rangée dans une section spéciale.

§ 3. La forme à donner aux différentes nomenclatures et à la liste des fréquences est indiquée à l'appendice 8. Les renseignements détaillés sur l'établissement de ces documents sont donnés dans les préfaces, dans l'en-tête des colonnes et dans les annotations desdits documents.

§ 4. Les administrations notifient une fois par mois au Bureau de l'Union, au moyen de formules identiques à celles données par l'appendice 8, les additions, modifications et suppressions à apporter aux documents susvisés.

§ 5. (1) La nomenclature des stations côtières et de navire est rééditée tous les neuf mois, sans supplément entre deux rééditions. La nomenclature des stations aéronautiques et d'aéronef est rééditée tous les six mois sans supplément entre deux rééditions. En ce qui concerne la nomenclature des stations effectuant des services spéciaux et la nomenclature des stations de radiodiffusion, le Bureau de l'Union décide à quels intervalles elles doivent être rééditées.

(2) Un supplément récapitulatif est publié tous les 3 mois pour la nomenclature des stations effectuant des services spéciaux et tous les 6 mois pour la nomenclature des stations de radiodiffusion.

(3) La liste des fréquences et la nomenclature des stations fixes qui constitue un index à la liste des fréquences, pour les stations fixes mises en service, sont rééditées séparément chaque année. Elles sont tenues à jour au moyen de suppléments mensuels édités également séparément.

(4) La liste alphabétique des indicatifs d'appel est rééditée lorsque le Bureau de l'Union le juge utile. Elle est tenue à jour au moyen de suppléments mensuels et récapitulatifs.

§ 6. (1) Les noms des stations côtières et aéronautiques sont suivis respectivement des mots RADIO et AERADIO.

(2) Les noms des stations radiogoniométriques et des radiophares du service mobile maritime sont suivis respectivement des mots GONIO et PHARE.

(3) Les noms des stations radiogoniométriques et des radiophares du service aéronautique sont suivis respectivement des mots AEROGONIO et AEROPHARE.

§ 7. L'appendice 9 contient les notations employées dans les documents pour indiquer la nature et l'étendue du service des stations.

§ 8. Les documents de service dont les stations mobiles doivent être pourvues sont énumérés dans l'appendice 10.

#### ARTICLE 16.

##### *Notification et publication des fréquences.*

§ 1. (1) Les administrations notifient au Bureau de l'Union, en vue de leur publication dans la liste des fréquences, les fréquences assignées aux stations fixes, terrestres, de radiodiffusion, ainsi que

[328] (2) In the nomenclatures I, II, and III, each class of stations shall occupy a special section.

[329] §3. The form for the different nomenclatures and for the frequency list is given in appendix 8. Detailed information concerning the preparation of these documents shall be given in the prefaces, in the headings of columns, and in the notes of the said documents.

*Post*, p. 1605.

[330] §4. Once a month, by means of forms similar to those given in appendix 8, the administrations shall notify the Bureau of the Union of the additions, changes, and deletions to be made in the above-mentioned documents.

[331] §5. (1) The nomenclature of coast and ship stations shall be reedited every nine months without supplements between the two reeditions. The nomenclature of aeronautical and aircraft stations shall be reedited every six months without supplements between the two reeditions. As regards the nomenclature of stations operating special services and the nomenclature of broadcasting stations, the Bureau of the Union shall decide upon the intervals at which they must be reedited.

[332] (2) A summarizing supplement shall be published every three months for the nomenclature of stations operating special services, and every six months for the nomenclature of broadcasting stations.

[333] (3) The frequency list and the nomenclature of fixed stations constituting an index to the frequency list, for fixed stations in service, shall be reedited separately each year. They shall be kept up to date by means of monthly supplements also edited separately.

[334] (4) The alphabetical list of call signals shall be reedited when the Bureau of the Union considers this useful. It shall be kept up to date by means of monthly and summarizing supplements.

[335] §6. (1) The names of coast and aeronautical stations shall be followed respectively by the words RADIO and AERADIO.

[336] (2) The names of radio direction-finding stations and the radiobeacons of the maritime mobile service shall be followed respectively by the words GONIO and PHARE.

[337] (3) The names of radio direction-finding and radiobeacon stations of the aeronautical service shall be followed respectively by the words AEROGONIO and AEROPHARE.

[338] §7. Appendix 9 contains the symbols used in the documents to indicate the nature and the scope of the service of stations.

*Post*, p. 1617.

[339] §8. The service documents with which mobile stations must be provided are listed in appendix 10.

*Post*, p. 1619.

## ARTICLE 16

### *Notification and Publication of Frequencies*

[340] §1. (1) The administrations shall notify the Bureau of the Union, with a view to their publication in the frequency list, of the frequencies assigned to fixed, land, and broadcasting stations, as

Notification and  
publication of fre-  
quencies.

la limite supérieure de la puissance prévue lorsque ces stations sont susceptibles de causer des brouillages internationaux.

(2) Sont notifiées, en outre, les fréquences attribuées aux stations mobiles, portatives, expérimentales privées, d'amateur et effectuant des services spéciaux.

(3) Doivent également être notifiées au Bureau de l'Union, en vue de leur publication, les fréquences sur lesquelles reçoit une station côtière pour effectuer un service particulier avec les stations de navire utilisant des émetteurs stabilisés.

(4) Les fréquences prévues par le présent Règlement pour un emploi commun par les stations d'un service donné [500 kc/s (600 m), 333 kc/s (900 m), 375 kc/s (800 m) etc.] ne sont pas notifiées au Bureau de l'Union.

(5) La notification prévue à l'alinéa (1) doit être faite avant la mise en service de la fréquence et suffisamment à temps pour permettre aux administrations de prendre toute mesure qui leur semblerait nécessaire en vue d'assurer une bonne exécution de leurs services.

(6) a) Toutefois, lorsque la fréquence qu'une administration a l'intention d'assigner à une station fixe, terrestre ou de radiodiffusion est une fréquence se trouvant en dehors des bandes autorisées par le présent Règlement pour le service en cause, cette administration fait la notification prévue à l'alinéa (5) au moins six mois avant la mise en exploitation de cette fréquence ou, en cas d'urgence, au moins trois mois avant cette date.

b) La procédure de notification indiquée ci-dessus est également observée lorsqu'une administration a l'intention d'augmenter la puissance ou d'apporter un changement dans les conditions de rayonnement d'une station travaillant déjà en dehors des bandes autorisées, même si la fréquence utilisée doit rester la même.

§ 2. (1) Lorsqu'une fréquence est notifiée en raison de la conclusion d'un arrangement régional, il sera fait mention de cet arrangement lors de la notification de la fréquence.

(2) Lorsqu'un arrangement régional prévoit qu'une fréquence peut être utilisée par plusieurs stations effectuant un service donné, seules l'attribution de cette fréquence pour ce service et, éventuellement, la région englobée dans l'arrangement régional sont publiées.

§ 3. En ce qui concerne les *stations fixes, terrestres* et de *radiodiffusion*, les administrations notifient au Bureau de l'Union un état signalétique complet pour chaque fréquence attribuée à ces stations.

§ 4. Les administrations notifient au Bureau de l'Union tous les changements qu'elles se proposent d'apporter aux conditions de rayonnement d'une station dont l'état signalétique a été notifié conformément aux dispositions du § 1 (1).

§ 5. Quant aux *stations mobiles*, il n'est pas fourni d'état signalétique complet. On indique seulement pour chaque pays, séparément pour chaque catégorie de stations (de navire, d'aéronef, d'autres véhicules), les fréquences attribuées à ces stations dans les bandes qui leur sont réservées.

well as the upper limit of the power provided when these stations are capable of causing international interference.

[341] (2) In addition, notification shall be given of frequencies assigned to mobile, portable, private experimental, and amateur stations, as well as those carrying on special services.

[342] (3) Likewise, the frequencies used for reception by a coast station for the operation of a special service with ship stations using stabilized transmitters must also be notified to the Bureau of the Union, with a view to their publication.

[343] (4) The frequencies provided for by the present Regulations for joint use by stations of a given service [500 kc (600 m), 333 kc (900 m), 375 kc (800 m), et cetera] shall not be notified to the Bureau of the Union.

[344] (5) The notification provided in paragraph (1) [No. 340] should be made before the frequency is placed in service and sufficiently soon to enable the administrations to take any step which they might find necessary for the purpose of assuring the good operation of their services.

[345] (6) (a) However, when the frequency which an administration intends to assign to a fixed, land, or broadcasting station is a frequency located outside of the bands authorized by the present Regulations for the service in question, this administration shall make the notification provided for in paragraph (5) [No. 344] at least six months before this frequency is placed in operation, or, in urgent cases, at least three months before this date.

[346] (b) The notification procedure indicated above shall also be observed when an administration intends to increase the power or effect a change in the radiation conditions of a station already working outside the authorized bands, even if the frequency used is to remain the same.

[347] §2. (1) When a frequency is notified by reason of the conclusion of a regional arrangement, mention shall be made of this arrangement at the time of the notification of the frequency.

[348] (2) When a regional arrangement makes the provision that a frequency may be used by several stations carrying on a given service, only the allocation of this frequency for this service and, if necessary, the region covered by the regional arrangement shall be published.

[349] §3. With regard to *fixed, land, and broadcasting stations*, the administrations shall furnish the Bureau of the Union with a complete descriptive list for each frequency assigned to these stations.

[350] §4. The administrations shall notify the Bureau of the Union of all changes which they propose to effect in the radiation conditions of a station the descriptive list of which has been notified in accordance with the provisions of §1 (1) [No. 340].

[351] §5. As to *mobile stations* no complete descriptive list shall be furnished. The only data given consists, for each country and for each class of stations separately (ship, aircraft, other vehicles), of the frequencies assigned to these stations within the bands reserved to them.

Fixed, etc., stations.

Mobile stations.

Pour les stations de navire, on indique les fréquences individuelles et/ou les bandes de fréquences [voir par exemple art. 7, § 21, (1), a)].

§ 6. Les fréquences attribuées aux *stations effectuant des services spéciaux, aux stations portatives et aux stations expérimentales privées* sont indiquées en bloc, par pays, lorsque la même fréquence est attribuée à plusieurs stations. Lorsqu'une de ces fréquences est attribuée à une station déterminée, elle peut être notifiée sous forme d'un état signalétique complet. Les fréquences attribuées aux *stations d'amateur* sont notifiées en bloc, par pays. [exemple: 3 500 à 4 000 kc/s (85,71 à 75 m) stations d'amateur, Canada].

§ 7. Dans le cas d'un système multiplex, on indique toutes les fréquences porteuses dans la colonne 1 et, en regard de chacune des fréquences, on répète, dans la colonne des observations toutes les autres fréquences porteuses du système avec la mention "système multiplex".

§ 8. Dans le cas d'une émission où la fréquence porteuse est supprimée, on indique dans la colonne 1, une fréquence qui, combinée avec le chiffre de la colonne 9 (fréquence de modulation), déterminera la bande employée. Dans la colonne 14 (observations), on indique que la fréquence porteuse est supprimée et si la transmission se fait avec une bande latérale unique.

§ 9. En vue de faciliter l'utilisation de la liste des fréquences, le Bureau de l'Union mentionne sur chaque page la gamme de fréquences du tableau de répartition correspondant aux fréquences qui figurent sur cette page [exemple: 7 300 à 8 200 kc/s (41,10 à 36,59 m) services fixes].

§ 10. Le Bureau de l'Union inscrit une ou deux dates de notification en regard de chaque fréquence notifiée par une administration. Ces dates sont les suivantes:

- a) une date de première notification de la fréquence pour le pays intéressé (colonne 3a).
- b) une date de première notification de la fréquence pour une station déterminée du pays intéressé (colonne 3b).

Par pays, on entend le territoire dans les limites duquel est installée la station. On considère également comme un pays une colonie, un protectorat, un territoire d'outre-mer ou un territoire sous souveraineté, autorité ou mandat.

§ 11. (1) La date de notification d'une fréquence, à insérer dans la colonne 3a, est la date que porte la communication par laquelle le Bureau de l'Union a été informé de la *première* attribution de cette fréquence pour le pays indiqué.

(2) Lors de la première notification d'une fréquence pour une station d'un pays, la date à inscrire dans la colonne 3b, en regard de cette station, est la même que celle portée dans la colonne 3a. Si l'on attribue ultérieurement la même fréquence à une autre station du même pays, on insère en regard de la nouvelle station, dans la

For ship stations, the individual frequencies and/or the bands of frequencies shall be indicated [see, for instance, article 7, §21 (1) (a)] [No. 181].

Ship stations.

*Ante*, p. 1471.

[352] §6. The frequencies assigned to *stations carrying on special services*, to *portable stations*, and to *private experimental stations* shall be indicated collectively for each country, when the same frequency is assigned to several stations. When one of these frequencies is assigned to a specified station, it may be notified by means of a complete descriptive list. The frequencies assigned to *amateur stations* shall be notified collectively for each country [example: 3,500–4,000 kc (85.71–75 m) amateur stations, Canada].

Special services, etc.

[353] §7. In case of a multiplex system, all carrier frequencies shall be indicated in column 1 (see appendix 8) and, opposite each frequency, there shall be repeated, in the "remarks" column, all other carrier frequencies of the system with the note "multiplex system".

Multiplex system.

*Post*, p. 1605.

[354] §8. In the case of a transmission in which the carrier frequency is eliminated, there shall be indicated in column 1 (see appendix 8) a frequency which, combined with the figure in column 9 (modulation frequency) (see appendix 8), will determine the band used. In column 14 (remarks) (see appendix 8), it shall be indicated that the carrier frequency is eliminated and whether the transmission is made with a single sideband.

*Post*, p. 1605.

[355] §9. In order to facilitate the use of the frequency list, the Bureau of the Union shall show on each page the frequency range of the allocation table which corresponds to the frequencies appearing on this page [example: 7,300 to 8,200 kc (41.10 to 36.59 m), fixed services].

[356] §10. The Bureau of the Union shall record one or two notification dates with regard to each frequency notified by an administration. These dates shall be the following:

[357] (a) a date for the first notification of the frequency by the country concerned [column 3a (see appendix 8)],

[358] (b) a date for the first notification of the frequency for a specified station of the country concerned [column 3b (appendix 8)].

[359] Country shall be understood to mean the territory within the limits of which the station is set up. A colony, protectorate, overseas territory, or a territory under sovereignty, authority, or mandate shall also be considered as a country.

[360] §11. (1) The date of notification of a frequency, to be inserted in column 3a (appendix 8), shall be the date of the communication by which the Bureau of the Union was informed of the *first* allocation of this frequency to the country indicated.

[361] (2) When a frequency is first notified for a station of a country, the date to be written in column 3b (appendix 8) opposite this station shall be the same as that in column 3a (appendix 8). If the same frequency is later assigned to another station of the same country, the date of the first notification mentioned above shall be inserted

colonne 3a, la date de la première notification visée ci-dessus, et, dans la colonne 3b, la date de l'attribution de cette fréquence à cette nouvelle station.

(3) En cas de notification sommaire, sans indication de nom de station, d'une fréquence déterminée, seule la date de la colonne 3a est inscrite.

(4) Aucune date n'est indiquée pour les fréquences notifiées en bloc de même que pour les fréquences attribuées aux stations mobiles.

§ 12. (1) Si, deux ans après la notification d'une fréquence pour une station déterminée [date de la colonne 3b], la fréquence notifiée n'a pas été mise en exploitation par cette station, les inscriptions publiées par le Bureau de l'Union sont annulées à moins que l'administration intéressée, obligatoirement consultée par le Bureau de l'Union six mois avant l'expiration du délai précité, n'en ait demandé le maintien. Dans ce cas, les dates de notification subsistent.

(2) En cas de notification d'une fréquence sans que la station à laquelle cette fréquence est attribuée soit déterminée, les inscriptions publiées seront annulées deux ans après la notification à moins que l'administration intéressée, obligatoirement consultée par le Bureau de l'Union, ne précise que la fréquence a été mise en exploitation.

(3) Les administrations notifient sans délai au Bureau de l'Union la mise en service des fréquences pour lesquelles un état signalétique complet doit figurer dans la liste des fréquences.

#### ARTICLE 17.

##### *Procédure générale radiotélégraphique dans le service mobile <sup>1)</sup> <sup>2)</sup>.*

§ 1. (1) Dans le service mobile, la procédure détaillée ci-dessus est obligatoire, sauf dans le cas d'appel ou de trafic de détresse auquel sont applicables les dispositions de l'article 24.

(2) Dans le service exclusivement aéronautique la procédure visée au présent article est applicable, sauf lorsque des procédures particulières fixées dans des accords régionaux par les gouvernements intéressés seront en vigueur.

(3) Pour l'échange des radiocommunications, les stations du service mobile utilisent les abréviations visées à l'appendice 11.

En outre, dans le service mobile maritime, seules les abréviations visées à l'appendice 11 doivent être utilisées.

(4) Dans les zones de trafic intense, les stations de navire tiendront compte des prescriptions du § 2 (2) de l'article 21.

§ 2. (1) Avant d'émettre, toute station doit écouter pendant un intervalle suffisant pour lui permettre de s'assurer qu'elle ne produira pas un brouillage nuisible aux transmissions s'effectuant dans son rayon d'action; si un tel brouillage est probable, la station attend le premier arrêt de la transmission qu'elle pourrait troubler.

<sup>1)</sup> Cette procédure est applicable aux ondes courtes, dans la mesure du possible.

<sup>2)</sup> Les dispositions des §§ 2 et 8 sont applicables aux transmissions radiotéléphoniques du service mobile.

in column 3a (appendix 8) opposite the new station and, in column 3b (appendix 8), the date of the assignment of this frequency to this new station.

*Post*, p. 1605.

[362] (3) In case of summary notification of a specified frequency without indication of the name of the station, only the date of column 3a (appendix 8) shall be indicated.

[363] (4) No date shall be indicated for the frequencies notified collectively nor for the frequencies allocated to mobile stations.

[364] §12. (1) If, two years after the notification of a frequency to a specified station [the date in column 3b (appendix 8)], the frequency notified has not been placed in operation by this station, the records published by the Bureau of the Union shall be canceled unless the administration concerned, consulted, as a compulsory procedure, by the Bureau of the Union six months before the expiration of the above-mentioned period, shall have requested that it be retained. In this case, the notification dates shall stand.

[365] (2) In case of the notification of a frequency when the station to which this frequency is assigned has not been specified, the records published shall be canceled two years after the notification unless the administration concerned, consulted, as a compulsory procedure, by the Bureau of the Union, specifies that the frequency has been placed in operation.

[366] (3) The administrations shall notify the Bureau of the Union without delay of the placing in service of the frequencies, of which a complete descriptive list must appear in the frequency list.

#### ARTICLE 17

##### *General Radiotelegraph Procedure in the Mobile Service*<sup>1 2</sup>

[367] §1. (1) In the mobile service, the following detailed procedure shall be obligatory except in the case of distress calls or distress traffic to which the provisions of article 24 shall apply.

General radiotelegraph procedure in the mobile service.

*Post*, p. 1535.

[368] (2) In the exclusively aeronautical service, the procedure contemplated in the present article shall apply, except when special procedures, determined in regional agreements by the governments concerned, shall be in force.

[369] (3) For the exchange of radio communications, stations of the mobile service shall use the abbreviations given in appendix 11.

*Post*, p. 1621.

[372] Furthermore, in the maritime mobile services only those abbreviations given in appendix 11 may be used.

[373] (4) In heavy-traffic areas, ship stations shall take account of the provisions of §2(2) of article 21 [No. 476].

*Post*, p. 1523.

[374] §2. (1) Before transmitting, any station must keep watch over a sufficient interval to assure itself that it will cause no harmful interference with the transmissions being made within its range; if such interference is likely, the station shall await the first stop in the transmission which it may disturb.

[370] <sup>1</sup> This procedure shall be applicable to short waves so far as possible.

[371] <sup>2</sup> The provisions of §§ 2 and 8 shall be applicable to radiotelephone transmissions of the mobile service.

(2) Toutefois, même si, en opérant ainsi, l'émission de cette station vient à brouiller une transmission radioélectrique déjà en cours, on appliquera les règles suivantes:

- a) Dans la zone de communication d'une station terrestre ouverte au service de la correspondance publique ou d'une station aéronautique quelconque, la station dont l'émission produit le brouillage doit cesser d'émettre à la première demande de la station terrestre ou aéronautique précitée.
- b) Dans le cas où une transmission radioélectrique déjà en cours entre deux navires vient à être brouillée par une émission d'un autre navire, ce dernier doit cesser d'émettre à la première demande de l'un quelconque des deux autres.
- c) La station qui demande cette cessation doit indiquer la durée approximative de l'attente imposée à la station dont elle suspend l'émission.

§ 3. Les radiotélégrammes de toute nature transmis par les stations de navire sont numérotés par séries quotidiennes en donnant le numéro 1 au premier radiotélégramme transmis chaque jour à chaque station terrestre différente.

§ 4. APPEL D'UNE STATION ET SIGNAUX PRÉPARATOIRES AU TRAFIC.

(1) *Formule d'appel.*

L'appel est constitué comme suit:

trois fois, au plus, l'indicatif d'appel de la station appelée;

le mot DE

trois fois, au plus, l'indicatif d'appel de la station appelante.

(2) *Onde à utiliser pour l'appel et les signaux préparatoires.*

Pour faire l'appel ainsi que pour transmettre les signaux préparatoires, la station appelante utilise l'onde sur laquelle veille la station appelée.

(3) *Indication de l'onde à utiliser pour le trafic.*

L'appel, tel qu'il est indiqué à l'alinéa (1) ci-dessus, doit être suivi de l'abréviation réglementaire indiquant la fréquence et/ou le type d'onde que la station appelante se propose d'utiliser pour transmettre son trafic.

Lorsque, par exception à cette règle, l'appel n'est pas suivi de l'indication de l'onde à utiliser pour le trafic:

- a) si la station appelante est une station terrestre:  
c'est que cette station se propose d'utiliser pour le trafic son onde normale de travail, indiquée dans la nomenclature;
- b) si la station appelante est une station mobile:  
c'est que l'onde à utiliser pour le trafic est à choisir par la station appelée.

[375] (2) If, however, even after taking these precautions the emissions of this station should cause interference with a radio transmission already in progress, the following rules shall be applied:

[376] (a) In the communication zone of a land station open to the public correspondence service or of any aeronautical station, the station whose emission produces the interference must cease transmitting at the first request of the above-mentioned land or aeronautical station.

[377] (b) In the case where a radio transmission already in progress between two ships happens to be interfered with by an emission from another ship, the latter must cease transmitting at the first request of either of the other two.

[378] (c) The station requesting this cessation must indicate the approximate length of the wait imposed upon the station whose emission it is suspending.

[379] §3. Radiotelegrams of all kinds transmitted by ship stations shall be numbered in daily series, assigning number 1 to the first radiotelegram transmitted each day to each land station separately.

[380] §4. CALLING A STATION AND SIGNALS PREPARATORY TO TRAFFIC

[381] (1) *Method of calling*

The call shall consist of the following:

not more than three times the call signal of the station called;  
the word DE;  
not more than three times the call signal of the calling station.

[382] (2) *Wave to be used for the call and for preparatory signals*

To make the call as well as to transmit preparatory signals the calling station shall use the wave on which the station called is listening.

[383] (3) *Indication of the wave to be used for the traffic*

[384] The call, as indicated in subparagraph (1) above, must be followed by the regulatory abbreviation indicating the frequency and/or the type of wave which the calling station proposes to use to transmit its traffic.

[385] When, as an exception to this rule, the call is not followed by the indication of the wave to be used for the traffic:

[386] (a) if the calling station is a land station: it shall mean that this station proposes to use its normal working-wave, as indicated in the nomenclature for the traffic;

[387] (b) if the calling station is a mobile station: it shall mean that the wave to be used for the traffic is to be chosen by the station called.

(4) *Indication éventuelle du nombre de radiotélégrammes ou de la transmission par série*

Lorsque la station appelante a plus d'un radiotélégramme à transmettre à la station appelée, les signaux préparatoires précédents sont suivis de l'abréviation réglementaire et du chiffre spécifiant le nombre de ces radiotélégrammes.

En outre, lorsque la station appelante désire transmettre ces radiotélégrammes par série, elle l'indique en ajoutant l'abréviation réglementaire pour demander le consentement de la station appelée.

§5. RÉPONSE AUX APPELS ET SIGNAUX PRÉPARATOIRES AU TRAFIC.

(1) *Formule de réponse aux appels.*

La réponse aux appels est constituée comme suit:

trois fois, au plus, l'indicatif d'appel de la station appelante;

le mot DE;

l'indicatif d'appel de la station appelée.

(2) *Onde de réponse.*

Pour transmettre la réponse aux appels et aux signaux préparatoires, la station appelée emploie l'onde sur laquelle doit veiller la station appelante, à moins que la station appelante n'ait désigné une fréquence pour la réponse.

Par exception à cette règle, quand une station mobile appelle une station côtière sur l'onde de 143 kc/s (2 100 m), la station côtière transmet la réponse aux appels sur son onde normale de travail des bandes de 100 à 160 kc/s (3 000 à 1 875 m), telle qu'elle est indiquée dans la nomenclature.

(3) *Accord sur l'onde à utiliser pour le trafic.*

A. Si la station appelée est d'accord avec la station appelante, elle transmet:

- a) la réponse à l'appel;
- b) l'abréviation réglementaire indiquant qu'à partir de ce moment elle écoute sur la fréquence et/ou le type d'onde annoncés par la station appelante;
- c) éventuellement les indications prévues à l'alinéa (4);
- d) la lettre K si la station appelée est prête à recevoir le trafic de la station appelante;
- e) éventuellement, si c'est utile, l'abréviation réglementaire et le chiffre indiquant la force des signaux reçus (voir l'appendice 12).

B. Si la station n'est pas d'accord, ou si elle doit choisir l'onde à utiliser pour le trafic, elle transmet:

- a) la réponse à l'appel;
- b) l'abréviation réglementaire indiquant la fréquence et/ou le type d'onde demandés \*;
- c) éventuellement les indications prévues à l'alinéa (4).

\* Dans le cas où le choix de l'onde à utiliser pour le trafic revient à la station appelée, et si, exceptionnellement, cette dernière station ne donne pas l'indication correspondante, le trafic a lieu sur l'onde utilisée pour l'appel.

[388] (4) *Indication, when required, of the number of radiotelegrams or of transmission by series*

[389] When the calling station has more than one radiotelegram to transmit to the station called, the preceding preparatory signals shall be followed by the regulatory abbreviation and by the figure specifying the number of these radiotelegrams.

[390] Furthermore, when the calling station wishes to transmit these radiotelegrams in series, it shall so indicate by adding the regulatory abbreviation requesting the consent of the station called.

[391] §5. REPLY TO CALLS AND SIGNALS PREPARATORY TO TRAFFIC

[392] (1) *Method of reply to calls*

The reply to calls shall consist of the following:

not more than three times the call signal of the calling station;  
the word DE;  
the call signal of the station called.

[393] (2) *Wave for reply*

[394] To transmit the reply to calls and to preparatory signals, the station called shall use the wave on which the calling station must listen, unless the calling station has specified a frequency for the reply.

[395] As an exception to this rule, when a mobile station calls a coast station on the wave 143 kc (2,100 m), the coast station shall transmit the reply to the calls on its normal working-wave of the bands between 100 and 160 kc (3,000 and 1,875 m), as indicated in the nomenclature.

[396] (3) *Understanding as to the wave to be used for the traffic*

[397] A. If the station called has an understanding with the calling station, it shall transmit:

[398] (a) the reply to the call;

[399] (b) the regulatory abbreviation indicating that from that time on it is listening on the frequency and/or the type of wave announced by the calling station;

[400] (c) in some cases, the indications mentioned in paragraph (4) [No. 409];

[401] (d) the letter K, if the station called is ready to receive the traffic of the calling station;

[402] (e) in certain cases, if it is useful, the regulatory abbreviation and the figure indicating the strength of the signals received. (See appendix 12.)

[403] B. If the station has no preliminary understanding, or if it must choose the wave to be used for the traffic, it shall transmit:

[404] (a) the reply to the call;

[405] (b) the regulatory abbreviation indicating the frequency and/or the type of wave requested;\*

[406] (c) in some cases, the indications mentioned in paragraph (4) [No. 409].

[408] \*In the case where the choice of the wave to be used for the traffic falls to the station called, and if, in exceptional cases, the latter station does not give the corresponding indication, the traffic shall take place on the wave used for the call.

Post, p. 1641.

Lorsque l'accord est réalisé sur l'onde que devra employer la station appelante pour son trafic, la station appelée transmet la lettre K à la suite des indications contenues dans sa réponse.

(4) *Réponse à la demande de transmission par série.*

La station appelée, répondant à une station appelante qui a demandé à transmettre ses radiotélégrammes par série [§ 4, (4) ], indique, au moyen de l'abréviation réglementaire, son refus ou son acceptation et, dans ce dernier cas, s'il y a lieu, elle spécifie le nombre des radiotélégrammes qu'elle est prête à recevoir en une série.

(5) *Difficultés de réception.*

- a) Si la station appelée est empêchée de recevoir, elle répond à l'appel comme il est indiqué à l'alinéa (3) ci-dessus, mais elle remplace la lettre K par le signal . — . . . (attente), suivi d'un nombre indiquant en minutes la durée probable de l'attente. Si cette durée probable excède 10 minutes (5 minutes dans le service mobile de l'aéronautique), l'attente doit être motivée.
- b) Lorsqu'une station reçoit un appel sans être certaine que cet appel lui est destiné, elle ne doit pas répondre avant que l'appel n'ait été répété et compris. Lorsque, par ailleurs, une station reçoit un appel qui lui est destiné, mais a des doutes sur l'indicatif d'appel de la station appelante, elle doit répondre immédiatement en utilisant l'abréviation réglementaire en lieu et place de l'indicatif d'appel de cette dernière station.

§ 6. ACHEMINEMENT DU TRAFIC.

(1) *Onde de trafic.*

- a) Chaque station du service mobile transmet son trafic en employant, en principe, une de ses ondes de travail, telles qu'elles sont indiquées dans la nomenclature, pour la bande dans laquelle a eu lieu l'appel.
- b) En dehors de son onde normale de travail, imprimée en caractères gras dans la nomenclature, chaque station peut employer des ondes supplémentaires de la même bande, conformément aux dispositions de l'article 21, § 4. (2).
- c) L'emploi des ondes d'appel pour le trafic est réglementé par l'article 21.
- d) Si la transmission d'un radiotélégramme a lieu sur une autre fréquence et/ou type d'onde que celle sur laquelle l'appel a été effectué, la transmission du radiotélégramme est précédée de:

trois fois, au plus, l'indicatif d'appel de la station appelée; le mot DE;  
trois fois, au plus, l'indicatif d'appel de la station appelante.

Si la transmission est effectuée sur la même fréquence et type d'onde que l'appel, la transmission du radiotélégramme est précédée, si besoin est, de l'indicatif d'appel de la station appelée; du mot DE; de l'indicatif d'appel de la station appelante.

[407] When an agreement is reached on the wave which the calling station must use for its traffic, the station called shall transmit the letter K after the indications contained in its reply.

[409] (4) *Reply to the request for transmission by series*

The station called, replying to a calling station which has asked to transmit its radiotelegrams in series [§4 (4)] [Nos. 389 and 390], shall indicate, by means of the regulatory abbreviation, whether it refuses or accepts and, in the latter case, if need be, shall specify the number of radiotelegrams which it is ready to receive in one series.

[410] (5) *Difficulties in reception*

[411] (a) If the station called is prevented from receiving, it shall reply to the call as indicated in paragraph (3) [No. 396], but it shall replace the letter K by the signal . \_ . . . (wait), followed by a number indicating in minutes the probable duration of the wait. If this probable duration exceeds 10 minutes (5 minutes in the aeronautical mobile service), a reason must be given therefor.

[412] (b) When a station receives a call without being certain that this call is intended for it, it must not reply before the call has been repeated and understood. When, on the other hand, a station receives a call which is intended for it, but is doubtful about the call signal of the calling station, it must reply immediately, using the regulatory abbreviation instead of the call signal of the latter station.

[413] §6. ROUTING OF TRAFFIC

[414] (1) *Traffic wave*

[415] (a) Each station of the mobile service shall transmit its traffic by using, in principle, one of its working-waves, as they are indicated in the nomenclature for the band in which the call was made.

Routing of traffic.

[416] (b) Outside of its normal working-wave, which is printed in boldface type in the nomenclature, each station may use additional waves of the same band, in accordance with the provisions of article 21, §4 (2) [No. 484].

Post, p. 1525.

[417] (c) The use of calling-waves for traffic shall be governed by article 21.

[418] (d) If the transmission of a radiotelegram takes place on another frequency and/or type of wave than that on which the call was made, the transmission of the radiotelegram shall be preceded by:

not more than three times, the call signal of the station called;  
the word DE;

not more than three times, the call signal of the calling station.

[419] If the transmission is made on the same frequency and type of wave as the call, the transmission of the radiotelegram shall be preceded, in case of need, by the call signal of the station called; by the word DE; by the call signal of the calling station.

(2) *Longs radiotélégrammes.*

- a) En principe, tout radiotélégramme contenant plus de 100 mots est considéré comme formant une série, ou met fin à la série en cours.
- b) En règle générale, les longs radiotélégrammes, tant ceux en langage clair que ceux en langage convenu ou chiffré, sont transmis par tranches, chaque tranche contenant 50 mots dans le cas du langage clair et 20 mots ou groupes lorsqu'il s'agit du langage convenu ou chiffré.
- c) A la fin de chaque tranche, le signal . . — . . (?) signifiant "avez-vous bien reçu le radiotélégramme jusqu'ici?" est transmis. Si la tranche a été correctement reçue, la station réceptrice répond par la lettre K et la transmission du radiotélégramme est poursuivie.

(3) *Suspension du trafic.*

Quand une station du service mobile transmet sur une onde de travail d'une station terrestre et cause ainsi du brouillage à ladite station terrestre, elle doit suspendre son travail à la demande de cette dernière.

## § 7. FIN DU TRAFIC ET DU TRAVAIL.

(1) *Signal de fin de transmission.*

- a) La transmission d'un radiotélégramme se termine par le signal . — . — . (fin de transmission), suivi de l'indicatif d'appel de la station transmettrice et de la lettre K.
- b) Dans le cas d'une transmission par série, la fin de chaque radiotélégramme est indiquée par le signal . — . — . et la fin de la série par l'indicatif d'appel de la station transmettrice et la lettre K.

(2) *Accusé de réception.*

- a) L'accusé de réception d'un radiotélégramme est donné en transmettant la lettre R, suivie du numéro du radiotélégramme; cet accusé de réception est précédé de la formule suivante: indicatif d'appel de la station qui a transmis, mot DE, indicatif d'appel de la station qui a reçu.
- b) L'accusé de réception d'une série de radiotélégrammes est donné en transmettant la lettre R, suivie du numéro du dernier radiotélégramme reçu. Cet accusé de réception est précédé de la formule ci-dessus.
- c) L'accusé de réception est fait par la station réceptrice sur la même onde que pour la réponse à l'appel [voir § 5 (2), ci-dessus].

(3) *Fin du travail.*

- a) La fin du travail entre deux stations est indiquée par chacune d'elles au moyen du signal . . . — . — (fin du travail), suivi de son propre indicatif d'appel.
- b) Pour ces signaux, la station émettrice continue à utiliser l'onde de trafic et la station réceptrice l'onde de réponse à l'appel.

[420] (2) *Long radiotelegrams*

- [421] (a) In principle, any radiotelegram containing more than 100 words shall be considered as forming a series or shall end a series in progress.
- [422] (b) As a general rule, long radiotelegrams, both in plain language and in code or cipher language, shall be transmitted in sections, each section containing 50 words in the case of plain language, and 20 words or groups in the case of code or cipher.
- [423] (c) At the end of each section the signal . . . — . . . (?) meaning "Have you received the radiotelegram correctly up to this point?" shall be transmitted. If the section has been correctly received, the receiving station shall reply by the letter K and the transmission of the radiotelegram shall be continued.

[424] (3) *Suspension of traffic*

When a station of the mobile service transmits on a working-wave of a land station and thus causes interference with the said land station, it must suspend its work at the request of the latter.

## [425] §7. END OF TRAFFIC AND OF WORK

[426] (1) *Signal for the end of transmission*

- [427] (a) The transmission of a radiotelegram shall be ended by the signal . . . — . . . (end of transmission), followed by the call signal of the transmitting station and the letter K. End of traffic, etc.
- [428] (b) In the case of transmission by series, the end of each radiotelegram shall be indicated by the signal . . . — . . . and the end of the series by the call signal of the transmitting station and the letter K.

[429] (2) *Acknowledgment of receipt*

- [430] (a) The acknowledgment of receipt of a radiotelegram shall be given by transmitting the letter R, followed by the number of the radiotelegram; this acknowledgment of receipt shall be preceded by the following formula: call signal of the station which has transmitted, word DE, call signal of the station which has received.
- [431] (b) The acknowledgment of receipt of a series of radiotelegrams shall be given by transmitting the letter R followed by the number of the last radiotelegram received. This acknowledgment of receipt shall be preceded by the above formula.
- [432] (c) The acknowledgment of receipt shall be made by the receiving station on the same wave as for the reply to the call [see §5 (2) below] [No. 393]. Ante, p. 1511.

[433] (3) *End of work*

- [434] (a) The end of work between two stations shall be indicated by each of them by means of the signal . . . — . . . (end of work), followed by its own call signal.
- [435] (b) For these signals, the sending station shall continue to use the traffic wave and the receiving station the wave for the reply to the call.

- c) Le signal . . . — . — (fin du travail) est aussi utilisé lorsque la transmission des radiotélégrammes d'information générale, des informations météorologiques et des avis généraux de sécurité se termine et que la transmission se termine dans le service de radiocommunication à grande distance avec accusé de réception différé ou sans accusé de réception.

#### § 8. DURÉE DU TRAVAIL.

- (1) a) En aucun cas, dans le service mobile maritime, le travail sur 500 kc/s (600 m) ne doit dépasser cinq minutes.  
 b) En aucun cas, dans le service mobile aéronautique, le travail sur 333 kc/s (900 m) ne doit dépasser cinq minutes.
- (2) Sur les fréquences autres que celles de 500 kc/s (600 m) et 33 kc/s (900 m), la durée des périodes de travail est déterminée:
- a) entre station terrestre et station mobile, par la station terrestre,  
 b) entre stations mobiles, par la station réceptrice.

#### § 9. ESSAIS.

Lorsqu'il est nécessaire de faire des signaux d'essais, soit pour le réglage d'un émetteur avant de transmettre l'appel, soit pour le réglage d'un récepteur, ces signaux ne doivent pas durer plus de 10 secondes et ils doivent être constitués par une série de VVV suivie de l'indicatif d'appel de la station qui émet pour essais.

#### ARTICLE 18.

##### *Appel général "à tous".*

§ 1. Deux types de signaux d'appel "à tous" sont reconnus:

- 1° appel CQ suivi de la lettre K (voir §§ 2 et 3);  
 2° appel CQ non suivi de la lettre K (voir § 4).

§ 2. Les stations qui désirent entrer en communication avec des stations du service mobile, sans toutefois connaître le nom de celles de ces stations qui sont dans leur rayon d'action, peuvent employer le signal de recherche CQ, remplaçant l'indicatif de la station appelée dans la formule d'appel, cette formule étant suivie de la lettre K (appel général à toutes les stations du service mobile, avec demande de réponse).

§ 3. Dans les régions où le trafic est intense, l'emploi de l'appel CQ suivi de la lettre K est interdit. Par exception, il peut être utilisé avec des signaux d'urgence.

§ 4. L'appel CQ non suivi de la lettre K (appel général à toutes les stations sans demande de réponse) est employé avant la transmission des informations de toute nature destinées à être lues ou utilisées par quiconque peut les capter.

- [436] (c) The signal . . . . . (end of work) shall also be used when the transmission of radiotelegrams of general information, meteorological information, and general safety warnings is ended and the transmission ends in the long-distance radio-communication service with deferred acknowledgment of receipt or without acknowledgment of receipt.

[437] §8. DURATION OF WORK

- [438] (1) (a) In no case, in the maritime mobile service, must the work on 500 kc (600 m) exceed 5 minutes. Duration of work.
- [439] (b) In no case, in the aeronautical mobile service, must the work on 333 kc (900 m) exceed 5 minutes.
- [440] (2) On frequencies other than those of 500 kc (600 m) and 333 kc (900 m) the duration of the periods of work shall be determined:
- [441] (a) between a land station and a mobile station, by the land station,
- [442] (b) between mobile stations, by the receiving station.

[443] §9. TESTS

When it is necessary to make test signals, either for the adjustment of a transmitter before transmitting the call, or for the adjustment of a receiver, these signals must not last more than 10 seconds, and they must be composed of a series of V's followed by the call signal of the station transmitting for the tests. Tests.

ARTICLE 18

*General Call "to all"*

- [444] §1. Two types of call signals "to all" shall be recognized: General call "to all."
- [445] 1. the CQ call followed by the letter K (see §§2 and 3) [Nos. 447 and 448];
- [446] 2. the CQ call not followed by the letter K (see §4) [No. 449].
- [447] §2. Stations desiring to enter into communication with stations of the mobile service, without however, knowing the names of the mobile stations within their range, can use the inquiry signal CQ, in place of the call signal of the station called, in the calling formula, this formula being followed by the letter K (general call to all mobile stations, with request for reply).
- [448] §3. In regions where traffic is heavy, the use of the CQ call followed by the letter K shall be forbidden. As an exception, it can be used with urgent signals.
- [449] §4. The CQ call not followed by the letter K (general call to all stations without request for reply) shall be used before transmission of information of all kinds intended to be read or used by anyone who can receive it.

## ARTICLE 19.

*Appel à plusieurs stations sans demande de réponse.*

L'appel CP suivi de deux ou plusieurs indicatifs d'appel ou d'un mot conventionnel (appel à certaines stations réceptrices sans demande de réponse) n'est employé que pour la transmission des informations de toute nature destinées à être lues ou utilisées par les personnes autorisées.

## ARTICLE 20.

*Appels.*

§ 1. Les dispositions du présent article ne sont pas applicables aux aéronefs quand des accords régionaux entre pays intéressés ont fixé des procédures particulières et que ces procédures sont en vigueur. Ces dispositions seront néanmoins toujours applicables aux aéronefs qui entrent ou qui désirent entrer en communication avec une station du service radiomaritime.

§ 2. (1) En règle générale, il incombe à la station mobile d'établir la communication avec la station terrestre. Elle ne peut appeler la station terrestre dans ce but qu'après être arrivée dans le rayon d'action de celle-ci.

(2) Toutefois, une station terrestre qui a du trafic pour une station mobile peut appeler cette station si elle est en droit de supposer que ladite station mobile est à sa portée et assure l'écoute.

§ 3. (1) En outre, les stations côtières doivent, dans toute la mesure du possible, transmettre leurs appels sous forme de "listes d'appels" formées des indicatifs d'appel de toutes les stations mobiles pour lesquelles elles ont du trafic en instance, à des intervalles déterminés, espacés d'au moins deux heures, ayant fait l'objet d'accords conclus entre les gouvernements intéressés. Les stations côtières qui émettent leurs appels sur l'onde de 500 kc/s (600 m) les transmettent sous forme de "listes d'appels," par ordre alphabétique, en y insérant seulement les indicatifs d'appel de ces stations mobiles pour lesquelles elles ont du trafic en instance et qui se trouvent dans leur rayon d'action. Elles ajoutent à leur propre indicatif d'appel les abréviations pour l'indication de l'onde de travail dont elles veulent faire usage pour la transmission. Les stations côtières qui utilisent des ondes entretenues en dehors de la bande de 365 à 515 kc/s (822 à 583 m) transmettent les indicatifs d'appel dans l'ordre qui leur convient le mieux.

(2) L'heure à laquelle les stations côtières transmettent leur liste d'appels, ainsi que les fréquences et les types d'onde qu'elles utilisent à cette fin doivent être mentionnés dans la nomenclature.

(3) Les stations mobiles qui, dans cette transmission, perçoivent leur indicatif d'appel, doivent répondre, aussitôt qu'elles le peuvent, en observant entre elles, autant que possible, l'ordre dans lequel elles ont été appelées.

(4) Lorsque le trafic ne peut être écoulé immédiatement, la station côtière fait connaître à chaque station mobile intéressée l'heure pro-

## ARTICLE 19

*Call to Several Stations Without Request for Reply*

[450] The call CP followed by two or more call signals or by a code word (call to certain receiving stations without request for reply) shall be used only for the transmission of information of any nature intended to be read or utilized by anyone who is authorized.

Call to several stations without request for reply.

## ARTICLE 20

*Calling*

[451] §1. The provisions of this article shall not apply to aircraft when special procedures, determined in regional agreements between the countries concerned, are in force. These provisions shall nevertheless always apply to aircraft entering into or wishing to enter into communication with a station of the radiomaritime service.

Calling.

[452] §2. (1) As a general rule, it shall devolve upon the mobile station to establish communication with the land station. It may call the land station for this purpose only after having arrived within the range of the latter.

[453] (2) However, a land station having traffic for a mobile station may call that station if it has reason to assume that the said mobile station is within its range and is listening.

[454] §3. (1) Furthermore, coast stations must, to the extent possible, transmit their calls in the form of "lists of calls" consisting of the call signals of all mobile stations for which they have traffic on hand, at definite intervals, at least 2 hours apart, which have been established by agreements between the governments concerned. Coast stations which transmit their calls on the wave of 500 kc (600 m) shall transmit them in the form of "lists of calls", in alphabetical order, to include only the call signals of mobile stations for which they have traffic on hand and which are within their range. To their own call signal they shall add the abbreviations to indicate the working-wave they wish to use in the transmission. Coast stations which use continuous waves outside of the band of 365 to 515 kc (822 to 582 m) shall transmit the call signals in the order which is most convenient for them.

[455] (2) The time at which coast stations transmit their lists of calls, as well as the frequencies and types of waves which they use for this purpose, must be indicated in the nomenclature.

[456] (3) Mobile stations which, during this transmission, hear their call signal, must answer as soon as they can, following, so far as possible, the order in which they were called.

[457] (4) When the traffic cannot be disposed of immediately, the coast station shall inform each mobile station concerned of the

nable à laquelle le travail pourra commencer ainsi que, si cela est nécessaire, la fréquence et le type d'onde qui seront utilisés pour le travail avec elle.

§ 4. Quand une station terrestre reçoit, pratiquement en même temps, des appels de plusieurs stations mobiles, elle décide de l'ordre dans lequel ces stations pourront lui transmettre leur trafic, sa décision s'inspirant uniquement de la nécessité de permettre à chacune des stations appelantes d'échanger avec elle le plus grand nombre possible de radiotélégrammes.

§ 5. (1) Lors du premier établissement de communication avec une station terrestre, toute station mobile peut, si elle le juge utile parce que des confusions sont à craindre, transmettre en toutes lettres son nom tel qu'il figure dans la nomenclature. Si la station mobile ne figure pas encore dans la nomenclature, elle peut transmettre son nom en toutes lettres.

(2) La station terrestre peut, au moyen de l'abréviation PTR, demander à la station mobile de lui fournir les indications ci-dessous :

- a) distance approximative en milles marins et relèvement par rapport à la station terrestre ou bien position indiquée par la latitude et la longitude;
- b) prochain lieu d'escale.

(3) Les indications visées à l'alinéa (2) sont fournies après autorisation du commandant ou de la personne responsable du véhicule portant la station mobile et seulement dans le cas où elles sont demandées par la station terrestre.

§ 6. Dans les communications entre stations terrestres et stations mobiles, la station mobile se conforme aux instructions données par la station terrestre, dans toutes les questions relatives à l'ordre et à l'heure de transmission, au choix de la fréquence (longueur d'onde) et/ou du type d'onde, et à la suspension du travail. Cette prescription ne s'applique pas aux cas de détresse.

§ 7. Dans les échanges entre stations mobiles, et sauf dans le cas de détresse, la station appelée a le contrôle du travail, comme il est indiqué au § 6 ci-dessus.

§ 8. (1) Lorsqu'une station appelée ne répond pas l'appel émis trois fois, à des intervalles de deux minutes, l'appel doit cesser et il ne peut être repris que 15 minutes plus tard.

Lorsqu'il s'agit de communications entre une station du service mobile maritime et une station d'aéronef, l'appel peut être repris 5 minutes plus tard.

La station appelante, avant de recommencer l'appel, doit s'assurer que la station appelée n'est pas, à ce moment, en communication avec une autre station.

(2) L'appel peut être répété à des intervalles moins longs, s'il n'est pas à craindre qu'il vienne brouiller des communications en cours.

§ 9. Lorsque le nom et l'adresse de l'exploitant d'une station mobile ne sont pas mentionnés dans la nomenclature ou ne sont plus en concordance avec les indications de celle-ci, il appartient à la station mobile de donner d'office à la station terrestre à laquelle elle

probable time at which the work can begin, as well as the frequency and the type of wave which will be used in the work with it, if this is necessary.

[458] §4. When a land station receives calls from several mobile stations at practically the same time, it shall decide as to the order in which these stations may transmit their traffic to it, its decision being based only on the necessity for permitting each calling station to exchange with it the greatest possible number of radiotelegrams.

[459] §5. (1) When communication is first established with a land station, every mobile station, if it deems it advisable on account of possible confusion, can transmit its name spelled out as it appears in the nomenclature. If the mobile station does not yet appear in the nomenclature, it may transmit its name fully spelled out.

[460] (2) The land station can, by means of the abbreviation PTR, request the mobile station to give it the following information:

[461] (a) approximate distance in nautical miles and bearing with reference to the land station, or else the position indicated by latitude and longitude;

[462] (b) next place of call.

[463] (3) The information covered by paragraph (2) [No. 460] shall be furnished by authorization of the commander or the person responsible for the vehicle carrying the mobile station and only in case it is requested by the land station.

[464] §6. In communications between land stations and mobile stations, the mobile station shall comply with the instructions given by the land station, in all questions relative to the order and the time of transmission, to the choice of frequency (wavelength) and/or of the type of wave, and to the suspension of work. This provision shall not apply to cases of distress.

[465] §7. In communications between mobile stations, and except for cases of distress, the station called shall control the work as indicated in §6 above [No. 464].

[466] §8. (1) When a station called does not answer a call sent three times, at intervals of 2 minutes, the call must cease and it may be resumed only 15 minutes later.

[467] In the case of communications between a station of the maritime mobile service and an aircraft station, the call may be resumed 5 minutes later.

[468] The calling station, before resuming the call, must make certain that the station called is not in communication with another station at that time.

[469] (2) The call may be repeated at shorter intervals if there is no danger that it will interfere with communications in progress.

[470] §9. When the name and the address of the operating agency of a mobile station are not shown in the nomenclature or are no longer in accord with the data given therein, it shall devolve upon the mobile station, as a matter of routine, to furnish the land station to which it

transmet du trafic, tous les renseignements nécessaires, sous ce rapport, en utilisant, à cette fin, les abréviations appropriés.

#### ARTICLE 21.

##### *Emploi des ondes dans le service mobile.*

##### A. RESTRICTIONS (TYPE B ET DIFFUSION).

§ 1. (1) L'usage des ondes du type B est interdit dans toutes les stations radioélectriques.

Par exception, dans les stations de navire, il est admis sur les fréquences suivantes:

375 kc/s (800 m) pour la radiogoniométrie seulement  
425 kc/s (706 m) pour le trafic  
500 kc/s (600 m).

(2) Il est interdit aux stations mobiles en mer d'effectuer la diffusion d'émissions radiophoniques destinées à être reçues directement par le public en général.

##### B. BANDE 365-515 KC/S (822-583 M).

##### § 2. *Appel et réponse.*

(1) L'onde générale d'appel qui doit être employée par toute station de navire et toute station côtière travaillant en radiotélégraphie dans les bandes autorisées entre 365 et 515 kc/s (822 et 583 m), ainsi que par les aéronefs qui désirent entrer en communication avec une station côtière ou une station de navire, est l'onde de 500 kc/s (600 m) (A1, A2 ou B).

(2) Afin de réduire les brouillages dans les régions de trafic intense, les administrations se réservent le droit de considérer comme satisfaites les conditions de l'alinéa (1) lorsque les ondes d'appel attribuées aux stations côtières pour transmettre la correspondance publique ne s'écartent pas de plus de 5 kilocycles de l'onde générale d'appel de 500 kc/s (600 m).

(3) L'onde de réponse à un appel émis sur l'onde générale d'appel [voir § 2, (1)] est l'onde de 500 kc/s (600 m), la même que celle d'appel.

##### § 3. *Détresse.*

(1) L'onde de 500 kc/s (600 m) est l'onde internationale de détresse; elle est utilisée dans ce but par les stations de navire et par les stations d'aéronef qui demandent l'assistance des services maritimes. Elle ne peut être utilisée que pour l'appel et la réponse, ainsi que pour le trafic de détresse, les signaux et messages d'urgence et de sécurité.

(2) Par exception, cette onde peut cependant être utilisée pour le trafic dans les conditions indiquées au § 4 (3), ci-dessous.

(3) En dehors de l'onde de 500 kc/s (600 m), l'usage des ondes de tous types comprises entre 485 et 515 kc/s (620 et 583 m) est interdit.

sends traffic with all the necessary information in this connection, using for this purpose the appropriate abbreviations.

## ARTICLE 21

### *Use of Waves in the Mobile Service*

#### A. RESTRICTIONS (TYPE B AND BROADCASTING)

[471] §1. (1) The use of type-B waves shall be forbidden in all radio stations. Use of waves in mobile service.

[472] As an exception, it shall be permitted in ship stations on the following frequencies:

- 375 kc (800 m) for radio direction-finding only,
- 425 kc (706 m) for traffic,
- 500 kc (600 m).

[473] (2) Mobile stations at sea shall be prohibited from making radiotelephone broadcast transmissions intended to be received by the general public.

#### B. BAND OF 365-515 KC (822-583M)

[474] §2. *Calling and reply*

[475] (1) The general calling-wave which must be used by all ship stations and all coast stations working in radiotelegraphy in the authorized bands between 365 and 515 kc (822 and 583 m), as well as by aircraft wishing to enter into communication with a coast station or a ship, shall be the wave of 500 kc (600 m) (A1, A2, or B).

[476] (2) In order to reduce interference in the regions of heavy traffic, the administrations reserve the right to consider that the requirements of paragraph (1) [No. 475] are satisfied if the calling-waves assigned to coast stations for the handling of public correspondence are not separated from the general calling-wave of 500 kc (600 m) by more than 5 kc.

[477] (3) The wave for the reply to a call transmitted on the general calling-wave [see §2 (1)] [No. 475] shall be the wave of 500 kc (600 m), the same as that for calling.

[478] §3. *Distress*

[479] (1) The wave of 500 kc (600 m) shall be the international distress-wave; it shall be used for that purpose by ship stations and aircraft stations in requesting help from the maritime services. It may be used only for calls and replies, as well as for distress traffic, urgent and safety messages, and signals.

[480] (2) By way of exception, this wave may nevertheless be used for traffic under the conditions indicated in §4 (3) below [Nos. 485, 486, and 487].

[481] (3) Aside from the wave of 500 kc (600 m), the use of waves of all types between 485 and 515 kc (620 and 583 m) shall be forbidden.

§ 4. *Trafic.*

(1) Les stations côtières et de navire travaillant dans les bandes autorisées entre 365 et 515 kc/s (822 et 583 m) doivent être en mesure de faire usage d'au moins une onde en plus de celle de 500 kc/s (600 m); quand une onde additionnelle est imprimée en caractères gras dans la nomenclature, c'est l'onde normale de travail de la station. Les ondes additionnelles ainsi choisies pour les stations côtières peuvent être les mêmes que celles des stations de bord ou peuvent être différentes. En tout cas, les ondes de travail des stations côtières doivent être choisies de manière à éviter les brouillages avec les stations voisines.

(2) En dehors de leur onde normale de travail imprimée en caractère gras dans la nomenclature, les stations terrestres et de bord peuvent employer, dans les bandes autorisées, des ondes supplémentaires qui sont mentionnées en caractères ordinaires dans la nomenclature. Toutefois, la bande de fréquences de 365 à 385 kc/s (822 à 779 m) est réservée au service de la radiogoniométrie; elle ne peut être utilisée par le service mobile, pour la correspondance radiotélégraphique, que sous les réserves indiquées à l'article 7.

(3) Par exception, à condition de ne pas troubler les signaux de détresse, d'urgence et de sécurité, d'appel et de réponse, l'onde de 500 kc/s (600 m) peut aussi être utilisée:

- a) dans les régions de trafic intense, exclusivement par les stations de navire et uniquement pour la transmission d'un radiotélégramme unique et court;<sup>1) 2)</sup>
- (b) dans les autres régions, pour la transmission des radiotélégrammes et pour la radiogoniométrie, mais avec discrétion.

(4) Dans les régions de trafic intense des côtes de l'Europe, les postes de navire travaillant en ondes du type A2 dans la gamme de 365 à 550 kc/s (822 à 545 m), doivent utiliser, dans la mesure du possible, les fréquences de 425 kc/s (706 m) et de 480 kc/s (625 m).

(5) Aucune station côtière européenne n'est autorisée à employer ces fréquences.

§ 5. *Veille.*

(1) En vue d'augmenter la sécurité de la vie humaine sur mer (navires) et au-dessus de la mer (aéronefs), toutes les stations du service mobile maritime qui écoutent normalement les ondes des bandes autorisées entre 365 et 515 kc/s (822 et 583 m) doivent, pendant la durée de leurs vacations, prendre les mesures utiles pour assurer l'écoute sur l'onde de détresse [500 kc/s (600 m)] deux fois par heure, pendant trois minutes, commençant à x h 15 et à x h 45, temps moyen de Greenwich (T.M.G.).

<sup>1)</sup> Les régions de trafic intense sont indiquées par la nomenclature des stations côtières; ces régions sont constituées par les zones d'action des stations côtières indiquées comme n'acceptant pas le trafic sur 500 kc/s (600 m) (voir l'appendice 9).

<sup>2)</sup> En principe, cette utilisation n'est permise qu'aux stations de navire munies d'un dispositif d'écoute entre signes ou d'un dispositif équivalent.

[482]

§4. *Traffic*

[483] (1) Coast and ship stations working within the authorized bands between 365 and 515 kc (822 and 583 m) must be able to use at least one wave besides that of 500 kc (600 m); when an additional wave is printed in heavy type in the nomenclature, this is the normal working-wave of the station. The additional waves thus chosen for coast stations may or may not be the same as those of ship stations. In any case, the working-waves of coast stations must be chosen in such a way as to avoid interference with neighboring stations.

[484] (2) Besides their normal working-waves, printed in heavy type in the nomenclature, land and on-board stations may use, in the authorized bands, supplementary waves which shall be mentioned in the nomenclature in ordinary print. However, the band of frequencies from 365 to 385 kc (822 to 779 m) shall be reserved to the radio direction-finding service; it can be used by the mobile service, for radiotelegraph correspondence, subject only to the conditions set forth in article 7.

*Ante*, p. 1420.

[485] (3) As an exception, on condition that no interference will result therefrom for distress, urgent and safety, calling and reply signals, the wave of 500 kc (600 m) may also be used:

[486] (a) in regions of heavy traffic, exclusively by ship stations and only for the transmission of a single and short radiotelegram;<sup>1 2</sup>

[487] (b) in other regions, for the transmission of radiotelegrams and for radio direction-finding, but with discretion.

[488] (4) In regions of heavy traffic of the European coasts, ship stations working with type-A2 waves in the band of 365 to 550 kc (822 to 545 m), must use, to the extent possible, the frequencies of 425 kc (706 m) and 480 kc (625 m).

[489] (5) No European coast station shall be authorized to use these frequencies.

[492]

§5. *Watch*

[493] (1) In order to increase safety of life at sea (ships), and over the sea (aircraft), all the stations of the maritime mobile service which normally listen on the waves of the authorized bands between 365 and 515 kc (822 and 583 m) must, during their working hours, make the necessary provisions to insure the watch on the distress-wave [500 kc (600 m)] twice per hour, for 3 minutes, beginning at x:15 and at x:45 o'clock, Greenwich mean time (G.M.T.)

[490] <sup>1</sup> The regions of heavy traffic are indicated in the nomenclature of coast stations. These regions consist of the service areas of the coast stations indicated as not accepting traffic on 500 kc (600 m) (see appendix 9).

[491] <sup>2</sup> In principle, such use shall be permitted only for ship stations provided with a break-in device or an equivalent apparatus.

(2) Pendant les intervalles indiqués ci-dessus, en dehors des émissions envisagées à l'article 24 (§§ 22 à 28):

- 1° Les émissions doivent cesser dans les bandes de 480 à 520 kc/s (625 à 577 m);
- 2° Hors de ces bandes:

- (a) les émissions des ondes du type B sont interdites;
- (b) les autres émissions des stations du service mobile peuvent continuer; les stations du service mobile maritime peuvent écouter ces émissions sous réserve expresse que ces stations assurent d'abord la veille sur l'onde de détresse, comme il est prévu à l'alinéa (1) de ce paragraphe.

(3) Les appels dans les bandes autorisées entre 365 et 515 kc/s (822 et 583 m) étant faits normalement sur l'onde générale d'appel [§ 2. (1) ci-dessus], les stations du service mobile maritime ouvertes au service de la correspondance publique et utilisant pour leur travail des ondes de ces bandes doivent pendant leurs heures de veille rester à l'écoute sur l'onde d'appel de leur service. La veille sur 500 kc/s (600 m) n'est obligatoire que sur les ondes type A2 ou B. Ces stations, tout en observant les prescriptions des § 5 (1) et (2) et § 7. (4) D, ne sont autorisées à abandonner cette écoute que lorsqu'elles sont engagées dans une communication sur d'autres ondes.

C. BANDE 100—160 KC/S (3000—1875 M).

§ 6. *Appel et réponse.*

(1) L'onde de 143 kc/s (2 100 m) (du type A1 seulement) est l'onde internationale d'appel employée dans les communications du service mobile à grande distance dans les bandes de 100 à 160 kc/s (3 000 à 1 875 m).

(2) En dehors de l'onde de 143 kc/s (2 100 m), l'usage de toutes ondes comprises entre 140 et 146 kc/s (2 143 et 2 055 m) est interdit.

(3) L'onde de réponse à un appel émis sur l'onde internationale d'appel de 143 kc/s (2 100 m) [voir § 6. (1)] est:

- pour une station mobile, l'onde de 143 kc/s (2 100 m);
- pour une station côtière, son onde normale de travail.

§ 7. *Trafic.*

Les règles ci-dessous doivent être suivies dans l'exploitation des stations du service mobile employant des ondes du type A1 des bandes de 100 à 160 kc/s (3 000 à 1 875 m):

- (1) a) Toute station côtière assurant une communication sur une de ces ondes doit faire l'écoute sur l'onde de 143 kc/s (2 100 m), à moins qu'il n'en soit disposé autrement dans la nomenclature.
- b) La station côtière transmet tout son trafic sur l'onde ou sur les ondes qui lui sont spécialement attribuées.
- c) Une station côtière, à laquelle une ou plusieurs ondes comprises dans la bande de 125 à 150 kc/s (2 400 à 2 000 m) sont allouées, possède sur cette ou ces ondes un droit de préférence.

[494] (2) During the intervals indicated above, outside the transmissions mentioned in article 24 (§§ 22 to 28):

*Post*, p. 1546.

[495] 1. Transmissions must cease in the bands of 480 to 520 kc (625 to 577 m);

[496] 2. Outside these bands:

[497] (a) transmissions of type-B waves shall be forbidden;

[498] (b) other transmissions of the mobile service stations may continue; stations of the maritime mobile service may listen to these transmissions on the express condition that these stations shall first insure the watch on the distress-wave, as provided for in paragraph (1) [No. 493].

[499] (3) Since calls in the authorized bands between 365 and 515 kc (822 and 583) are normally made on the general calling-wave [§2 (1) above] [No. 475], maritime mobile service stations open to the service of public correspondence and using waves from these bands for their work must, during their hours of watch, remain on watch on the calling-wave of their service. The watch on 500 kc (600 m) shall be compulsory only on type-A2 or -B waves. These stations, while observing the provisions of §5 (1) and (2) and §7 (4) D [Nos. 492-498 and 515], shall be authorized to abandon this watch only when they are engaged in a communication on other waves.

C. BAND OF 100-160 KC (3,000-1,875 M)

[500] §6. *Calling and reply*

[501] (1) The wave 143 kc (2,100 m) (type A1 only) shall be the international calling-wave for use in long-distance communications of the mobile service in the bands 100 to 160 kc (3,000 to 1,875 m).

[502] (2) Except for the wave of 143 kc (2,100 m) the use of any wave between 140 and 146 kc (2,143 and 2,055 m) shall be forbidden.

[503] (3) The wave for the reply to a call transmitted on the international calling-wave of 143 kc (2,100 m) [see §6 (1)] [No. 501] shall be:

the wave of 143 kc (2,100 m), for a mobile station;  
the normal working-wave, for a coast station.

[504] §7. *Traffic*

[505] The following rules must be followed in the operation of stations of the mobile service using type-A1 waves in the bands of 100 to 160 kc (3,000 to 1,875 m):

[506] (1) (a) Any coast station carrying on a communication on one of these waves must listen on the wave of 143 kc (2,100 m), unless otherwise indicated in the nomenclature.

[507] (b) The coast station shall transmit all its traffic on the wave or on the waves which are specifically assigned to it.

[508] (c) A coast station to which one or more waves within the band 125 to 150 kc (2,400 to 2,000 m) have been allocated, shall have a prior right to this or these waves.

- d) Toute autre station du service mobile transmettant un trafic public sur cette ou sur ces ondes, et causant ainsi du brouillage à ladite station côtière, doit suspendre son travail à la demande de cette dernière.
- (2) a) Lorsqu'une station mobile désire établir la communication sur une de ces ondes avec une autre station du service mobile, elle doit employer l'onde de 143 kc/s (2 100 m), à moins qu'il n'en soit disposé autrement dans la nomenclature.
- b) Cette onde, désignée comme onde générale d'appel, doit être employée exclusivement dans l'Atlantique Nord:
- 1° pour les appels individuels et les réponses à ces appels;  
2° pour la transmission des signaux préalables à la transmission du trafic.

(3) Une station mobile, après avoir établi la communication avec une autre station du service mobile sur l'onde générale d'appel de 143 kc/s (2 100 m), doit, autant que possible, transmettre son trafic sur une autre onde quelconque des bandes autorisées, à condition de ne pas troubler le travail en cours d'une autre station.

(4) En règle générale, toute station mobile équipée pour le service sur les ondes du type A1 des bandes de 100 à 160 kc/s (3 000 à 1 875 m) et qui n'est pas engagée dans une communication sur une autre onde doit, en vue de permettre l'échange du trafic avec d'autres stations du service mobile, revenir chaque heure sur l'onde de 143 kc/s (2 100 m) pendant 5 minutes à partir de x h 35, temps moyen de Greenwich, durant les heures prévues, suivant la catégorie à laquelle appartient la station envisagée.

- (5) a) Les stations terrestres doivent, autant que possible, transmettre les appels sous forme de listes d'appels; dans ce cas, les stations transmettent leurs listes d'appels à des heures déterminées, publiées dans la nomenclature, sur l'onde ou sur les ondes qui leur sont attribuées, dans les bandes de 100 à 160 kc/s (3 000 à 1 875 m), mais non sur l'onde de 143 kc/s (2 100 m).

Toutefois, si l'écoulement de son trafic s'en trouve facilité, une station terrestre peut être autorisée par l'autorité dont elle dépend à commencer ses listes d'appels par le bref préambule suivant, émis sur 143 kc/s (2 100 m):

CQ de ----- (indicatif de la station terrestre)  
QSW ----- suivi de l'indication de la longueur d'onde de priorité de la station sur laquelle la liste d'appels va être transmise aussitôt après. En aucun cas, ce préambule ne peut être répété.

- b) Les stations terrestres peuvent, toutefois, appeler individuellement les stations mobiles à une heure quelconque, en dehors des heures fixées pour l'émission des listes d'appels, selon les circonstances ou le travail qu'elles ont à effectuer.
- c) L'onde de 143 kc/s (2 100 m) peut être employée pour les appels individuels et sera, de préférence, utilisée dans ce but pendant la période indiquée au § 7. (4).

[509] (d) Any other mobile service station transmitting public traffic on this or these waves and thereby causing interference with the said coast station must discontinue its work at the request of the latter.

[510] (2) (a) When a mobile station wishes to establish communication on one of these waves with another station of the mobile service, it must use the wave of 143 kc (2,100 m), unless otherwise indicated in the nomenclature.

[511] (b) This wave, designated as a general calling-wave, must be used exclusively in the North Atlantic:

[512] 1. For making individual calls and answering these calls;

[513] 2. For transmitting signals preliminary to the transmission of traffic.

[514] (3) A mobile station, after having established communication with another station of the mobile service on the general calling-wave of 143 kc (2,100 m) must, so far as possible, transmit its traffic on some other wave of the authorized bands, provided it does not interfere with the work in progress of another station.

[515] (4) As a general rule, any mobile station equipped for service on type-A1 waves in the band 100 to 160 kc (3,000 to 1,875 m), which is not engaged in a communication on another wave, must, in order to permit the exchange of traffic with other stations of the mobile service, return each hour to the wave of 143 kc (2,100 m) for 5 minutes beginning at x:35 o'clock Greenwich mean time, during the specified hours, according to the category to which the station in question belongs.

[516] (5) (a) Land stations must, to the extent possible, transmit the calls in the form of calling lists; in this case, the stations transmit their calling lists at definite hours published in the nomenclature, on the wave or waves which are allocated to them, in the bands of 100 to 160 kc (3,000 to 1,875 m), but not on the waves of 143 kc (2,100 m).

[517] However, if the flow of its traffic is facilitated thereby, a land station may be authorized by the authority to which it is subject to begin its calling lists by the following brief preamble transmitted on 143 kc (2,100 m):

CQ from. . . (land-station call signal).

QSW . . . . followed by the indication of the priority wavelength of the station on which the calling list will be immediately afterward transmitted. Under no circumstances may this preamble be repeated.

[518] (b) Land stations can, however, call individually mobile stations at any time, outside the hours fixed for the transmission of calling lists, according to the circumstances or the work to be done.

[519] (c) The wave of 143 kc (2,100 m) may be used for individual calls and will, preferably, be utilized to this end during the period indicated in §7 (4) [No. 515].

D. SERVICES AÉRONAUTIQUES.<sup>1)</sup>

§ 8. (1) Les ondes d'appel général, pour les services aéronautiques, sont les suivantes, sauf dans les régions où des accords régionaux qui en disposent autrement sont en vigueur:

333 kc/s (900 m)

6 210 kc/s (48,31 m) en plus de l'usage indiqué à l'article 7, § 21 (1) c).

D'autres fréquences pourront, en plus, être choisies comme ondes d'appel par des accords entre les gouvernements intéressés. Ces fréquences, ainsi que les conditions de leur utilisation, sont énumérées dans les documents de service publiés par le Bureau de l'Union.

(2) Les ondes générales de réponse dans les services aéronautiques sont les suivantes, sauf dans les régions où des accords régionaux qui en disposent autrement sont en vigueur:

333 kc/s (900 m)

6 210 kc/s (48,31 m) en plus de l'usage indiqué à l'article 7, § 21 (1) c).

D'autres fréquences pourront être choisies comme ondes de réponse par des accords entre gouvernements intéressés. Ces fréquences, ainsi que les conditions de leur utilisation, sont énumérées dans les documents de service publiés par le Bureau de l'Union.

(3) Les radiocommunications des stations aéronautiques sont réglées par des accords régionaux entre les gouvernements intéressés, sauf ce qui est prévu, par ailleurs, dans le présent Règlement.

## ARTICLE 22.

*Brouillages.*

§ 1. (1) La transmission de signaux ou de correspondances superflus ou dont l'identité n'est pas donnée est interdite à toutes les stations.

(2) Des essais et des expériences sont tolérés dans les stations mobiles, s'ils ne troublent point le service d'autres stations. Quant aux stations autres que les stations mobiles, chaque administration apprécie, avant de les autoriser, si les essais ou expériences proposés sont susceptibles ou non de troubler le service d'autres stations.

§ 2. Il est recommandé de transmettre le trafic se rapportant à la correspondance publique sur des ondes du type A1, plutôt que sur des ondes du type A2 et sur des ondes du type A2, plutôt que sur des ondes du type B.

§ 3. Toutes les stations du service mobile sont tenues d'échanger le trafic avec le minimum d'énergie rayonnée nécessaire pour assurer une bonne communication.

§ 4. Sauf dans les cas de détresse, les communications entre stations de bord ne doivent pas troubler le travail des stations terrestres. Lorsque ce travail est ainsi troublé, les stations de bord qui en

<sup>1)</sup> Voir l'article 21 §§ 1, 2, 3 pour l'emploi de l'onde de 500 kc/s (600 m) pour l'appel et la détresse.

D. AERONAUTICAL SERVICES<sup>1</sup>

[520] §8. (1) The general calling-waves, for the aeronautical services, shall be the following, except in regions where regional agreements providing otherwise are in effect:

333 kc (900 m),  
6,210 kc (48.31 m) in addition to the use as indicated in article 7, §21 (1) (c) [No. 184].

*Ante*, p. 1471.

[521] Other frequencies may, in addition, be selected as calling-waves by agreements between the interested governments. These frequencies, as well as the requirements for their use, shall be listed in the service documents published by the Bureau of the Union.

[522] (2) The general waves for the reply in the aeronautical services shall be the following, except in regions where regional agreements providing otherwise are in effect:

333 kc (900 m),  
6,210 kc (48.31 m) in addition to the use as indicated in article 7, §21 (1) (c) [No. 184].

*Ante*, p. 1471.

[523] Other frequencies may be selected as waves for the reply by agreements between the interested governments. These frequencies, as well as the requirements for their use, shall be listed in the service documents published by the Bureau of the Union.

[524] (3) Radio communications of aeronautical stations shall be regulated by regional agreements between the governments concerned, except as otherwise provided for in these Regulations.

## ARTICLE 22

*Interference*

[525] §1. (1) The transmission of unnecessary or unidentified signals or correspondence shall be forbidden to all stations.

*Interference.*

[527] (2) Tests and experiments shall be permitted in mobile stations if they do not interfere with the service of other stations. As for stations other than mobile stations, each administration shall judge, before authorizing them, whether or not the proposed tests or experiments are likely to interfere with the service of other stations.

[528] §2. It is recommended that traffic relating to public correspondence be transmitted on type-A1 waves rather than on type-A2 waves, and on type-A2 waves rather than on type-B waves.

[529] §3. All stations of the mobile service shall be required to exchange traffic with the minimum of radiated power necessary to insure good communication.

[530] §4. Except in cases of distress, communications between on-board stations must not interfere with the work of the land stations. When this work is thus interfered with, the on-board stations which

[526] <sup>1</sup> See article 21, §§ 1, 2, and 3, for the use of the wave of 500 kc (600m) for calling and distress.

sont la cause doivent cesser leurs transmissions ou changer d'onde à la première demande de la station terrestre intéressée.

§ 5. Les signaux d'essais et de réglage doivent être choisis de telle manière qu'aucune confusion ne puisse se produire avec un signal, une abréviation, etc., d'une signification particulière définie par le présent Règlement ou par le Code International de Signaux.

§ 6. (1) Quand il est nécessaire d'émettre des signaux d'essais ou de réglage, et qu'il y a risque de troubler le service de la station terrestre voisine, le consentement de cette station terrestre doit être obtenu avant d'effectuer de telles émissions.

(2) Une station quelconque effectuant des émissions pour des essais, des réglages ou des expériences doit transmettre, autant que possible à vitesse lente, son indicatif d'appel ou, en cas de besoin, son nom, à de fréquents intervalles au cours de ces émissions.

§ 7. L'administration ou l'entreprise qui formule une plainte en matière de brouillage doit, pour étayer et justifier celle-ci :

- a) préciser les caractéristiques du brouillage constaté (fréquence, variations de réglage, indicatif d'appel du poste brouilleur s'il est connu, et tous autres renseignements utiles que l'on peut obtenir relativement au brouillage);
- b) déclarer que le poste brouillé utilise bien la fréquence qui lui est attribuée;
- c) faire connaître qu'elle emploie régulièrement des appareils de réception d'un type équivalent au type le meilleur utilisé dans la pratique courante du service dont il s'agit.

§ 8. Les administrations prennent les mesures qu'elles jugent utiles et qui sont compatibles avec leur législation intérieure, pour que les appareils électriques susceptibles de troubler sérieusement un service autorisé de radiocommunication soient employés de manière à éviter de telles perturbations.

#### ARTICLE 23.

##### *Installations de secours.*

§ 1. La Convention pour la sauvegarde de la vie humaine en mer détermine quels sont les navires qui doivent être pourvus d'une installation de secours\* et définit les conditions à remplir par les installations de cette catégorie.

§ 2. Pour l'utilisation des installations de secours, toutes les prescriptions du présent Règlement doivent être observées.

§ 3. Les navires pourvus d'une installation émettrice du type A1 ou A2 en état de fonctionnement, ne peuvent utiliser l'installation de secours du type B que pour l'émission du signal et du trafic de détresse.

\*Convention pour la sauvegarde de la vie humaine en mer: Article 31 (5).

(5). L'installation doit comprendre une installation principale et une installation de secours (réserve). Toutefois, si l'installation principale remplit toutes les conditions d'une installation de secours (réserve), cette dernière n'est pas dans ce cas obligatoire.

cause it must stop transmitting or change waves upon the first request of the land station concerned.

[531] §5. Test and adjustment signals must be selected in such a way that there will result no confusion with a signal, an abbreviation, et cetera, having a particular meaning defined by these Regulations or by the International Code of Signals.

[532] §6. (1) When it is necessary to transmit test or adjustment signals, and there is danger of interfering with the service of the neighboring land station, permission must be obtained from that land station before such transmissions are made.

[533] (2) Any station making transmissions for purposes of testing, adjusting, or experimenting must, so far as possible, at frequent intervals in the course of these transmissions, transmit at low speed its call signal or, if need be, its name.

[534] §7. The administration or enterprise which makes a complaint regarding interference must, to support and justify the complaint:

[535] (a) Specify the characteristics of the interference noted (frequency, variations in adjustment, call signal of the interfering station, if known, and such other pertinent information as may be obtainable regarding the interference);

[536] (b) State that the station interfered with actually uses the frequency assigned to it;

[537] (c) State that it regularly uses receiving instruments of a type equivalent to the best used in the current practice of the service concerned.

[538] §8. The administrations shall take such steps as they deem advisable and as are in keeping with their domestic legislation in order that electrical apparatus capable of serious interference with an authorized radio service will be used in such a manner as to avoid such interference.

## ARTICLE 23

### *Emergency Installations*

[539] §1. The Convention for the Safety of Life at Sea shall determine which ships must be provided with an emergency installation\* and shall define the conditions to be fulfilled by installations of this category.

[540] §2. In the use of emergency installations, all the provisions of the present Regulations must be observed.

[541] §3. Ships provided with a type-A1 or -A2 transmitting installation in operating condition shall not use the type-B emergency installation to transmit any other than distress signals and traffic.

[543] \*Convention for the Safety of Life at Sea [article 31 (5)]: "The installation shall comprise a main installation and an emergency (reserve) installation. If, however, the main installation complies with all the requirements of an emergency (reserve) installation the latter is not then obligatory."

Emergency installations.

50 Stat. 1154.

## ARTICLE 24.

*Signal et trafic de détresse. Signaux d'alarme, d'urgence et de sécurité.*

## A. GÉNÉRALITÉS.

§ 1. Aucune disposition du présent Règlement ne peut faire obstacle à l'emploi, par une station mobile en détresse, de tous les moyens dont elle dispose pour attirer l'attention, signaler sa situation et obtenir du secours.

§ 2. (1) La vitesse de transmission télégraphique dans les cas de détresse, d'urgence ou de sécurité ne doit pas, en général, dépasser 16 mots à la minute.

(2) La vitesse de transmission du signal d'alarme est indiquée au § 21, (1).

## B. ONDES À EMPLOYER EN CAS DE DÉTRESSE.

§ 3. (1) *Navires.* a) En cas de détresse, l'onde à employer est l'onde internationale de détresse, c'est-à-dire 500 kc/s (600 m) (voir article 21); elle doit être, de préférence, utilisée en type A2 ou B. Les stations de navire qui ne peuvent émettre sur l'onde internationale de détresse utilisent leur onde normale d'appel.

b) Les stations radiotéléphoniques de faible puissance font usage, dans ce but, de l'onde d'appel et de détresse de 1 650 kc/s (182 m), comme indiqué dans l'article 31.

(2) *Aéronefs.* Tout aéronef en détresse doit transmettre l'appel de détresse sur l'onde de veille des stations terrestres ou mobiles susceptibles de lui porter secours; les ondes à employer, quand l'appel est adressé aux stations du service maritime, sont les ondes de détresse ou de veille de ces stations.

## C. SIGNAL DE DÉTRESSE.

§ 4. (1) En radiotélégraphie, le signal de détresse consiste dans le groupe . . . — — — . . . , émis comme un seul signe et dans lequel les traits doivent être cadencés de manière à être distingués nettement des points.

En radiotéléphonie, le signal de détresse consiste dans l'expression parlée MAYDAY (correspondant à la prononciation française de l'expression "m'aider").

(2) Ces signaux de détresse annoncent que le navire, l'aéronef, ou tout autre véhicule qui émet le signal de détresse est sous la menace d'un danger grave et imminent et demande une assistance immédiate.

## D. APPEL DE DÉTRESSE.

§ 5. (1) L'appel de détresse, lorsqu'il est émis par radiotélégraphie sur 500 kc/s (600 m), est, en règle générale, immédiatement précédé du signal d'alarme tel que ce dernier est défini au § 21, (1).

## ARTICLE 24

*Distress Traffic and Distress Signal—Alarm, Emergency, and Safety Signals*

## A. GENERAL

[542] §1. No provision of these Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signaling its position, and obtaining help.

Distress traffic and distress signal, etc.

[544] §2. (1) When distress, emergency, or safety is involved, the telegraph transmission speed, in general, must not exceed 16 words per minute.

[545] (2) The transmission speed for the alarm signal is indicated in §21 (1) [No. 593].

Post, p. 1543.

## B. WAVES TO BE USED IN CASE OF DISTRESS

[546] §3. (1) *Ships*.

Waves to be used in case of distress.

(a) In case of distress, the wave to be used shall be the international distress-wave, that is, 500 kc (600 m) (see article 21) [No. 479]; it must preferably be used in type A2 or B. Ship stations which cannot transmit on the international distress-wave shall use their normal calling-wave.

Ante, p. 1523.

[547] (b) Low-power radiotelephone stations shall use, for this purpose, the calling- and distress-wave of 1,650 kc (182 m), as indicated in article 31.

Post, p. 1567.

[548] (2) *Aircraft*. Any aircraft in distress must transmit the distress call on the watching-wave of the land or mobile stations capable of helping it; when the call is addressed to stations of the maritime service, the waves to be used are the distress-wave or watching-wave of these stations.

## C. DISTRESS SIGNAL

[549] §4. (1) In radiotelegraphy, the distress signal shall consist of the group . . . — — . . ., transmitted as one signal, in which the dashes must be emphasized so as to be distinguished clearly from the dots.

Distress signal.

[550] In radiotelephony, the distress signal shall consist of the spoken expression MAYDAY (corresponding to the French pronunciation of the expression "m'aider").

[551] (2) These distress signals shall announce that the ship, aircraft, or any other vehicle which sends the distress signal is threatened by serious and imminent danger and requests immediate assistance.

## D. DISTRESS CALL

[552] §5. (1) The distress call, when sent in radiotelegraphy on 500 kc (600 m) shall, as a general rule, be immediately preceded by the alarm signal as the latter is defined in §21 (1) [No. 593].

Distress call.

Post, p. 1543.

(2) Lorsque les circonstances le permettent, l'émission de l'appel est séparée de la fin du signal d'alarme par un silence de deux minutes.

(3) L'appel de détresse comprend :

le signal de détresse transmis trois fois,

le mot DE, et

l'indicatif d'appel de la station mobile en détresse, transmis trois fois

(4) Cet appel a priorité absolue sur les autres transmissions. Toutes les stations qui l'entendent doivent cesser immédiatement toute transmission susceptible de troubler le trafic de détresse et écouter sur l'onde d'émission de l'appel de détresse. Cet appel ne doit pas être adressé à une station déterminée et ne donne pas lieu à l'accusé de réception.

#### E. MESSAGE DE DÉTRESSE.

§ 6. (1) L'appel de détresse doit être suivi aussitôt que possible du message de détresse. Ce message comprend l'appel de détresse, suivi du nom du navire, de l'aéronef ou du véhicule en détresse, des indications relatives à la position de celui-ci, à la nature de la détresse et à la nature du secours demandé et, éventuellement, de tout autre renseignement qui pourrait faciliter ce secours.

(2) Lorsque, dans son message de détresse, un aéronef ne peut signaler sa position, il s'efforce, après la transmission du message incomplet, d'émettre son indicatif d'appel suffisamment longtemps pour permettre aux stations radiogoniométriques de déterminer sa position.

§ 7. (1) En règle générale, un navire ou un aéronef à la mer signale sa position en latitude et longitude (Greenwich), en employant des chiffres pour les degrés et les minutes, accompagnés de l'un des mots NORTH ou SOUTH et de l'un des mots EAST ou WEST; un point sépare les degrés des minutes. Eventuellement, le relèvement vrai et la distance en milles marins par rapport à un point géographique connu peuvent être donnés.

(2) Un navire muni d'appareils radiotélégraphiques, après avoir transmis ce message de détresse, transmet, dans la mesure du possible, l'indicatif d'appel du navire pendant un délai suffisamment long pour permettre aux stations terrestres et de navire munies de radiogoniomètres de déterminer sa position.

(3) En règle générale, un aéronef en vol au-dessus de la terre signale sa position par le nom de la localité la plus proche, sa distance approximative par rapport à celle-ci, accompagnée, selon le cas, de l'un des mots NORTH, SOUTH, EAST ou WEST ou, éventuellement, des mots indiquant les directions intermédiaires.

§ 8. L'appel et le message de détresse ne sont émis que sur ordre du commandant ou de la personne responsable du navire, de l'aéronef ou de tout autre véhicule portant la station mobile.

[553] (2) When circumstances permit, the transmission of the call shall be separated from the end of the alarm signal by a 2-minute silence.

[554] (3) The distress call shall include:

the distress signal transmitted three times,  
the word DE, and  
the call signal of the mobile station in distress transmitted three times.

[555] (4) This call shall have absolute priority over other transmissions. All stations hearing it must immediately cease all transmission capable of interfering with the distress traffic, and must listen on the wave used for the distress call. This call must not be sent to any particular station and shall not require an acknowledgment of receipt.

#### E. DISTRESS MESSAGE

[556] §6. (1) The distress call must be followed as soon as possible by the distress message. This message shall include the distress call followed by the name of the ship, aircraft, or the vehicle in distress, information regarding the position of the latter, the nature of the distress and the nature of the help requested, and any other further information which might facilitate this assistance.

Distress message.

[557] (2) When, in its distress message, an aircraft is unable to signal its position, it shall endeavor after the transmission of the incomplete message to send its call signal long enough so that the radio direction-finding stations may determine its position.

[558] §7. (1) As a general rule, a ship or aircraft at sea shall signal its position in latitude and longitude (Greenwich) using figures, for the degrees and minutes, accompanied by one of the words NORTH or SOUTH and one of the words EAST or WEST. A period shall separate the degrees from the minutes. In some cases, the true bearings and the distance in nautical miles from some known geographical point may be given.

[559] (2) A ship equipped with radiotelegraph apparatus, after having sent this distress message, shall transmit, to the extent practicable, the ship's call signal for a period long enough to enable the land and ship stations equipped with radio direction-finders to determine its position.

[560] (3) As a general rule, an aircraft flying over land shall signal its position by the name of the nearest locality, its approximate distance from this point, accompanied, according to the case, by one of the words NORTH, SOUTH, EAST, or WEST, or, in some cases, words indicating intermediate directions.

[561] §8. The distress call and message shall be sent only by order of the master or person responsible for the ship, aircraft, or other vehicle carrying the mobile station.

§ 9. (1) Le message de détresse doit être répété, par intervalles, jusqu'à ce qu'une réponse soit reçue et, notamment, pendant les périodes de silence prévues à l'article 21, § 5.

(2) Le signal d'alarme peut également être répété, si nécessaire.

(3) Les intervalles doivent, toutefois, être suffisamment longs pour que les stations qui se préparent à répondre aient le temps de mettre leurs appareils émetteurs en marche.

(4) Dans le cas où la station de bord en détresse ne reçoit pas de réponse à un message de détresse transmis sur l'onde de 500 kc/s (600 m), le message peut être répété sur toute autre onde disponible, à l'aide de laquelle l'attention pourrait être attirée.

§ 10. De plus, une station mobile qui apprend qu'une autre station mobile est en détresse peut transmettre le message de détresse dans l'un des cas suivants:

- a) la station en détresse n'est pas à même de le transmettre elle-même;
- b) le commandant (ou son remplaçant) du navire, aéronef ou autre véhicule portant la station intervenante juge que d'autres secours sont nécessaires.

§ 11. (1) Les stations du service mobile qui reçoivent un message de détresse d'une station mobile se trouvant, sans doute possible, dans leur voisinage doivent en accuser réception immédiatement (voir les §§ 18 et 19 ci-dessous). Si l'appel de détresse n'a pas été précédé du signal d'alarme automatique, ces stations peuvent transmettre ce signal d'alarme automatique avec l'autorisation de l'autorité responsable de la station (pour les stations mobiles voir l'art. 11, § 1), en prenant soin de ne pas troubler la transmission de l'accusé de réception dudit message effectué par d'autres stations.

(2) Les stations du service mobile qui reçoivent un message de détresse d'une station mobile qui, sans doute possible, n'est pas dans leur voisinage doivent laisser s'écouler un court laps de temps avant d'en accuser réception, afin de permettre à des stations plus proches de la station mobile en détresse de répondre et d'accuser réception sans brouillage.<sup>1)</sup>

#### F. TRAFIC DE DÉTRESSE.

§ 12. Le trafic de détresse comprend tous les messages relatifs au secours immédiat nécessaire à la station mobile en détresse.

§ 13. Tout radiotélégramme d'un trafic de détresse doit comprendre le signal de détresse précédant l'appel et répété au début du préambule.

§ 14. La direction du trafic de détresse appartient à la station mobile en détresse ou à la station mobile qui, par application des dispositions du § 10, a), a émis l'appel de détresse. Ces stations peuvent céder la direction du trafic de détresse à une autre station.

§ 15. (1) Lorsqu'elle le juge indispensable, toute station du service mobile à proximité du navire, de l'aéronef ou du véhicule en détresse

<sup>1)</sup> Les dispositions du § 11 s'appliquent également à toute station travaillant dans les bandes du service mobile.

[562] §9. (1) The distress message must be repeated at intervals until an answer has been received, and especially during the periods of silence provided for in article 21, §5 [No. 492].

*Ante*, p. 1525.

[563] (2) The alarm signal may also be repeated, if necessary.

[564] (3) The intervals must, however, be sufficiently long so that stations preparing to reply may have time to put their transmitters in operation.

[565] (4) In case the on-board station in distress received no answer to a distress message sent on the 500-kc (600-m) wave, the message may be repeated on any other available wave by means of which attention might be attracted.

[566] §10. Furthermore, a mobile station which becomes aware that another mobile station is in distress, may transmit the distress message in either of the following cases:

[567] (a) when the station in distress is not itself in a position to transmit it;

[568] (b) when the master (or his relief) of the vessel, aircraft, or other vehicle carrying the station which intervenes, believes that further help is necessary.

[569] §11. (1) Stations of the mobile service which receive a distress message from a mobile station which is unquestionably in their vicinity, must acknowledge receipt thereof at once (see §§18 and 19 below) [Nos. 587, 588, and 589]. If the distress call has not been preceded by an auto-alarm signal, these stations may transmit this auto-alarm signal with the authorization of the authority responsible for the station (for mobile stations, see article 11, §1) [No. 276], taking care not to interfere with the transmission of the acknowledgment of the receipt of said message by other stations.

*Post*, p. 1543.

*Ante*, p. 1489.

[570] (2) Stations of the mobile service which receive a distress message from a mobile station which unquestionably is not in their vicinity, must wait a short period of time before acknowledging receipt thereof, in order to make it possible for stations nearer to the mobile station in distress to answer and acknowledge receipt without interference.<sup>1</sup>

#### F. DISTRESS TRAFFIC

[571] §12. Distress traffic shall include all messages relative to immediate assistance needed by the mobile station in distress.

*Distress traffic.*

[572] §13. Every distress-traffic radiotelegram must include the distress signal preceding the call and repeated at the beginning of the preamble.

[573] §14. The control of distress traffic shall devolve upon the mobile station in distress or upon the mobile station which, by application of the provisions of §10 (a) [No. 567], has sent the distress call. These stations may delegate the control of the distress traffic to another station.

[574] §15. (1) When it considers it indispensable, any station of the mobile service in the proximity of the ship, aircraft, or vehicle in

[577] <sup>1</sup> The provisions of §11 shall also apply to any station working in the mobile service bands.

peut imposer silence soit à toutes les stations du service mobile dans la zone, soit à une station qui troublerait le trafic de détresse. Dans les deux cas il est fait usage de l'abréviation réglementaire (QRT) suivie du mot DETRESSE; suivant le cas, les indications sont adressées "à tous" ou seulement à une station. L'emploi de l'abréviation QRT doit être réservé, autant que possible, au navire en détresse et à la station qui exerce la direction du trafic de détresse.

(2) Lorsque la station en détresse veut imposer silence, elle emploie la procédure qui vient d'être indiquée, en substituant le signal de détresse . . . — — — . . . au mot DETRESSE.

§ 16. (1) Toute station qui entend un appel de détresse doit se conformer aux prescriptions du § 5, (4).

(2) Toute station du service mobile qui a connaissance d'un trafic de détresse doit suivre ce trafic, même si elle n'y participe pas.

(3) Pendant toute la durée d'un trafic de détresse, il est interdit à toutes les stations qui ont connaissance de ce trafic et qui n'y participent pas:

- a) d'employer l'onde de détresse [500 kc/s (600 m)] ou l'onde sur laquelle a lieu le trafic de détresse;
- b) d'employer des ondes du type B.

(4) Une station du service mobile qui, tout en suivant un trafic de détresse dont elle a connaissance, est capable de continuer son service normal, peut le faire, lorsque le trafic de détresse est bien établi, dans les conditions suivantes:

- a) l'emploi des ondes indiquées en (3) est interdit;
- b) l'emploi des ondes du type A1, à l'exception de celles qui pourraient troubler le trafic de détresse, lui est permis;
- c) l'emploi des ondes des types A2 ou A3 ne lui est permis que dans la ou les bandes affectées au service mobile et qui ne comprennent pas de fréquence utilisée pour le trafic de détresse [la bande autour de 500 kc/s (600 m) s'étend de 385 à 550 kc/s (779 à 545 m)].

§ 17. Lorsque l'observation du silence n'est plus nécessaire ou que le trafic de détresse est terminé, la station qui a eu la direction de ce trafic transmet sur l'onde de détresse et, s'il y a lieu, sur l'onde utilisée pour ce trafic de détresse, un message adressé "à tous" indiquant que le trafic de détresse est terminé. Ce message affecte la forme suivante:

- le signal de détresse,
- l'appel à tous CQ (trois fois),
- le mot DE,
- l'indicatif d'appel de la station qui transmet le message (une fois),
- l'heure de dépôt du message,
- le nom et l'indicatif d'appel de la station mobile qui était en détresse,
- l'abréviation "QUM".

distress, may impose silence either to all the stations of the mobile service in the zone, or to any one station which may be causing interference with the distress traffic. In both cases, the regulatory abbreviation (QRT) shall be used, followed by the word DISTRESS; these indications shall be addressed "to all" stations or to one station only, as the case may be. The use of the abbreviation QRT must be reserved, so far as possible, for the ship in distress and for the station which is directing the distress traffic.

[575] (2) When the station in distress wishes to impose silence, it shall use the above-mentioned procedure, substituting the distress signal . . . — — . . . for the word DISTRESS.

[576] §16. (1) Any station hearing a distress call must conform to the provisions of §5 (4) [No. 555].

[578] (2) Any station of the mobile service which becomes aware of distress traffic must listen to this traffic even if it is not taking part in it.

[579] (3) For the entire duration of distress traffic, it shall be prohibited for all stations which are aware of this traffic and which are not taking part in it:

[580] (a) to use the distress wave [500 kc (600 m)] or the wave on which the distress traffic is taking place;

[581] (b) to use type-B waves.

[582] (4) A station of the mobile service which, while following distress traffic of which it is aware, is able to continue its normal service, may do so, when the distress traffic is well established, under the following conditions:

[583] (a) the use of the waves specified in (3) [Nos. 579 to 581] shall be forbidden;

[584] (b) the use of type-A1 waves, with the exception of those which might interfere with the distress traffic, shall be permitted;

[585] (c) it shall be allowed to use type-A2 or -A3 waves only in the band or bands allocated to the mobile service and which do not include frequencies used for distress traffic [the band around 500 kc (600 m) extends from 385 to 550 kc (779 to 545 m)].

[586] §17. When it is no longer necessary to observe silence, or when the distress traffic is ended, the station which has controlled this traffic shall send on the distress-wave, and, where necessary, on the wave used for this distress traffic, a message addressed "to all", indicating that the distress traffic is ended. This message shall take the following form:

the distress signal,  
CQ call "to all" (three times),  
the word DE,  
call signal of the station transmitting the message (once),

time of filing of the message,  
name and call signal of the mobile station which was in distress,  
abbreviation "QUM".

## G. ACCUSÉ DE RÉCEPTION D'UN MESSAGE DE DÉTRESSE.

§ 18. L'accusé de réception d'un message de détresse est donné sous la forme suivante:

l'indicatif d'appel de la station mobile en détresse (trois fois),  
le mot DE,  
l'indicatif d'appel de la station qui accuse réception (trois fois),  
le groupe RRR,  
le signal de détresse.

§ 19. (1) Toute station mobile qui donne l'accusé de réception à un message de détresse doit, sur ordre du commandant ou de son remplaçant, faire connaître, aussitôt que possible, les renseignements ci-dessous dans l'ordre indiqué:

son nom,  
sa position dans la forme indiquée au § 7,  
la vitesse maximum avec laquelle elle se dirige vers le navire (aéronef ou autre véhicule) en détresse.

(2) Avant d'émettre ce message, la station devra s'assurer qu'elle ne brouille pas les émissions d'autres stations mieux placées pour apporter un secours immédiat à la station en détresse.

## H. RÉPÉTITION D'UN APPEL OU D'UN MESSAGE DE DÉTRESSE.

§ 20. (1) Toute station du service mobile, qui n'est pas à même de fournir du secours et qui a entendu un message de détresse auquel il n'a pas été donné immédiatement d'accusé de réception, doit prendre toutes les dispositions possibles pour attirer l'attention des stations du service mobile qui sont en situation de fournir du secours.

(2) Dans ce but, avec l'autorisation de l'autorité responsable de la station, l'appel de détresse ou le message de détresse peut être répété. Cette répétition est, en général, précédée de l'émission du signal d'alarme automatique, tel que ce dernier est défini au § 21. Un intervalle de temps suffisant est ménagé entre l'émission du signal d'alarme automatique et la répétition de l'appel (ou du message) de détresse pour que les stations mobiles dont l'écoute n'est pas permanente et qui se trouvent alertées par le fonctionnement de leur appareil d'alarme automatique aient le temps de se porter à l'écoute. La répétition de l'appel (ou du message) de détresse est faite à pleine puissance, soit sur l'onde de détresse, soit sur une des ondes qui peuvent être employées en cas de détresse (§ 3 du présent article); en même temps, toutes les dispositions nécessaires seront prises pour aviser les autorités qui peuvent intervenir utilement.

(3) Une station qui répète un appel de détresse ou un message de détresse le fait suivre du mot DE et de son propre indicatif d'appel transmis 3 fois.

## I. SIGNAL D'ALARME AUTOMATIQUE.

§ 21. (1) Le signal d'alarme se compose d'une série de douze traits transmis en une minute, la durée de chaque trait étant de

## G. ACKNOWLEDGMENT OF RECEIPT OF A DISTRESS MESSAGE

[587] §18. The acknowledgment of receipt of a distress message shall be given in the following form:

Acknowledgment of receipt of distress message.

call signal of the mobile station in distress (three times),  
the word DE,  
call signal of the station acknowledging receipt (three times),  
group RRR,  
distress signal.

[588] §19. (1) Any mobile station acknowledging receipt of a distress message must, on the order of the master or his relief, give the following information as soon as possible, in the order indicated:

its name,  
its position, in the form specified in §7 [Nos. 558, 559, and 560],  
the maximum speed at which it is proceeding toward the ship  
(aircraft or other vehicle) in distress.

*Ante*, p. 1537.

[589] (2) Before transmitting this message the station must make sure that it is not interfering with the emissions of other stations in a better position to render immediate assistance to the station in distress.

## H. REPETITION OF A DISTRESS CALL OR MESSAGE

[590] §20. (1) Any station of the mobile service which is not in a position to render assistance and which has heard a distress message for which acknowledgment of receipt has not immediately been given, must take all possible steps to attract the attention of stations of the mobile service which are in a position to furnish help.

Repetition of distress call or message.

[591] (2) For this purpose, with the permission of the authority responsible for the station, the distress call or distress message may be repeated; this repetition shall be preceded generally by transmission of the auto-alarm signal as defined in §21. A sufficient interval of time shall be provided between the transmission of the auto-alarm signal and the repetition of the distress call (or message) so that mobile stations whose watch is not permanent and which are warned by the sounding of their auto-alarm apparatus may have time to go on watch. Repetition of the distress call (or message) shall be made at full power, either on the distress-wave or on one of the waves which may be used in case of distress (§3 of this article) [Nos. 546, 547, and 548]; at the same time all necessary steps shall be taken to inform the authorities whose assistance may be advantageous.

*Ante*, p. 1535.

[592] (3) A station which repeats a distress call or a distress message shall transmit after it the word DE followed by its own call signal three times.

## I. AUTOMATIC ALARM SIGNAL

[593] §21. (1) The alarm signal shall consist of a series of 12 dashes sent in one minute, the duration of each dash being four seconds and

Automatic alarm signal.

quatre secondes et la durée de l'intervalle entre deux traits de une seconde. Il peut être émis à la main ou par un appareil automatique. Toute station de navire travaillant dans la bande de 365 à 515 kc/s (822 à 583 m) qui ne dispose pas d'un appareil automatique pour l'émission du signal d'alarme automatique doit être pourvue en permanence d'une pendule indiquant nettement la seconde et de préférence munie d'une aiguille trotteuse faisant un tour par minute. Cette pendule doit être placée en un point suffisamment visible de la table de manipulation pour que l'opérateur puisse, en la suivant du regard, donner sans difficulté aux différents signaux élémentaires du signal d'alarme leur durée correcte.

(2) Ce signal spécial a pour seul but de faire fonctionner les appareils automatiques donnant l'alarme. Il doit être employé uniquement soit pour annoncer qu'un appel ou message de détresse va suivre, soit pour annoncer une émission d'avis urgent de cyclone; dans ce dernier cas, il ne peut être employé que par les stations côtières dûment autorisées par leur gouvernement.

(3) Dans les cas de détresse, l'emploi du signal d'alarme est indiqué au § 5, (1); dans le cas d'avis urgent de cyclone, l'émission de cet avis ne doit commencer que deux minutes après la fin du signal d'alarme.

(4) Les appareils automatiques destinés à la réception du signal d'alarme doivent satisfaire aux conditions suivantes:

1° répondre au signal d'alarme, même lorsque de nombreux postes travaillent, et aussi quand il y a du brouillage atmosphérique;

2° n'être pas mis en action par des "atmosphériques" ou par des signaux puissants autres que le signal d'alarme;

3° posséder une sensibilité égale à celle d'un récepteur détecteur-cristal relié à la même antenne;

4° avertir quand son fonctionnement cesse d'être normal.

(5) Avant qu'un récepteur automatique d'alarme soit approuvé pour l'usage des navires, l'administration dont ils relèvent doit s'être assurée, par des expériences pratiques faites dans des conditions de brouillage convenables, que l'appareil satisfait aux prescriptions du présent Règlement.

(6) L'adoption du type de signal d'alarme mentionné en (1) n'empêche pas une administration d'autoriser l'emploi d'un appareil automatique qui répondrait aux conditions fixées ci-dessus et qui serait actionné par le signal de détresse . . . — — . . . . .

#### J. SIGNAL D'URGENCE.

§ 22. (1) En radiotélégraphie, le signal d'urgence consiste en trois répétitions du groupe XXX, transmis en séparant bien les lettres de chaque groupe et les groupes successifs; il est émis avant l'appel.

the duration of the interval between two dashes, one second. It can be transmitted by hand or by means of an automatic instrument. Any ship station working in the band of 365 to 515 kc (822 to 583 m), which is not provided with an automatic apparatus for the transmission of the auto-alarm signal, must be permanently equipped with a clock distinctly marking the seconds, preferably by means of a moving hand completing one revolution per minute. This clock must be placed at a point sufficiently visible from the keying table so that the operator may, by watching it, easily and correctly time the different elements of the alarm signal.

[594] (2) The only purpose of this special signal is to set into operation the automatic apparatus used to give the alarm. It must only be used either to announce that a distress call or message is to follow, or to announce the transmission of an urgent cyclone warning; in the latter case it can only be used by coast stations duly authorized by their government.

[595] (3) In cases of distress, the use of the alarm signal is indicated in §5 (1) [No. 552]; in the case of urgent cyclone warnings, the emission of this warning must begin only two minutes after the end of the alarm signal.

*Ante*, p. 1535.

[596] (4) The automatic instruments intended for the reception of the alarm signal must satisfy the following conditions:

[597] 1. They must be set into operation by the alarm signal even when numerous stations are working, and also when there is atmospheric interference;

[598] 2. They must not be made to operate by "atmospherics" or by powerful signals other than the alarm signal;

[599] 3. They must possess a sensitivity equal to that of a crystal-detector receiver connected to the same antenna;

[600] 4. They must give warning when their operation ceases to be normal.

[601] (5) Before an automatic alarm receiver may be approved for use on ships, the administration having jurisdiction must be satisfied by practical tests made under suitable conditions of interference, that the apparatus complies with the provisions of these Regulations.

[602] (6) The adoption of the type of alarm signal mentioned in (1) [No. 593] shall not prevent an administration from authorizing the use of an automatic instrument complying with the conditions set forth above and which would be operated by the distress signal . . . — — — . . .

#### J. URGENT SIGNAL

[603] §22. (1) In radiotelegraphy, the urgent signal shall consist of the group **XXX** transmitted three times, with the letters of each group, as well as the consecutive groups, well separated; it shall be sent before the call.

Urgent signal.

(2) En radiotéléphonie, le signal d'urgence consiste en trois répétitions de l'expression PAN (correspondant à la prononciation française du mot "panne"); il est émis avant l'appel.

(3) Le signal d'urgence indique que la station appelante a un message très urgent à transmettre concernant la sécurité d'un navire, d'un aéronef, d'un autre véhicule ou celle d'une personne quelconque se trouvant à bord ou en vue du bord.

(4) Dans le service aéronautique, le signal d'urgence PAN est employé en radiotélégraphie et en radiotéléphonie pour indiquer que l'aéronef qui l'émet est en difficulté et obligé d'atterrir, mais qu'il n'a pas besoin de secours immédiat. Ce signal doit être, autant que possible, suivi d'un message donnant des renseignements complémentaires.

(5) Le signal d'urgence a la priorité sur toutes autres communications, sauf sur celles de détresse, et toutes les stations mobiles ou terrestres qui l'entendent doivent prendre soin de ne pas brouiller la transmission du message qui suit le signal d'urgence.

(6) Dans le cas où le signal d'urgence est employé par une station mobile, ce signal doit, en règle générale et sous réserve des dispositions de l'alinéa (4) ci-dessus, être adressé à une station déterminée.

§ 23. Quand le signal d'urgence est employé, les messages que ce signal précède doivent, en règle générale, être rédigés en langage clair, sauf dans le cas des messages médicaux, entre des navires ou entre un navire et une station côtière.

§ 24. (1) Les stations mobiles qui entendent le signal d'urgence doivent rester sur écoute pendant trois minutes au moins. Passé ce délai, et si aucun message d'urgence n'a été entendu, elles peuvent reprendre leur service normal.

(2) Toutefois, les stations terrestres et de bord qui sont en communication sur des ondes autres que celles utilisées pour la transmission du signal d'urgence et de l'appel qui le suit peuvent continuer sans arrêt leur travail normal, à moins qu'il ne s'agisse d'un message adressé "à tous" (CQ).

§ 25. (1) Le signal d'urgence ne peut être transmis qu'avec l'autorisation du commandant ou de la personne responsable du navire, de l'aéronef ou de tout autre véhicule portant la station mobile.

(2) Dans le cas d'une station terrestre, le signal d'urgence ne peut être transmis qu'avec l'approbation de l'autorité responsable.

(3) Lorsque le signal d'urgence a été employé avant l'émission d'un message destiné à toutes les stations et comportant des mesures à prendre par les stations qui ont reçu ce message, la station responsable de l'émission doit l'annuler aussitôt qu'elle sait qu'il n'est plus nécessaire d'y donner suite. Ce message d'annulation doit également être adressé "à tous" (CQ).

#### K. SIGNAL DE SÉCURITÉ.

§ 26. (1) En radiotélégraphie, le signal de sécurité consiste en trois répétitions du groupe TTT, transmis en séparant bien les lettres de chaque groupe et les groupes successifs. Ce signal est suivi du mot

[604] (2) In radiotelephony the urgent signal shall consist of three transmissions of the expression PAN (corresponding to the French pronunciation of the word "panne"); it shall be transmitted before the call.

[605] (3) The urgent signal shall indicate that the calling station has a very urgent message to transmit concerning the safety of a ship, an aircraft, or another vehicle, or concerning the safety of some person on board or sighted from on board.

[606] (4) In the aeronautical service, the urgent signal PAN shall be used in radiotelegraphy and in radiotelephony to indicate that the aircraft transmitting it is in trouble and is forced to land, but that it is not in need of immediate help. This signal should, so far as possible, be followed by a message giving additional information.

[607] (5) The urgent signal shall have priority over all other communications, except distress communications, and all mobile or land stations hearing it must take care not to interfere with the transmission of the message which follows the urgent signal.

[608] (6) In case the urgent signal is used by a mobile station, this signal must, as a general rule, subject to the provisions of paragraph (4) above [No. 606], be addressed to a definite station.

[609] §23. When the urgent signal is used the messages which this signal precedes must, as a general rule, be written in plain language, except in the case of medical messages exchanged between ships or between a ship and a coast station.

[610] §24. (1) Mobile stations hearing the urgent signal must listen for at least three minutes. After this interval, and if no urgent message has been heard, they may resume their normal service.

[611] (2) However, land and on-board stations which are in communication on waves other than those used for the transmission of the urgent signal and the call following it, may continue their normal work without interruption, unless the message is addressed "to all" (CQ).

[612] §25. (1) The urgent signal may be transmitted only with the authorization of the master or of the person responsible for the ship, aircraft, or any other vehicle carrying the mobile station.

[613] (2) In the case of a land station, the urgent signal may be transmitted only with the approval of the responsible authority.

[614] (3) When the urgent signal has been used before the transmission of a message intended for all stations and including measures to be taken by stations which have received this message, the station responsible for the transmission must cancel it as soon as it knows that there is no longer necessity of acting upon it. This message of cancelation must likewise be addressed "to all" (CQ).

#### K. SAFETY SIGNAL

[615] §26. (1) In radiotelegraphy, the safety signal shall consist of the group TTT, transmitted three times, with the letters of each group, as well as the consecutive groups, well separated. This signal

Safety signal.

DE et de trois fois l'indicatif d'appel de la station qui l'émet. Il annonce que cette station va transmettre un message concernant la sécurité de la navigation ou donnant des avertissements météorologiques importants.

(2) En radiotéléphonie, le mot SECURITE (correspondant à la prononciation française du mot "sécurité") répété trois fois est utilisé comme signal de sécurité.

§ 27. Le signal de sécurité et le message qui le suit sont transmis sur l'onde de détresse ou sur une des ondes qui peuvent éventuellement être employées en cas de détresse (voir § 3 du présent article).

§ 28. (1) Dans le service mobile maritime, en dehors des messages dont la transmission est faite à heure fixe, le signal de sécurité doit être transmis vers la fin de la première période de silence qui se présente (article 21, § 5) et le message est transmis immédiatement après la période de silence; dans les cas prévus à l'article 32, A, § 4, (3) et § 5, (1), B, § 7, le signal de sécurité et le message qui le suit doivent être transmis dans le plus bref délai possible, mais doivent être répétés, comme il vient d'être indiqué, à la première période de silence suivante.

(2) Toutes les stations qui perçoivent le signal de sécurité doivent rester à l'écoute sur l'onde sur laquelle le signal de sécurité a été émis jusqu'à ce que le message ainsi annoncé soit terminé; elles doivent de plus observer le silence sur toute onde susceptible de brouiller le message.

(3) Les règles précédentes sont applicables au service aéronautique dans la limite où elles ne sont pas en opposition avec des arrangements régionaux assurant à la navigation aérienne une protection au moins égale.

#### ARTICLE 25.

##### *Vacations des stations du service mobile.*

§ 1. (1) Afin de permettre l'application des règles indiquées ci-dessous au sujet des heures de veille, toute station du service mobile doit avoir une montre précise et prendre les dispositions voulues pour que celle-ci soit correctement réglée sur le temps moyen de Greenwich (T.M.G.).

(2) Le temps moyen de Greenwich (T. M. G.) (compté de 0000 à 2400 heures à partir de minuit) sera employé pour toutes les inscriptions dans le journal du service radioélectrique, et dans tous les autres documents analogues des navires obligatoirement munis d'appareils radioélectriques en exécution d'un accord international; il en sera autant que possible de même pour les autres navires.

#### A. STATIONS TERRESTRES.

§ 2. (1) Le service des stations terrestres est, autant que possible, permanent (de jour et de nuit). Toutefois, certaines stations terrestres peuvent avoir un service de durée limitée. Chaque administration ou exploitation privée, dûment autorisée à cet effet, fixe les heures de service des stations terrestres placées sous son autorité.

shall be followed by the word DE and three transmissions of the call signal of the station sending it. It announces that this station is about to transmit a message concerning the safety of navigation or giving important meteorological warnings.

[616] (2) In radiotelephony, the word SECURITY (corresponding to the French pronunciation of the word "sécurité") repeated three times, shall be used as the safety signal.

[617] §27. The safety signal and the message which follows it shall be transmitted on the distress-wave or on one of the waves which, in some instances, may be used in case of distress (see §3 of this article) [Nos. 546, 547, and 548].

*Ante*, p. 1535.

[618] §28. (1) In the maritime mobile service, apart from messages transmitted according to a schedule, the safety signal must be transmitted toward the end of the first ensuing period of silence (article 21, §5) [No. 492], and the message shall be transmitted immediately after the period of silence; in the cases provided for in article 32, A, §4 (3) and §5 (1), B, §7 [Nos. 741, 744, and 747], the safety signal and the message which follows it must be transmitted with as little delay as possible, but must be repeated, as has just been indicated, at the first ensuing period of silence.

*Ante*, p. 1525.

*Post*, pp. 1571, 1573.

[619] (2) All stations hearing the safety signal must continue listening on the wave on which the safety signal has been sent until the message so announced has been completed; they must moreover keep silence on all waves likely to interfere with the message.

[620] (3) The foregoing rules shall be applicable to the aeronautical service so far as they are not in conflict with regional arrangements providing aerial navigation with at least equivalent protection.

## ARTICLE 25

### *Working Hours of Stations of the Mobile Service*

[621] §1. (1) In order to permit the application of the rules indicated below regarding the hours of watch, every station of the mobile service must have an accurate clock and must take the necessary steps to see that it is correctly adjusted to Greenwich mean time (G.M.T.)

Working hours of stations of mobile service.

[622] (2) Greenwich mean time (G.M.T.) (counted from 00:00 to 24:00 o'clock, beginning at midnight) shall be used for all entries in the radio service log and in all other similar documents of ships compulsorily equipped with radio apparatus pursuant to an international agreement; the same shall, so far as possible, apply to other ships.

### A. LAND STATIONS

[623] §2. (1) The service of land stations shall, so far as possible, be continuous (day and night). However, the duration of the service of certain land stations may be limited. Each administration or public enterprise duly authorized to this effect shall determine the service hours of the land stations under its authority.

Land stations.

(2) Les stations terrestres dont le service n'est pas permanent ne peuvent prendre clôture avant d'avoir:

1° terminé toutes les opérations motivées par un appel de détresse;  
2° échangé tous les radiotélégrammes originaux ou à destination des stations mobiles qui se trouvent dans leur rayon d'action et ont signalé leur présence avant la cessation effective du travail.

(3) Le service des stations aéronautiques est continu pendant toute la durée du vol dans le ou les secteurs du ou des parcours dont la station considérée assure le service des radiocommunications.

#### B. STATIONS DE NAVIRE.

§ 3. (1) Pour le service international de la correspondance publique, les stations de navire sont classées, suivant la réglementation intérieure des administrations dont elles dépendent, en trois catégories:

stations de première catégorie: ces stations effectuent un service permanent;

stations de deuxième catégorie: ces stations effectuent un service de durée limitée, tel qu'il est indiqué à l'alinéa (2) ci-dessous;

stations de troisième catégorie: ces stations effectuent un service de durée plus limitée que celui des stations de deuxième catégorie ou un service dont la durée n'est pas fixée par le présent Règlement.

(2) a) Les stations de navire classées dans la deuxième catégorie doivent assurer le service au moins pendant la durée qui leur est attribuée dans l'appendice 6. Il est fait mention de cette durée dans la licence.

b) Dans le cas de courtes traversées, elles assurent le service pendant les heures fixées par l'administration dont elles dépendent.

(3) Le cas échéant, les heures de service des stations de navire de la troisième catégorie peuvent être mentionnées dans la nomenclature.

(4) En règle générale, lorsqu'une station côtière a du trafic en instance pour une station de navire de la troisième catégorie n'ayant pas d'heures fixes d'écoute et présumée dans le rayon d'action de la station côtière, celle-ci effectue des appels à la station de navire au cours de la première demi-heure des 1<sup>re</sup> et 3<sup>e</sup> périodes d'écoute des stations de navire de la deuxième catégorie effectuant un service de huit heures, conformément aux dispositions de l'appendice 6.

§ 4. (1) Les stations de navire dont le service n'est pas permanent ne peuvent prendre clôture qu'après avoir:

1° terminé toutes les opérations motivées par un appel de détresse;

2° échangé autant que possible tous les radiotélégrammes originaux ou à destination des stations terrestres qui se trouvent dans leur rayon d'action et des stations mobiles qui, se trouvant dans leur rayon d'action, ont signalé leur présence avant la cessation effective du travail.

[624] (2) Land stations the service of which is not continuous may not close before having:

[625] 1. Finished all operations called for by a distress call;

[626] 2. Exchanged all radiotelegrams originating in or destined to the mobile stations which are within their range and have signaled their presence before the effective cessation of work.

[627] (3) The service of aeronautical stations shall be continuous during the entire period of flight in the sector or sectors of the course or courses for which the station in question carries on the radio service.

#### B. SHIP STATIONS

[628] §3. (1) For the international service of public correspondence, ship stations shall be classified into three categories according to the internal regulations of the administration to which they are subject, as follows:

Ship stations.

[629] stations of the first category: these stations shall carry on a continuous service;

[630] stations of the second category: these stations shall carry on a service of limited duration, as outlined in paragraph (2) below [Nos. 632 and 633];

[631] stations of the third category: these stations shall carry on a service of a more limited duration than that of the stations of the second category, or a service the duration of which is not determined by these Regulations.

[632] (2) (a) Ship stations classified in the second category must carry on their service at least during the period assigned to them in appendix 6. This period shall be mentioned in the license.

[633] (b) In the case of short crossings, they shall carry on the service during the hours determined by the administration to which they belong.

[634] (3) In certain cases, the service hours of stations on ships of the third category may be mentioned in the nomenclature.

[635] (4) As a general rule, when a coast station has traffic on hand for a ship station of the third category not having fixed listening hours which is presumed to be within the range of the coast station, the latter shall call the ship station during the first half hour of the first and third listening periods of ship stations of the second category carrying on an 8-hour service in accordance with the provisions of appendix 6.

Post, p. 1601.

[636] §4. (1) Ship stations the service of which is not continuous may not close before having:

[637] 1. Finished all operations called for by a distress call;

[638] 2. Exchanged, so far as possible, all radiotelegrams originating in or destined to land stations which are within their range, and mobile stations which, being within their range, have signaled their presence before the effective cessation of work.

(2) Une station mobile qui n'a pas de vacations déterminées doit communiquer à la station terrestre, avec laquelle elle est entrée en relation, l'heure de clôture et l'heure de réouverture de son service.

(3) *a*) Toute station mobile arrivant dans un port et dont le service est, par suite, sur le point de cesser doit en avertir la station terrestre la plus proche et, s'il est utile, les autres stations terrestres avec lesquelles elle correspond en général.

Elle ne doit prendre clôture qu'après liquidation du trafic en instance, à moins que les dispositions du pays où elle fait escale ne le permettent pas.

*b*) Lors de son départ, elle doit aviser de sa réouverture la ou les stations terrestres intéressées dès le moment où cette réouverture lui est permise par les dispositions en vigueur dans le pays où se trouve le port de départ.

#### C. STATIONS D'AÉRONEF.

§ 5. En ce qui concerne le service international de la correspondance publique, les stations d'aéronef constituent une seule catégorie. Ces stations effectuent un service dont la durée n'est pas fixée par le présent Règlement.

#### D. CLASSE ET NOMBRE MINIMUM D'OPÉRATEURS.

§ 6. En ce qui concerne le service international de la correspondance publique des stations mobiles, il appartient à chaque gouvernement contractant de prendre les mesures nécessaires pour que les stations de sa nationalité aient un personnel suffisant pour assurer un service efficace pendant les heures qui correspondent à la catégorie dans laquelle ces stations sont classées; le personnel de ces stations devra, compte tenu de l'article 10, § 9, (G. Stages professionnels) comporter au moins:

1° pour les stations de navire de la première catégorie: un opérateur titulaire d'un certificat de radiotélégraphiste de 1re classe;

2° pour les stations de navire de la deuxième catégorie: un opérateur titulaire d'un certificat de radiotélégraphiste de 1re ou de 2e classe;

3° *a*) pour les stations de navire de la troisième catégorie, sauf dans les cas prévus aux littéras *b*) et *c*) qui suivent, un opérateur titulaire d'un certificat de radiotélégraphiste de 2e classe;

*b*) pour les stations des navires auxquels l'installation radiotélégraphique n'est pas imposée par des accords internationaux, un opérateur titulaire d'un certificat spécial, répondant aux conditions de l'article 10, D, § 6;

*c*) pour les stations des navires munis d'une installation radiotéléphonique de faible puissance, un opérateur titulaire d'un certificat de radiotéléphoniste, répondant aux conditions de l'article 10, F, § 8.

4° *a*) pour les stations d'aéronef, sauf dans les cas prévus aux alinéas *b*) et *c*) qui suivent, un opérateur titulaire d'un certificat de radiotélégraphiste de 1re ou de 2e classe, suivant les dispositions d'ordre intérieur prises par les gouvernements dont dépendent ces stations;

[639] (2) A mobile station which has no fixed working hours must advise the land station with which it is in communication of the closing and reopening hours of its service.

[640] (3) (a) Any mobile station which arrives in a port and the service of which is accordingly about to close, must so advise the nearest land station and, if necessary, the other land stations with which it generally communicates.

[641] It must not close until it has cleared all traffic on hand, unless the regulations of the country where it calls prohibit.

[642] (b) At the time of its departure, it must advise the interested land station or stations of its reopening, as soon as such reopening is permitted by the regulations in force within the country in which the port of departure is located.

#### C. AIRCRAFT STATIONS

[643] §5. With respect to the international service of public correspondence, aircraft stations shall constitute a single category. These stations shall carry on a service the duration of which is not determined by the present Regulations.

Aircraft stations.

#### D. CLASS AND MINIMUM NUMBER OF OPERATORS

[644] §6. Concerning the international service of public correspondence of mobile stations, it shall devolve upon each contracting government to take the appropriate steps to have the stations of its nationality carry adequate personnel to insure effective service during the hours which correspond to the category in which these stations are classified; taking account of article 10, G, §9, the personnel of these stations must include at least:

Class and minimum number of operators.

[645] 1. For ship stations of the first category, an operator holding a first-class radiotelegraph operator's certificate;

[646] 2. For ship stations of the second category, an operator holding a first- or second-class operator's certificate;

[647] 3. (a) For ship stations of the third category, except in the cases provided for in paragraphs (b) and (c) below [Nos. 648 and 649], an operator holding a second-class radiotelegraph operator's certificate;

[648] (b) For ship stations of which radiotelegraph equipment is not made compulsory by international agreements, an operator holding a special certificate covering the conditions contained in article 10, D, §6;

*Ante*, p. 1485.

[649] (c) For ship stations equipped with a low-power radiotelephone installation, an operator holding a radiotelephone operator's certificate covering the conditions contained in article 10, F, §8;

*Ante*, p. 1487.

[650] 4. (a) For aircraft stations, except in the cases provided for in paragraphs (b) and (c) below [Nos. 651 and 652], an operator holding a first- or second-class radiotelegraph operator's certificate, according to provisions of an internal character laid down by the government to which these stations are subject;

- b) pour les stations des aéronefs auxquels l'installation radiotélégraphique n'est pas imposée par des accords internationaux, un opérateur titulaire d'un certificat spécial répondant aux conditions de l'article 10, D, § 6;
- c) pour les stations des aéronefs munis d'une installation radiotéléphonique de faible puissance, un opérateur titulaire d'un certificat de radiotéléphoniste, répondant aux conditions de l'article 10, F, § 8.

#### ARTICLE 26.

##### *Ordre de priorité des communications dans le service mobile.*

L'ordre de priorité des radiocommunications dans le service mobile est le suivant:

- 1° appels de détresse, messages de détresse et trafic de détresse;
- 2° communications précédées d'un signal d'urgence;
- 3° communications précédées du signal de sécurité;
- 4° communications relatives aux relèvements radiogoniométriques;
- 5° radiotélégrammes d'Etat pour lesquels le droit de priorité n'a pas été abandonné;
- 6° toutes les autres communications.

#### ARTICLE 27.

##### *Indication de la station d'origine des radiotélégrammes.*

§ 1. Lorsque, par suite d'homonymie, le nom d'une station est suivi de l'indicatif de cette station, on sépare ce dernier du nom de la station par une barre de fraction. Exemple: Oregon/OZOC (et non Oregonozoc); Rose/DDOR (et non Roseddor).

§ 2. Lors de la réexpédition sur les voies de communication du réseau général d'un radiotélégramme reçu d'une station mobile, la station terrestre transmet, comme origine, le nom de la station mobile d'où émane le radiotélégramme, tel que ce nom figure à la nomenclature, suivi du nom de ladite station terrestre. Le cas échéant on applique aussi les dispositions du § 1.

§ 3. La station terrestre peut, si elle le juge utile, compléter l'indication du nom de la station mobile d'origine par le mot "navire" ou "avion" ou "dirigeable" placé avant le nom de ladite station d'origine, en vue d'éviter toute confusion avec un bureau télégraphique ou une station fixe de même nom.

#### ARTICLE 28.

##### *Direction à donner aux radiotélégrammes.*

§ 1. (1) En règle générale, la station mobile qui fait usage d'ondes du type A2, A3 ou B comprises dans la bande de 365 à 515 kc/s (822 à 583 m) transmet ses radiotélégrammes à la station terrestre la plus proche. En vue d'accélérer ou de faciliter la transmission des radiotélégrammes elle peut cependant les transmettre à une autre station

- [651] (b) For stations on board aircraft for which radiotelegraph equipment is not made compulsory by international agreements, an operator holding a special certificate covering the conditions contained in article 10, D, §6;
- [652] (c) For stations on board aircraft equipped with a low-power radiotelephone installation, an operator holding a radiotelephone operator's certificate covering the conditions contained in article 10, F, §8.

Ante, p. 1485.

Ante, p. 1487.

## ARTICLE 26

*Order of Priority of Communications in the Mobile Service*

[653] The order of priority of radio communications in the mobile service shall be as follows:

Communications in mobile service.  
Order of priority.

1. Distress calls, distress messages, and distress traffic;
2. Communications preceded by an urgent signal;
3. Communications preceded by a safety signal;
4. Communications relative to radio direction-finding bearings;
5. Government radiotelegrams for which priority right has not been waived;
6. All other communications.

## ARTICLE 27

*Indication of the Station of Origin of Radiotelegrams*

[654] §1. When the name of a station is to be followed by the call signal of that station, because of homonymy, the latter shall be separated from the name of the station by a fraction bar. Example: Oregon/OZOC (and not Oregonozoc); Rose/DDOR (and not Roseddor).

Indication of station of origin.

[655] §2. When reforwarding, over the communication channels of the general network, a radiotelegram received from a mobile station, the land station shall transmit, as the origin, the name of the mobile station where the radiotelegram originated, as that name is shown in the nomenclature, followed by the name of the said land station. If need be, the provisions of §1 [No. 654] shall also be applied.

[656] §3. If it deems advisable, the land station may complete the indication of the mobile station of origin by the word "ship," or "airplane," or "dirigible" placed before the name of the said station of origin, for the purpose of avoiding any confusion with a telegraph office or a fixed station having the same name.

## ARTICLE 28

*Routing of Radiotelegrams*

[657] §1. (1) As a general rule, a mobile station using type-A2, -A3, or -B waves within the band 365 to 515 kc (822 to 583 m) shall send its radiotelegrams to the nearest land station. In order to accelerate or facilitate the transmission of radiotelegrams, it may, however, transmit them to another mobile station. The latter shall treat radio-

Routing of radiotelegrams.

mobile. Cette dernière traite les radiotélégrammes ainsi reçus comme ceux déposés chez elle-même (voir également l'article 7 du Règlement additionnel).

(2) Toutefois, lorsque la station mobile peut choisir entre plusieurs stations terrestres se trouvant approximativement à la même distance, elle doit donner la préférence à celle qui est située sur le territoire du pays de destination ou de transit normal des radiotélégrammes. Quand la station choisie n'est pas la plus proche, la station mobile doit cesser le travail ou changer de type ou de fréquence d'émission à la première demande faite par la station terrestre du service intéressé qui est réellement la plus proche, demande motivée par le brouillage que ledit travail cause à celle-ci.

§ 2. Les stations mobiles utilisant soit des ondes du type A1, soit des ondes du type A2 ou A3, en dehors de la bande de 365 à 515 kc/s (822 à 583 m) doivent, en règle générale, donner la préférence à la station terrestre établie sur le territoire du pays de destination ou du pays qui paraît devoir assurer le plus rationnellement le transit des radiotélégrammes.

§ 3. Si l'expéditeur d'un radiotélégramme déposé dans une station mobile a désigné la station terrestre à laquelle il désire que son radiotélégramme soit transmis, la station mobile doit, pour effectuer cette transmission à la station terrestre indiquée, attendre éventuellement que les conditions prévues aux paragraphes précédents soient remplies.

#### ARTICLE 29.

##### *Comptabilité des radiotélégrammes.*

###### A. ETABLISSEMENT DES COMPTES.

§ 1. En principe, les taxes terrestres et de bord n'entrent pas dans les comptes télégraphiques internationaux.

§ 2. Les gouvernements se réservent la faculté de prendre entre eux et avec les exploitations privées intéressées des arrangements différents, en vue de l'adoption d'autres dispositions concernant la comptabilité, notamment l'adoption, autant que possible, du système sous lequel les taxes terrestres et de bord suivent les radiotélégrammes de pays à pays, par la voie des comptes télégraphiques. De tels arrangements sont sujets à un accord préalable entre les administrations intéressées.

§ 3. Sauf arrangement différent, suivant les dispositions du § 2 ci-dessus, les comptes concernant ces taxes sont établis mensuellement par les administrations dont dépendent les stations terrestres et communiqués par elles aux administrations intéressées.

§ 4 (1) Dans le cas où l'exploitant des stations terrestres n'est pas l'administration du pays, cet exploitant peut être substitué, en ce qui concerne les comptes, à l'administration de ce pays.

(2) Les radiotélégrammes visés à l'article 20 § 9 peuvent entrer éventuellement dans un compte destiné à l'administration dont le navire dépend.

telegrams thus received like those filed in its own station. (See also article 7 of the Additional Regulations.)

[658] (2) However, when the mobile station can choose among several land stations situated at approximately the same distance, it must give the preference to the station located on the territory of the country of destination or of normal transit of the radiotelegrams. When the station chosen is not the nearest, the mobile station must cease working or change the type or frequency of emission upon the first request made by the land station of the service concerned which is actually the nearest, when this request is based upon the interference which the work in question causes to the latter.

[659] §2. Mobile stations using either type-A1 waves or type-A2 or -A3 waves, outside the band 365 to 515 kc (822 to 583 m) must, as a general rule, give preference to the land station located on the territory of the country of destination or of the country which it appears could most reasonably effect the transit of the radiotelegrams.

[660] §3. If the sender of a radiotelegram filed in a mobile station has designated the land station to which he desires his radiotelegram sent, the mobile station must, in some cases, wait until the conditions specified in the preceding paragraphs are fulfilled, in order to make the transmission to the designated land station.

## ARTICLE 29

### *Accounting for Radiotelegrams*

#### A. ESTABLISHMENT OF ACCOUNTS

[661] §1. In principle, land and on-board charges shall not enter into international telegraph accounts.

Accounting.

[662] §2. Governments reserve the right to make different arrangements among themselves and with the private enterprises concerned, with a view to the adoption of other provisions for accounting, notably the adoption, so far as possible, of the system in which land and on-board charges follow radiotelegrams from country to country through the telegraph accounts. Such arrangements shall be subject to a prior agreement between the administrations concerned.

[663] §3. In the absence of a different arrangement, in accordance with the provisions of §2 above [No. 662], accounts for these charges shall be set up each month by the administrations to which the land stations are subject and sent by them to the administrations concerned.

[664] §4 (1) Where the land stations are not operated by the administration of the country, the operating agency may be substituted for the administration of the country, so far as accounts are concerned.

[665] (2) The radiotelegrams covered in article 20, §9 [No. 470] may in some cases be entered in an account intended for the administration to which the ship is subject.

*Ante*, p. 1521.

§ 5. Pour les radiotélégrammes originaires des stations de bord, l'administration dont dépend la station terrestre débite l'administration dont dépend la station de bord d'origine des taxes terrestres, des taxes afférentes aux parcours sur le réseau général des voies de télécommunication — qui seront dorénavant appelés taxes télégraphiques —, des taxes totales perçues pour les réponses payées, des taxes terrestres et télégraphiques perçues pour le collationnement, des taxes perçues pour la remise par exprès, par poste ou par poste-avion et des taxes perçues pour les copies des télégrammes multiples. Pour la transmission sur les voies de communication télégraphiques, les radiotélégrammes sont traités, au point de vue des comptes, conformément au Règlement télégraphique.

§ 6. Pour les radiotélégrammes à destination d'un pays situé au-delà de celui auquel appartient la station terrestre, les taxes télégraphiques à liquider, conformément aux dispositions ci-dessus, sont celles qui résultent soit des tableaux des tarifs afférents à la correspondance télégraphique internationale, soit d'arrangements spéciaux conclus entre les administrations de pays limitrophes et publiés par ces administrations, et non les taxes qui pourraient être perçues en appliquant des minima par télégramme ou des méthodes d'arrondir les prix par télégramme de quelque manière que ce soit.

Toutefois, on doit tenir compte du minimum réglementaire de cinq mots pour les radiotélégrammes CDE et les radiotélégrammes du régime européen.

§ 7. (1) Pour les radiotélégrammes à destination des stations de bord, l'administration dont dépend le bureau d'origine est débitée directement par celle dont dépend la station terrestre des taxes terrestres et de bord plus les taxes terrestres et de bord applicables au collationnement, mais seulement dans le cas où le radiotélégramme a été transmis à la station de bord. Toutefois, dans le cas visé au § 6 de l'article 9 du Règlement additionnel, l'administration dont dépend le bureau d'origine est débitée de la taxe terrestre par celle dont dépend la station terrestre.

(2) L'administration dont dépend le bureau d'origine est toujours débitée, de pays à pays, s'il y a lieu, par la voie des comptes télégraphiques, et par l'administration dont dépend la station terrestre, des taxes télégraphiques, des taxes totales afférentes aux réponses payées et des taxes télégraphiques afférentes au collationnement. En ce qui concerne les taxes relatives aux copies des télégrammes multiples, il est opéré, pour ce qui regarde les comptes télégraphiques, conformément à la procédure télégraphique normale.

(3) L'administration dont dépend la station terrestre créditée, pour autant que le radiotélégramme ait été transmis, celle dont dépend la station de bord destinataire :

a) de la taxe de bord ; b) s'il y a lieu, des taxes revenant aux stations de bord intermédiaires, de la taxe totale perçue pour les réponses payées, de la taxe de bord relative au collationnement, des taxes maxima fixées par le Règlement télégraphique pour les copies des télégrammes multiples.

[666] §5. For radiotelegrams originating with on-board stations, the administration to which the land station is subject shall debit the administration to which the on-board station of origin is subject with the land charges, the charges pertaining to the course on the general system of telecommunication channels—hereinafter called telegraph charges—the total charges collected for prepaid replies, land and telegraph charges collected for collating, charges collected for delivery by special messenger, mail or air mail, and charges collected for copies of multiple telegrams. For transmission over telegraph-communication channels, radiotelegrams shall be handled, from the standpoint of accounts, in accordance with the Telegraph Regulations.

[667] §6. For radiotelegrams addressed to a country situated beyond the one to which the land station is subject, the telegraph charges to be settled in conformity with the above provisions shall be those resulting either from rate tables pertaining to the international telegraph correspondence, or from special arrangements concluded among administrations of bordering countries and published by these administrations, and not the charges which might be collected by applying either minimum charges per telegram, or methods for rounding off prices per telegram in any way whatever.

[668] However, for CDE radiotelegrams and for radiotelegrams of the European regime, the 5-word minimum provided for by the Regulations must be taken into account.

[669] §7. (1) For radiotelegrams addressed to on-board stations, the administration to which the office of origin is subject shall be debited directly by that to which the land station is subject, with the land and on-board charges plus the land and on-board charges applicable for collating, but only in the case where the radiotelegram has been transmitted to the on-board station. However, in the case covered in §6 of article 9 of the Additional Regulations [No. 893], the administration to which the office of origin is subject shall be debited with the land charge by the administration to which the land station is subject.

[670] (2) The administration to which the office of origin is subject shall always be debited from country to country, if necessary, through the telegraph accounts, and by the administration to which the land station is subject, with the telegraph charges, with the total charges appertaining to prepaid replies, and with the telegraph charges pertaining to collating. With respect to charges concerning copies of multiple telegrams, the normal telegraph procedure shall be adopted with respect to telegraph accounts.

[671] (3) The administration to which the land station is subject shall, so far as the radiotelegram has been transmitted, credit the administration to which the on-board station of destination is subject:

[672] (a) with the on-board charge;

[673] (b) if necessary, with the charges accruing to intermediate on-board stations, with the total charge collected for prepaid replies, with the on-board charge relative to collating, and with the maximum charges fixed in the Telegraph Regulations for copies of multiple telegrams.

§ 8. Les réponses aux radiotélégrammes avec réponse payée sont traitées, à tous égards, dans les comptes du service mobile comme les autres radiotélégrammes.

§ 9. Pour les radiotélégrammes échangés entre stations de bord

a) sans l'intermédiaire de stations terrestres:

Sauf lorsque d'autres arrangements ont été conclus, l'exploitation dont dépend la station de bord de destination débite celle dont dépend la station de bord d'origine de toutes les taxes perçues, déduction faite des taxes revenant à cette dernière station,

b) par l'intermédiaire d'une seule station terrestre:

L'administration dont dépend la station terrestre débite celle dont dépend la station de bord d'origine de toutes les taxes perçues, déduction faite des taxes revenant à cette station de bord, conformément aux prescriptions du § 5. Ensuite, on opère selon les stipulations du § 7;

c) par l'intermédiaire de deux stations terrestres:

L'administration dont dépend la première station terrestre débite celle dont dépend la station de bord d'origine de toutes les taxes perçues, déduction faite des taxes revenant à cette station de bord, conformément aux prescriptions du § 5. Ensuite, on opère selon les stipulations du § 7, en considérant la première station terrestre comme bureau d'origine en ce qui concerne les comptes.

§ 10. Pour les radiotélégrammes qui sont acheminés sur la demande de l'expéditeur, en recourant à une ou deux stations de bord intermédiaires, chacune de celles-ci débite de la taxe de bord lui revenant pour le transit:

a) la station de bord de destination, s'il s'agit d'un radiotélégramme destiné à une station de bord originaire de la terre ferme, ou des cas envisagés au § 9, b) et c) (second parcours radiotélégraphique);

b) la station de bord d'origine, s'il s'agit d'un radiotélégramme originaire d'une station de bord à destination de la terre ferme, ou des cas envisagés au § 9, a) et au § 9, b) et c) (premier parcours radiotélégraphique).

#### B. ECHANGE, VÉRIFICATION ET LIQUIDATION DES COMPTES.

§ 11. En principe, dans les comptes mensuels, servant de base à la comptabilité des radiotélégrammes visés au présent article, les radiotélégrammes sont inscrits individuellement avec toutes les indications nécessaires. Un modèle de ce relevé fait l'objet de l'appendice 13. Les comptes sont envoyés dans un délai de trois mois à partir du mois auquel ils se rapportent.

§ 12. La notification de l'acceptation d'un compte ou des observations y relatives a lieu dans un délai de six mois prenant cours à la date de son envoi.

[674] §8. In the mobile service accounts, replies to radiotelegrams with prepaid reply shall be handled in every respect like other radiotelegrams.

[675] §9. For radiotelegrams exchanged between on-board stations—

[676] (a) Without the intermediary of land stations:

Except when other arrangements have been made, the operating enterprise to which the on-board station of destination is subject shall debit that enterprise to which the on-board station of origin is subject with all charges collected, deducting the charges due to the latter station.

[677] (b) Through the intermediary of a single land station:

The administration to which the land station is subject shall debit the one to which the on-board station of origin is subject with all charges collected, deduction being made of the charges accruing to such on-board station, in conformity with the requirements of §5. Following this, the stipulations of §7 shall be followed.

[678] (c) Through the intermediary of two land stations:

The administration to which the first land station is subject shall debit the one to which the on-board station of origin is subject with all the charges collected, deduction being made of the charges accruing to this on-board station, in conformity with the requirements of §5. Following this, the stipulations of §7 shall be followed, considering the first land station as the office of origin so far as accounts are concerned.

[679] §10. For radiotelegrams which are routed, at the sender's request, through one or two intermediary on-board stations, each of these shall debit with the on-board charge accruing to it for transit:

[680] (a) the on-board station of destination, in the case of a radiotelegram originating on land and addressed to an on-board station, or in the cases contemplated in §9, (b) and (c) [Nos. 677 and 678] (second radiotelegraph route);

[681] (b) the on-board station of origin, in the case of a radiotelegram originating with an on-board station and addressed to land, or in the cases contemplated in §9 (a) and in §9, (b) and (c) [Nos. 676, 677, and 678] (first radiotelegraph route).

#### B. EXCHANGE, VERIFICATION, AND SETTLEMENT OF ACCOUNTS

[682] §11. In principle, in monthly accounts serving as the basis for the accounting of radiotelegrams dealt with in this article, radiotelegrams shall be entered individually with all the necessary indications. A model form of this account shall constitute appendix 13. The accounts shall be sent within three months after the month to which they refer.

[683] §12. Notice of acceptance of an account, or comments concerning it, shall be sent within six months from the date on which the latter is rendered.

Exchange, verification, and settlement of accounts.

Post, p. 1643.

§ 13. Les délais mentionnés dans les deux paragraphes précédents peuvent dépasser les périodes fixées quand des difficultés exceptionnelles se présentent dans le transport postal des documents entre les stations terrestres et les administrations dont elles dépendent. Néanmoins, la liquidation et le règlement des comptes présentés plus de dix-huit mois après la date de dépôt des radiotélégrammes auxquels ces comptes se rapportent peuvent être refusés par l'administration débitrice.

§ 14. Sauf entente contraire, les dispositions suivantes sont applicables aux comptes radiotélégraphiques visés au présent article.

§ 15. (1) Les comptes mensuels sont admis sans revision quand la différence entre les comptes dressés par les deux administrations intéressées n'est pas supérieure à vingt-cinq francs (25 frs) ou ne dépasse pas 1 pour 100 du compte de l'administration créditrice pourvu que le montant de ce compte ne soit pas supérieur à cent mille francs (100 000 frs); lorsque le montant du compte dressé par l'administration créditrice est supérieur à cette dernière somme, la différence ne peut pas dépasser un montant total de:

- 1° 1 pour 100 des premiers cent mille francs (100 000 frs);
- 2° 0,5 pour 100 de la somme excédente.

(2) Une revision commencée est arrêtée dès que, à la suite d'échanges d'observations entre les administrations intéressées, la différence a été ramenée à une valeur ne dépassant pas le maximum fixé par le premier alinéa du présent paragraphe.

§ 16. (1) Immédiatement après l'acceptation des comptes afférents au dernier mois d'un trimestre, un compte trimestriel, faisant ressortir le solde pour l'ensemble des trois mois du trimestre, est, sauf arrangement contraire entre les deux administrations intéressées, dressé par l'administration créditrice et transmis en deux exemplaires à l'administration débitrice qui, après vérification, renvoie l'un des deux exemplaires revêtu de son acceptation.

(2) A défaut d'acceptation de l'un ou l'autre des comptes mensuels d'un même trimestre avant l'expiration du 6e mois qui suit le trimestre auquel ces comptes se rapportent, le compte trimestriel peut, néanmoins, être dressé par l'administration créditrice en vue d'une liquidation provisoire qui devient obligatoire pour l'administration débitrice dans les conditions fixées par le § 17 ci-dessous. Les rectifications reconnues ultérieurement nécessaires sont comprises dans une liquidation trimestrielle subséquente.

§ 17. Le compte trimestriel doit être vérifié et le montant doit en être payé dans un délai de six semaines à dater du jour où l'administration débitrice l'a reçu. Passé ce délai, les sommes dues à une administration par une autre sont productives d'intérêts à raison de 6% par an, à dater du lendemain du jour d'expiration dudit délai.

[684] §13. The periods mentioned in the two preceding paragraphs [Nos. 682 and 683] may exceed the time stipulated when exceptional difficulties arise in the postal transport of documents between land stations and the administrations to which they belong. Nevertheless, the closing and settlement of accounts presented more than 18 months after the date of the filing of the radiotelegrams, to which the accounts relate, may be refused by the debtor administration.

[685] §14. In the absence of contrary arrangement, the following provisions shall be applicable to radiotelegraph accounts considered in the present article.

[686] §15. (1) Monthly accounts shall be accepted without revision when the difference between the accounts prepared by the two administrations concerned does not amount to more than twenty-five francs (fr. 25) or does not exceed one percent of the account of the creditor administration, provided that the amount of this account be not greater than one hundred thousand francs (fr. 100,000); when the amount of the account drawn by the creditor administration is greater than the latter sum, the difference must not exceed a total amount of:

- [687] 1. 1 percent of the first hundred thousand francs (fr. 100,000);
- [688] 2. 0.5 percent of the sum in excess thereof.

[689] (2) A revision once begun shall cease as soon as, following an exchange of comments between the administrations concerned, the difference has been reduced to an amount not exceeding the maximum fixed by the first paragraph of this section [Nos. 686, 687, and 688].

[690] §16. (1) Immediately after the acceptance of the accounts appertaining to the last month of a quarter, a quarterly account, setting forth the balance for the whole of the three months of the quarter, shall, in the absence of a contrary arrangement between the two administrations concerned, be prepared by the creditor administration and forwarded in duplicate to the debtor administration, which, after checking it, shall return one of the two copies endorsed with its acceptance.

[691] (2) Failing acceptance of one or the other of the monthly accounts of the same quarter before the expiration of the sixth month following the quarter to which the accounts refer, the quarterly account may, nevertheless, be prepared by the creditor administration for a provisional settlement, which shall become obligatory for the debtor administration in the conditions set forth in §17 below [No. 692]. Corrections subsequently found to be necessary shall be included in a subsequent quarterly settlement.

[692] §17. The quarterly account must be verified and the amount thereof must be paid within six weeks from the date on which the debtor administration has received it. After this period, the sums due to one administration by another shall bear interest at the rate of 6 percent *per annum*, dating from the day following expiration of the said period of grace.

§ 18. (1) Le solde du compte trimestriel en francs-or est payé par l'administration débitrice à l'administration créditrice, pour un montant équivalent à sa valeur; ce paiement peut être effectué:

- a) au choix de l'administration débitrice, en or ou au moyen de chèques ou de traites répondant aux conditions prévues aux alinéas (2) et (3) ci-dessous et payables à vue sur la capitale ou sur une place commerciale du pays créateur.
- b) suivant accord entre les deux administrations, par l'intermédiaire d'une banque utilisant le clearing de la Banque des règlements internationaux à Bâle,
- c) par tout autre moyen convenu entre les intéressés.

(2) En cas de paiement au moyen de chèques ou de traites, ces titres sont établis en monnaie d'un pays où la banque centrale d'émission ou une autre institution officielle d'émission achète et vend de l'or ou des devises-or contre la monnaie nationale, à des taux fixes déterminés par la loi ou en vertu d'un arrangement avec le gouvernement.

(3) Si les monnaies de plusieurs pays répondent à ces conditions, il appartient à l'administration créditrice de désigner la monnaie qui lui convient. La conversion est faite au pair des monnaies d'or.

(4) Dans le cas où la monnaie d'un pays créateur ne répond pas aux conditions prévues à l'alinéa (2), et si les deux pays se sont mis d'accord à ce sujet, les chèques ou traites peuvent aussi être exprimés en monnaie du pays créateur. Dans ce cas, le solde est converti au pair des monnaies d'or en monnaie d'un pays répondant aux conditions susvisées. Le résultat obtenu est ensuite converti dans la monnaie du pays débiteur, et de celle-ci dans la monnaie du pays créateur, au cours de la bourse de la capitale ou d'une place commerciale du pays débiteur au jour de l'achat du chèque ou de la traite.

(5) A la demande de l'administration créditrice, lorsque le montant du solde dépasse 5 000 francs-or, la date de l'envoi d'un chèque ou d'une traite, la date de son achat et son montant doivent être notifiés, par l'administration débitrice, au moyen d'un télégramme de service.

§ 19. Les frais de paiement sont supportés par l'administration débitrice.

#### C. DÉLAIS DE CONSERVATION DES ARCHIVES.

§ 20. Les originaux des radiotélégrammes et les documents y relatifs retenus par les administrations sont conservés jusqu'à la liquidation des comptes qui s'y rapportent et, en tout cas, au moins pendant dix mois, à compter du mois qui suit le mois de dépôt du radiotélégramme, avec toutes les précautions nécessaires au point de vue du secret.

[693] §18. (1) The balance of the quarterly account, in gold francs, shall be paid by the debtor administration to the creditor administration in an amount equivalent to its value; this payment may be made:

[694] (a) at the election of the debtor administration, either in gold or by means of checks or drafts conforming with the requirements stipulated in paragraphs (2) and (3) below [Nos. 697 and 698], and made payable on sight on the capital or on a commercial place of the creditor country,

[695] (b) in accordance with an agreement between the two administrations, through a bank using the clearing of the Bank for International Settlements at Basel,

[696] (c) by any other means agreed upon by the interested parties.

[697] (2) In case payment is made by means of checks or drafts, these instruments shall be made out in the currency of a country where the central issuing bank or another official issuing institution buys and sells gold or gold currencies for the national currency, at fixed rates determined by law or pursuant to an arrangement with the government.

[698] (3) If the currencies of several countries fulfil these requirements, it shall devolve upon the creditor administration to indicate the currency which is suitable to it. Conversion shall be made at the par value of gold currencies.

[699] (4) In the event that the currency of a creditor country does not conform with the requirements provided for in paragraph (2) [No. 697], and if both countries have agreed in this respect, the checks or drafts may also be made out in the currency of the creditor country. In that case, the balance shall be converted at par of the gold currencies in the currency of a country which fulfils the above-mentioned requirements. The result obtained shall then be converted into the currency of the debtor country, and from the latter into the currency of the creditor country, at the rate of exchange of the capital or of a commercial place of the debtor country on the day of purchase of the check or draft.

[700] (5) At the request of the creditor administration, when the balance is more than 5,000 gold francs, the date on which a check or a draft is sent, the date on which it is purchased, and the amount thereof, must be reported, by the debtor administration, by means of a service telegram.

[701] §19. Remittance charges shall be borne by the debtor administration.

#### C. PERIOD DURING WHICH RECORDS ARE TO BE PRESERVED

[702] §20. The originals of radiotelegrams and the documents relating thereto which are kept by the administrations shall be preserved until the accounts covering them are settled and, in any case, for at least ten months, counting from the month following the month of filing of the radiotelegram, with all necessary precautions to maintain secrecy.

Period during which records are to be preserved.

## ARTICLE 30.

*Service aéronautique de correspondance publique.*

Sauf arrangements spéciaux (article 13 de la Convention), les dispositions du présent Règlement visant la procédure d'échange et de comptabilité des radiocommunications sont applicables, d'une façon générale, au service aéronautique de correspondance publique.

## ARTICLE 31.

*Service des stations radiotéléphoniques mobiles de faible puissance.\*)*

§ 1. Le service de ces stations doit être assuré par un opérateur titulaire d'un certificat de radiotéléphoniste (article 10, § 8).

§ 2. (1) La fréquence de 1 650 kc/s (181,8 m) est à la fois une onde d'appel et l'onde de détresse pour le service mobile maritime de radiotéléphonie avec les stations de navire de faible puissance travaillant dans les parties de la bande de 1 560 à 3 635 kc/s (192,3 à 82,53 m) dans lesquelles les services radiotéléphoniques sont admis (art. 7, § 7).

(2) a) Dans la région européenne, en dehors de l'appel et du trafic de détresse, des signaux et messages d'urgence et de sécurité pour lesquels elle est obligatoire, elle ne peut être employée que pour l'appel et la réponse.

b) Cette disposition n'exclut pas l'emploi des autres fréquences qui peuvent être fixées par les administrations pour le service radiotéléphonique avec des stations côtières ou des stations de navire désignées par elle.

(3) Dans les autres régions, son emploi n'est pas obligatoire.

§ 3. Les dispositions suivantes ne concernent que le service des stations radiotéléphoniques mobiles qui se servent de la fréquence de 1 650 kc/s (181,8 m) comme onde d'appel et de détresse, et dont la puissance d'onde porteuse dans l'antenne ne dépasse pas 100 watts [sauf accords régionaux prévus à l'article 10, § 8 (4)] à l'intérieur de la bande.

§ 4. (1) Pour appeler les stations côtières, l'indicatif d'appel ou le nom géographique du lieu, tel qu'il figure dans la nomenclature des stations côtières et de navire ou dans la nomenclature des stations effectuant des services spéciaux, peut être employé comme indicatif d'appel radiotéléphonique.

(2) Pour appeler les stations de navire, on peut employer comme indicatif d'appel radiotéléphonique soit le nom du navire, soit un indicatif d'appel établi conformément à l'article 14.

(3) Dans les cas où le nom et la nationalité du navire ne peuvent être établis avec certitude, l'indicatif d'appel ou le nom sera précédé du nom du propriétaire.

(4) Les dispositions précédentes du présent paragraphe ne s'appliquent pas dans le cas où l'on fait usage de dispositifs automatiques de signaux d'appel.

\*) Le cas échéant, ces dispositions peuvent être appliquées aux stations d'aéronef.

## ARTICLE 30

*Aeronautical Service of Public Correspondence*

[703] In the absence of special arrangements (article 13 of the Convention) the provisions of the present Regulations concerning the procedure for the exchange of or accounting for radio communications shall be applicable, in a general way, to the aeronautical radio service of public correspondence.

Aeronautical service of public correspondence.  
49 Stat. 2401.

## ARTICLE 31

*Service of Low-Power Mobile Radiotelephone Stations\**

[704] §1. The service of these stations must be performed by an operator holding a radiotelephone operator's certificate (article 10, §8).

Service of low-power mobile radiotelephone stations.  
*Ante*, p. 1487.

[705] §2. (1) The frequency of 1,650 kc (181.8 m) shall be a calling-wave and the distress-wave for the maritime mobile radiotelephone service with low-power ship stations working in the parts of the band of 1,560 to 3,635 kc (192.3 to 82.53 m) in which radiotelephone services are admitted (art. 7, §7).

*Ante*, p. 1433.

[706] (2) (a) In the European region, aside from distress calls and distress traffic, urgent and safety signals and messages for which it is compulsory, it may only be used for calling and reply.

[707] (b) This provision shall not preclude the use of other frequencies which may be fixed by the administrations for radiotelephone service with coast stations or ship stations designated by them.

[708] (3) In other regions, its use shall not be mandatory.

[709] §3. The following provisions shall apply only to the service of mobile radiotelephone stations using the frequency of 1,650 kc (181.8 m) as a calling- and distress-wave, in which the carrier-wave power in the antenna does not exceed 100 watts within the band [except by regional agreements provided for in article 10, §8 (4)] [No. 269].

*Ante*, p. 1487.

[710] §4. (1) In order to call coast stations, the call signal or the geographical name of the place, as it appears in the nomenclature of coast and ship stations, or in the nomenclature of stations operating special services, may be used as a radiotelephone call signal.

[711] (2) In order to call ship stations, either the name of the ship or a call signal conforming to the provisions of article 14 may be used as a radiotelephone call signal.

*Ante*, p. 1491.

[713] (3) In case the name and the nationality of the ship cannot be ascertained beyond doubt, the call signal or the name shall be preceded by the name of the owner.

[714] (4) The foregoing provisions of this paragraph shall not be applicable where automatic call-signal devices are used.

[712] \*When the occasion arises, these provisions may be applied to aircraft stations.

§ 5. (1) Toute station côtière participant au service radiotéléphonique public dans cette bande doit, autant que possible, assurer l'écoute sur 1 650 kc/s (181,8 m) pendant ses heures d'ouverture.

(2) Dans la région européenne, en vue d'augmenter la sécurité de la vie humaine sur mer, toutes les stations du service mobile qui assurent le service téléphonique des navires de faible tonnage, prennent, dans la mesure du possible, les mesures utiles pour assurer l'écoute sur l'onde de détresse de 1 650 kc/s (181,8 m) une fois par heure pendant trois minutes commençant à x h 00, temps moyen de Greenwich (T.M.G.) de 0 à 24 h. (à partir de minuit).

(3) Pendant les intervalles indiqués ci-dessus, en dehors des émissions de détresse, d'urgence et de sécurité, toute émission doit cesser dans les bandes de 1 630 à 1 670 kc/s (184,0 à 179,6 m).

§ 6. (1) Les stations côtières et de navire qui utilisent l'onde d'appel de 1 650 kc/s (181,8 m) devront disposer d'au moins une autre onde dans les parties de la bande de 1 560 à 3 635 kc/s (192,3 à 82,53 m) dans lesquelles les services radiotéléphoniques sont admis (art. 7, § 7).

Cette deuxième onde sera imprimée en caractères gras dans la nomenclature des stations pour indiquer qu'elle est l'onde normale de travail de la station. Les ondes de travail de ces stations devront être choisies de manière à éviter les brouillages avec les autres stations de radiocommunication.

(2) En dehors de leur onde normale de travail, les stations côtières et de navire peuvent employer, dans la bande mentionnée, des ondes supplémentaires. Ces ondes sont indiquées dans la nomenclature en caractères ordinaires.

§ 7. (1) En cas de détresse, s'il n'est pas possible d'utiliser pour la radiotéléphonie l'onde internationale de détresse de 500 kc/s (600 m) ou l'onde d'appel et de détresse de 1 650 kc/s (181,8 m) la station peut employer toute autre onde pour attirer l'attention, signaler sa situation et obtenir du secours.

(2) Le signal de détresse radiotéléphonique consiste dans l'expression parlée MAYDAY (correspondant à la prononciation française de l'expression "m'aider").

§ 8. Dans la mesure où cela sera pratique et raisonnable, on appliquera au service radiotéléphonique mobile les dispositions concernant le service radiotélégraphique relatives aux brouillages, aux services de détresse, d'urgence, de sécurité, à la clôture du service et aux appels (articles 17, 20, 22, 24 et 25).

§ 9. Dans le service des stations radiotéléphoniques mobiles de faible puissance, la procédure indiquée dans l'appendice 14 peut être appliquée.

## ARTICLE 32.

### *Services spéciaux.*

#### A. MÉTÉOROLOGIE.

§ 1. Les messages météorologiques comportent:

- a) des messages destinés aux services de météorologie chargés officiellement de la prévision du temps et de la protection des navigations maritime et aérienne;

[715] §5. (1) All coast stations participating in the public radiotelephone service in this band must, so far as possible, assure the watch on 1,650 kc (181.8 m) during their working hours.

[716] (2) In the European region, in order to increase the safety of human life at sea, all stations of the mobile service maintaining telephone service with ships of low tonnage must, so far as possible, make the necessary arrangements to keep watch on the distress-wave of 1,650 kc (181.8 m) for three minutes each hour beginning at x o'clock, Greenwich mean time (G. M. T.), from 0 to 24 o'clock (beginning at midnight).

[717] (3) During the above-mentioned intervals, all transmission, except distress, urgent, and safety transmissions, must cease in the 1,630 to 1,670 kc (184.0 to 179.6 m) bands.

[718] §6. (1) Coast and ship stations using the 1,650-kc (181.8-m) calling-wave must have available at least one other wave in those parts of the band of 1,560 to 3,635 kc (192.3 to 82.53 m) in which radiotelephone services are admitted (art. 7, §7).

*Ante*, p. 1433.

[719] This second wave shall be printed in boldface type in the nomenclature of the stations, to indicate that it is the normal working-wave of the station. The working-waves of these stations must be selected in such a manner as to avoid interference with the other radio stations.

[720] (2) In addition to the normal working-wave, coast and ship stations may use additional waves in the band mentioned. These waves shall be indicated in the nomenclature in ordinary type.

[721] §7. (1) In case of distress, if it is not possible to use for radiotelephony the international distress-wave of 500 kc (600 m) or the calling- and distress-wave of 1,650 kc (181.8 m), the station may use any other wave to call attention, report its position, and obtain help.

[722] (2) The radiotelephone distress signal shall consist of the spoken expression MAYDAY (corresponding to the French pronunciation of the expression "m'aider").

[723] §8. So far as it is practicable and reasonable, the provisions concerning radiotelegraph service shall be applied to the mobile radiotelephone service as regards interference; distress, urgent, and safety services; closing of service and calling (articles 17, 20, 22, 24, and 25).

*Ante*, pp. 1507, 1519, 1531, 1535, 1549.

[724] §9. In the service of low-power mobile radiotelephone stations, the procedure given in appendix 14 of these Regulations may be applied.

*Post*, p. 1643.

## ARTICLE 32

### *Special Services*

#### A. METEOROLOGY

[725] §1. Meteorological messages shall include:

**Meteorology.**

[726] (a) messages intended for meteorological services officially charged with making weather forecasts and with the protection of maritime and aerial navigation;

b) des messages de ces services météorologiques destinés spécialement:

- 1° aux stations mobiles du service maritime;
- 2° à la protection du service aérien;
- 3° au public.

Les renseignements contenus dans ces messages peuvent être:

- 1° des observations à heure fixe;
- 2° des avis de phénomènes dangereux;
- 3° des prévisions et avertissements;
- 4° des exposés de la situation météorologique générale.

§ 2. (1) Les différents services météorologiques nationaux s'entendent pour l'établissement de programmes communs d'émissions de manière à utiliser les émetteurs les mieux placés, au bénéfice de régions étendues que ceux-ci peuvent desservir.

(2) Les observations météorologiques contenues dans les catégories a) et b) 1° et 2° ci-dessus (§ 1) sont rédigées, en principe, dans un code météorologique international, qu'elles soient transmises par des stations mobiles ou qu'elles leur soient destinées.

§ 3. Les messages d'observation destinés à un service météorologique officiel profitent des facilités résultant de l'attribution d'ondes exclusives à la météorologie synoptique et à la météorologie aéronautique, conformément aux accords régionaux établis par les services intéressés pour l'emploi de ces ondes.

§ 4. (1) Les messages météorologiques destinés spécialement à l'ensemble des stations mobiles du service maritime sont émis, en principe, d'après un horaire déterminé et, autant que possible, aux heures où leur réception peut se faire par celles de ces stations n'ayant qu'un seul opérateur, la vitesse de transmission étant choisie de manière que la lecture des signaux soit possible à un opérateur ne possédant que le certificat de 2e classe.

(2) Pendant les transmissions "à tous" des messages météorologiques destinés aux stations du service mobile, toutes les stations de ce service dont les transmissions brouilleraient la réception des messages en question doivent observer le silence, afin de permettre à toutes les stations qui le désirent de recevoir lesdits messages.

(3) Les messages d'avertissements météorologiques sont transmis immédiatement et doivent être répétés après la fin de la première période de silence qui se présente (voir article 21, § 5). Ces messages doivent être transmis sur les ondes attribuées au service mobile maritime. Leur transmission est précédée du signal de sécurité.

(4) En plus des services réguliers d'information, prévus dans les alinéas précédents, les administrations prennent les mesures nécessaires pour que certaines stations soient chargées de communiquer, sur demande, des messages météorologiques aux stations du service mobile.

(5) Les règles précédentes sont applicables au service aérien, dans la limite où elles ne sont pas en opposition avec des arrangements régionaux plus précis assurant à la navigation aérienne une protection au moins égale.

[727] (b) messages of these meteorological services intended especially:

- [728] 1st, for mobile stations of the maritime service;
- [729] 2d, for the protection of the aeronautical service;
- [730] 3d, for the public.

[731] The information contained in these messages may be:

- [732] (1) observations at scheduled hours;
- [733] (2) notices of dangerous phenomena;
- [734] (3) forecasts and warnings;
- [735] (4) statements on the general meteorological situation.

[736] §2. (1) The various national meteorological services shall arrange for the establishment of common transmission programs in such a way as to use the transmitters best located for such extensive areas as the latter can serve.

[737] (2) The meteorological observations contained in categories (a) and (b) 1st and 2d above (§1) [Nos. 726, 727, 728, and 729] shall, in principle, be written in an international meteorological code, whether they are transmitted by mobile stations or intended for them.

[738] §3. For weather-observation messages intended for an official meteorological service, advantage shall be taken of the facilities resulting from the assignment of exclusive waves to synoptic meteorology and to aeronautical meteorology, in conformity with the regional agreements established by the services concerned for the use of these waves.

[739] §4. (1) Meteorological messages intended especially for all mobile stations of the maritime service shall, in principle, be transmitted in accordance with a definite time schedule and, so far as possible, at hours when they may be received by those of the stations mentioned which have but one operator, the transmission speed being selected in such a way that the reading of the signals will be possible for an operator having only a second-class certificate.

[740] (2) During transmissions "to all" of meteorological messages intended for stations of the mobile service, all stations of this service whose transmissions might interfere with the reception of the messages in question must observe silence, in order that all stations desiring to do so may receive the said messages.

[741] (3) Meteorological warning messages shall be transmitted immediately and must be repeated at the end of the first period of silence ensuing (see article 21, §5) [No. 492]. These messages must be sent on the waves allocated to the maritime mobile service. Their transmission shall be preceded by the safety signal.

*Ante*, p. 1525.

[742] (4) In addition to the regular information services provided for in the preceding subparagraphs, the administrations shall take the necessary steps so that, upon request, certain stations will be charged with communicating meteorological messages to stations of the mobile service.

[743] (5) The preceding rules shall be applicable to the aeronautical service so far as they do not conflict with more definite regional arrangements insuring at least equivalent protection to aerial navigation.

§ 5. (1) Les messages provenant de stations mobiles et contenant des renseignements sur la présence de cyclones tropicaux doivent être transmis, dans le plus bref délai possible, aux autres stations mobiles voisines et aux autorités compétentes du premier point de la côte avec lequel le contact peut être établi. Leur transmission est précédée du signal de sécurité.

(2) Toute station mobile peut écouter, pour son propre usage, les observations météorologiques émises par d'autres stations mobiles, même quand elles sont adressées à un service météorologique national. Les stations du service mobile qui transmettent des observations météorologiques, adressées à un service météorologique national, ne sont pas tenues de répéter ces observations; mais l'échange, sur demande, des renseignements relatifs à l'état du temps est autorisé entre stations mobiles.

#### B. SIGNAUX HORAIRES. AVIS AUX NAVIGATEURS.

§ 6. Les prescriptions du § 4 ci-dessus sont applicables aux signaux horaires et aux avis aux navigateurs, à l'exception, en ce qui concerne les signaux horaires, des prescriptions du § 4, (3) du titre A.

§ 7. Les messages contenant des renseignements sur la présence de glaces dangereuses, d'épaves dangereuses ou de tout autre danger imminent pour la navigation doivent être transmis, dans le plus bref délai possible, aux autres stations mobiles voisines et aux autorités compétentes du premier point de la côte avec lequel le contact peut être établi. Ces transmissions doivent être précédées du signal de sécurité.

§ 8. Lorsqu'elles le jugent utile, et à condition que l'expéditeur y consente, les administrations peuvent autoriser leurs stations terrestres à communiquer des renseignements concernant les avaries et sinistres maritimes ou présentant un intérêt général pour la navigation, aux agences d'information maritime, agréées par elles et suivant des conditions fixées par elles-mêmes.

#### C. SERVICE DES STATIONS RADIOGONIOMÉTRIQUES.

§ 9. Les administrations sous l'autorité desquelles sont placées les stations radiogoniométriques n'acceptent aucune responsabilité quant aux conséquences résultant d'un relèvement inexact ou du fait que, pour une cause quelconque, un relèvement n'aurait pu être donné.

§ 10. Ces administrations notifient, pour être insérées dans la nomenclature des stations effectuant des services spéciaux, les caractéristiques de chaque station radiogoniométrique en indiquant, pour chacune d'elles, les secteurs dans lesquels les relèvements sont normalement sûrs. Tout changement en ce qui concerne ces renseignements doit être publié sans retard; si le changement est d'une nature permanente, il doit être communiqué au Bureau de l'Union.

§ 11. Dans le service exclusivement aéronautique, la procédure visée au présent article est applicable, sauf lorsque des procédures particulières fixées dans des accords régionaux par les gouvernements intéressés seront en vigueur.

§ 12. (1) L'onde normale de radiogoniométrie dans les services maritimes est l'onde de 375 kc/s (800 m). Toutes les stations radio-

[744] §5. (1) Messages emanating from mobile stations and containing information relative to the presence of tropical cyclones must be transmitted in as short a time as possible to the other neighboring mobile stations and to the competent authorities at the first point on the coast with which contact may be established. Their transmission shall be preceded by the safety signal.

[745] (2) Any mobile station may, for its own use, listen to the meteorological observations transmitted by other mobile stations even when they are addressed to a national meteorological service. The stations of the mobile service which transmit meteorological observations addressed to a national meteorological service shall not be required to repeat these observations; but the exchange, upon request, of information relating to weather conditions shall be authorized between mobile stations.

#### B. TIME SIGNALS—NOTICES TO NAVIGATORS

[746] §6. The provisions of §4 above shall be applicable to time signals and to notices to navigators, with the exception, as regards time signals, of the provisions of §4 (3) of title A. [No. 741].

Time signals; notices to navigators.

[747] §7. Messages containing information relative to the presence of dangerous ice, dangerous wrecks, or of any other imminent danger to navigation, must be transmitted with as little delay as possible to the other neighboring mobile stations and to the competent authorities at the first point of the coast with which contact may be established. These transmissions must be preceded by the safety signal.

[748] §8. When they deem it necessary, and on condition that the sender consents, the administrations may authorize their land stations to communicate to such maritime information agencies as they choose, and under conditions laid down by themselves, information concerning accidents and disasters at sea or information of a general interest to navigation.

#### C. SERVICE OF RADIO DIRECTION-FINDING STATIONS

[749] §9. The administrations to which radio direction-finding stations are subject accept no responsibility for the consequences of an inexact bearing or for the fact that, for any reason whatever, a bearing could not be given.

Radio direction-finding stations.

[750] §10. These administrations shall notify, for insertion in the nomenclature of stations carrying on special services, the characteristics of each radio direction-finding station, indicating for each one the sectors in which bearings are normally reliable. Any change concerning this information must be published without delay; if the change is of a permanent nature, it must be communicated to the Bureau of the Union.

[751] §11. In the exclusively aeronautical service, the procedure determined in this article shall apply, except when special procedures determined in regional agreements by the governments concerned shall be in force.

[752] §12. (1) The normal radio direction-finding wave in the maritime services shall be the wave of 375 kc (800 m). All coast radio

goniométriques côtières doivent, en principe, pouvoir l'utiliser <sup>1)</sup>. Elles doivent, en outre, être à même de prendre des relèvements d'émissions faites sur 500 kc/s (600 m), en particulier pour relever les signaux de détresse, d'alarme et d'urgence.

(2) Une station d'aéronef qui se trouve à proximité d'une station côtière et qui s'adresse à celle-ci pour obtenir un relèvement doit faire usage de la fréquence de veille de cette station côtière.

§ 13. La procédure à suivre dans le service radiogoniométrique est donnée à l'appendice 15.

#### D. SERVICE DES RADIOPHARES.

§ 14. (1) Lorsqu'une administration juge utile, dans l'intérêt de la navigation maritime et aérienne, d'organiser un service de radiophares, elle peut employer dans ce but:

- a) des radiophares proprement dits, établis sur terre ferme ou sur des navires amarrés de façon permanente; ces radiophares sont à émission circulaire ou à émission directionnelle;
- b) des stations fixes, des stations côtières ou des stations aéronautiques, désignées pour fonctionner aussi comme radiophares à la demande des stations mobiles.

(2) Les radiophares proprement dits emploient les ondes suivantes:

- a) Dans la région européenne, pour les radiophares maritimes, les ondes de la bande de 290 à 320 kc/s (1 034 à 938 m) et, pour les radiophares aéronautiques, les ondes de la bande de 350 à 365 kc/s (857 à 822 m), ainsi que certaines ondes des bandes de 255 à 290 kc/s (1 176 à 1 034 m) et de 395 à 415 kc/s (759 à 723 m) choisies par des organismes aéronautiques internationaux.
- b) Dans les autres régions, pour les radiophares maritimes, les ondes de la bande de 285 à 315 kc/s (1 053 à 952 m) et, pour les radiophares aéronautiques des ondes choisies dans la bande de 194 à 365 kc/s (1 546 à 822 m).
- c) En outre, en Europe, Afrique, Asie, les radiophares directionnels (maritimes et aéronautiques) peuvent employer les ondes des bandes de 1 560 à 1 630 kc/s (192,3 à 184,0 m) et de 1 670 à 3 500 kc/s (179,6 à 85,71 m) aux conditions fixées par le § 23 de l'article 7.
- d) L'emploi des ondes du type B est interdit aux radiophares proprement dits.

(3) Les autres stations notifiées comme radiophares utilisent leur fréquence normale et leur type normal d'émission.

§ 15. Les signaux émis par les radiophares doivent permettre des repérages exacts et précis; ils doivent être choisis de manière à éviter tout doute lorsqu'il s'agit de distinguer entre eux deux ou plusieurs radiophares.

§ 16. Les administrations qui ont organisé un service de radiophares prendront toutes les dispositions nécessaires pour assurer l'efficacité et la régularité de ce service, c'est-à-dire pour que les

<sup>1)</sup> Il est reconnu que certaines stations existantes ne sont pas à même de pouvoir utiliser cette onde, mais toute nouvelle station devra pouvoir prendre des relèvements sur 375 kc/s (800 m) et sur 500 kc/s (600 m).

direction-finding stations must, in principle, be able to use it.<sup>1</sup> In addition, they must be able to take bearings from emissions made on 500 kc (600 m), particularly to locate distress, alarm, and urgent signals.

[753] (2) An aircraft station within proximity of a coast station and which calls the latter to obtain a bearing, must use the watch frequency of this coast station.

[754] §13. The procedure to be followed in the radio direction-finding service is given in appendix 15.

*Post*, p. 1645.

#### D. RADIOBEACON SERVICE

[755] §14. (1) When an administration deems it advisable, in the interests of maritime and aerial navigation, to organize a radiobeacon service, it may use for this purpose:

*Radiobeacon service.*

[756] (a) radiobeacons proper, established on land or on vessels permanently moored; the emissions of these radiobeacons may be either non-directional or directional;

[757] (b) fixed stations, coast stations, or aeronautical stations designated to function also as radiobeacons, upon request of mobile stations.

[759] (2) Radiobeacons proper shall use the following waves:

[760] (a) In the European region, for the maritime radiobeacons, the waves of the band 290 to 320 kc (1,034 to 938 m) and, for the aeronautical radiobeacons, the waves of the band 350 to 365 kc (857 to 822 m), as well as certain waves of the bands 255 to 290 kc (1,176 to 1,034 m) and 395 to 415 kc (759 to 723 m) selected by international aeronautical organizations.

[761] (b) In the other regions, for the maritime radiobeacons, the waves of the band 285 to 315 kc (1,053 to 952 m) and, for the aeronautical radiobeacons, the waves taken from the band 194 to 365 kc (1,546 to 822 m).

[762] (c) In addition, in Europe, Africa, Asia, the directional radiobeacons (maritime and aeronautical) may use the waves of the bands 1,560 to 1,630 kc (192.3 to 184.0 m) and 1,670 to 3,500 kc (179.6 to 85.71 m) under the conditions set forth in §23 of article 7 [No. 193].

*Ante*, p. 1473.

[763] (d) The use of type-B waves shall be prohibited for radiobeacons proper.

[764] (3) Other stations notified as radiobeacons shall use their normal frequency and their normal type of emission.

[765] §15. Signals sent by radiobeacons must permit of exact and accurate observations; they must be chosen in such a way as to eliminate all doubt when the question arises of distinguishing among them two or more radiobeacons.

[766] §16. The administrations which have organized a radiobeacon service shall take all measures necessary to assure the efficiency and regularity of this service, that is, to have the transmissions made

[758] <sup>1</sup> It is recognized that certain existing stations are not able to use this wave, but all new stations must be able to take bearings on 375 kc (800 m) and on 500 kc (600 m).

émissions soient faites exactement aux heures fixées et sur les longueurs d'onde spécifiées, mais les administrations n'acceptent aucune responsabilité quant aux conséquences de relèvements inexacts obtenus au moyen des radiophares de ce service, du fonctionnement défectueux ou de l'arrêt de fonctionnement d'un radiophare.

§ 17. (1) Les administrations notifient, pour être insérées dans la nomenclature des stations effectuant des services spéciaux, les caractéristiques de chaque radiophare proprement dit et de chaque station désignée pour fonctionner comme radiophare, y compris, s'il est nécessaire, l'indication des secteurs dans lesquels les relèvements sont normalement sûrs.

(2) Toute modification ou toute irrégularité de fonctionnement survenant dans le service des radiophares doit être publiée sans délai; si la modification ou l'irrégularité de fonctionnement est d'une nature permanente, elle doit être notifiée au Bureau de l'Union.

(3) a) Les stations côtières des pays où des radiophares sont en service, émettent journallement, en cas de besoin, des avis de changements ou d'irrégularités de fonctionnement jusqu'au moment où le travail normal du ou des radiophares est rétabli ou, si un changement permanent a été effectué, jusqu'au moment où il peut être admis raisonnablement que tous les navigateurs intéressés ont été prévenus.

b) Dans le cas de changements permanents ou d'irrégularités de longue durée, l'information précitée est publiée dans les avis aux navigateurs dans le plus bref délai possible.

#### ARTICLE 33.

##### *Comité consultatif international des radiocommunications (C.C.I.R.)*

§ 1. Un comité consultatif international des radiocommunications (C.C.I.R.) est chargé d'étudier les questions radioélectriques techniques et les questions d'exploitation dont la solution dépend principalement de considérations d'ordre technique.

§ 2. (1) Il est formé d'experts des administrations contractantes et des exploitations privées ou groupes d'exploitations privées reconnues par les gouvernements contractants respectifs, qui déclarent vouloir participer à ses travaux et qui s'engagent à contribuer aux frais communs de ses réunions.

(2) Sont aussi admis des organismes internationaux s'intéressant aux études radioélectriques qui sont désignés par la dernière conférence de plénipotentiaires ou administrative, qui déclarent vouloir participer à ses travaux et s'engagent à contribuer aux frais communs des réunions.<sup>1)</sup>

<sup>1)</sup> Les organismes internationaux désignés par la Conférence du Caire sont les suivants:

1. Association internationale des intérêts radiomaritimes (A.I.I.R.M.);
2. Commission internationale de Navigation aérienne (C.I.N.A.);
3. Comité international radiomaritime (C.I.R.M.);
4. International Amateur Radio Union (I.A.R.U.);
5. Union internationale de radiodiffusion (U.I.R.).

exactly at fixed times and on specified wavelengths, but the administrations accept no responsibility for the consequence of inexact bearings obtained by means of the radiobeacons of that service, or those of defective operation or cessation of operation of the radiobeacon.

[767] §17. (1) The administrations shall notify, for insertion in the nomenclature of stations operating special services, the characteristics of each radiobeacon proper, and of each station designated to operate as a radiobeacon, including, if necessary, indications of the sectors in which bearings are normally reliable.

[768] (2) Any modification or irregularity of operation occurring in the radiobeacon service must be published without delay; if the modification or irregularity of operation is of a permanent nature, it must be reported to the Bureau of the Union.

[769] (3) (a) Coast stations of countries where radiobeacons are in service shall transmit daily, in case of need, notices of changes or irregularities in operation, until the normal operation of the radiobeacon or radiobeacons is resumed, or, if a permanent change is made, until it can be reasonably believed that all the navigators concerned have been advised.

[770] (b) In case of permanent changes, or irregularities of long duration, the aforementioned information shall be published in the notices to navigators within the shortest possible time.

### ARTICLE 33

#### *International Radio Consulting Committee (C. C. I. R.)*

[771] §1. An International Radio Consulting Committee (C. C. I. R.) shall be charged with the study of technical radio questions and operating questions the solution of which depends principally upon considerations of a technical character.

International Radio  
Consulting Commit-  
tee.

[772] §2. (1) It shall be formed of experts of the contracting administrations and of private operating enterprises or groups of private operating enterprises recognized by the respective contracting governments, which state their desire to participate in its work and undertake to contribute to the common expense of its meetings.

[773] (2) International organizations interested in radio studies, which shall have been designated by the last plenipotentiary or administrative conference, which state their desire to participate in its work, and which undertake to contribute to the common expenses of the meetings, shall also be admitted.<sup>1</sup>

[779] <sup>1</sup> The international organizations designated by the Cairo Conference are the following:

1. Association internationale des intérêts radiomaritimes (A. I. I. R. M.);
2. Commission internationale de navigation aérienne (C. I. N. A.);
3. Comité international radiomaritime (C. I. R. M.);
4. International Amateur Radio Union (I. A. R. U.);
5. Union internationale de radiodiffusion (U. I. R.).

(3) La déclaration est adressée au Bureau de l'Union, lequel en donne connaissance à toutes les administrations.

(4) Chaque administration, exploitation privée et organisme international a droit de mettre fin à l'engagement qu'il a pris de participer aux travaux du C.C.I.R. en notifiant sa décision au Bureau de l'Union qui en donne connaissance à toutes les administrations. Cette notification produit son effet dès la première réunion du C.C.I.R. qui suit.

§ 3. Les administrations et les exploitations privées non adhérentes au Règlement, ainsi que les administrations et les organismes internationaux reconnus par leurs gouvernements respectifs qui, ne participant pas de façon permanente aux travaux du C.C.I.R., n'ont pas fait la déclaration prévue au § 2, peuvent être admis aux conditions stipulées dans le règlement intérieur du C.C.I.R. dont il est question au § 6.

§ 4. (1) Les dépenses personnelles des experts de chaque administration, exploitation privée ou organisme international sont supportées par ceux-ci.

(2) Pendant les réunions du C.C.I.R., les experts des gouvernements, des exploitations privées et des organismes internationaux, ainsi que les représentants du Bureau de l'Union, ont droit à la franchise des télécommunications dans les conditions fixées par l'administration organisatrice, d'accord avec les administrations et les exploitations privées intéressées.

§ 5. En principe, les réunions du C.C.I.R. ont lieu de trois en trois ans. Cependant, une réunion fixée peut être avancée ou ajournée par l'administration organisatrice, sur demande de douze des administrations participantes, si le nombre et la nature des questions à examiner le justifient.

§ 6. Les dispositions qui précèdent concernant l'organisation du C.C.I.R. sont complétées par le règlement intérieur annexé au présent Règlement (voir appendice 16).

#### ARTICLE 34.

##### *Frais du Bureau de l'Union.*

§ 1. Les frais communs du Bureau de l'Union pour le service des radiocommunications ne doivent pas dépasser, par année, la somme de 200 000 francs-or.

§ 2. Toutefois, si une dépense exceptionnellement élevée en imprimés ou documents divers se présente au cours d'une année, sans que les recettes correspondantes soient encaissées pendant la même année, le Bureau est autorisé, exclusivement dans ce cas, à dépasser le crédit maximum prévu, sous la réserve que le maximum du crédit pour l'année suivante sera réduit d'un montant égal à l'excédent susvisé.

§ 3. La somme de 200 000 francs-or pourra être modifiée entre deux conférences du consentement de toutes les parties contractantes.

[774] (3) The statement shall be addressed to the Bureau of the Union, which will give notice thereof to all the administrations.

[775] (4) Each administration, private operating enterprise, and international organization shall have the right to withdraw its undertaking to participate in the C. C. I. R. work by notifying the Bureau of the Union of its decision. The latter shall give notice thereof to all the administrations. This notification shall take effect beginning with the C. C. I. R. meeting which follows.

[776] §3. The administrations and private operating enterprises not adhering to the Regulations, as well as the administrations, and international organizations recognized by their respective governments which, not permanently participating in the work of the C. C. I. R., have not made the statement provided in §2 [Nos. 772 and 773], may be admitted under the conditions stipulated in the internal regulations of the C. C. I. R. as mentioned in §6 [No. 781].

[777] §4. (1) Each administration, private operating enterprise, or international organization shall defray the personal expenses of its own experts.

[778] (2) During C. C. I. R. meetings, experts from governments, private operating enterprises, and international organizations, as well as representatives of the Bureau of the Union, have the right to the telecommunications franking privileges, under conditions fixed by the organizing administration, in agreement with the administrations and private operating enterprises concerned.

[780] §5. In principle, the meetings of the C. C. I. R. shall take place every three years. However, a meeting which has been scheduled may be advanced or postponed by the organizing administration, upon request of twelve of the participating administrations, if the number and nature of the questions to be studied warrant it.

[781] §6. The preceding provisions relative to the organization of the C. C. I. R. shall be supplemented by the internal regulations annexed to the present Regulations (see appendix 16).

Post, p. 1640.

#### ARTICLE 34

##### *Expenses of the Bureau of the Union*

[782] §1. The ordinary expenses of the Bureau of the Union for the radio service must not exceed the amount of 200,000 gold francs annually.

Expenses of Bureau.

[783] §2. However, if an exceptionally high expense is incurred for printed matter or for various documents during a year, and the corresponding revenue is not collected during the same year, the Bureau shall be authorized, in this case only, to exceed the maximum credit provided for, with the understanding that the maximum credit for the following year shall be reduced by an amount equal to the above-mentioned excess.

[784] §3. The sum of 200,000 gold francs may be modified between two conferences, with the consent of all the contracting parties.

## ARTICLE 35.

*Invitation aux conférences administratives.*

§ 1. (1) Le gouvernement chargé de la convocation des conférences (gouvernement gérant) fixe la date définitive des réunions.

(2) Dix-huit mois avant cette date, il adresse les invitations aux gouvernements contractants, qui les communiquent aux exploitations privées reconnues par leur gouvernement respectif, adhérent au présent Règlement, et organismes internationaux qui peuvent y avoir intérêt.

(3) Le gouvernement gérant a la faculté d'inviter les gouvernements signataires de la Convention, ou adhérents à cet acte, qui n'ont pas encore adhéré au présent Règlement.

§ 2. (1) Les gouvernements invités, en envoyant leur réponse au gouvernement gérant, lui transmettent la liste des exploitations privées reconnues par eux qui ont demandé à être admises à la conférence.

(2) Les demandes d'admission des organismes internationaux doivent être envoyées au gouvernement gérant (par l'entremise des gouvernements compétents), dans un délai de cinq mois à partir de la date de l'invitation.

§ 3. (1) Six mois avant la réunion de la conférence, le gouvernement gérant communique aux gouvernements contractants les demandes visées au § 2, (2) et les invite à se prononcer sur l'acceptation de ces demandes.

(2) Les gouvernements contractants doivent faire parvenir leur réponse quatre mois avant la date de la réunion.

§ 4. Sont admis aux conférences:

a) les délégations des gouvernements contractants ou adhérents au présent Règlement, les délégations des gouvernements visés au § 1, (3) et les représentants des exploitations privées reconnues par les gouvernements contractants;

b) les organismes internationaux visés au § 2, (2) pour lesquels la moitié au moins des gouvernements contractants qui ont répondu dans le délai fixé au § 3, (2) se sont prononcés favorablement.

§ 5. Pour les autres organismes internationaux, la décision sur l'admission est prise dans la première assemblée plénière.

## ARTICLE 36.

*Mise en vigueur du Règlement général.*

Le présent Règlement général entrera en vigueur le 1er janvier 1939, sauf l'article 7 qui sera applicable à partir du 1er septembre 1939.

En foi de quoi, les délégués respectifs ont signé ce Règlement général en un exemplaire qui restera déposé aux archives du Gouvernement de l'Égypte et dont une copie certifiée conforme sera remise à chaque gouvernement contractant.

## ARTICLE 35

*Invitation to Administrative Conferences*

Invitation to administrative conferences.

[785] §1. (1) The government in charge of convening the conferences (managing government) shall fix the definitive date of the meetings.

[786] (2) Eighteen months before this date, it shall send the invitations to the contracting governments, which shall forward them to the private operating enterprises recognized by their respective governments adhering to the present Regulations, and to the international organizations which may have an interest therein.

[787] (3) The managing government shall have the right to invite the governments signatories to the Convention, or adhering to this act, which have not yet adhered to the present Regulations.

[788] §2. (1) The invited governments shall send to the managing government, together with their reply, a list of the private operating enterprises recognized by them which have applied for admission to the conference.

[789] (2) Applications for admission made by international organizations must be sent to the managing government (through the competent governments), within a period of five months from the date of the invitation.

[790] §3. (1) Six months before the meeting of the conference, the managing government shall advise the contracting governments of the applications mentioned in §2 (2) [No. 789] and invite them to state their position as to the acceptance of these applications.

[791] (2) The contracting governments must send their answer so that it will reach its destination four months before the date of the meeting.

[792] §4. The following shall be admitted to the conferences:

[793] (a) the delegations of the contracting governments or governments adhering to the present Regulations, the delegations of the governments referred to in §1 (3) [No. 787], and the representatives of the private operating enterprises recognized by the contracting governments;

[794] (b) the international organizations referred to in §2 (2) [No. 789] concerning which at least one half of the contracting governments have sent a favorable answer within the period fixed under §3 (2) [No. 791].

[795] §5. As to the other international organizations, the decision as to whether or not they shall be admitted shall rest with the plenary assembly.

## ARTICLE 36

*Effective Date of the General Regulations*

[796] The present General Regulations shall go into effect on January 1, 1939, except for article 7, which shall apply from September 1, 1939.

Effective date of general regulations. *Ante*, p. 1429.

[797] In witness whereof the respective delegates have signed the present General Regulations in a single copy which shall remain deposited in the archives of the Egyptian Government and a certified copy of which shall be forwarded to each contracting government.

## Signatures.

Fait au Caire, le 8 avril 1938.	Done at Cairo, April 8, 1938.
Pour l'Union de l'Afrique du Sud, et le territoire, sous mandat, de l'Afrique du Sud-Ouest:	For the Union of South Africa and the mandated territory of Southwest Africa:
H. J. LENTON. A. R. McLACHLAN.	H. J. LENTON. A. R. McLACHLAN.
Pour l'Afrique orientale italienne:	For Italian East Africa:
GNEME GIUSEPPE. LUIGI NARDI.	GNEME GIUSEPPE. LUIGI NARDI.
Pour l'Allemagne:	For Germany:
DR. PAUL JÄGER. PAUL MÜNCH. MARTIN FEUERHAHN. DR. ALFRED CZIBULINSKI.	DR. PAUL JAGER. PAUL MÜNCH. MARTIN FEUERHAHN. DR. ALFRED CZIBULINSKI.
Pour la République Argentine:	For the Republic of Argentina:
A. T. COSENTINO.	A. T. COSENTINO.
Pour la Fédération Australienne:	For the Commonwealth of Australia:
J. MALONE. E. J. STEWART.	J. MALONE. E. J. STEWART.
Pour la Belgique:	For Belgium:
C. CAENEPENNE. R. LECOMTE.	C. CAENEPENNE. R. LECOMTE.
Pour la Birmanie:	For Burma:
R. NESBITT-HAWES.	R. NESBITT-HAWES.
Pour le Brésil:	For Brazil:
RODRIGO OCTAVIO JORDAO RAMOS. E. A. NOGUEIRA BRANDÃO.	RODRIGO OCTAVIO JORDAO RAMOS. E. A. NOGUEIRA BRANDAO.
Pour la Bulgarie:	For Bulgaria:
DR. D. G. DIMITROFF. V. PANOFF.	DR. D. G. DIMITROFF. V. PANOFF.
Pour le Canada:	For Canada:
LAURENT BEAUDRY. WALTER A. RUSH.	LAURENT BEAUDRY. WALTER A. RUSH.
Pour le Chili:	For Chile:
R. SUAREZ BARROS.	R. SUAREZ BARROS.
Pour la Chine:	For China:
HUANG SUE-CHING.	HUANG SUE-CHING.
Pour l'Etat de la Cité du Vatican:	For the Vatican City State:
FILIPPO SOCCORSI. LUIGI ANGELINI-ROTA.	FILIPPO SOCCORSI. LUIGI ANGELINI-ROTA.

Pour la République de Colombie:	For the Republic of Colombia:
LUIS GUILLERMO ECHEVERRI A.	LUIS GUILLERMO ECHEVERRI A.
C. E. ARBOLEDA.	C. E. ARBOLEDA.
ROBERTO ARCINIEGAS S.	ROBERTO ARCINIEGAS S.
Pour les Colonies françaises:	For the French Colonies:
MEYER.	MEYER.
Pour les Colonies portugaises:	For the Portuguese Colonies:
RUI DE SA CARNEIRO.	RUI DE SA CARNEIRO.
MARIO MONTEIRO DE MACEDO.	MARIO MONTEIRO DE MACEDO.
Pour la Confédération suisse:	For the Swiss Confederation:
HUNZIKER.	HUNZIKER.
G. KELLER.	G. KELLER.
E. METZLER.	E. METZLER.
Pour le Congo belge et les territoires sous mandat du Ruanda-Urundi:	For Belgian Congo and the mandated territories of Ruanda-Urundi:
G. TONDEUR.	G. TONDEUR.
Pour Costa-Rica:	For Costa Rica:
VICTOR DURAN M.	VICTOR DURAN M.
Pour Cuba:	For Cuba:
ALFREDO ASSIR.	ALFREDO ASSIR.
Pour Curaçao et Surinam:	For Curaçao and Surinam:
G. SCHOTEL.	G. SCHOTEL.
HOOGWOONING.	HOOGWOONING.
Pour le Danemark:	For Denmark:
N. E. HOLMBLAD.	N. E. HOLMBLAD.
F. HEEGAARD.	F. HEEGAARD.
Pour la Ville libre de Danzig:	For the Free City of Danzig:
ANTONI KRZYCZKOWSKI.	ANTONI KRZYCZKOWSKI.
HERBERT BLUME.	HERBERT BLUME.
Pour les Iles italiennes de l'Egée:	For the Italian Islands of the Aegean Sea:
GNEME GIUSEPPE.	GNEME GIUSEPPE.
R. FARACE DI VILLAFORESTA.	R. FARACE DI VILLAFORESTA.
Pour l'Egypte:	For Egypt:
M. SHAKER.	M. SHAKER.
J. WEBB.	J. WEBB.
Pour la République de El Salvador:	For the Republic of El Salvador:
VICTOR DURAN M.	VICTOR DURAN M.
Pour l'Espagne:	For Spain:
GABRIEL ALOMAR.	GABRIEL ALOMAR.
ANTONIO VICENS.	ANTONIO VICENS.
JOSÉ GARRIDO.	JOSÉ GARRIDO.

Pour l'Estonie:	For Estonia:
G. JALLAJAS.	G. JALLAJAS.
Pour les Etats-Unis d'Amérique:	For the United States of America:
WALLACE H. WHITE, JR.	WALLACE H. WHITE, JR.
STANFORD C. HOOPER.	STANFORD C. HOOPER.
EWELL K. JETT.	EWELL K. JETT.
FRANCIS COLT DE WOLF.	FRANCIS COLT DE WOLF.
Pour la Finlande:	For Finland:
URHO TALVITIE.	URHO TALVITIE.
Pour la France:	For France:
L. MULATIER.	L. MULATIER.
P. COMMANAY.	P. COMMANAY.
Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:	For the United Kingdom of Great Britain and Northern Ireland:
F. W. PHILLIPS.	F. W. PHILLIPS.
A. S. ANGWIN.	A. S. ANGWIN.
F. STRONG.	F. STRONG.
A. H. READ.	A. H. READ.
CHARLES W. NUTTING.	CHARLES W. NUTTING.
O. G. LYWOOD.	O. G. LYWOOD.
W. GRAHAM.	W. GRAHAM.
W. A. DUNCAN.	W. A. DUNCAN.
Pour la Grèce:	For Greece:
STANI NICOLIS.	STANI NICOLIS.
K. N. PEZOPOULOS.	K. N. PEZOPOULOS.
Pour le Guatemala:	For Guatemala:
VICTOR DURAN M.	VICTOR DURAN M.
Pour la République de Honduras:	For the Republic of Honduras:
VICTOR DURAN M.	VICTOR DURAN M.
Pour la Hongrie:	For Hungary:
DÉSIRÉ DE VÉGHÉLY.	DÉSIRÉ DE VÉGHÉLY.
ING. JULES ERDÖSS.	ING. JULES ERDÖSS.
Pour les Indes britanniques:	For British India:
K. PRASADA.	K. PRASADA.
P. J. EDMUNDS.	P. J. EDMUNDS.
S. BANERJI.	S. BANERJI.
H. N. SHRIVASTAVA.	H. N. SHRIVASTAVA.
Pour les Indes néerlandaises:	For the Netherlands Indies:
W. F. EINTHOVEN.	W. F. EINTHOVEN.
DOMMISSE.	DOMMISSE.
G. SCHOTEL.	G. SCHOTEL.
HOOGWOONING.	HOOGWOONING.
SCHIPPERS.	SCHIPPERS.

- |   |   |
|---|---|
| Pour l'Iran:<br>Ad referendum du Gouverne-<br>ment de l'Iran:<br>DJEVAD SINEKY.   | For Iran:<br>ad referendum of the Govern-<br>ment of Iran:<br>DJEVAD SINEKY.  |
| Pour l'Iraq:<br>AHMED ZAKI.<br>W. S. BAILEY.<br>SALIM TERZI.  | For Iraq:<br>AHMED ZAKI.<br>W. S. BAILEY.<br>SALIM TERZI.   |
| Pour l'Irlande:<br>P. S. O'H-ÉIGEARTAIGH.<br>T. S. O'MUINEACHÁIN.<br>S. S. PUIRSÉAL. *  | For Ireland:<br>P. S. O'H-ÉIGEARTAIGH.<br>T. S. O'MUINEACHÁIN.<br>S. S. PUIRSÉAL.   |
| Pour l'Islande:<br>G. HLIDDAL.  | For Iceland:<br>G. HLIDDAL.   |
| Pour l'Italie:<br>GNEME GIUSEPPE.<br>ALBINO ANTINORI.   | For Italy:<br>GNEME GIUSEPPE.<br>ALBINO ANTINORI.   |
| Pour le Japon,<br>Pour Chosen, Taiwan, Karafuto,<br>le Territoire à bail du Kwan-<br>tung et les Iles des Mers du<br>Sud sous mandat japonais:<br><br>TAKEO IINO.<br>TEKESHI YANAGISAWA.<br>TAKEO KONO.<br>HIROMU OGAWA.<br>YOHJI KIMURA.<br>YOSHIO NOMURA.<br>TAKASI ONO.<br>ICHIRO HAYASHI. | For Japan:<br>For Chosen, Taiwan, Karafuto,<br>the Kwantung Leased Terri-<br>tory, and the South Sea Is-<br>lands under Japanese man-<br>date:<br><br>TAKEO IINO.<br>TEKESHI YANAGISAWA.<br>TAKEO KONO.<br>HIROMU OGAWA.<br>YOHJI KIMURA.<br>YOSHIO NOMURA.<br>TAKASI ONO.<br>ICHIRO HAYASHI. |
| Pour la Lettonie:<br>B. EINBERGS.   | For Latvia:<br>B. EINBERGS.   |
| Pour le Liban:<br>CIANFARELLI.<br>G. NAMMOUR.   | For the Lebanon:<br>CIANFARELLI.<br>G. NAMMOUR.   |
| Pour la Libye:<br>GNEME GIUSEPPE.<br>BALDONI.   | For Libya:<br>GNEME GIUSEPPE.<br>BALDONI.   |
| Pour la Lithuanie:<br>A. STANKEVICIUS.  | For Lithuania:<br>A. STANKEVICIUS.  |
| Pour le Maroc:<br>DURAND.   | For Morocco:<br>DURAND.   |
| Pour le Nicaragua:<br>VICTOR DURAN M.   | For Nicaragua:<br>VICTOR DURAN M.   |

Pour la Norvège:	For Norway:
HERMOD PETERSEN.	HERMOD PETERSEN.
A. HAARBERG.	A. HAARBERG.
CHR. MEYER.	CHR. MEYER.
ANDR. HADLAND.	ANDR. HADLAND.
OLAF MOE.	OLAF MOE.
Pour la Nouvelle-Zélande:	For New Zealand:
M. B. ESSON.	M. B. ESSON.
Pour la République de Panama:	For the Republic of Panama:
Victor Duran M.	VICTOR DURAN M.
Pour le Paraguay:	For Paraguay:
A. T. COSENTINO.	A. T. COSENTINO.
Pour les Pays-Bas:	For the Netherlands:
DAMME.	DAMME.
H. J. BOETJE.	H. J. BOETJE.
Pour le Pérou:	For Peru:
C. A. TUDELA.	C. A. TUDELA.
Pour la Pologne:	For Poland:
ANTONI KRZYCZKOWSKI.	ANTONI KRZYCZKOWSKI.
JOZEF SREBRZYNSKI.	JOZEF SREBRZYNSKI.
Pour le Portugal:	For Portugal:
DUARTE CALHEIROS.	DUARTE CALHEIROS.
D. DE ALMEIDA CARVALHO.	D. DE ALMEIDA CARVALHO.
Pour la Rhodesia du Sud:	For Southern Rhodesia:
C. J. SWIFT.	C. J. SWIFT.
A. T. HARPHAM.	A. T. HARPHAM.
Pour la Roumanie:	For Rumania:
E. GELES.	E. GELES.
ING. ROSCA.	ING. ROSCA.
ING. TANASESCU.	ING. TANASESCU.
Pour la Suède:	For Sweden:
G. WOLD.	G. WOLD.
A. SIGURD LITSTRÖM.	A. SIGURD LITSTRÖM.
ARTUR KARLSSON.	ARTUR KARLSSON.
Pour la Syrie:	For Syria:
CIANFARELLI.	CIANFARELLI.
VASSEK EL MUAYAD EL AZM.	VASSEK EL MUAYAD EL AZM.
Pour la Tchécoslovaquie:	For Czechoslovakia:
ING. STRNAD.	ING. STRNAD.
ING. JAROMIR SVOBODA.	ING. JAROMIR SVOBODA.
ING. OTA TOMSKY.	ING. OTA TOMSKY.
ING. JOSEF BEŇA.	ING. JOSEF BEŇA.
DR. JAN BUSÁK.	DR. JAN BUSÁK.

Pour la Tunisie: ANSIDEI.	For Tunisia: ANSIDEI.
Pour la Turquie: N. TONER.	For Turkey: N. TONER.
Pour l'Union des Républiques Soviétistes Socialistes: PRONINE. ALEXANDRE FORTOUCHENKO.	For the Union of Soviet Socialist Republics: PRONINE. ALEXANDRE FORTOUCHENKO.
Pour l'Uruguay: ALFREDO ASSIR.	For Uruguay: ALFREDO ASSIR.
Pour le Vénézuéla: A. LOPEZ L.	For Venezuela: A. LOPEZ L.
Pour la Yougoslavie: ING. LJUBOMIR TERZIC. ING. DOBRIVOJE PETROVIC.	For Yugoslavia: ING. LJUBOMIR TERZIC. ING. DOBRIVOJE PETROVIC.
Pour la Zone espagnole du pro- tectorat du Maroc: GABRIEL ALOMAR.	For the Spanish Zone of the Pro- tectorate of Morocco: GABRIEL ALOMAR.

## APPENDICE 1.

## Tableau des tolérances de fréquence.

(Voir l'article 6.)

1° La tolérance de fréquence est l'écart maximum admis entre la fréquence réelle d'une émission et la fréquence que cette émission devrait avoir (fréquence notifiée ou fréquence choisie par l'opérateur).

2° Cet écart résulte des erreurs suivantes:

- a) erreur faite lors de l'étalonnage du poste; cette erreur présente un caractère semi-permanent;
- b) l'erreur faite lors de l'emploi du poste (erreur variable d'une émission à l'autre et qui résulte des conditions effectives d'emploi: température ambiante, tension d'alimentation, antenne, habileté de l'opérateur, etc.); cette erreur généralement faible pour les autres services est particulièrement importante dans le cas des stations mobiles;
- c) erreur due aux variations lentes de la fréquence de l'émetteur au cours d'une émission.

*Note.* Dans le cas des émissions sans onde porteuse, la définition précédente s'applique à la fréquence de l'onde porteuse avant sa suppression.

3° Dans le cas des stations de navire, la fréquence de référence est la fréquence sur laquelle commence l'émission et les chiffres marqués d'un astérisque dans le présent tableau ne se rapportent qu'aux écarts de fréquence observés pendant une durée d'émission de dix minutes.

4° Dans la tolérance de fréquence, il n'est pas tenu compte de la modulation.

Bandes de fréquences (Longueurs d'onde)	Tolérances	
	Emetteurs actuellement en service et jusqu'au 1er janvier 1944 après quoi ils se conformeront aux tolérances indiquées dans la colonne 2.	Nouveaux émetteurs installés à partir du 1er janvier 1940.
	colonne 1	colonne 2
<b>A. De 10 à 550 kc/s (30 000 à 545 m)</b>		
a) Stations fixes	0,1%	0,1%
b) Stations terrestres	0,1%	0,1%
c) Stations mobiles utilisant des fréquences autres que celles des bandes indiquées en d)	0,5%	0,1%
d) Stations mobiles utilisant les fréquences des bandes 110-160 kc/s (2 727 à 1 875 m) 365-515 kc/s (822 à 583 m) <sup>1)</sup>	0,5%*	0,3%*
e) Stations d'aéronef	0,5%	0,3%
f) Radiodiffusion	50c/s	20c/s

<sup>1)</sup> Il est reconnu qu'il existe dans ce service un grand nombre d'émetteurs à étincelles ou de simples émetteurs auto-oscillateurs qui ne sont pas à même de satisfaire à cette condition.

\* Voir préambule, sous 3°.

## APPENDIX 1

## Table of Frequency Tolerances

(See article 6)

*Ante*, p. 1429.

1. The frequency tolerance is the maximum permissible separation between the actual frequency of an emission and the frequency which this emission should have (frequency notified or frequency chosen by the operator).

2. This separation results from the following errors:

- (a) Error made when the station was calibrated; this error presents a semi-permanent character.
- (b) Error made during use of the station (error variable from one transmission to another and resulting from actual operating conditions: ambient temperature, voltage of supply, antenna, skill of the operator, et cetera). This error, which is usually small in other services, is particularly important in the case of mobile stations.
- (c) Error due to slow variations of the frequency of the transmitter during a transmission.

*Note.*—In the case of transmissions without a carrier wave, the preceding definition applies to the frequency of the carrier wave before its suppression.

3. In the case of ship stations, the reference frequency is the frequency on which the transmission begins, and the figures appearing in the present table, marked by an asterisk, refer only to frequency separations observed during a ten-minute period of transmission.

4. In the frequency tolerance, modulation is not considered.

Frequency bands (wavelengths)	Tolerances	
	Transmitters in service now and until January 1, 1944, after which date they will conform to the tolerances indicated in column 2 Column 1	New transmitters installed beginning January 1, 1940 Column 2
<b>A. From 10 to 550 kc (30,000 to 545 m):</b>		
(a) Fixed stations . . . . .	0. 1%	0. 1%
(b) Land stations . . . . .	0. 1%	0. 1%
(c) Mobile stations using frequencies other than those of bands indicated under (d). . . . .	0. 5%	0. 1%
(d) Mobile stations using frequencies of the bands 110–160 kc (2,727 to 1,875 m), 365–515 kc (822 to 583 m) <sup>1</sup> . . . . .	0. 5%*	0. 3%*
(e) Aircraft stations . . . . .	0. 5%	0. 3%
(f) Broadcasting . . . . .	50 cycles	20 cycles

<sup>1</sup> It is recognized that a great number of spark transmitters and simple self-oscillator transmitters exist in this service which are not able to meet these requirements.

\*See preamble, under 3.

Bandes de fréquences (Longueurs d'onde)	Tolérances	
	Emetteurs actuellement en service et jusqu'au 1er janvier 1944 après quoi ils se conformeront aux tolérances indiquées dans la colonne 2.  colonne 1	Nouveaux émetteurs installés à partir du 1er janvier 1940.  colonne 2
<b>B. De 550 à 1 500 kc/s (545 à 200 m)</b>		
a) Stations de radiodiffusion	50 c/s	20 c/s
b) Stations terrestres	0,1%	0,05%
c) Stations mobiles qui utilisent la fréquence de 1 364 kc/s (220 m)	0,5%	0,1%
<b>C. De 1 500 à 6 000 kc/s (200 à 50 m)</b>		
a) Stations fixes	0,03%	0,01%
b) Stations terrestres	0,04%	0,02%
c) Stations mobiles utilisant des fréquences autres que celles des bandes indiquées en d)		
1 560 à 4 000 kc/s (192,3 à 75 m)	0,1%*	0,05%*
4 000 à 6 000 kc/s (75 à 50 m)	0,04%	0,02%
d) Stations mobiles utilisant les fréquences dans les bandes		
4 115 à 4 165 kc/s (72,90 à 72,03 m)	0,1%*	0,05%*
5 500 à 5 550 kc/s (54,55 à 54,05 m)		
e) Stations d'aéronef	0,05%	0,025%
f) Radiodiffusion		
entre 1500 et 1600 kc/s (200 et 187,5 m)	50 c/s	20 c/s
entre 1600 et 6000 kc/s (187,5 et 200 m)	0,01%	0,005%
<b>D. De 6 000 à 30 000 kc/s (50 à 10 m)</b>		
a) Stations fixes	0,02%	0,01%
b) Stations terrestres	0,04%	0,02%
c) Stations mobiles utilisant des fréquences autres que celles des bandes indiquées en d)	0,04%	0,02%
d) Stations mobiles utilisant des fréquences dans les bandes		
6 200 à 6 250 kc/s (48,39 à 48 m)	0,1%*	0,05%*
8 230 à 8 330 kc/s (36,45 à 36,01 m)		
11 000 à 11 100 kc/s (27,27 à 27,03 m)		
12 340 à 12 500 kc/s (24,31 à 24 m)		
16 460 à 16 660 kc/s (18,23 à 18,01 m)		
22 000 à 22 200 kc/s (13,64 à 13,51 m)		
e) Stations d'aéronef	0,05%	0,025%
f) Stations de radiodiffusion	0,01%	0,005%

\* Voir préambule, sous 3°.

Frequency bands (wavelengths)	Tolerances	
	Transmitters in service now and until January 1, 1944, after which date they will conform to the tolerances indicated in column 2 Column 1	New transmitters installed beginning January 1, 1940 Column 2
<b>B. From 550 to 1,500 kc (545 to 200 m):</b>		
(a) Broadcasting stations . . . . .	50 cycles	20 cycles
(b) Land stations . . . . .	0. 1 %	0. 05 %
(c) Mobile stations using the frequency of 1,364 kc (220 m) . . . . .	0. 5 %	0. 1 %
<b>C. From 1,500 to 6,000 kc (200 to 50 m):</b>		
(a) Fixed stations . . . . .	0. 03 %	0. 01 %
(b) Land stations . . . . .	0. 04 %	0. 02 %
(c) Mobile stations using frequencies other than those of bands indicated in (d):		
1,560 to 4,000 kc (192.3 to 75 m) . . . . .	0. 1 %*	0. 05 %*
4,000 to 6,000 kc (75 to 50 m) . . . . .	0. 04 %	0. 02 %
(d) Mobile stations using frequencies within the bands:		
4,115 to 4,165 kc (72.90 to 72.03 m) . . . . .	0. 1 %*	0. 05 %*
5,500 to 5,550 kc (54.55 to 54.05 m) . . . . .		
(e) Aircraft stations . . . . .	0. 05 %	0. 025 %
(f) Broadcasting:		
between 1,500 and 1,600 kc (200 and 187.5 m) . . . . .	50 cycles	20 cycles
between 1,600 and 6,000 kc (187.5 and 50 m) . . . . .	0. 01 %	0. 005 %
<b>D. From 6,000 to 30,000 kc (50 to 10 m):</b>		
(a) Fixed stations . . . . .	0. 02 %	0. 01 %
(b) Land stations . . . . .	0. 04 %	0. 02 %
(c) Mobile stations using frequencies other than those of bands indicated under (d).	0. 04 %	0. 02 %
(d) Mobile stations using frequencies within the bands:		
6,200 to 6,250 kc (48.39 to 48 m) . . . . .	0. 1 %*	0. 05 %*
8,230 to 8,330 kc (36.45 to 36.01 m) . . . . .		
11,000 to 11,100 kc (27.27 to 27.03 m) . . . . .		
12,340 to 12,500 kc (24.31 to 24 m) . . . . .		
16,460 to 16,660 kc (18.23 to 18.01 m) . . . . .		
22,000 to 22,200 kc (13.64 to 13.51 m) . . . . .		
(e) Aircraft stations . . . . .	0. 05 %	0. 025 %
(f) Broadcasting stations . . . . .	0. 01 %	0. 005 %

\* See preamble, under 3.

*Note 1.* Les administrations s'efforceront de profiter des progrès de la technique pour réduire progressivement les tolérances de fréquence.

*Note 2.* Il est entendu que les stations de navire travaillant dans des bandes communes doivent observer les tolérances applicables aux stations terrestres et doivent se conformer à l'article 7, § 21 (2) a).

*Note 3.* Les stations de radiotéléphonie de puissance inférieure à 25 watts, utilisées par les services de phares maritimes pour les relations avec les phares isolés en mer, sont assimilées, pour la stabilité de fréquence, aux stations mobiles indiquées en C ci-dessus.

*Note 4.* Les bateaux pourvus d'un émetteur d'une puissance inférieure à 100 watts travaillant dans la bande 1 560-4 000 kc/s (192,3-75 m) ne sont pas soumis aux stipulations de la colonne 1.

## APPENDICE 2.

### Tableau des tolérances pour l'intensité des harmoniques des stations fixes, terrestres et de radiodiffusion.<sup>1)</sup>

(Voir l'article 6.)

Bandes de fréquences	Tolérances
Fréquence inférieure à 3 000 kc/s (longueur d'onde supérieure à 100 m)	L'intensité du champ produit par un harmonique quelconque doit être inférieure à 300 microvolts/m à 5 km de l'antenne d'émission.
Fréquence supérieure à 3 000 kc/s (longueur d'onde inférieure à 100 m)	La puissance dans l'antenne d'un harmonique doit être 40 db en-dessous de la puissance de la fondamentale mais ne doit en aucun cas être supérieure à 200 milliwatts <sup>2)</sup>

<sup>1)</sup> En ce qui concerne les tolérances des stations mobiles, on s'efforcera d'atteindre autant que possible les chiffres indiqués pour les stations fixes.

<sup>2)</sup> Un émetteur dont l'intensité des harmoniques ne serait pas supérieure aux chiffres fixés, mais qui cependant occasionnerait des brouillages, devra être l'objet de mesures spéciales tendant à les supprimer.

*Note 1.*—The administrations shall endeavor to profit by the progress of the art in order to reduce frequency tolerances progressively.

*Note 2.*—It shall be understood that ship stations working in shared bands must observe the tolerances applicable to land stations and must conform to article 7, §21 (2) (a). [No. 186].

*Note 3.*—Radiotelephone stations with less than 25 watts' power, employed by maritime beacons for communications with beacons isolated at sea, shall be comparable, with reference to frequency stability, to mobile stations indicated in C above.

*Note 4.*—Ships equipped with a transmitter, the power of which is under 100 watts, working in the band of 1,560–4,000 kc (192.3–75 m), shall not be subject to the stipulations of column 1.

*Ante*, p. 1471.

## APPENDIX 2

### Table of Tolerances for the Intensity of Harmonics of Fixed, Land, and Broadcasting Stations <sup>1</sup>

(See article 6)

*Ante*, p. 1429.

Frequency bands	Tolerances
Frequency under 3,000 kc (wavelength above 100 m)	The field intensity produced by any harmonic must be under 300 $\mu\text{v}/\text{m}$ at 5 km from the transmitting antenna.
Frequency above 3,000 kc (wavelength under 100 m)	The power of a harmonic in the antenna must be 40 db under the power of the fundamental, but in no case may it be above 200 milliwatts. <sup>2</sup>

<sup>1</sup> With regard to tolerances for mobile stations, an attempt shall be made to achieve, so far as possible, the figures specified for fixed stations.

<sup>2</sup> A transmitter the harmonic intensity of which is not above the figures specified but which nevertheless causes interference, must be subjected to special measures intended to eliminate such interference.

## APPENDICE 3.

## Tableau des largeurs de bande de fréquences occupées par les émissions.

(Voir les articles 5 et 6.)

Les bandes de fréquences nécessaires aux différents types d'émission, en l'état actuel du progrès de la technique, sont indiquées ci-dessous. Ce tableau est basé uniquement sur la modulation d'*amplitude*. Pour la modulation de fréquence ou de phase, les largeurs de bandes nécessaires pour les diverses émissions sont plusieurs fois plus grandes.

Types d'émission	Largeur totale de la bande en périodes par seconde. Pour l'émission à deux bandes latérales.
A0 Ondes entretenues pas de signalisation.	
A1 Télégraphie, onde entretenue pure Code Morse Code Baudot Imprimeur arythmique  Imprimeur du type à exploration	Numériquement égale à la vitesse télégraphique en bauds pour la fréquence fondamentale, 3 fois cette largeur pour le 3e harmonique, etc. [Pour un code de 8 éléments de temps (points ou espaces) par lettre et 48 éléments de temps par mot, la vitesse en bauds est égale à 0,8 fois la vitesse en mots par minute]. 300-1 000, pour des vitesses de 50 mots par minute, selon les conditions de fonctionnement et le nombre de lignes explorées (par exemple 7 ou 12) (Il n'est pas tenu compte des harmoniques dans les valeurs ci-dessus).
A2 Télégraphie modulée à fréquence musicale	Valeurs figurant sous A1, plus deux fois la fréquence de modulation la plus élevée.
A3 Radiotéléphonie commerciale  Radiodiffusion	Deux fois le nombre indiqué par les avis du C. C. I. F. (environ 6 000 à 8 000). <sup>1)</sup> 15 000 à 20 000
A4 Fac-similé	A peu près le rapport du nombre de composantes d'images <sup>2)</sup> à transmettre au nombre de secondes nécessaires à l'émission.
A5 Télévision	A peu près le produit du nombre de composantes d'images <sup>2)</sup> par le nombre d'images transmises par seconde.

<sup>1)</sup> Il est reconnu que pour la radiotéléphonie à plusieurs voies et la radiotéléphonie secrète, la largeur de bande peut être plus grande.

<sup>2)</sup> Deux composantes d'images, une noire et une blanche, constituent un cycle; ainsi, la fréquence de modulation égale la moitié du nombre de composantes transmises par seconde.

## APPENDIX 3

## Table of Frequency-Band Widths Occupied by the Emissions

(See articles 5 and 6)

*Ante*, pp. 1427, 1429.

The frequency bands necessary for the various types of transmission, at the present state of technical development, are indicated below. This table is based solely upon *amplitude* modulation. For frequency or phase modulation, the band widths necessary for the various transmissions are many times greater.

Type of transmission	Total width of the band in cycles For transmission with two sidebands
A0 Continuous waves, no signaling	
A1 Telegraphy, pure, continuous wave Morse code Baudot code Stop-start printer  Scanning-type printer	Numerically equal to the telegraph speed in bauds for the fundamental frequency, 3 times this width for the 3d harmonic, etc. [For a code of 8 time elements (dots or blanks) per letter and 48 time elements per word, the speed in bauds shall be equal to 0.8 times the speed in words per minute.] 300-1,000, for speeds of 50 words per minute, according to the conditions of operation and the number of lines scanned (for example, 7 or 12). (Harmonics are not considered in the above values.)
A2 Telegraphy modulated to musical frequency	Figures appearing under A1, plus twice the highest modulation frequency.
A3 Commercial radiotelephony  Broadcasting	Twice the number indicated by the C.C.I.F. Opinions (about 6,000 to 8,000). <sup>1</sup>  15,000 to 20,000.
A4 Facsimile	Approximately the ratio between the number of picture components <sup>2</sup> to be transmitted and the number of seconds necessary for the transmission.
A5 Television	Approximately the product of the number of picture components <sup>3</sup> multiplied by the number of pictures transmitted per second.

<sup>1</sup> It is recognized that the band width may be wider for multiple-channel radiotelephony and secret radiotelephony.

<sup>2</sup> Two picture components, one black and one white, constitute a cycle; thus, the modulation frequency equals one half the number of components transmitted per second.

## APPENDICE 4.

Tableau indiquant une répartition des fréquences (longueurs d'onde) pour servir de base aux recherches et aux expériences ultérieures sur le continent américain.

(voir l'article 7).

30 000-300 000 kc/s (10 à 1 m)

Fréquences Mc/s	Longueurs d'onde m	Services
30- 41	10-7, 317	Fixes et Mobiles.
41- 44	7, 317-6, 818	Radiodiffusion.
44- 56	6, 818-5, 357	Télévision.
56- 60	5, 357- 5	Amateurs.
60- 66	5 -4, 545	Fixes et Mobiles.
66- 72	4, 545-4, 167	Télévision.
72- 78	4, 167-3, 846	Fixes et Mobiles (Radiophares, aéronautiques, indicateurs).
78- 90	3, 846-3, 333	Télévision.
90- 96	3, 333-3, 125	Fixes et Mobiles (y compris les systèmes aéronautiques d'atterrissage à l'aveugle).
96-108	3, 125-2, 778	Télévision.
108-112	2, 778-2, 679	Fixes et Mobiles (y compris les radiophares aéronautiques pour atterrissage à l'aveugle et pour la localisation).
112-118	2, 679-2, 542	Amateurs.
118-123	2, 542-2, 439	Fixes et Mobiles.
123-126	2, 439-2, 381	Radiophares aéronautiques d'orientation.
126-132	2, 381-2, 273	Aéronautiques (Contrôle du trafic des aéroports).
132-156	2, 273-1, 923	Fixes et Mobiles.
156-168	1, 923-1, 786	Radiodiffusion (Télévision).
168-180	1, 786-1, 667	Fixes et Mobiles.
180-192	1, 667-1, 562	Radiodiffusion (Télévision).
192-204	1, 562-1, 471	Fixes et Mobiles.
204-216	1, 471-1, 389	Radiodiffusion (Télévision).
216-224	1, 389-1, 339	Fixes et Mobiles.
224-230	1, 339-1, 304	Amateurs.
230-234	1, 304-1, 283	Fixes et Mobiles.
234-246	1, 283-1, 220	Radiodiffusion (Télévision).
246-258	1, 220-1, 163	Fixes et Mobiles.
258-270	1, 163-1, 111	Radiodiffusion (Télévision).
270-282	1, 111-1, 064	Fixes et Mobiles.
282-294	1, 064-1, 020	Radiodiffusion (Télévision).
294-300	1, 020- 1	Fixes et Mobiles.

## APPENDIX 4

**Table Showing the Allocation of Frequencies (Wavelengths) to Be Used as a Basis for Future Research and Experiment on the American Continents**

(See article 7) [No. 127]

*Ante*, p. 1451.

30,000–300,000 kc (10 to 1 m)

Frequencies mc	Wavelengths m	Services
30– 41	10 –7. 317	Fixed and mobile.
41– 44	7. 317–6. 818	Broadcasting.
44– 56	6. 818–5. 357	Television.
56– 60	5. 357–5	Amateur.
60– 66	5 –4. 545	Fixed and mobile.
66– 72	4. 545–4. 167	Television.
72– 78	4. 167–3. 846	Fixed and mobile (aeronautical radiobeacon markers).
78– 90	3. 846–3. 333	Television.
90– 96	3. 333–3. 125	Fixed and mobile (including aeronautical systems for blind landing).
96–108	3. 125–2. 778	Television.
108–112	2. 778–2. 679	Fixed and mobile (including aeronautical radiobeacons for blind landing and for position-finding).
112–118	2. 679–2. 542	Amateur.
118–123	2. 542–2. 439	Fixed and mobile.
123–126	2. 439–2. 381	Aeronautic radiobeacons for orientation.
126–132	2. 381–2. 273	Aeronautics (control of airport traffic).
132–156	2. 273–1. 923	Fixed and mobile.
156–168	1. 923–1. 786	Broadcasting (television).
168–180	1. 786–1. 667	Fixed and mobile.
180–192	1. 667–1. 562	Broadcasting (television).
192–204	1. 562–1. 471	Fixed and mobile.
204–216	1. 471–1. 389	Broadcasting (television).
216–224	1. 389–1. 339	Fixed and mobile.
224–230	1. 339–1. 304	Amateur.
230–234	1. 304–1. 283	Fixed and mobile.
234–246	1. 283–1. 220	Broadcasting (television).
246–258	1. 220–1. 163	Fixed and mobile.
258–270	1. 163–1. 111	Broadcasting (television).
270–282	1. 111–1. 064	Fixed and mobile.
282–294	1. 064–1. 020	Broadcasting (television).
294–300	1. 020–1	Fixed and mobile.

APPENDICE 5.

**Rapport sur une infraction à la Convention des télécommunications  
ou aux Règlements des radiocommunications.**

(Voir l'article 13.)

<i>Détails relatifs à la station transgressant les Règlements.</i>	
1. Nom, s'il est connu (en caractères d'imprimerie) [Remarque a)] . . . . .	.....
2. Indicatif d'appel (en caractères d'imprimerie). . . . .	.....
3. Nationalité, si elle est connue . . . . .	.....
4. Onde employée (kc/s ou m) . . . . .	.....
5. Système [Remarque b)]. . . . .	.....
<i>Détails relatifs à la station signalant l'irrégularité.</i>	
6. Nom (en caractères d'imprimerie) . . . . .	.....
7. Indicatif d'appel (en caractères d'imprimerie). . . . .	.....
8. Nationalité . . . . .	.....
9. Position approximative [Remarque c)] . . . . .	.....
<i>Détails de l'irrégularité.</i>	
10. Nom [Remarque d)] de la station en communication avec celle qui commet l'infraction . . . . .	.....
11. Indicatif d'appel de la station en communication avec celle qui commet l'infraction . . . . .	.....
12. Heure [Remarque e)] et date . . . . .	.....
13. Nature de l'irrégularité [Remarque f)] . . . . .	.....
14. <i>Extraits du journal de bord et autres documents à l'appui du rapport (à continuer au verso, si nécessaire). Heure.</i>	
15. <i>Certificat.</i>	
Je certifie que le rapport ci-dessus donne, autant que je sache, le compte rendu complet et exact de ce qui a eu lieu.	
Date: le . . . . ., 19 . . . . . (*) . . . . .	

\* Ce rapport doit être signé par l'opérateur qui a relevé l'infraction, et contresigné par le commandant du navire ou de l'aéronef, ou le chef de la station terrestre.

APPENDIX 5

Report of a Violation of the Telecommunications Convention or of the Radio Regulations

(See article 13)

Ante, p. 1491.

Particulars concerning the station violating the Regulations

- 1. Name, if known (in printed letters) [Note (a)].
2. Call signal (in printed letters).
3. Nationality, if known
4. Wave used (kc or m)
5. System [Note (b)]

Particulars concerning the station reporting the irregularity

- 6. Name (in printed letters).
7. Call signal (in printed letters).
8. Nationality.
9. Approximate position [Note (c)].

Details of the irregularity

- 10. Name [Note (d)] of the station in communication with the station committing the violation
11. Call signal of the station in communication with the station committing the violation
12. Time [Note (e)] and date.
13. Nature of the irregularity [Note (f)]

14. Excerpts from ship log and other documents supporting the report (to be continued on reverse side, if necessary). Time.

15. Certificate.

I certify that the foregoing report represents, to the best of my knowledge, a complete and accurate account of what took place.

Date: . . . . . 19. . . . (\*) . . . . .

(\* This report must be signed by the operator who called attention to the violation, and countersigned by the master of the ship or aircraft, or by the chief of the land station.

## INDICATIONS POUR REMPLIR CETTE FORMULE.

*Remarque a)* Chaque rapport ne fera mention que d'un seul navire ou d'une seule station, voir *remarque d)*.

*Remarque b)* Type A1, A2, A3 ou B.

*Remarque c)* Applicable seulement aux navires et aéronefs, doit être exprimée en latitude et longitude (Greenwich) ou par un relèvement vrai et distance en milles marins ou en kilomètres de quelque endroit bien connu.

*Remarque d)* Si les deux stations en communication enfreignent les Règlements, un rapport sera fait séparément pour chacune de ces stations.

*Remarque e)* Doit être exprimée par un groupe de quatre chiffres (0000 à 2400), temps moyen de Greenwich (T.M.G.). Si l'infraction porte sur une période considérable, les heures devront être indiquées dans la marge du n° 14.

*Remarque f)* Un rapport séparé est requis pour chacune des irrégularités, à moins que les erreurs n'aient évidemment été faites par la même personne et n'aient eu lieu que dans une courte période de temps. Tous les rapports doivent être envoyés en deux exemplaires et être établis dans la mesure du possible à la machine à écrire.

(L'emploi du crayon indélébile et du papier carbone est autorisé.)

## POUR L'USAGE EXCLUSIF DE L'ADMINISTRATION.

- |  |           |
|--|-----------|
| 1. Compagnie ayant le contrôle de l'installation de la station contre laquelle plainte est portée. | . . . . . |
| 2. Nom de l'opérateur de la station tenu responsable de l'infraction aux Règlements . . . . .      | . . . . . |
| 3. Mesure prise . . . . .  | . . . . . |

## APPENDICE 6.

## Heures de service des stations de navire classées dans la deuxième catégorie.

(Voir les graphiques et carte à l'appendice 7 ainsi que les articles 15 et 25).

Zones	Limites Ouest	Limites Est	Durée des heures de service (temps moyen de Greenwich) (T.M.G.)	
			8 heures (H8)	16 heures (H16)
A Océan Atlantique Est, Méditerranée, Mer du Nord, Baltique.	Méridien 30° W. Côte du Groenland.	Méridien 30° E, au Sud de la côte d'Afrique, Limites Est de la Méditerranée, de la Mer Noire et de la Baltique, Méridien 30° E au Nord de la Norvège.	de 8h à 10h de 12h à 14h de 16h à 18h de 20h à 22h	de 0h à 6h de 8h à 14h de 16h à 18h de 20h à 22h

INSTRUCTIONS FOR FILLING IN THIS FORM

Note (a) Each report will refer only to one ship or one station. See Note d.

Note (b) Type A1, A2, A3, or B.

Note (c) Applicable to ships and aircraft only; must be expressed either in latitude and longitude (Greenwich) or by a true bearing and distance in nautical miles or in kilometers from some well-known place.

Note (d) If both communicating stations violate the Regulations, a separate report shall be made for each one of these stations.

Note (e) Must be expressed by a group of four figures (0000 to 2400) Greenwich mean time (G. M. T.). If the violation covers a considerable period of time, the hours must be shown in the margin of item no. 14.

Note (f) A separate report is required for each irregularity, unless the violations have obviously all been made by the same person and have occurred within short time. All reports must be forwarded in duplicate and, when practicable, must be typewritten.

(Indelible pencil and carbon paper may be used.)

FOR THE USE OF THE ADMINISTRATION ONLY

1. Company controlling the installation of the station against which complaint is made. . . . .
2. Name of the operator of the station held responsible for the violation of the Regulations. . . . .
3. Action taken. . . . .

APPENDIX 6

Hours of Service for Ship Stations in the Second Category

(See chart and map, appendix 7, also articles 15 and 25)

Post, p. 1605; ante, pp. 1499, 1549.

Zones	Western limits	Eastern limits	Hours of service (Greenwich mean time) (G.M.T.)			
			8 hours (II 8)		16 hours (II 16)	
			<i>from</i>	<i>to</i>	<i>from</i>	<i>to</i>
A			8	10	0	6
Eastern Atlantic Ocean, Mediterranean, North Sea, Baltic	Meridian 30° W., coast of Greenland	Meridian 30° E., south of the coast of Africa, eastern limits of Mediterranean, of the Black Sea and of the Baltic, meridian 30° E. north of Norway	12	14	8	14
			16	18	16	18
			20	22	20	22
			o'clock		o'clock	

Zones	Limites Ouest	Limites Est	Durée des heures de service (temps moyen de Greenwich) (T.M.G.)	
			8 heures (H8)	16 heures (H16)
B Océan Indien O u e s t , Océan Arc- tique Est.	Limite Est d e l a Zone A.	Méridien 80° E, Côte Ouest de Ceylan au Pont d'Adam, de là à l'Ouest, le long des côtes de l'Inde.	de 4h à 6h de 8h à 10h de 12h à 14h de 16h à 18h	de 0h à 2h de 4h à 10h de 12h à 14h de 16h à 18h de 20h à 24h
C Océan Indien Est, Mer de C h i n e , Océan Paci- fique Ouest.	Limite Est d e l a Zone B.	Méridien 160° E.	de 0h à 2h de 4h à 6h de 8h à 10h de 12h à 14h	de 0h à 6h de 8h à 10h de 12h à 14h de 16h à 22h
D Océan Paci- fique Central.	Limite Est d e l a Zone C.	Méridien 140° W.	de 0h à 2h de 4h à 6h de 8h à 10h de 20h à 22h	de 0h à 2h de 4h à 6h de 8h à 10h de 12h à 18h de 20h à 24h
E Océan Paci- fique Est.	Limite Est d e l a Zone D.	Méridien 90° W, jus- qu'à la côte de l'A- mérique Centrale, ensuite la Côte Ouest de l'Améri- que Centrale et de l'Amérique du Nord.	de 0h à 2h de 4h à 6h de 16h à 18h de 20h à 22h	de 0h à 2h de 4h à 6h de 8h à 14h de 16h à 22h
F Océan Atlanti- que Ouest et Golfe du Mexique.	Méridien 90° W, Golfe du Mexique, Côte Est de l'A- mérique du Nord.	Méridien 30° W, Côte du Groen- land.	de 0h à 2h de 12h à 14h de 16h à 18h de 20h à 22h	de 0h à 2h de 4h à 10h de 12h à 18h de 20h à 22h

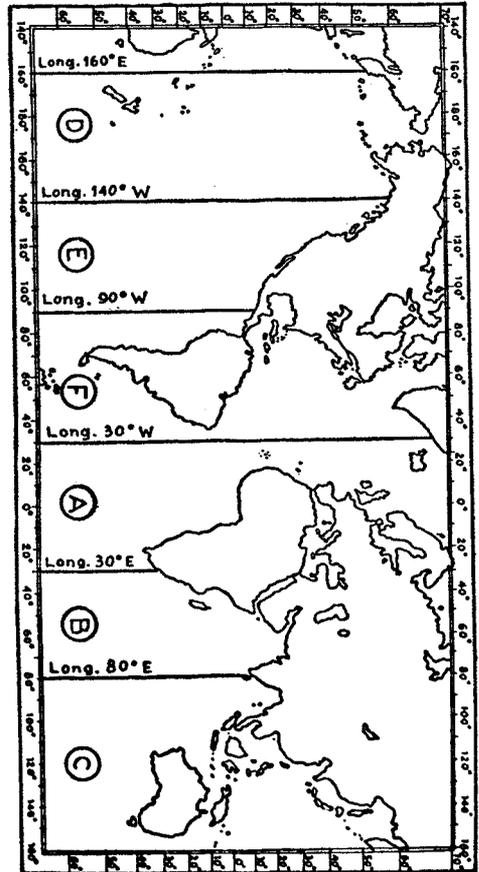
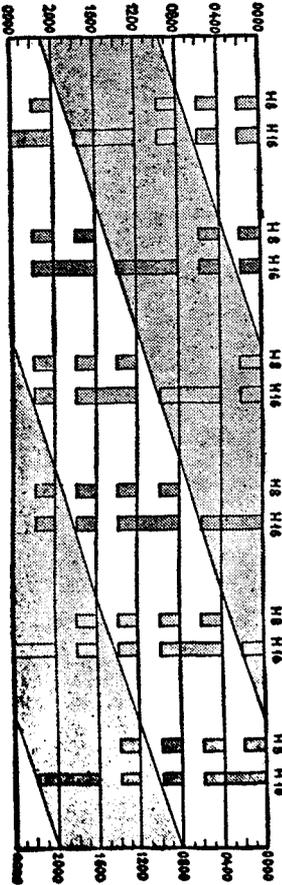
Zones	Western limits	Eastern limits	Hours of service (Greenwich mean time) (G.M.T.)			
			8 hours (H 8)	16 hours (H 16)		
<b>B</b> Western Indian Ocean, Eastern Arctic Ocean	Eastern limit of Zone A	Meridian 80° E., west coast of Ceylon to the Pont d'Adam, thence westward along the Indian coast	<i>from</i> 4 8 12 16 o'clock	<i>to</i> 6 10 14 18 o'clock	<i>from</i> 0 4 12 16 20 o'clock	<i>to</i> 2 10 14 18 24 o'clock
<b>C</b> Eastern Indian Ocean, China Sea, Western Pacific Ocean	Eastern limit of Zone B	Meridian 160° E.	<i>from</i> 0 4 8 12 o'clock	<i>to</i> 2 6 10 14 o'clock	<i>from</i> 0 8 12 16 o'clock	<i>to</i> 6 10 14 22 o'clock
<b>D</b> Central Pacific Ocean	Eastern limit of Zone C	Meridian 140° W.	<i>from</i> 0 4 8 20 o'clock	<i>to</i> 2 6 10 22 o'clock	<i>from</i> 0 4 8 12 20 o'clock	<i>to</i> 2 6 10 18 24 o'clock
<b>E</b> Eastern Pacific Ocean	Eastern limit of Zone D	Meridian 90° W. to the coast of Central America then the west coast of Central America and of North America.	<i>from</i> 0 4 16 20 o'clock	<i>to</i> 2 6 18 22 o'clock	<i>from</i> 0 4 8 16 o'clock	<i>to</i> 2 6 14 22 o'clock
<b>F</b> Western Atlantic Ocean and Gulf of Mexico	Meridian 90° W., Gulf of Mexico, east coast of North America	Meridian 30° W., coast of Greenland	<i>from</i> 0 12 16 20 o'clock	<i>to</i> 2 14 18 22 o'clock	<i>from</i> 0 4 12 20 o'clock	<i>to</i> 2 10 18 22 o'clock

APPENDICE 7.

Heures de service des stations de navire classées dans la deuxième catégorie.

(Voir le tableau à l'appendice 6, ainsi que les articles 15 et 25).

Temps moyen de Greenwich (T. M. G.).



Temps moyen de Greenwich (T. M. G.).

APPENDICE 8.

Documents de service.

(Voir les articles 15 et 16).

*Tome I. Nomenclature des stations côtières et de navire.*

PARTIE A. INDEX ALPHABÉTIQUE DES STATIONS CÔTIÈRES.

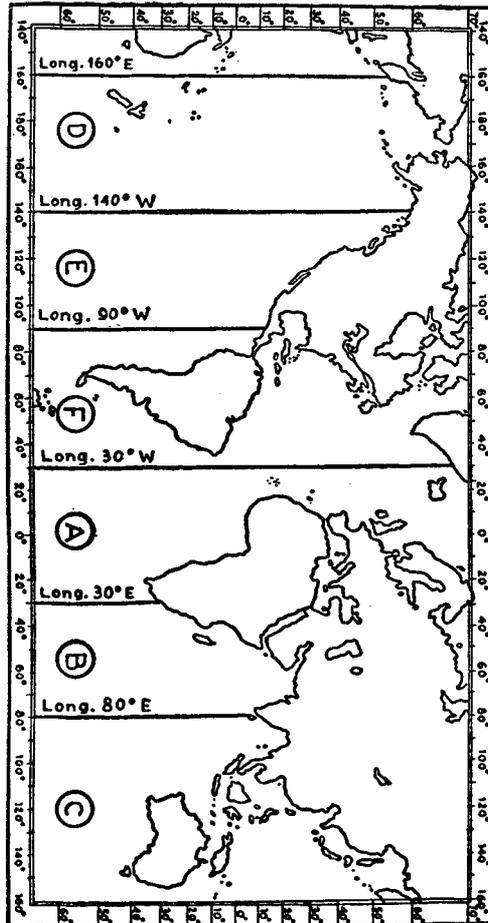
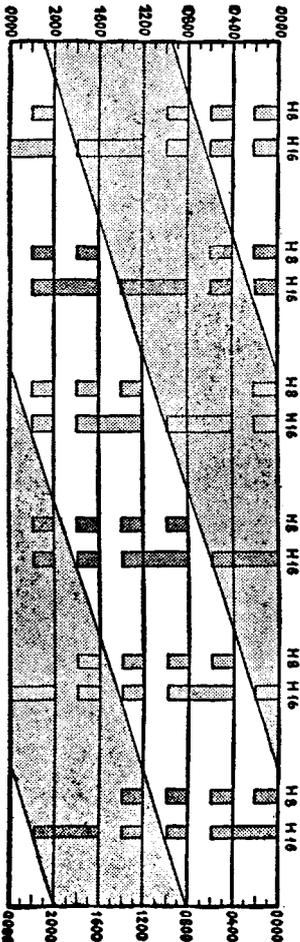
Nom de la station	Indicatif d'appel	Voir partie B page
1	2	3

### APPENDIX 7

#### Hours of Service for Ship Stations in the Second Category

(See table in appendix 6, also articles 15 and 25)

*Ante*, pp. 1601, 1499, 1549.



Greenwich mean time (G. M. T.)

### APPENDIX 8

#### Service Documents

(See articles 15 and 16)

*Ante*, pp. 1499, 1501.

#### *Volume I. Nomenclature of Coast and Ship Stations*

##### PART A. ALPHABETICAL INDEX OF COAST STATIONS

Name of the station	Call signal	See part B page
1	2	3

## PARTIE B. ETAT SIGNALÉTIQUE DES STATIONS CÔTIÈRES.

(Nom du pays  
Nom des stations } par ordre alphabétique.)

Nom de la station <sup>1)</sup>	Indicatif d'appel	Ondes		Position géographique exacte de l'antenne émettrice <sup>2)</sup>	Puissance dans l'antenne <sup>3)</sup> kW	Service		Taxes <sup>4)</sup>	Observations <sup>5)</sup>
		Fréquences (longueurs) <sup>1)</sup> kc/s (m)	Type			Nature	Heures d'ouverture <sup>4)</sup>		
1	2	3	4	5	6	7	8	9	10

<sup>1)</sup> L'onde normale de travail est imprimée en caractères gras.

<sup>2)</sup> Méridien de Greenwich en degrés, minutes et secondes.

<sup>3)</sup> Dans le cas d'antennes directives, il y a lieu d'indiquer la directivité et l'azimut.

<sup>4)</sup> Temps moyen de Greenwich (T. M. G.).

<sup>5)</sup> La taxe télégraphique intérieure du pays dont dépend la station côtière et la taxe appliquée par ce pays aux télégrammes à destination des pays limitrophes sont indiquées dans une annexe à la présente nomenclature.

<sup>6)</sup> Si les comptes de taxes sont liquidés par une exploitation privée, il y a lieu d'indiquer, le cas échéant, le nom et l'adresse de cette exploitation privée.

<sup>7)</sup> Renseignements particuliers concernant les heures d'appel pour la transmission des listes d'appels et, si possible, les heures pendant lesquelles les stations côtières assurent l'écoute sur les diverses longueurs d'onde, etc.

<sup>8)</sup> Pour chaque pays, on doit indiquer la ou les stations côtières sur lesquelles il faut diriger les radiotélégrammes destinés à être transmis par ondes courtes à des stations de navire.

## PARTIE C. ETAT SIGNALÉTIQUE DES STATIONS DE NAVIRE.

Les renseignements relatifs à ces stations sont publiés en deux ou trois lignes dans l'ordre suivant :

*1re ligne.*

Indicatif d'appel au-dessous duquel figurera la taxe du navire, suivie d'un renvoi pour désigner l'administration ou l'exploitation privée à laquelle les comptes de taxe doivent être adressés. En cas de changement de l'adresse de l'exploitant, un second renvoi, après la taxe, donnera la nouvelle adresse et la date à partir de laquelle le changement entrera en vigueur;

nom du navire rangé à l'ordre alphabétique sans considération de nationalité, suivi de l'indicatif d'appel en cas d'homonymie; dans ce cas, le nom et l'indicatif sont séparés par une barre de fraction; ensuite, des notations X, Δ, etc. Lorsque deux ou plusieurs stations de navire de même nationalité portent le même nom, ainsi que dans les cas où les comptes de taxes doivent être adressés directement au propriétaire du navire, il est fait, dans un renvoi, mention du nom de la compagnie de navigation ou de l'armateur auquel appartient le navire;

puissance dans l'antenne en kilowatts;

mètres-ampères, entre parenthèses, pour 500 kc/s (600 m).

Pour établir le produit "mètres-ampères", on multiplie la hauteur réelle de l'antenne en mètres à partir de la ligne de charge par le courant efficace en ampères à la base de l'antenne;

nature du service;

heures d'ouverture sous forme de notation de service ou de renvoi.

Les heures indiquées autrement que sous forme de notation de service doivent être indiquées en temps moyen de Greenwich (T. M. G.).

## PART B. DESCRIPTIVE LIST OF COAST STATIONS

(Name of the country  
Name of the stations } in alphabetical order)

Name of the station <sup>8</sup>	Call signal	Wave		Exact geographical location of the transmitting antenna <sup>5</sup>	Power in the antenna <sup>3</sup> kw	Service		Charges <sup>6</sup>	Remarks <sup>7</sup>
		Frequencies (wave-lengths) <sup>1</sup> kc (m)	Type			Nature	Working hours <sup>4</sup>		
1	2	3	4	5	6	7	8	9	10

<sup>1</sup> The normal working-wave is printed in boldface type.

<sup>2</sup> Greenwich meridian, in degrees, minutes, and seconds.

<sup>3</sup> In the case of directive antennas, indicate directivity and azimuth.

<sup>4</sup> Greenwich mean time (G.M.T.)

<sup>5</sup> The internal telegraph charge of the country to which the coast station belongs and the charge applied by this country to telegrams addressed to adjoining countries are given in an annex to the present nomenclature.

<sup>6</sup> If the accounts for charges are settled by a private operating enterprise, indicate, if need be, the name and address of this private operating enterprise.

<sup>7</sup> Special information concerning the calling hours for the transmission of call lists, and, if possible, the hours during which coast stations keep watch on the various wavelengths, et cetera.

<sup>8</sup> There must be indicated for each country the coast station or coast stations to which radiotelegrams intended for short-wave transmission to ship stations must be sent.

## PART C. DESCRIPTIVE LIST OF SHIP STATIONS

The information relating to these stations is published in two or three lines in the following order:

*First line:*

Call signal below which will appear the ship charge, followed by a reference to indicate the administration or private operating enterprise to which the accounts for charges must be addressed. In case of a change of address of the operating agency, a second reference after the charge will give the new address and the date on which the change will become effective.

Name of the ship, placed in alphabetical order without regard to nationality followed by the call signal in case of homonymy; in this case, the name and call signal shall be separated by a fraction bar; next, the symbols X, Δ, et cetera. When two or more ship stations of the same nationality have the same name, as well as in cases where statements of charges must be sent directly to the owner of the ship, mention shall be made, in a footnote, of the name of the shipping company or of the ship-owner to which the ship belongs.

Power in the antenna in kilowatts.

Meter amperes, in parentheses, for 500 kc (600 m).

In order to obtain the "meter-ampere" product, the *real* height of the antenna in meters, measured from the transmission line, is multiplied by the effective current in amperes at the base of the antenna.

Nature of the service.

Working hours shown as a service indication or note.

Hours shown otherwise than in the form of service indications must be given in Greenwich mean time (G.M.T.)

*2e et 3e lignes.*

(pour la taxe, voir 1re ligne).

Pays dont relève la station (indication abrégée); types et indications des bandes de fréquences d'émission.

Les indications des bandes de fréquences sont données par les abréviations suivantes imprimées en caractères gras:

w=	100—	160 kc/s	(3 000—1 875 m)
x=	375—	500 kc/s	( 800— 600 m)
y=	1 500—	3 500 kc/s	( 200— 86 m)
z=	4 000—	22 000 kc/s	( 75— 14 m)

La signification des abréviations est indiquée au bas de chaque deuxième page de la nomenclature.

Ces abréviations sont, si nécessaire, suivies de renvois à la fin de la nomenclature, pour des observations succinctes et l'indication des fréquences (longueurs d'onde) d'émission pour lesquelles les réglages sont faits, l'onde normale de travail étant imprimée en caractères gras.

*Tome II. Nomenclature des stations aéronautiques et d'aéronef.*

## PARTIE A. INDEX ALPHABÉTIQUE DES STATIONS AÉRONAUTIQUES.

Nom de la station	Indicatif d'appel	Voir partie B page
1	2	3

## PARTIE B. ETAT SIGNALÉTIQUE DES STATIONS AÉRONAUTIQUES.

(Nom du pays }  
Nom des stations } par ordre alphabétique.)

Nom de la station	Indicatif d'appel	Ondes				Position géographique exacte de l'antenne émettrice <sup>2)</sup>	Puissance dans l'antenne <sup>3)</sup>	Service			Observations	
		Pour la transmission		Pour la réception				Nature	Heures d'ouverture <sup>4)</sup>	Taxes <sup>5)</sup>		
		Fréquences (longueurs) <sup>1)</sup>	Type	Fréquence (longueur)	Type							
1	2	3	4	5	6	7	8	9	10	11	12	
		kc/s (m)	Type	kc/s (m)	Type		kW					

<sup>1)</sup> L'onde normale de travail est imprimée en caractères gras.<sup>2)</sup> Méridien de Greenwich en degrés, minutes et secondes.<sup>3)</sup> Dans le cas d'antennes directives, il y a lieu d'indiquer la directivité et l'azimut.<sup>4)</sup> Temps moyen de Greenwich (T. M. G.).<sup>5)</sup> La taxe télégraphique intérieure du pays dont dépend la station aéronautique et la taxe appliquée par ce pays aux télégrammes à destination des pays limitrophes sont indiquées dans une annexe à la présente nomenclature.<sup>6)</sup> Si les comptes de taxes sont liquidés par une exploitation privée, il y a lieu d'indiquer, le cas échéant, le nom et l'adresse de cette exploitation privée.

*Second and third lines:*

(For charges, see first line)

Country to which the station is subject (abbreviated indication); types and indications of frequency band of emission.

The indications of frequency bands shall be given by the following abbreviations printed in boldface type:

- w= 100- 160 kc (3,000-1,875 m)
- x= 375- 500 kc ( 800- 600 m)
- y=1,500- 3,500 kc ( 200- 86 m)
- z=4,000-22,000 kc ( 75- 14 m)

The meaning of the abbreviations shall be indicated at the foot of each second page of the nomenclature.

These abbreviations shall, if necessary, be followed by footnotes at the end of the nomenclature for brief remarks and indication of the frequencies of emission (wavelengths) for which adjustments are made, the normal working-wave being printed in boldface type.

*Volume II. Nomenclature of Aeronautical and Aircraft Stations*

**PART A. ALPHABETICAL INDEX OF AERONAUTICAL STATIONS**

Name of the station	Call signal	See part B page
1	2	3

**PART B. DESCRIPTIVE LIST OF AERONAUTICAL STATIONS**

(Name of the country }  
Name of the stations } in alphabetical order)

Name of the station	Call signal	Waves				Exact geographical location of the transmitting antenna <sup>1</sup>	Power in the antenna, <sup>2</sup> kw	Service		Charges <sup>5</sup>	Remarks
		For transmission		For reception				Nature	Working hours <sup>4</sup>		
		Frequencies <sup>1</sup> (wavelengths), kc (m)	Type	Frequency (wavelength), kc (m)	Type						
1	2	3	4	5	6	7	8	9	10	11	12

<sup>1</sup> The normal working-wave is printed in boldface type.

<sup>2</sup> Greenwich meridian, in degrees, minutes, and seconds.

<sup>3</sup> In the case of directive antennas, indicate directivity and azimuth.

<sup>4</sup> Greenwich mean time (G.M.T.)

<sup>5</sup> The internal telegraph charge of the country to which the aeronautical station is subject and the charge applied by this country to telegrams addressed to adjoining countries are given in an annex to the present nomenclature.

<sup>6</sup> If the accounts for charges are settled by a private operating enterprise, indicate the name and address of this private operating enterprise.

PARTIE C. ETAT SIGNALÉTIQUE DES STATIONS D'AÉRONEF.

Les stations sont rangées par ordre alphabétique de l'indicatif d'appel sans considération de nationalité.

Indicatif d'appel	Nom de la station ou marque de nationalité et d'immatriculation	Ondes		Puissance dans l'antenne kW	Pays	Nature du service	Taxes	Nom et adresse de l'administration ou entreprise à laquelle les comptes doivent être envoyés	Parcours habituel (port d'attache)	Type de l'aéronef et marque de fabrication	Observations
		Fréquences <sup>1)</sup> (kc/s (m))	Types								
1	2	3	4	5	6	7	8	9	10	11	12

<sup>1)</sup> L'onde normale de travail est imprimée en caractères gras.

Tome III. Nomenclature des stations effectuant des services spéciaux.

PARTIE A. INDEX ALPHABÉTIQUE DES STATIONS.

Nom de la station	Indicatif d'appel	Voir partie B page
1	2	3

PARTIE B. ETAT SIGNALÉTIQUE DES STATIONS.

1° Stations radiogoniométriques.

(Nom du pays  
Nom de la station } par ordre alphabétique.)

Nom de la station	Position géographique exacte <sup>1)</sup> a) de l'antenne réceptrice de la station gonio b) de l'antenne émettrice de la station gonio c) de l'antenne de l'émetteur de la station visée colonne 8	Indicatif d'appel	Ondes types			Puissance dans l'antenne de l'émetteur. kW	Nom et indicatif d'appel de la station avec laquelle la communication doit être établie si la station gonio n'est pas dotée d'un émetteur	Taxes	Observations a) secteurs de relèvement normalement sûrs et renvois aux publications nationales ou internationales de balisage b) heures d'ouverture <sup>2)</sup> , etc.
			fréquences (longueurs)						
			Pour appeler la station gonio. kc/s (m)	Pour transmettre à la station gonio les signaux reçus pour faire les relèvements kc/s (m)	Pour la transmission de ses relèvements par la station gonio kc/s (m)				
1	2	3	4	5	6	7	8	9	10

<sup>1)</sup> Méridien de Greenwich en degrés, minutes et seconds.

<sup>2)</sup> Temps moyen de Greenwich (T. M. G.).

PART C. DESCRIPTIVE LIST OF AIRCRAFT STATIONS

The stations are arranged in alphabetical order of call signals without regard to nationality.

Call signal	Name of station or symbol of nationality and registration	Waves		Power in the antenna kw	Country	Nature of the service	Charges	Name and address of the administration or enterprise to which the accounts must be sent	Customary route (port of registry)	Type of aircraft and make	Remarks
		Frequencies <sup>1</sup> (wavelengths) kc (m)	Type								
1	2	3	4	5	6	7	8	9	10	11	12

<sup>1</sup> The normal working-wave is printed in boldface type.

Volume III.—Nomenclature of Stations Carrying on Special Services

PART A. ALPHABETICAL INDEX OF THE STATIONS

Name of station	Call signal	See part B page
1	2	3

PART B. DESCRIPTIVE LIST OF STATIONS

1. Radio direction-finding stations.

(Name of the country  
Name of the station } in alphabetical order)

Name of the station	Exact geographical location <sup>1</sup> (a) of the receiving antenna of the direction-finding station (b) of the transmitting antenna of the direction-finding station (c) of the antenna of the transmitter of the station mentioned in column 8	Call signal	Waves types			Power in the transmitter antenna kw	Name and call signal of the station with which communication must be established if the direction-finding station is not equipped with a transmitter	Charges	Remarks (a) Sectors of normally reliable bearing and reference to national or international publications on navigational aids (b) Working hours, <sup>2</sup> etc.
			Frequencies (wavelengths)						
			For calling the direction-finding station kc (m)	For transmitting to the direction-finding station signals required to take bearings kc (m)	For the transmission of bearings by the direction-finding station kc (m)				
1	2	3	4	5	6	7	8	9	10

<sup>1</sup> Greenwich meridian, in degrees, minutes, and seconds.

<sup>2</sup> Greenwich mean time (G. M. T.)

## 2° Stations radiophares.

Les radiophares sont rangés en deux sections :

- a) du service maritime,  
b) du service aéronautique.

(Nom du pays  
Nom de la station } par ordre alphabétique.)

Nom de la station	Position géographique exacte de l'antenne émettrice du radiophare <sup>1)</sup>	Signal caractéristique du radiophare	Indicatif d'appel du radiophare s'il y a lieu	Onde			Portée normale <sup>2)</sup>	Nom et indicatif d'appel de la station à laquelle on peut transmettre une demande d'émission du radiophare	Onde d'appel fréquence (longueur)	Observations a) secteurs normalement sûrs et renvois aux publications nationales ou internationales de balisage b) heures d'ouverture <sup>3)</sup> c) taxes, etc.
				Fréquence (longueur)	Type	Fréquence de modulation s'il y a lieu				
1	2	3	4	5 kc/s (m)	6	7 c/s	8	9	10 kc/s (m)	11

<sup>1)</sup> Méridien de Greenwich en degrés, minutes et secondes.

<sup>2)</sup> Les portées sont indiquées en milles marins pour les stations du service maritime et en kilomètres pour les stations du service aéronautique.

<sup>3)</sup> Temps moyen de Greenwich (T. M. G.).

## 3° Stations émettant des signaux horaires.

(Nom du pays  
Nom de la station } par ordre alphabétique.)

Nom de la station	Indicatif d'appel	Ondes		Heures d'émission <sup>1)</sup>	Méthode <sup>1)</sup>
		Fréquences (longueurs)	Type		
1	2	3 kc/s (m)	4	5	6

<sup>1)</sup> Temps moyen de Greenwich (T. M. G.).

<sup>2)</sup> Instructions générales concernant les signaux horaires.

## 4° Stations émettant des bulletins météorologiques réguliers.

(Nom du pays  
Nom de la station } par ordre alphabétique.)

Nom de la station	Indicatif d'appel	Ondes		Heures d'émission <sup>1)</sup>	Observations <sup>1)</sup>
		Fréquences (longueurs)	Type		
1	2	3 kc/s (m)	4	5	6

<sup>1)</sup> Temps moyen de Greenwich (T. M. G.).

<sup>2)</sup> Instructions générales concernant les bulletins météorologiques.

2. *Radiobeacon stations.*

Radiobeacons are arranged in two sections:

- (a) maritime service  
(b) aeronautical service

(Name of the country }  
Name of the station } in alphabetical order)

Name of the station	Exact geographical location of the transmitting antenna of the radiobeacon <sup>1</sup>	Characteristic signal of the radiobeacon	Call signal of the radiobeacon, if any	Wave			Normal range <sup>2</sup>	Name and call signal of the station to which a request for radiobeacon transmission may be sent	Calling-wave frequency (wavelength) (kc (m))	Remarks (a) Normally reliable sectors and references to national and international publications on navigational aids (b) Working hours <sup>3</sup> (c) Charges, etc.
				Frequency (wavelength) (kc (m))	Type	Modulation frequency, if any (cycles)				
1	2	3	4	5	6	7	8	9	10	11

<sup>1</sup> Greenwich meridian, in degrees, minutes, and seconds.<sup>2</sup> The ranges are indicated in nautical miles for stations in the maritime service and in kilometers for stations in the aeronautical service.<sup>3</sup> Greenwich mean time (G.M.T.)3. *Stations sending time signals.*

(Name of the country }  
Name of the station } in alphabetical order)

Name of the station	Call signal	Waves		Hours of transmission <sup>1</sup>	Method <sup>2</sup>
		Frequencies (wavelengths) kc (m)	Type		
1	2	3	4	5	6

<sup>1</sup> Greenwich mean time (G.M.T.)<sup>2</sup> General instructions concerning time signals.4. *Stations sending regular meteorological bulletins.*

(Name of the country }  
Name of the station } in alphabetical order)

Name of the station	Call signal	Waves		Hours of transmission <sup>1</sup>	Remarks <sup>2</sup>
		Frequencies (wavelengths) kc	Type		
1	2	3	4	5	6

<sup>1</sup> Greenwich mean time (G.M.T.)<sup>2</sup> General instructions concerning meteorological bulletins.

## 5° Stations émettant des avis aux navigateurs.

(Nom des stations par pays avec les indications nécessaires.)

- a) Service radiomaritime.  
b) Service aéronautique.

## 6° Stations émettant des messages de presse adressés à tous (CQ).

(Nom du pays )  
(Nom de la station avec les indications nécessaires.)

## 7° Stations émettant des avis médicaux.

## 8° Stations émettant des ondes étalonnées.

## 9° (le cas échéant, autres catégories de stations).

*Tome IV. Nomenclature des stations fixes.*

(Index à la liste des fréquences pour les stations fixes en service.)

## Index alphabétique des stations rangées:

## a) par stations

Station	Indicatif d'appel <sup>1)</sup>	Onde	
		fréquence kc/s	(longueur) (m)
1	2	3	

<sup>1)</sup> L'indicatif d'appel distinctif de chaque fréquence doit être indiqué en face de cette fréquence.

## b) par pays

Station	Indicatif d'appel <sup>1)</sup>	Onde		Observations
		fréquence kc/s	longueur (m)	
1	2	3	4	

<sup>1)</sup> L'indicatif d'appel distinctif de chaque fréquence doit être indiqué en face de cette fréquence.*Tome V. Nomenclature des stations de radiodiffusion.*

## PARTIE A. INDEX ALPHABÉTIQUE DES STATIONS.

Nom de la station	Indicatif d'appel	Voir partie B page
1	2	3

5. *Stations sending notices to navigators.*

(Names of the stations by countries with the necessary indications)

- (a) Radiomaritime service.  
 (b) Aeronautical radio service.

6. *Stations sending press messages addressed to all (CQ).*

(Name of the country -----)

(Name of the station with the necessary indications)

7. *Stations sending medical notices.*8. *Stations sending standard frequency transmissions.*9. *(Stations of other classes, if any).**Volume IV. Nomenclature of Fixed Stations*

(Index to the Frequency List for Fixed Stations in Service)

## Alphabetical Index of Stations Arranged:

## (a) by stations

Station	Call signal <sup>1</sup>	Wave frequency (wavelength) kc (m)
1	2	3

<sup>1</sup> The identifying call signal of each frequency must be shown opposite that frequency.

## (b) by countries

Station	Call signal <sup>1</sup>	Wave frequency (wavelength) kc (m)	Remarks
1	2	3	4

<sup>1</sup> The identifying call signal of each frequency must be shown opposite that frequency.*Volume V. Nomenclature of Broadcasting Stations*

## PART A. ALPHABETICAL INDEX OF STATIONS

Name of station	Call signal	See part B page
1	2	3

## PARTIE B. ETAT SIGNALÉTIQUE DES STATIONS.

(Nom du pays  
Nom de la station } par ordre alphabétique.)

Nom de la station	Indicatif d'appel	Fréquences (longueurs) kc/s (m)	Position géographique exacte de l'antenne émettrice <sup>1)</sup>	Puissance dans l'antenne kW	Nom et adresse de l'administration ou de l'entreprise effectuant l'émission	Observations
1	2	3	4	5	6	7

<sup>1)</sup> Méridien de Greenwich en degrés, minutes et secondes.*Liste des fréquences.*

La forme à donner à ce document est la suivante:

Fréquence exacte en kc/s	Longueur d'onde approximative en mètres	Date		Indicatif d'appel	Nom et position géographique <sup>1)</sup> de la station et nom du pays dont relève cette station	Types d'émission (A1, A2, A3, A4, B, Spécial)	Puissance dans l'antenne <sup>4)</sup>		Directivité de l'antenne	Fréquence maximum de modulation en kc/s pour les types d'émission A2, A3, A4 et Spécial <sup>2)</sup>	Vitesse maximum normale de transmission en bauds <sup>3)</sup>	Nature du service et pays avec lesquels la communication est prévue ou établie	Date de mise en exploitation de la fréquence par la station dont le nom figure dans la colonne 5 (date prévue entre parenthèses)	Administration ou compagnie exploitante	Observations
		a	b				a	b							
1	2	3	4	5	6	7	8	9	10	11	12	13	14		

<sup>1)</sup> Méridien de Greenwich en degrés, minutes et secondes.<sup>2)</sup> Le chiffre à inscrire dans la colonne 9 doit permettre de déterminer la largeur de la bande de fréquences occupée par la transmission.

Aucun signe ne précède le chiffre, lorsque la transmission utilise les deux bandes latérales. Si la transmission n'utilise que la porteuse et une bande latérale, on l'indique en plaçant devant le chiffre le signe + (bande latérale de fréquences supérieure à la fréquence porteuse) ou - (bande latérale de fréquences inférieure à la fréquence porteuse).

<sup>3)</sup> La vitesse en bauds pour le code Morse international est approximativement égale à 0,8 fois la vitesse en mots par minute.<sup>4)</sup> Voir la définition donnée à l'article 1er.

## APPENDICE 9.

## Notations de service.

[Voir les articles 15 et 21 § 4, (3), a).]

station à bord d'un navire de guerre ou d'un aéronef de guerre  
appareil automatique d'alarme

radiogoniomètre à bord d'une station mobile

station classée comme située dans une région de trafic intense  
pour laquelle le trafic sur 500 kc/s (600 m) est restreint,  
conformément à l'article 21, § 4, (3), a)

## PART B. DESCRIPTIVE LIST OF STATIONS

(Name of the country)  
Name of the station } in alphabetical order)

Name of the station	Call signal	Frequencies (wavelengths) kc (m)	Exact geographical location of the transmitting antenna <sup>1</sup>	Power in the antenna kw	Name and address of the administration or enterprise making the transmission	Remarks
1	2	3	4	5	6	7

<sup>1</sup> Greenwich meridian, in degrees, minutes, and seconds.*Frequency List*

This document is to appear in the following form:

Exact frequency	Approximate wavelength		Date		Call signal	Name and geographical position <sup>1</sup> of the station and the name of the country to which the station belongs	Type of transmission (A1, A2, A3, A4, B, Special)	Power in the antenna <sup>1</sup>		Directivity of the antenna	Maximum frequency modulation in kc for transmission types A2, A3, A4, and Special <sup>2</sup>	Maximum normal transmission speed, in bauds <sup>3</sup>	Nature of service and country in respect of which communication is planned or established	Date on which the frequency was placed in use by the station, the name of which appears in column 5 (scheduled date between brackets)	Operating administration or company	Remarks
	in kc	in m	a	b				in kw	in %							
1	2	3	4	5	6	7	8	9	10	11	12	13	14			

<sup>1</sup> Greenwich meridian, in degrees, minutes, and seconds.<sup>2</sup> The figure to be shown in column 9 should make it possible to determine the widths of the frequency band occupied by the transmission.<sup>3</sup> This figure shall not be preceded by any sign, when the transmission uses both sidebands. If the transmission uses only the carrier and one sideband, this is to be indicated by placing the sign + before the figure (sideband with higher frequency than the carrier frequency) or - (sideband of lower frequency than the carrier frequency).<sup>4</sup> The speed in bauds for the International Morse Code is approximately equal to 0.8 times the speed in words per minute.<sup>5</sup> Note the definition shown in the first article [Nos. 11, 12, 13, and 14].*Ante*, p. 1421.

## APPENDIX 9

## Service Symbols

[See articles 15 and 21 §4 (3) (a).]

*Ante*, pp. 1499, 1525.

- ✕ station on board a warship or a war aircraft
- A automatic alarm apparatus
- △ radio direction-finder on board a mobile station
- station classified among those located in a heavy-traffic region for which traffic on 500 kc (600 m) is limited in accordance with article 21, §4 (3) (a) [No. 486].

*Ante*, p. 1525.

D 30°	antenne dirigée dans la direction de rayonnement maximum de 30° (exprimé en degrés à partir du nord vrai, de zéro à 360, dans le sens des aiguilles d'une montre)
DR	antenne dirigée pourvue d'un réflecteur
FA	station terrestre effectuant un service avec les stations d'aéronef
FC	station terrestre effectuant un service avec les stations de navire
FR	station réceptrice seulement, reliée au réseau général des voies de télécommunication
FS	station terrestre établie dans le seul but de la sécurité de la vie humaine
FX	station effectuant un service de radiocommunication entre points fixes
H24	station ayant un service permanent, de jour et de nuit
H16	station de navire de la 2e catégorie effectuant 16 heures de service
H8	station de navire de la 2e catégorie effectuant 8 heures de service
HJ	station ouverte du lever au coucher du soleil (service de jour)
HX	station n'ayant pas de vacations déterminées
CO	station ouverte à la correspondance exclusivement officielle
CP	station ouverte à la correspondance publique
CR	station ouverte à la correspondance publique restreinte
CV	station ouverte exclusivement à la correspondance d'une entreprise privée
RC	radiophare circulaire
RD	radiophare directionnel
RG	station radiogoniométrique
RT	radiophare tournant
RV	radiophare directionnel variable

## APPENDICE 10.

### Documents dont les stations mobiles doivent être pourvues.

(Voir les articles 3, 10, 12, 15 et l'appendice 8.)

*A. les "stations de navire" à bord des navires obligatoirement pourvus d'une installation radiotélégraphique:*

- 1° la licence radioélectrique;
- 2° le certificat du ou des opérateurs;
- 3° le registre (journal du service radioélectrique) sur lequel sont mentionnés, au moment où ils se produisent, les incidents de service de toute nature, ainsi que les communications échangées avec des stations terrestres ou des stations mobiles et relatives à des avis de sinistre. Si le règlement de bord le permet, la position du véhicule sera indiquée une fois par jour sur ledit registre;
- 4° la liste alphabétique des indicatifs d'appel;
- 5° la nomenclature des stations côtières et de navire;

D 30°	directive antenna having maximum radiation in the direction of 30° (expressed in degrees from the true north, from 0 to 360 clockwise)
DR	directive antenna provided with a reflector
FA	land station carrying on a service with aircraft stations
FC	land station carrying on a service with ship stations
FR	receiving station only, connected with the general network of telecommunication channels
FS	land station established solely for the safety of life
FX	station carrying on radio-communication service, between fixed points
H 24	station having a continuous day and night service
H 16	ship station of the second category carrying on 16 hours of service
H 8	ship station of the second category carrying on 8 hours of service
HJ	station open from sunrise to sunset (day service)
HX	station having no specific working hours
CO	station open to official correspondence exclusively
CP	station open to public correspondence
CR	station open to limited public correspondence
CV	station open exclusively to the correspondence of a private enterprise
RC	non-directional radiobeacon
RD	directional radiobeacon
RG	radio direction-finding station
RT	rotating radiobeacon
RV	variable directional radiobeacon

## APPENDIX 10

### Documents With Which Mobile Stations Must Be Provided

(See articles 3, 10, 12, 15, and appendix 8)

*Ante*, pp. 1425, 1479, 1489, 1499, 1605.

#### A. "Ship stations" on board ships compulsorily equipped with a radiotelegraph installation:

1. The radio license.
2. The operator(s)' certificate.
3. Register (radio service log) in which shall be mentioned, at the time when they occur, service incidents of all kinds, as well as the communications exchanged with land stations or mobile stations and relating to reports of disaster. If the regulations on board permit, the position of the vehicle shall be indicated once a day in the said register.
4. Alphabetical list of the call signals.
5. The nomenclature of coast and ship stations.

6° la nomenclature des stations effectuant des services spéciaux;  
7° le Règlement général et le Règlement additionnel des radiocommunications, ainsi que les dispositions de la Convention qui sont nécessaires pour l'exploitation du service des radiocommunications à bord des navires;

8° les tarifs télégraphiques des pays à destination desquels la station accepte le plus fréquemment des radiotélégrammes.

B. *les autres "stations de navire"*:

les documents visés aux chiffres 1° à 5° inclus sous le titre A.

C. *les "stations d'aéronef"*:

1° les documents visés aux chiffres 1°, 2° et 3° sous le titre A;

2° la nomenclature des stations aéronautiques et d'aéronef ou d'autres documents contenant les renseignements officiels relatifs aux stations aéronautiques et aux stations d'aéronef qui sont nécessaires à la station d'aéronef pour l'exécution de son service.

## APPENDICE 11.

### Abréviations à employer dans les radiocommunications.

(Voir l'article 17).

#### 1. Code Q.

#### ABRÉVIATIONS UTILISABLES DANS TOUS LES SERVICES <sup>1)</sup> <sup>2)</sup>

##### A. LISTE DES ABRÉVIATIONS PAR ORDRE ALPHABÉTIQUE.

Abréviation	Question	Réponse ou avis
QRA	Quel est le nom de votre station?	Le nom de ma station est . . .
QRB	A quelle distance approximative vous trouvez-vous de ma station?	La distance approximative entre nos stations est de . . . milles marins (ou . . . kilomètres).
QRC	Par quelle exploitation privée (ou administration d'Etat) sont liquidés les comptes de taxes de votre station?	Les comptes de taxes de ma station sont liquidés par l'exploitation privée . . . (ou par l'administration de l'Etat . . .).
QRD	Où allez-vous et d'où venez-vous?	Je vais à . . . et je viens de . . .
QRG	Voulez-vous m'indiquer ma fréquence (longueur d'onde) exacte en kc/s (ou m)?	Votre fréquence (longueur d'onde) exacte est de . . . kc/s (ou . . . m).
QRH	Ma fréquence (longueur d'onde) varie-t-elle?	Votre fréquence (longueur d'onde) varie.
QRI	La tonalité de mon émission est-elle régulière?	La tonalité de votre émission varie.
QRJ	Me recevez-vous mal? Mes signaux sont-ils faibles?	Je ne peux pas vous recevoir. Vos signaux sont trop faibles.
QRK	Quelle est la lisibilité de mes signaux (1 à 5)?	La lisibilité de vos signaux est . . . (1 à 5).

<sup>1)</sup> Les abréviations prennent la forme de questions quand elles sont suivies d'un point d'interrogation.

<sup>2)</sup> Les séries de signaux QA à QD et QF à QN sont réservées au code spécial de l'aéronautique.

6. Nomenclature of stations carrying on special services.

7. The General Radio Regulations and the Additional Radio Regulations as well as the provisions of the Convention necessary for the operation of radio-communication service on board ships.

8. The telegraph rates of the countries for which the station most frequently accepts radiotelegrams.

B. *Other "ship stations"*:

The documents indicated in items 1 to 5 under part A.

C. *"Aircraft stations"*:

1. The documents indicated in items 1, 2, and 3 under part A.

2. The nomenclature of aeronautical and aircraft stations, or other documents containing official information relative to aeronautical and aircraft stations, necessary to the aircraft station for the performance of its service.

## APPENDIX 11

### Abbreviations To Be Used in Radio Communications

(See article 17)

*Ante*, p. 1507.

#### 1. Q Code

#### ABBREVIATIONS TO BE USED IN ALL SERVICES<sup>1 2</sup>

##### A. LIST OF ABBREVIATIONS IN ALPHABETICAL ORDER

Abbreviation	Question	Answer or statement
QRA	What is the name of your station?	The name of my station is . . . .
QRB	At what approximate distance are you from my station?	The approximate distance between our stations is . . . nautical miles ( <i>or</i> . . . kilometers).
QRC	By what private operating enterprise ( <i>or</i> government administration) are the accounts for charges of your station settled?	The accounts for charges of my station are settled by the . . . private operating enterprise ( <i>or</i> by the government administration of . . .).
QRD	Where are you going and where do you come from?	I am going to . . . and I come from . . . .
QRG	Will you tell me what my exact frequency (wavelength) is in kilocycles ( <i>or</i> meters)?	Your exact frequency (wavelength) is . . . kilocycles ( <i>or</i> . . . meters).
QRH	Does my frequency (wavelength) vary?	Your frequency (wavelength) varies.
QRI	Is the tone of my transmission regular?	The tone of your transmission varies.
QRJ	Are you receiving me badly? Are my signals weak?	I cannot receive you. Your signals are too weak.
QRK	What is the legibility of my signals ( <i>1 to 5</i> )?	The legibility of your signals is . . . ( <i>1 to 5</i> ).

<sup>1</sup> Abbreviations take the form of questions when they are followed by a question mark.

<sup>2</sup> The series of signals QA to QD and QF to QN are reserved for the special code of the aeronautical service.

Abréviation	Question	Réponse ou avis
QRL	Etes-vous occupé?	Je suis occupé ( <i>ou</i> Je suis occupé avec . . .). Prière de ne pas brouiller.
QRM	Etes-vous brouillé?	Je suis brouillé.
QRN	Etes-vous troublé par les atmosphériques?	Je suis troublé par les atmosphériques.
QRO	Dois-je augmenter l'énergie?	Augmentez l'énergie.
QRP	Dois-je diminuer l'énergie?	Diminuez l'énergie.
QRQ	Dois-je transmettre plus vite?	Transmettez plus vite (. . . mots par minute).
QRS	Dois-je transmettre plus lentement?	Transmettez plus lentement (. . . mots par minute).
QRT	Dois-je cesser la transmission?	Cessez la transmission.
QRU	Avez-vous quelque chose pour moi?	Je n'ai rien pour vous.
QRV	Etes-vous prêt?	Je suis prêt.
QRW	Dois-je aviser . . . que vous l'appellez sur . . . kc/s ( <i>ou</i> . . . m)?	Prière d'aviser . . . que je l'appelle sur . . . kc/s ( <i>ou</i> . . . m).
QRX	Dois-je attendre? A quel moment me rappellerez-vous?	Attendez ( <i>ou</i> Attendez jusqu'à ce que j'aie fini de communiquer avec . . .). Je vous rappellerai à . . . heure ( <i>ou</i> aussitôt).
QRY	Quel est mon tour?	Votre tour est numéro . . . ( <i>ou</i> d'après toute autre indication).
QRZ	Par qui suis-je appelé?	Vous êtes appelé par . . .
QSA	Quelle est la force de mes signaux (1 à 5)?	La force de vos signaux est (1 à 5).
QSB	La force de mes signaux varie-t-elle?	La force de vos signaux varie.
QSD	Ma manipulation est-elle correcte; mes signaux sont-ils nets?	Votre manipulation est incorrecte; vos signaux sont mauvais.
QSG	Dois-je transmettre . . . télégrammes ( <i>ou</i> un télégramme) à la fois?	Transmettez . . . télégrammes ( <i>ou</i> un télégramme) à la fois.
QSJ	Quelle est la taxe à percevoir par mot pour . . ., y compris votre taxe télégraphique intérieure?	La taxe à percevoir par mot pour . . . est de . . . francs, y compris ma taxe télégraphique intérieure.
QSK	Dois-je continuer la transmission de tout mon trafic, je peux vous écouter entre mes signaux?	Continuez la transmission de tout votre trafic, je vous interromprai s'il y a lieu.
QSL	Pouvez-vous me donner accusé de réception?	Je vous donne accusé de réception.
QSM	Dois-je vous répéter le dernier télégramme que je vous ai transmis?	Répétez le dernier télégramme que vous m'avez transmis.
QSO	Pouvez-vous communiquer avec . . . directement ( <i>ou</i> par l'intermédiaire de . . .)?	Je puis communiquer avec . . . . . directement ( <i>ou</i> par l'intermédiaire de . . .).

Abbreviation	Question	Answer or statement
QRL	Are you busy?	I am busy ( <i>or I am busy with . . .</i> ). Please do not interfere.
QRM QRN	Are you being interfered with? Are you troubled by static?	I am being interfered with. I am troubled by static.
QRO QRP QRQ	Must I increase the power? Must I decrease the power? Must I transmit faster?	Increase the power. Decrease the power. Transmit faster (. . . words per minute).
QRS	Must I transmit more slowly?	Transmit more slowly (. . . words per minute).
QRT QRU	Must I stop transmission? Have you anything for me?	Stop transmission. I have nothing for you.
QRV QRW	Are you ready? Must I advise . . . that you are calling him on . . . kilocycles ( <i>or . . . meters</i> )?	I am ready. Please advise . . . that I am calling him on . . . kilocycles ( <i>or . . . meters</i> ).
QRX	Must I wait? When will you call me again?	Wait ( <i>or Wait until I have finished communicating with . . .</i> ). I shall call you again at . . . o'clock ( <i>or immediately</i> ).
QRY	Which is my turn?	Your turn is number . . . ( <i>or according to any other indication</i> ).
QRZ QSA	By whom am I being called? What is the strength of my signals ( <i>1 to 5</i> )?	You are being called by . . . The strength of your signals is ( <i>1 to 5</i> ).
QSB	Does the strength of my signals vary?	The strength of your signals varies.
QSD	Is my keying correct; are my signals distinct?	Your keying is incorrect; your signals are bad.
QSG	Must I transmit . . . telegrams ( <i>or one telegram</i> ) at a time?	Transmit . . . telegrams ( <i>or one telegram</i> ) at a time.
QSJ	What is the charge to be collected per word to . . . including your internal telegraph charge?	The charge to be collected per word to . . . is . . . francs, including my internal telegraph charge.
QSK	Must I continue the transmission of all my traffic; I can hear you between my signals?	Continue the transmission of all your traffic; I shall interrupt you if necessary.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Must I repeat the last telegram which I transmitted to you?	Repeat the last telegram which you transmitted to me.
QSO	Can you communicate with . . . directly ( <i>or through . . .</i> )?	I can communicate with . . . directly ( <i>or through . . .</i> ).

Abréviation	Question	Réponse ou avis
QSP	Voulez-vous retransmettre à . . . gratuitement?	Je retransmettrai à . . . gratuitement.
QSR	L'appel de détresse reçu de . . . a-t-il été réglé?	L'appel de détresse reçu de . . . a été réglé par . . .
QSU	Dois-je transmettre (ou répondre) sur . . . kc/s (ou . . . m) et/ou sur ondes du type A1, A2, A3, ou B?	Transmettez (ou Répondez) sur . . . kc/s (ou . . . m) et/ou sur ondes du type A1, A2, A3 ou B.
QSV	Dois-je transmettre une série de VVV . . . ?	Transmettez une série de VVV . . .
QSW	Voulez-vous transmettre sur . . . kc/s (ou . . . m) et/ou sur ondes du type A1, A2, A3 ou B?	Je vais transmettre (ou Je transmettrai) sur . . . kc/s (ou . . . m) et/ou sur ondes du type A1, A2, A3 ou B.
QSX	Voulez-vous écouter . . . ( <i>indicatifs d'appel</i> ) sur . . . kc/s (ou . . . m)?	J'écoute . . . ( <i>indicatif d'appel</i> ) sur . . . kc/s (ou . . . m).
QSY	Dois-je passer à la transmission sur . . . kc/s (ou . . . m), sans changer de type d'onde? ou	Passez à la transmission sur . . . kc/s (ou . . . m) sans changer de type d'onde ou
	Dois-je passer à la transmission sur une autre onde?	Passez à la transmission sur une autre onde.
QSZ	Dois-je transmettre chaque mot ou groupe deux fois?	Transmettez chaque mot ou groupe deux fois.
QTA	Dois-je annuler le télégramme n° . . . comme s'il n'avait pas été transmis?	Annulez le télégramme n° . . . comme s'il n'avait pas été transmis.
QTB	Etes-vous d'accord avec mon compte de mots?	Je ne suis pas d'accord avec votre compte de mots; je répète la première lettre de chaque mot et le premier chiffre de chaque nombre.
QTC	Combien avez-vous de télégrammes à transmettre?	J'ai . . . télégrammes pour vous (ou pour . . .).
QTE <sup>1)</sup>	Quel est mon relèvement vrai relativement à vous? ou	Votre relèvement vrai relativement à moi est de . . . degrés ou
	Quel est mon relèvement vrai relativement à . . . ( <i>indicatif d'appel</i> )? ou	Votre relèvement vrai relativement à ( <i>indicatif d'appel</i> ) est de . . . degrés à . . . (heure) ou
	Quel est le relèvement vrai de . . . ( <i>indicatif d'appel</i> ) relativement à . . . ( <i>indicatif d'appel</i> )?	Le relèvement vrai de . . . ( <i>indicatif d'appel</i> ) relativement à . . . ( <i>indicatif d'appel</i> ) est de . . . degrés à . . . (heure).
QTF	Voulez-vous m'indiquer la position de ma station sur la base des relèvements pris par les postes radiogoniométriques que vous contrôlez?	La position de votre station sur la base des relèvements pris par les postes radiogoniométriques que je contrôle est . . . latitude, . . . longitude.

<sup>1)</sup> Dans certains services aéronautiques "cap vrai" et "relèvement vrai" sont appelés "cap géographique" et "relèvement géographique".

Abbreviation	Question	Answer or statement
QSP	Will you relay to . . . free of charge?	I will relay to . . . free of charge.
QSR	Has the distress call received from . . . been attended to?	The distress call received from . . . has been attended to by . . .
QSU	Must I transmit ( <i>or answer</i> ) on . . . kilocycles ( <i>or meters</i> ) and/or on waves of type A1, A2, A3, or B?	Transmit ( <i>or answer</i> ) on . . . kilocycles ( <i>or . . . meters</i> ) and/or on waves of type A1, A2, A3, or B.
QSV	Must I transmit a series of V's?	Transmit a series of V's.
QSW	Do you wish to transmit on . . . kilocycles ( <i>or . . . meters</i> ), and/or on waves of type A1, A2, A3, or B?	I am going to transmit ( <i>or I shall transmit</i> ) on . . . kilocycles ( <i>or . . . meters</i> ), and/or on waves of type A1, A2, A3, or B.
QSX	Will you listen to . . . ( <i>call signal</i> ) on . . . kilocycles ( <i>or . . . meters</i> )?	I am listening to . . . ( <i>call signal</i> ) on . . . kilocycles ( <i>or . . . meters</i> ).
QSY	Must I shift to transmission on . . . kilocycles ( <i>or . . . meters</i> ), without changing the type of wave? <i>or</i> Must I shift to transmission on another wave?	Shift to transmission on . . . kilocycles ( <i>or . . . meters</i> ) without changing the type of wave. Shift to transmission on another wave.
QSZ	Must I transmit each word or group twice?	Transmit each word or group twice.
QTA	Must I cancel telegram no. . . . as if it had not been transmitted?	Cancel telegram no. . . . as if it had not been transmitted.
QTB	Do you agree with my word count?	I do not agree with your word count; I shall repeat the first letter of each word and the first figure of each number.
QTC	How many telegrams have you to transmit?	I have . . . telegrams for you ( <i>or for . . .</i> ).
QTE <sup>1</sup>	What is my true bearing in relation to you? <i>or</i>	Your true bearing in relation to me is . . . degrees <i>or</i>
	What is my true bearing in relation to . . . ( <i>call signal</i> )? <i>or</i>	Your true bearing in relation to . . . ( <i>call signal</i> ) is . . . degrees at . . . ( <i>time</i> ) <i>or</i>
	What is the true bearing of . . . ( <i>call signal</i> ) in relation to . . . ( <i>call signal</i> )?	The true bearing of . . . ( <i>call signal</i> ) in relation to . . . ( <i>call signal</i> ) is . . . degrees at . . . ( <i>time</i> ).
QTF	Will you give me the position of my station on the basis of bearings taken by the radio direction-finding stations which you control?	The position of your station on the basis of bearings taken by the radio direction-finding stations which I control is . . . latitude, . . . longitude.

<sup>1</sup> In certain aeronautical services, "true course" and "true bearing" are called "geographic course" and "geographic bearing".

Abréviation	Question	Réponse ou avis
QTG	Voulez-vous transmettre votre indicatif d'appel pendant cinquante secondes, en terminant par un trait de dix secondes, sur . . . kc/s (ou . . . m) pour que je puisse prendre votre relèvement radiogoniométrique?	Je vais transmettre mon indicatif d'appel pendant cinquante secondes, en terminant par un trait de dix secondes, sur . . . kc/s (ou . . . m) pour que vous puissiez prendre mon relèvement radiogoniométrique.
QTH	Quelle est votre position en latitude et en longitude (ou d'après toute autre indication)?	Ma position est . . . latitude . . . longitude (ou d'après toute autre indication).
QTI	Quelle est votre route vraie?	Ma route vraie est de . . . degrés.
QTJ	Quelle est votre vitesse de marche?	Ma vitesse de marche est de . . . noeuds (ou de . . . kilomètres) à l'heure.
QTM	Transmettez des signaux radio-électriques et des signaux acoustiques sousmarins pour me permettre de déterminer mon relèvement et ma distance.	Je transmets des signaux radio-électriques et des signaux acoustiques sousmarins pour vous permettre de déterminer votre relèvement et votre distance.
QTO	Etes-vous sorti du bassin (ou du port)?	Je viens de sortir du bassin (ou du port).
QTP	Allez-vous entrer dans le bassin (ou dans le port)?	Je vais entrer dans le bassin (ou dans le port).
QTQ	Pouvez-vous communiquer avec ma station à l'aide du Code International de Signaux?	Je vais communiquer avec votre station à l'aide du Code International de Signaux.
QTR	Quelle est l'heure exacte?	L'heure exacte est . . .
QTU	Quelles sont les heures d'ouverture de votre station?	Les heures d'ouverture de ma station sont de . . . à . . .
QUA	Avez-vous des nouvelles de . . . (indicatif d'appel de la station mobile)?	Voici les nouvelles de . . . (indicatif d'appel de la station mobile).
QUB	Pouvez-vous me donner, dans l'ordre, les renseignements concernant: la visibilité, la hauteur des nuages, le vent au sol pour . . . (lieu d'observation)?	Voici les renseignements demandés: . . . . .
QUC	Quel est le dernier message reçu pour vous de . . . (indicatif d'appel de la station mobile)?	Le dernier message reçu par moi de . . . (indicatif d'appel de la station mobile) est . . .
QUD	Avez-vous reçu le signal d'urgence fait par . . . (indicatif d'appel de la station mobile)?	J'ai reçu le signal d'urgence fait par . . . (indicatif d'appel de la station mobile) à . . . (heure).
QUF	Avez-vous reçu le signal de détresse fait par . . . (indicatif d'appel de la station mobile)?	J'ai reçu le signal de détresse fait par . . . (indicatif d'appel de la station mobile) à . . . (heure).
QUG	Allez-vous être forcé d'amerrir (ou d'atterrir)?	Je suis forcé d'amerrir (ou d'atterrir) à . . . (lieu).
QUH	Voulez-vous m'indiquer la pression barométrique actuelle au niveau de la mer?	La pression barométrique actuelle au niveau de la mer est de . . . (unités).

Abbreviation	Question	Answer or statement
QTG	Will you transmit your call signal during 50 seconds ending with a 10-second dash, on . . . kilocycles ( <i>or</i> . . . meters) so that I may take your radio direction-finding bearings?	I will transmit my call signal during 50 seconds, ending with a 10-second dash, on . . . kilocycles ( <i>or</i> . . . meters) so that you may take my radio direction-finding bearings.
QTH	What is your position in latitude and in longitude (or according to any other indication)?	My position is . . . latitude, . . . longitude (or according to any other indication).
QTI	What is your true course?	My true course is . . . degrees.
Q TJ	What is your speed?	My speed is . . . knots ( <i>or</i> . . . kilometers) per hour.
QTM	Transmit radio signals and submarine sound signals to enable me to determine my bearing and my distance.	I am transmitting radio signals and submarine sound signals to enable you to determine your bearing and your distance.
QTO	Have you left dock ( <i>or</i> port)?	I have left dock ( <i>or</i> port).
QTP	Are you going to enter dock ( <i>or</i> port)?	I am going to enter dock ( <i>or</i> port).
Q TQ	Can you communicate with my station by the International Code of Signals?	I am going to communicate with your station by the International Code of Signals.
QTR	What is the exact time?	The exact time is . . .
Q TU	What are the hours during which your station is open?	My station is open from . . . to . . .
QUA	Have you any news from . . . ( <i>call signal of the mobile station</i> )?	This is the news from . . . ( <i>call signal of the mobile station</i> ).
QUB	Can you give me, in the following order, information concerning: visibility, height of clouds, ground wind at . . . ( <i>place of observation</i> )?	This is the information requested: . . .
QUC	What is the last message you received from . . . ( <i>call signal of the mobile station</i> )?	The last message I received from . . . ( <i>call signal of the mobile station</i> ) is . . .
QUD	Have you received the urgent signal transmitted by . . . ( <i>call signal of the mobile station</i> )?	I have received the urgent signal transmitted by . . . ( <i>call signal of the mobile station</i> ) at . . . ( <i>time</i> ).
QUF	Have you received the distress signal sent by . . . ( <i>call signal of the mobile station</i> )?	I have received the distress signal sent by . . . ( <i>call signal of the mobile station</i> ) at . . . ( <i>time</i> ).
QUG	Will you be forced to come down on water ( <i>or</i> on land)?	I am forced to come down on water ( <i>or</i> on land) at . . . ( <i>place</i> ).
QUH	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is . . . ( <i>units</i> ).

Abréviation	Question	Réponse ou avis
QUJ <sup>1)</sup>	Voulez-vous m'indiquer le cap vrai à suivre, par vent nul, pour me diriger vers vous?	Le cap vrai à suivre, par vent nul, pour vous diriger vers moi est de . . . degrés à . . . (heure).
QUK	Pouvez-vous m'indiquer l'état de la mer observé à . . . (lieu ou coordonnées)?	La mer à . . . (lieu ou coordonnées) est . . .
QUL	Pouvez-vous m'indiquer la houle observée à . . . (lieu ou coordonnées)?	La houle à . . . (lieu ou coordonnées) est . . .
QUM	Le trafic de détresse est-il terminé?	Le trafic de détresse est terminé.

B. LISTE DES ABRÉVIATIONS PAR NATURE DES QUESTIONS, RÉPONSES OU AVIS:

Abréviation	Question	Réponse ou avis
	<i>Nom</i>	
QRA	Quel est le nom de votre station?	Le nom de ma station est . . .
	<i>Parcours</i>	
QRD	Où allez-vous et d'où venez-vous?	Je vais à . . . et je viens de . . .
	<i>Position</i>	
QRB	A quelle distance approximative vous trouvez-vous de ma station?	La distance approximative entre nos stations est de . . . milles marins (ou . . . kilomètres).
QTH	Quelle est votre position en latitude et en longitude (ou d'après toute autre indication)?	Ma position est . . . latitude . . . longitude (ou d'après toute autre indication).
	<i>Qualité des signaux</i>	
QRI	La tonalité de mon émission est-elle régulière?	La tonalité de votre émission varie.
QRK	Quelle est la lisibilité de mes signaux (1 à 5)?	La lisibilité de vos signaux est . . . (1 à 5).
	<i>Force des signaux</i>	
QRJ	Me recevez-vous mal? Mes signaux sont-ils faibles?	Je ne peux pas vous recevoir. Vos signaux sont trop faibles.
QRO	Dois-je augmenter l'énergie?	Augmentez l'énergie.
QRP	Dois-je diminuer l'énergie?	Diminuez l'énergie.
QSA	Quelle est la force de mes signaux (1 à 5)?	La force de vos signaux est . . . (1 à 5).
QSB	La force de mes signaux varie-t-elle?	La force de vos signaux varie.

<sup>1)</sup> Dans certains services aéronautiques "cap vrai" et "relèvement vrai" sont appelés "cap géographique" et "relèvement géographique".

Abbreviation	Question	Answer or statement
QUJ <sup>1</sup>	Will you please indicate the proper course to steer toward you, with no wind?	The proper course to steer toward me, with no wind, is . . . degrees at . . . ( <i>time</i> ).
QUK	Can you tell me the condition of the sea observed at . . . ( <i>place or coordinates</i> )?	The sea at . . . ( <i>place or coordinates</i> ) is . . .
QUL	Can you tell me the surge observed at . . . ( <i>place or coordinates</i> )?	The surge at . . . ( <i>place or coordinates</i> ) is . . .
QUM	Is the distress traffic ended?	The distress traffic is ended.

B. LIST OF ABBREVIATIONS ACCORDING TO THE NATURE OF QUESTIONS, ANSWERS, OR STATEMENTS

Abbreviation	Question	Answer or statement
	<i>Name</i>	
QRA	What is the name of your station?	The name of my station is . . .
	<i>Route</i>	
QRD	Where are you going and where do you come from?	I am going to . . . and I come from . . .
	<i>Position</i>	
QRB	At what approximate distance are you from my station?	The approximate distance between our stations is . . . nautical miles ( <i>or</i> . . . kilometers).
QTH	What is your position in latitude and in longitude ( <i>or</i> according to any other indication)?	My position is . . . latitude, . . . longitude ( <i>or</i> according to any other indication).
	<i>Quality of signals</i>	
QRI	Is the tone of my transmission regular?	The tone of your transmission varies.
QRK	What is the legibility of my signals ( <i>1 to 5</i> )?	The legibility of your signals is . . . ( <i>1 to 5</i> ).
	<i>Strength of signals</i>	
QRJ	Are you receiving me badly? Are my signals weak?	I cannot receive you. Your signals are too weak.
QRO	Must I increase the power?	Increase the power.
QRP	Must I decrease the power?	Decrease the power.
QSA	What is the strength of my signals ( <i>1 to 5</i> )?	The strength of your signals is ( <i>1 to 5</i> ).
QSB	Does the strength of my signals vary?	The strength of your signals varies.

<sup>1</sup> In certain aeronautical services, "true course" and "true bearing" are called "geographic course" and "geographic bearing".

Abréviation	Question	Réponse ou avis
	<i>Manipulation</i>	
QRQ	Dois-je transmettre plus vite?	Transmettez plus vite (. . . mots par minute).
QRS	Dois-je transmettre plus lentement?	Transmettez plus lentement (. . . mots par minute).
QSD	Ma manipulation est-elle correcte; mes signaux sont-ils nets?	Votre manipulation est incorrecte; vos signaux sont mauvais.
	<i>Brouillage</i>	
QRM	Etes-vous brouillé?	Je suis brouillé.
QRN	Etes-vous troublé par les atmosphériques?	Je suis troublé par les atmosphériques.
	<i>Réglage de la longueur d'onde</i>	
QRG	Voulez-vous m'indiquer ma fréquence (longueur d'onde) exacte en kc/s (ou m)?	Votre fréquence (longueur d'onde) exacte est de ... kc/s (ou ... m).
QRH	Ma fréquence (longueur d'onde) varie-t-elle?	Votre fréquence (longueur d'onde) varie.
	<i>Choix de la longueur d'onde et/ou du type d'onde</i>	
QSU	Dois-je transmettre (ou répondre) sur ... kc/s (ou ... m) et/ou sur ondes du type A1, A2, A3 ou B?	Transmettez (ou Répondez) sur ... kc/s (ou ... m) et/ou sur ondes du type A1, A2, A3 ou B.
QSV	Dois-je transmettre une série de VVV ... ?	Transmettez une série de VVV ...
QSW	Voulez-vous transmettre sur ... kc/s (ou ... m) et/ou sur ondes du type A1, A2, A3 ou B?	Je vais transmettre (ou Je transmettrai) sur ... kc/s (ou ... m) et/ou sur ondes du type A1, A2, A3 ou B.
QSX	Voulez-vous écouter ... (indicatif d'appel) sur ... kc/s (ou ... m) ?	J'écoute ... (indicatif d'appel) sur ... kc/s (ou ... m).
	<i>Changement de longueur d'onde.</i>	
QSY	Dois-je passer à la transmission sur ... kc/s (ou ... m), sans changer de type d'onde?	Passez à la transmission sur ... kc/s (ou ... m), sans changer de type d'onde?
	<i>ou</i>	<i>ou</i>
	Dois-je passer à la transmission sur une autre onde?	Passez à la transmission sur une autre onde.
	<i>Etablissement de la communication</i>	
QRL	Etes-vous occupé?	Je suis occupé (ou Je suis occupé avec ...). Prière de ne pas brouiller.
QRV	Etes-vous prêt?	Je suis prêt.

Abbreviation	Question	Answer or statement
<i>Keying</i>		
QRQ	Must I transmit faster?	Transmit faster (. . . words per minute).
QRS	Must I transmit more slowly?	Transmit more slowly (. . . words per minute).
QSD	Is my keying correct; are my signals distinct?	Your keying is incorrect; your signals are bad.
<i>Interference</i>		
QRM	Are you being interfered with?	I am being interfered with.
QRN	Are you troubled by static?	I am troubled by static.
<i>Adjustment of the wavelength</i>		
QRG	Will you tell me what my exact frequency (wavelength) is in kilocycles (or meters)?	Your exact frequency (wavelength) is . . . kilocycles (or . . . meters).
QRH	Does my frequency (wavelength) vary?	Your frequency (wavelength) varies.
<i>Choice of the wavelength and/or type of wave</i>		
QSU	Must I transmit (or answer) on . . . kilocycles (or . . . meters) and/or on waves of type A1, A2, A3, or B?	Transmit (or answer) on . . . kilocycles (or . . . meters) and/or on waves of type A1, A2, A3, or B.
QSV	Must I transmit a series of V's?	Transmit a series of V's.
QSW	Do you wish to transmit on . . . kilocycles (or . . . meters), and/or on waves of type A1, A2, A3, or B?	I am going to transmit (or I shall transmit) on . . . kilocycles (or . . . meters), and/or on waves of type A1, A2, A3, or B.
QSX	Will you listen to . . . (call signal) on . . . kilocycles (or . . . meters)?	I am listening to . . . (call signal) on . . . kilocycles (or . . . meters).
<i>Change of wavelength</i>		
QSY	Must I shift to transmission on . . . kilocycles (or . . . meters), without changing the type of wave? or	Shift to transmission on . . . kilocycles (or . . . meters), without changing the type of wave, or
	Must I shift to transmission on another wave?	Shift to transmission on another wave.
<i>Making contact</i>		
QRL	Are you busy?	I am busy (or I am busy with . . .). Please do not interfere.
QRV	Are you ready?	I am ready.

Abréviation	Question	Réponse ou avis
QRX	Dois-de attendre? A quel moment me rappellerez-vous?	Attendez ( <i>ou Attendez jusqu'à ce que j'aie fini de communiquer avec . . .</i> ).
		Je vous rappellerai à . . . heure ( <i>ou aussitôt</i> ).
QRY	Quel est mon tour?	Votre tour est numéro . . . ( <i>ou d'après toute autre indication</i> ).
QRZ	Par qui suis-je appelé?	Vous êtes appelé par . . .
QTQ	Pouvez-vous communiquer avec ma station à l'aide du Code International de Signaux?	Je vais communiquer avec votre station à l'aide du Code International de Signaux.
	<i>Heure</i>	
Q'ZR	Quelle est l'heure exacte?	L'heure exacte est . . .
QTU	Quelles sont les heures d'ouverture de votre station?	Les heures d'ouverture de ma station sont de . . . à . . .
	<i>Taxes</i>	
QRC	Par quelle exploitation privée ( <i>ou administration d'Etat</i> ) sont liquidés les comptes de taxes de votre station?	Les comptes de taxes de ma station sont liquidés par l'exploitation privée . . . ( <i>ou par l'administration de l'Etat . . .</i> ).
QSJ	Quelle est la taxe à percevoir par mot pour . . . , y compris votre taxe télégraphique intérieure?	La taxe à percevoir par mot pour . . . est de . . . francs, y compris ma taxe télégraphique intérieure.
	<i>Transit</i>	
QRW	Dois-je aviser . . . que vous l'appellez sur . . . kc/s ( <i>ou . . . m</i> )?	Prière d'aviser . . . que je l'appelle sur . . . kc/s ( <i>ou . . . m</i> ).
QSO	Pouvez-vous communiquer avec . . . directement ( <i>ou par l'intermédiaire de . . .</i> )?	Je puis communiquer avec . . . directement ( <i>ou par l'intermédiaire de . . .</i> ).
QSP	Voulez-vous retransmettre à . . . gratuitement?	Je retransmettrai à . . . gratuitement.
QUA	Avez-vous des nouvelles de . . . ( <i>indicatif d'appel de la station mobile</i> )?	Voici les nouvelles de . . . ( <i>indicatif d'appel de la station mobile</i> ).
QUC	Quel est le dernier message reçu par vous de . . . ( <i>indicatif d'appel de la station mobile</i> )?	Le dernier message reçu par moi de . . . ( <i>indicatif d'appel de la station mobile</i> ) est . . .
	<i>Echange de la correspondance</i>	
QRU	Avez-vous quelque chose pour moi?	Je n'ai rien pour vous.
QSG	Dois-je transmettre . . . télégrammes ( <i>ou un télégramme</i> ) à la fois?	Transmettez . . . télégrammes ( <i>ou un télégramme</i> ) à la fois.

Abbreviation	Question	Answer or statement
QRX	Must I wait? When will you call me again?	Wait (or Wait until I have finished communicating with . . .). I shall call you again at . . . o'clock (or immediately).
QRY	Which is my turn?	Your turn is number . . . (or according to any other indication).
QRZ	By whom am I being called?	You are being called by . . .
QTQ	Can you communicate with my station by the International Code of Signals?	I am going to communicate with your station by the International Code of Signals.
<i>Time</i>		
QTR	What is the exact time?	The exact time is . . .
QTU	What are the hours during which your station is open?	My station is open from . . . to . . .
<i>Charges</i>		
QRC	By what private operating enterprise (or government administration) are the accounts for charges of your station settled?	The accounts for charges of my station are settled by the . . . private operating enterprise (or by the government administration of . . .).
QSJ	What is the charge to be collected per word to . . . including your internal telegraph charge?	The charge to be collected per word to . . . is . . . francs, including my internal telegraph charge.
<i>Transit</i>		
QRW	Must I advise . . . that you are calling him on . . . kilocycles (or . . . meters)?	Please advise . . . that I am calling him on . . . kilocycles (or . . . meters).
QSO	Can you communicate with . . . directly (or through . . .)?	I can communicate with . . . directly (or through . . .).
QSP	Will you relay to . . . free of charge?	I will relay to . . . free of charge.
QUA	Have you any news from . . . (call signal of the mobile station)?	This is the news from . . . (call signal of the mobile station).
QUC	What is the last message you received from . . . (call signal of the mobile station)?	The last message I received from . . . (call signal of the mobile station) is . . .
<i>Exchange of correspondence</i>		
QRU	Have you anything for me?	I have nothing for you.
QSG	Must I transmit . . . telegrams (or one telegram) at a time?	Transmit . . . telegrams (or one telegram) at a time.

Abréviation	Question	Réponse ou avis
QSK	Dois-je continuer la transmission de tout mon trafic, je peux vous écouter entre mes signaux?	Continuez la transmission de tout votre trafic, je vous interromprai s'il y a lieu.
QSL	Pouvez-vous me donner accusé de réception?	Je vous donne accusé de réception.
QSM	Dois-je vous répéter le dernier télégramme que je vous ai transmis?	Répétez le dernier télégramme que vous m'avez transmis.
QSZ	Dois-je transmettre chaque mot ou groupe deux fois?	Transmettez chaque mot ou groupe deux fois.
QTA	Dois-je annuler le télégramme n° . . . comme s'il n'avait pas été transmis?	Annulez le télégramme n° . . . comme s'il n'avait pas été transmis.
QTB	Etes-vous d'accord avec mon compte de mots?	Je ne suis pas d'accord avec votre compte de mots; je répète la première lettre de chaque mot et le premier chiffre de chaque nombre.
QTC	Combien avez-vous de télégrammes à transmettre?	J'ai . . . télégrammes pour vous (ou pour . . .).
<i>Mouvement.</i>		
QTI	Quelle est votre route vraie?	Ma route vraie est de . . . degrés.
QTI	Quelle est votre vitesse de marche?	Ma vitesse de marche est de . . . noeuds (ou de . . . kilomètres) à l'heure.
QTO	Etes-vous sorti du bassin (ou du port)?	Je viens de sortir du bassin (ou du port).
QTP	Allez-vous entrer dans le bassin (ou dans le port)?	Je vais entrer dans le bassin (ou dans le port).
QUG	Allez-vous être forcé d'amerrir (ou d'atterrir)?	Je suis forcé d'amerrir (ou d'atterrir) à . . . (lieu).
QUK	Pouvez-vous m'indiquer l'état de la mer observé à . . . (lieu ou coordonnées)?	La mer à . . . (lieu ou coordonnées) est . . .
QUL	Pouvez-vous m'indiquer la houle observée à . . . (lieu ou coordonnées)?	La houle à . . . (lieu ou coordonnées) est . . .
<i>Météorologie</i>		
QUB	Pouvez-vous me donner, dans l'ordre, les renseignements concernant: la visibilité, la hauteur des nuages, le vent au sol pour . . . (lieu d'observation)?	Voici les renseignements demandés: . . .
QUH	Voulez-vous m'indiquer la pression barométrique actuelle au niveau de la mer?	La pression barométrique actuelle au niveau de la mer est de . . . (unités).

Abbreviation	Question	Answer or statement
QSK	Must I continue the transmission of all my traffic; I can hear you between my signals?	Continue the transmission of all your traffic; I shall interrupt you if necessary.
QSL	Can you acknowledge receipt?	I am acknowledging receipt.
QSM	Must I repeat the last telegram which I transmitted to you?	Repeat the last telegram which you transmitted to me.
QSZ	Must I transmit each word or group twice?	Transmit each word or group twice.
QTA	Must I cancel telegram no. . . . as if it had not been transmitted?	Cancel telegram no. . . . as if it had not been transmitted.
QTB	Do you agree with my word count?	I do not agree with your word count; I shall repeat the first letter of each word and the first figure of each number.
QTC	How many telegrams have you to transmit?	I have . . . telegrams for you (or for . . .).
<i>Movement</i>		
QTI	What is your true course?	My true course is . . . degrees.
QTI	What is your speed?	My speed is . . . knots (or . . . kilometers) per hour.
QTO	Have you left dock (or port)?	I have left dock (or port).
QTP	Are you going to enter dock (or port)?	I am going to enter dock (or port).
QUG	Will you be forced to come down on water (or on land)?	I am forced to come down on water (or on land) at . . . (place).
QUK	Can you tell me the condition of the sea observed at . . . (place or coordinates)?	The sea at . . . (place or coordinates) is . . .
QUL	Can you tell me the surge observed at (place or coordinates)?	The surge at . . . (place or coordinates) is . . .
<i>Meteorology</i>		
QUB	Can you give me, in the following order, information concerning: visibility, height of clouds, ground wind at . . . (place of observation)?	This is the information requested: . . . . .
QUH	Will you give me the present barometric pressure at sea level?	The present barometric pressure at sea level is . . . (units).

Abréviation	Question	Réponse ou avis
<i>Radiogoniométrie</i>		
QTE <sup>1)</sup>	<p>Quel est mon relèvement vrai relativement à vous?</p> <p style="text-align: center;"><i>ou</i></p> <p>Quel est mon relèvement vrai relativement à . . . (<i>indicatif d'appel</i>)?</p> <p style="text-align: center;"><i>ou</i></p> <p>Quel est le relèvement de . . . (<i>indicatif d'appel</i>) relativement à . . . (<i>indicatif d'appel</i>)?</p>	<p>Votre relèvement vrai relativement à moi est de . . . degrés</p> <p style="text-align: center;"><i>ou</i></p> <p>Votre relèvement vrai relativement à (<i>indicatif d'appel</i>) est de . . . degrés à . . . (<i>heure</i>)</p> <p style="text-align: center;"><i>ou</i></p> <p>Le relèvement vrai de . . . (<i>indicatif d'appel</i>) relativement à . . . (<i>indicatif d'appel</i>) est de . . . degrés à . . . (<i>heure</i>).</p>
QTF	<p>Voulez-vous m'indiquer la position de ma station sur la base des relèvements pris par les postes radiogoniométriques que vous contrôlez?</p>	<p>La position de votre station sur la base des relèvements pris par les postes radiogoniométrique que je contrôle est . . . latitude, . . . longitude.</p>
QTG	<p>Voulez-vous transmettre votre indicatif d'appel pendant cinquante secondes, en terminant par un trait de dix secondes, sur . . . kc/s (<i>ou</i> . . . m) pour que je puisse prendre votre relèvement radiogoniométrique?</p>	<p>Je vais transmettre mon indicatif d'appel pendant cinquante secondes, en terminant par un trait de dix secondes, sur . . . kc/s (<i>ou</i> . . . m) pour que vous puissiez prendre mon relèvement radiogoniométrique.</p>
QTM	<p>Transmettez des signaux radio-électriques et des signaux acoustiques sousmarins pour me permettre de déterminer mon relèvement et ma distance.</p>	<p>Je transmets des signaux radio-électriques et des signaux acoustiques sousmarins pour vous permettre de déterminer votre relèvement et votre distance.</p>
QUJ <sup>1)</sup>	<p>Voulez-vous m'indiquer le cap vrai à suivre, par vent nul, pour me diriger vers vous?</p>	<p>Le cap vrai à suivre, par vent nul, pour vous diriger vers moi est de . . . degrés à . . . (<i>heure</i>).</p>
<i>Suspension du travail</i>		
QRT	<p>Dois-je cesser la transmission?</p>	<p>Cessez la transmission.</p>
<i>Urgence</i>		
QUD	<p>Avez-vous reçu le signal d'urgence fait par . . . (<i>indicatif d'appel de la station mobile</i>)?</p>	<p>J'ai reçu le signal d'urgence fait par . . . (<i>indicatif d'appel de la station mobile</i>) à . . . (<i>heure</i>).</p>
<i>Détresse</i>		
QSR	<p>L'appel de détresse reçu de . . . a-t-il été réglé?</p>	<p>L'appel de détresse reçu de . . . a été réglé par . . .</p>
QUF	<p>Avez-vous reçu le signal de détresse fait par . . . (<i>indicatif d'appel de la station mobile</i>)?</p>	<p>J'ai reçu le signal de détresse fait par . . . (<i>indicatif d'appel de la station mobile</i>) à . . . (<i>heure</i>).</p>
QUM	<p>Le trafic de détresse est-il terminé?</p>	<p>Le trafic de détresse est terminé.</p>

<sup>1)</sup>Dans certains services aéronautiques "cap vrai" et "relèvement vrai" sont appelés "cap géographique" et "relèvement géographique".

Abbreviation	Question	Answer or statement
QTE <sup>1</sup>	<i>Radio direction-finding</i>	
	What is my true bearing in relation to you?	Your true bearing in relation to me is . . . degrees
	<p style="text-align: center;"><i>or</i></p> What is my true bearing in relation to . . . ( <i>call signal</i> )?	<p style="text-align: center;"><i>or</i></p> Your true bearing in relation to . . . ( <i>call signal</i> ) is . . . degrees at . . . ( <i>time</i> )
	<p style="text-align: center;"><i>or</i></p> What is the true bearing of . . . ( <i>call signal</i> ) in relation to . . . ( <i>call signal</i> )?	<p style="text-align: center;"><i>or</i></p> The true bearing of . . . ( <i>call signal</i> ) in relation to . . . ( <i>call signal</i> ) is . . . degrees at . . . ( <i>time</i> ).
QTF	Will you give me the position of my station on the basis of bearings taken by the radio direction - finding stations which you control?	The position of your station on the basis of bearings taken by the radio direction-finding stations which I control is . . . latitude, . . . longitude.
QTG	Will you transmit your call signal during 50 seconds ending with a 10-second dash, on . . . kilocycles ( <i>or</i> . . . meters) so that I may take your radio direction-finding bearings?	I will transmit my call signal during 50 seconds, ending with a 10-second dash, on . . . kilocycles ( <i>or</i> . . . meters) so that you may take my radio direction-finding bearings.
QTM	Transmit radio signals and submarine sound signals to enable me to determine my bearing and my distance.	I am transmitting radio signals and submarine sound signals to enable you to determine your bearing and your distance.
QUJ <sup>1</sup>	Will you please indicate the proper course to steer toward you, with no wind?	The proper course to steer toward me, with no wind, is . . . degrees at . . . ( <i>time</i> ).
	<i>Suspension of work</i>	
QRT	Must I stop transmission?	Stop transmission.
	<i>Emergency</i>	
QUD	Have you received the urgent signal transmitted by . . . ( <i>call signal of the mobile station</i> ).	I have received the urgent signal transmitted by . . . ( <i>call signal of the mobile station</i> ) at . . . ( <i>time</i> ).
	<i>Distress</i>	
QSR	Has the distress call received from . . . been attended to?	The distress call received from . . . has been attended to by . . .
QUF	Have you received the distress signal sent by . . . ( <i>call signal of the mobile station</i> )?	I have received the distress signal sent by . . . ( <i>call signal of the mobile station</i> ) at . . . ( <i>time</i> ).
QUM	Is the distress traffic ended?	The distress traffic is ended.

<sup>1</sup> In certain aeronautical services, "true course" and "true bearing" are called "geographic course" and "geographic bearing".

## 2. Abréviations diverses.

Abréviation	Signification
C	Oui.
N	Non.
P	Annonce de télégramme privé dans le service mobile (à employer en préfixe).
W	Mot ou mots.
AA	Tout après . . . (à employer après un point d'interrogation pour demander une répétition).
AB	Tout avant . . . (à employer après un point d'interrogation pour demander une répétition).
AL	Tout ce qui vient d'être transmis (à employer après un point d'interrogation pour demander une répétition).
AS	Attente.
BN	Tout entre . . . (à employer après un point d'interrogation pour demander une répétition).
BQ	Réponse à RQ.
CL	Je ferme ma station.
CS	Indicatif d'appel (à employer pour demander ou faire répéter un indicatif d'appel).
DB	Je ne puis pas vous fournir de relèvement, vous n'êtes pas dans le secteur vérifié de cette station.
DC	Le minimum de votre signal convient pour le relèvement.
DF	Votre relèvement à . . . (heure) était de . . . degrés, dans le secteur douteux de cette station, avec une erreur possible de deux degrés.
DG	Veuillez m'aviser si vous constatez une erreur dans le relèvement donné.
DI	Relèvement douteux par suite de la mauvaise qualité de votre signal.
DJ	Relèvement douteux par suite du brouillage.
DL	Votre relèvement à . . . (heure) était de . . . degrés, dans le secteur incertain de cette station.
DO	Relèvement douteux. Demandez un autre relèvement plus tard ou à . . . (heure).
DP	Au delà de 50 milles, l'erreur possible de relèvement peut atteindre deux degrés.
DS	Réglez votre transmetteur, le minimum de votre signal est trop étendu.
DT	Je ne puis pas vous fournir de relèvement, le minimum de votre signal est trop étendu.
DY	Cette station est bilatérale, quelle est votre direction approximative en degrés relativement à cette station?
DZ	Votre relèvement est réciproque (à utiliser seulement par la station de contrôle d'un groupe de stations radiogoniométriques lorsqu'elle s'adresse à d'autres stations du même groupe).
ER	Ici . . . (à employer avant le nom de la station mobile dans la transmission des indications de route).
GA	Reprenez la transmission (à employer plus spécialement dans le service fixe).
JM	Si je puis transmettre, faites une série de traits. Pour arrêter ma transmission, faites une série de points [à ne pas utiliser sur 500 kc/s (600 m)].
MN	Minute ou minutes (à employer pour marquer la durée d'une attente).
NW	Je reprends la transmission (à employer plus spécialement dans le service fixe).
OK	Nous sommes d'accord.

## 2. Miscellaneous Abbreviations

Abbreviation	Meaning
C	Yes.
N	No.
P	Announcing private telegram in the mobile service ( <i>to be used as a prefix</i> ).
W	Word or words.
AA	All after . . . ( <i>to be used after a question mark to request a repetition</i> ).
AB	All before . . . ( <i>to be used after a question mark to request a repetition</i> ).
AL	All that has just been transmitted ( <i>to be used after a question mark to request a repetition</i> ).
AS	Waiting period.
BN	All between . . . ( <i>to be used after a question mark to request a repetition</i> ).
BQ	Answer to RQ.
CL	I am closing my station.
CS	Call signal ( <i>to be used in requesting that call signal be given or repeated</i> ).
DB	I cannot give you a bearing, you are not in the calibrated sector of this station.
DC	The minimum of your signal is suitable for the bearing.
DF	Your bearing at . . . ( <i>time</i> ) was . . . degrees, in the doubtful sector of this station, with a possible error of two degrees.
DG	Please advise me if you find an error in the bearing given.
DI	Doubtful bearing due to the bad quality of your signal.
DJ	Doubtful bearing due to interference.
DL	Your bearing at . . . ( <i>time</i> ) was . . . degrees, in the uncertain sector of this station.
DO	Doubtful bearing. Request another bearing later, or at . . . ( <i>time</i> ).
DP	Beyond 50 miles, possible error of bearing can attain two degrees.
DS	Adjust your transmitter, your minimum signal is too broad.
DT	I cannot give you a bearing, your minimum signal is too broad.
DY	This is a two-way station, what is your approximate direction, in degrees, in relation to this station?
DZ	Your bearing is reciprocal ( <i>to be used only by the control station of a group of radio direction-finding stations when addressing other stations of the same group</i> ).
ER	Here . . . ( <i>to be used before the name of the mobile station in the transmission of routing indications</i> ).
GA	Resume transmission ( <i>to be used more especially in the fixed service</i> ).
JM	If I may transmit, make a series of dashes. To stop my transmission, make a series of dots [ <i>not to be used on 500 kc (600 m)</i> ].
MN	Minute or minutes ( <i>to be used to indicate the duration of the waiting period</i> ).
NW	I am resuming transmission ( <i>to be used more especially in the fixed service</i> ).
OK	We agree.

Abréviation	Signification
RQ	Désignation d'une demande.
SA	Annnonce du nom d'une station d'aéronef (à employer dans la transmission des indications de passage).
SF	Annnonce du nom d'une station aéronautique.
SN	Annnonce du nom d'une station côtière.
SS	Annnonce du nom d'une station de bord (à employer dans la transmission des indications de passage).
TR	Envoi d'indications concernant une station mobile.
TU	Je vous remercie du concours prêté.
UA	Sommes-nous d'accord?
WA	Mot après ... (à employer après un point d'interrogation pour demander une répétition).
WB	Mot avant ... (à employer après un point d'interrogation pour demander une répétition).
XS	Parasites atmosphériques.
YS	Voyez votre avis de service.
ABV	Répétez (ou Je répète) les chiffres en abrégé.
ADR	Adresse (à employer après un point d'interrogation pour demander une répétition).
CFM	Confirmez (ou Je confirme).
COL	Collationnez (ou Je collationne).
ITP	La ponctuation compte.
MSG	Annnonce de télégramme concernant le service du bord (à employer en préfixe).
NIL	Je n'ai rien à vous transmettre (à employer après une abréviation du code Q pour indiquer que la réponse à la question posée est négative).
PBL	Préambule (à employer après un point d'interrogation pour demander une répétition).
REF	Référence à . . . (ou Référez-vous à . . .).
RPT	Répétez (ou Je répète) (à employer pour demander ou pour donner répétition de tout ou partie du trafic, en faisant suivre l'abréviation des indications correspondantes).
SIG	Signature (à employer après un point d'interrogation pour demander une répétition).
SVC	Annnonce de télégramme de service concernant le trafic privé (à employer en préfixe).
TFC	Trafic.
TXT	Texte (à employer après un point d'interrogation pour demander une répétition).

## APPENDICE 12.

## Echelle employée pour exprimer la force ou la lisibilité des signaux.

(Voir l'article 17.)

Force	Lisibilité
QSA 1 = à peine perceptible	QRK 1 = illisible
QSA 2 = faible	QRK 2 = lisible par instants
QSA 3 = assez bon	QRK 3 = lisible mais difficilement
QSA 4 = bon	QRK 4 = lisible
QSA 5 = très bon	QRK 5 = parfaitement lisible.

Abbreviation	Meaning
RG	Announcing a request.
SA	Announcing the name of an aircraft station ( <i>to be used in transmitting transit data</i> ).
SF	Announcing the name of an aeronautical station.
SN	Announcing the name of a coast station.
SS	Announcing the name of a ship station ( <i>to be used in transmitting transit data</i> ).
TR	To announce sending of indications concerning a mobile station.
TU	Thank you for the cooperation given.
UA	Do we agree?
WA	Word after . . . ( <i>to be used after a question mark to request a repetition</i> ).
WB	Word before . . . ( <i>to be used after a question mark to request a repetition</i> ).
XS	Static.
YS	See your service notice.
ABV	Repeat ( <i>or I repeat</i> ) the figures in abbreviated form.
ADR	Address ( <i>to be used after a question mark to request a repetition</i> ).
CFM	Confirm ( <i>or I confirm</i> ).
COL	Collate ( <i>or I collate</i> ).
ITP	The punctuation counts.
MSG	Announcing a telegram concerning the service on board ( <i>to be used as a prefix</i> ).
NIL	I have nothing to transmit to you ( <i>to be used after an abbreviation of code Q to show that the answer to the question asked is in the negative</i> ).
PBL	Preamble ( <i>to be used after a question mark to request a repetition</i> ).
REF	Reference to . . . ( <i>or Refer to . . .</i> ).
RPT	Repeat ( <i>or I repeat</i> ) ( <i>to be used in requesting or giving repetition of all or part of the traffic, the abbreviation to be followed by the corresponding indications</i> ).
SIG	Signature ( <i>to be used after a question mark to request a repetition</i> ).
SVC	Announcing a service telegram concerning private traffic ( <i>to be used as a prefix</i> ).
TFC	Traffic.
TXT	Text ( <i>to be used after a question mark to request a repetition</i> ).

## APPENDIX 12

### Scale Used to Express Strength or Legibility of Signals

(See article 17)

*Ante*, p. 1507.

<i>Strength</i>	<i>Legibility</i>
QSA 1=scarcely perceptible.	QRK 1=unreadable.
QSA 2=weak.	QRK 2=readable now and then.
QSA 3=fairly good.	QRK 3=readable, but with difficulty.
QSA 4=good.	QRK 4=readable.
QSA 5=very good.	QRK 5=perfectly readable.

## APPENDICE 13.

**Relevé modèle pour la comptabilité des radiotélégrammes.**

(Voir l'article 29)

Compte des radiotélégrammes échangés entre . . . . .  
 et . . . . . (noms des pays) par l'intermédiaire  
 { (de la station côtière de . . . . .  
 (ou des stations côtières . . . . . (nationalité) pen-  
 dant le mois de . . . . .

Dates	Bureau d'origine	Bureau de destination	Nombre de mots	L'Administration . . . . . porte au				Observations
				Crédit		Débit		
				Fr.	cts.	Fr.	cts.	

## APPENDICE 14.

**Procédure dans le service des stations radiotéléphoniques mobiles de faible puissance**

(Voir l'article 31).

§ 1. La procédure suivante est donnée à titre d'exemple.

1° A appelle:

Allo B, allo B, A appelle, A appelle, radiotélégramme pour vous, radiotélégramme pour vous, commutez.

2° B répond:

Allo A, allo A, B répond, B répond, envoyez votre radiotélégramme, envoyez votre radiotélégramme, commutez.

3° A répond:

Allo B, A répond, radiotélégramme commence, de . . . n° . . . nombre de mots . . . jour . . . heure . . . adresse . . . texte . . . signature . . . transmission du radiotélégramme terminée, je répète, radiotélégramme commence, de . . . n° . . . nombre de mots . . . jour . . . heure . . . adresse . . . texte . . . signature . . . radiotélégramme terminé, commutez.

4° B répond:

Allo A, B répond, votre radiotélégramme commence, de . . . n° . . . nombre de mots . . . jour . . . heure . . . adresse . . . texte . . . signature . . ., votre radiotélégramme terminé, commutez.

## APPENDIX 13

## Model Statement for Accounting of Radiotelegrams

(See article 29)

*Ante*, p. 1557.

Account for radiotelegrams exchanged between . . . . .  
 and . . . . . (name of countries) through:  
 { the coast station of . . . . .  
 { or the coast stations . . . . . (nationality)  
 during the month of . . . . .

Dates	Office of origin	Office of destination	Number of words	The administration of enters to the:				Remarks
				Credit		Debit		
				fr.	cts.	fr.	cts.	

## APPENDIX 14

## Procedure in the Service of Low-Power Mobile Radiotelephone Stations

(See article 31)

*Ante*, p. 1567.

§1. The following is given by way of example:

1st. A calling:

Hello B, Hello B, A calling, A calling, radiotelegram  
 for you, radiotelegram for you, over.

2d. B replying:

Hello A, Hello A, B replying, B replying, send your  
 telegram, send your telegram, over.

3d. A replying:

Hello B, A replying, radiotelegram begins from . . .  
 no. . . . number of words . . . date . . . time . . .  
 address . . . text . . . signature . . . transmission  
 of radiotelegram ended, I repeat, radiotelegram be-  
 gins from . . . no. . . . number of words . . .  
 . . . date . . . time . . . address . . . text . . . signa-  
 ture . . . radiotelegram ended, over.

4th. B replying:

Hello A, B replying, your telegram begins from . . . no.  
 . . . number of words . . . date . . . time . . .  
 address . . . text . . . signature . . . your radio-  
 telegram ended, over.

5° A répond :

Allo B, A répond, exact, exact, coupons.

6° A coupe ensuite la communication et les deux stations reprennent l'écoute normale.

*Remarque:* Au commencement d'une communication, la formule d'appel est prononcée deux fois, et par la station appelante et par la station appelée. Lorsque la communication est établie, elle n'est prononcée qu'une fois.

§ 2. Lorsqu'il est nécessaire d'épeler des indicatifs d'appel, des abréviations de service et des mots, on utilisera le tableau ci-après:

Chiffre à transmettre <sup>1)</sup>	Lettre à transmettre	Mot à utiliser	Lettre à transmettre	Mot à utiliser
1	A	Amsterdam	O	Oslo
2	B	Baltimore	P	Paris
3	C	Casablanca	Q	Québec
4	D	Danemark	R	Roma
5	E	Edison	S	Santiago
6	F	Florida	T	Tripoli
7	G	Gallipoli	U	Upsala
8	H	Havana	V	Valencia
9	I	Italia	W	Washington
0	J	Jérusalem	X	Xanthippe
virgule	K	Kilogramme	Y	Yokohama
Barre de fraction	L	Liverpool	Z	Zurich
Signal séparatif	M	Madagascar		
Point	N	New-York		

§ 3. Lorsque la station réceptrice a la certitude d'avoir reçu correctement le radiotélégramme, la répétition visée au 4° du § 1 n'est pas nécessaire sauf pour un radiotélégramme avec collationnement. Si l'on renonce à la répétition, la station B accuse réception du radiotélégramme transmis, dans la forme suivante:

Allo A, B répond, bien reçu votre radiotélégramme, commutez.

## APPENDICE 15.

### Obtention des relèvements radiogoniométriques.

(Voir l'article 32).

#### I. Instructions générales.

A. Avant d'appeler une ou plusieurs stations radiogoniométriques, pour demander son relèvement, la station mobile doit rechercher dans la nomenclature:

1° Les indicatifs d'appel des stations à appeler pour obtenir les relèvements radiogoniométriques qui l'intéressent.

2° L'onde sur laquelle les stations radiogoniométriques veillent, et l'onde ou les ondes sur lesquelles elles prennent les relèvements.

3° Les stations radiogoniométriques qui, grâce à des liaisons par fils spéciaux, peuvent être groupées avec la station radiogoniométrique à appeler.

<sup>1)</sup> Toute transmission de chiffres est annoncée et se termine par les mots "en nombre" répétés deux fois.

5th. A replying:

Hello B, A replying, exact, exact, cut off.

6th. A then cuts off the communication and the two stations resume their normal listening.

*Remark:* At the beginning of a communication, the calling formula shall be pronounced twice, both by the calling station and the station called. When the communication is established, it shall be pronounced once only.

§2. Whenever the spelling of call letters, service abbreviations, and words is necessary, the following table shall be used:

Figure to be transmitted <sup>1</sup>	Letter to be transmitted	Word to be used	Letter to be transmitted	Word to be used
1	A	Amsterdam	O	Oslo
2	B	Baltimore	P	Paris
3	C	Casablanca	Q	Quebec
4	D	Danemark	R	Roma
5	E	Edison	S	Santiago
6	F	Florida	T	Tripoli
7	G	Gallipoli	U	Upsala
8	H	Havana	V	Valencia
9	I	Italia	W	Washington
0	J	Jerusalem	X	Xantippe
Comma	K	Kilogramme	Y	Yokohama
Fraction bar	L	Liverpool	Z	Zurich
Separating signal	M	Madagascar		
Period	N	New York		

§3. When the receiving station is certain that it has received the radiotelegram correctly, the repetition provided for in item 4 of §1 shall not be necessary except for a radiotelegram with collation. If repetition is waived, station B shall acknowledge receipt of the radiotelegram transmitted in the following manner:

Hello A, B replies, your radiotelegram well received, over.

## APPENDIX 15

### Procedure to Obtain Radio Direction-Finding Bearings

(See article 32)

*Ante*, p. 1580.

#### I. General Instructions

A. Before calling one or more radio direction-finding stations, the mobile station, in order to request its bearing, must refer to the nomenclature for:

1. The call signals of the stations to be called to obtain the radio direction-finding bearings desired.

2. The wave on which the radio direction-finding stations watch, and the wave or waves on which they take bearings.

3. The radio direction-finding stations which, by means of special wire connections, may be grouped with the radio direction-finding station to be called.

<sup>1</sup> All transmission of figures is begun and ended by the words "in figures" repeated twice.

B. La procédure à suivre par la station mobile dépend de diverses circonstances. D'une façon générale, elle doit tenir compte de ce qui suit:

1° Si les stations radiogoniométriques ne veillent pas sur la même onde, que ce soit l'onde pour l'opération du relèvement ou une autre onde, les relèvements doivent être demandés séparément à chaque station ou groupe de stations utilisant une onde donnée.

2° Si toutes les stations radiogoniométriques intéressées veillent sur une même onde, et si elles sont en mesure de prendre des relèvements sur une onde commune — qui peut être une autre onde que l'onde de veille — il y a lieu de les appeler ensemble, afin que les relèvements soient pris par toutes ces stations à la fois, sur une seule et même émission.

3° Si plusieurs stations radiogoniométriques sont groupées à l'aide de fils spéciaux, une seule d'entre elles doit être appelée, même si toutes sont munies d'appareils émetteurs. Dans ce cas, la station mobile doit cependant, s'il est nécessaire, mentionner dans l'appel, au moyen des indicatifs d'appel, les stations radiogoniométriques dont elle désire obtenir des relèvements.

C. Les indications relatives: *a)* au signal à employer pour obtenir le relèvement; *b)* à la durée des émissions à faire par la station mobile et *c)* à l'heure utilisée par la station radiogoniométrique considérée, sont données dans la nomenclature.

## II. Règles de procédure.

### A. POUR OBTENIR UN RELÈVEMENT.

(1) La station mobile appelle la station radiogoniométrique sur l'onde indiquée dans la nomenclature comme étant son onde de veille. La station appelante transmet l'abréviation QTE? (suivie, si la station radiogoniométrique est une station mobile, par l'abréviation QTH?) et indique, si nécessaire, l'onde qu'elle va employer pour faire prendre son relèvement. Ensuite, la station appelante attend des instructions.

(2) La station radiogoniométrique appelée invite la station appelante à transmettre.

(3) Après avoir, si nécessaire, préparé sa nouvelle onde de transmission, la station appelante répond en transmettant son indicatif d'appel combiné éventuellement avec un autre signal, pendant un temps suffisamment prolongé pour permettre le relèvement.

(4) La station radiogoniométrique détermine la direction et, si possible, le sens du relèvement, et transmet l'information à la station appelante dans l'ordre suivant:

- a)* abréviation QTE;
- b)* relèvement vrai en degrés par rapport à la station radiogoniométrique;
- c)* heure d'observation;
- d)* si la station radiogoniométrique est mobile, sa propre position en latitude et longitude, précédée par l'abréviation QTH.

B. The procedure to be followed by the mobile station depends on varying circumstances. Generally, the following must be taken into account:

1. If the radio direction-finding stations do not listen on the same wave, whether it be the wave on which bearings are taken or another wave, the bearings must be requested separately from each station or group of stations using a given wave.

2. If all the radio direction-finding stations concerned listen on the same wave, and if they are able to take bearings on a common wave—which may be a wave other than the listening-wave—they must all be called together, in order that the bearings may be taken by all these stations at the same time, on one and the same transmission.

3. If several radio direction-finding stations are grouped by means of special wires, only one of them must be called, even if all are furnished with transmitting apparatus. In this case, the mobile station must, however, if it is necessary, specify in the call by means of the call signals, the radio direction-finding stations whose bearings it wishes to obtain.

C. The data concerning: (a) the signal to be used to obtain the bearings, (b) the duration of the transmission to be made by the mobile station, and (c) the time used by the radio direction-finding station in question, shall be given in the nomenclature.

## *II. Rules of Procedure*

### A. TO OBTAIN A BEARING

(1) The mobile station shall call the radio direction-finding station on the wave indicated, in the nomenclature, as being its watching-wave. The station calling shall transmit the abbreviation QTE ? (followed, if the radio direction-finding station is a mobile station, by the abbreviation QTH ?) and indicate, if necessary, the wave it is going to use to have a bearing determined. The station calling shall then await instructions.

(2) The radio direction-finding station called shall direct the calling station to transmit.

(3) After having prepared its new transmitting wave, wherever this is required, the calling station shall reply by sending its call signal sometimes combined with another signal, during a length of time sufficiently prolonged to take the bearing.

(4) The radio direction-finding station shall determine the direction and, if possible, the sense of the bearing, and transmit the information to the calling station in the following order:

- (a) the abbreviation QTE;
- (b) the true bearing in degrees from the radio direction-finding station;
- (c) the time of observation;
- (d) if the radio direction-finding station is a mobile station, its own position in latitude and longitude, preceded by the abbreviation QTH.

Si la station radiogoniométrique n'est pas satisfaite de l'opération, elle demande à la station appelante de répéter l'émission indiquée sous (3).

(5) Dès que la station appelante a reçu le résultat de l'observation, elle répète le message à la station radiogoniométrique, celle-ci confirme ensuite que la répétition est exacte ou, le cas échéant, la rectifie en répétant le message à nouveau. Quand la station radiogoniométrique a la certitude que la station mobile a correctement reçu le message, elle transmet le signal "fin de travail". Ce signal est alors répété par la station appelante pour indiquer que l'opération est terminée.

**B. POUR OBTENIR UNE POSITION DE DEUX OU PLUSIEURS STATIONS RADIOGONIOMÉTRIQUES ORGANISÉES EN GROUPE.**

Si la station appelante désire être informée de sa position par la station de contrôle d'un groupe de stations radiogoniométriques, elle appelle la station de contrôle comme ci-dessus et demande une position en utilisant l'abréviation QTF? <sup>1)</sup>.

La station de contrôle répond à l'appel et, quand les stations radiogoniométriques sont prêtes, invite la station appelante à transmettre; ayant déterminé la position, elle la transmet à la station appelante comme ci-dessus, en utilisant l'abréviation QTF.

**C. POUR OBTENIR DES RELÈVEMENTS SIMULTANÉS DE DEUX STATIONS RADIOGONIOMÉTRIQUES, OU PLUS, ORGANISÉS EN GROUPE.**

Sur une demande de relèvements, la station de contrôle d'un groupe de stations radiogoniométriques procède comme en B ci-dessus, et ensuite transmet les relèvements observés par chaque station du groupe, chaque relèvement étant précédé de l'indicatif d'appel de la station qui l'a pris.

## APPENDICE 16.

### **Règlement intérieur du Comité consultatif international des radiocommunications. (C.C.I.R.)**

(Voir l'article 33 du Règlement).

#### ARTICLE PREMIER.

#### *Administration organisatrice. Définition et rôle.*

On entend par "administration organisatrice", l'administration qui est chargée d'organiser une réunion du C.C.I.R. Son rôle expire cinq mois après la clôture de la réunion qu'elle a organisée.

<sup>1)</sup> Les stations côtières, en règle générale, ne donnent pas de positions.

If the radio direction-finding station is not satisfied with the operation, it shall request the calling station to repeat the transmission indicated under (3).

(5) As soon as the calling station has received the result of the observation, it shall repeat the message to the radio direction-finding station. The latter shall then confirm the accuracy of the repetition or, when necessary, shall correct it by again repeating the message. When the radio direction-finding station is certain that the mobile station has received the message correctly, it shall transmit the signal "end of work". This signal shall then be repeated by the calling station, as an indication that the operation is completed.

**B. TO OBTAIN A POSITION FROM TWO OR MORE DIRECTION-FINDING STATIONS ORGANIZED AS A GROUP**

If the calling station wishes to be informed of its position by the control station of a group of radio direction-finding stations, it shall call the control station as above and request a position, using the abbreviation QTF? <sup>1</sup>

The control station shall reply to the call and, when the radio direction-finding stations are ready, shall direct the calling station to transmit. When it has determined the position, it shall transmit it to the calling station as above, using the abbreviation QTF.

**C. TO OBTAIN SIMULTANEOUS BEARINGS FROM TWO OR MORE RADIO DIRECTION-FINDING STATIONS ORGANIZED AS A GROUP**

Upon receiving a request for bearings, the control station of a group of radio direction-finding stations shall proceed as in B above, and then transmit the bearings observed by each station of the group, each bearing being preceded by the call signal of the station which has taken it.

## APPENDIX 16

### **Internal Regulations of the International Radio Consulting Committee (C.C.I.R.)**

(See article 33)

*Ante*, p. 1577.

#### ARTICLE 1

##### *Organizing Administration. Definition and Functions*

By "organizing administration" shall be meant the administration in charge of organizing a meeting of the C.C.I.R. Its functions shall expire five months after the closing of the meeting it has organized.

<sup>1</sup> Coast stations, as a general rule, shall not give positions.

## ARTICLE 2.

*Invitation à la réunion.*

§ 1. L'administration organisatrice fixe le lieu et la date exacte de la réunion et les fait connaître aux autres administrations par l'intermédiaire du Bureau de l'Union au moins une année d'avance.

§ 2. Six mois au moins avant cette date, l'administration organisatrice adresse, par l'intermédiaire du Bureau de l'Union, l'invitation à cette réunion à toutes les administrations de l'Union internationale des télécommunications et aux organismes internationaux visés au § 2, (2) de l'article 33.

Les administrations communiquent l'invitation aux exploitations privées reconnues par elles et aux autres organismes internationaux dont elles jugent utile la participation à la réunion.

Quatre mois au moins avant la réunion, elles transmettent au Bureau de l'Union, leur réponse, celles des exploitations privées reconnues par leur gouvernement respectif adhérent au Règlement des radiocommunications, ainsi que celles des organismes internationaux visés à l'alinéa précédent.

Les organismes internationaux visés au § 2, (2) de l'article 33 transmettent directement leur réponse au Bureau de l'Union dans le délai fixé.

En ce qui concerne les pays où les services radioélectriques sont assurés par des exploitations privées, ces exploitations privées et les autres organismes internationaux reçoivent l'invitation de l'administration organisatrice, par l'intermédiaire des deux gouvernements respectifs.

§ 3. Sont admis à la réunion:

- a) de droit, les experts des administrations, adhérentes ou non au Règlement des radiocommunications (délégués), des exploitations privées reconnues par les gouvernements respectifs (représentants) et des organismes internationaux (auditeurs) visés au § 2, (2) de l'article 33;
- b) de droit, le directeur du Bureau de l'Union ou son représentant et les représentants des autres comités consultatifs internationaux;
- c) après décision de l'assemblée plénière d'ouverture, les experts des autres organismes internationaux (auditeurs), signalés par les administrations.

§ 4. L'administration organisatrice, cinq mois avant la réunion, fait connaître à toutes les administrations, les commissions dont elle a l'intention de proposer la constitution en s'inspirant de la classification des avis et de la répartition des questions entre ces commissions. Immédiatement avant la date de l'ouverture de la réunion, les chefs de délégations se réunissent pour examiner ce projet.

## ARTICLE 2

*Invitation to the Meeting*

§1. The organizing administration shall set the place and definite date of the meeting and inform the other administrations thereof through the Bureau of the Union at least one year in advance.

§2. At least six months before such date, the organizing administration shall address, through the Bureau of the Union, an invitation for this meeting to all the administrations of the International Telecommunications Union and to all the international organizations cited in §2 (2) of article 33 [No. 773].

*Ante*, p. 1577.

The administrations shall communicate the invitation to private operating enterprises recognized by them and to other international organizations whose participation in the meeting they deem useful.

At least four months before the meeting, they shall forward their reply to the Bureau of the Union, including those of the private operating enterprises recognized by their respective governments adhering to the Radio Regulations, as well as those of the international organizations cited in the preceding paragraph.

The international organizations cited in §2 (2) of article 33 [No. 773] shall transmit their reply directly to the Bureau of the Union in the specified period.

*Ante*, p. 1577.

With respect to the countries in which radio services are performed by private operating enterprises, such private operating enterprises and other international organizations shall receive the invitation of the organizing administration through the intermediary of the two respective governments.

§3. The following shall be admitted to the meeting:

(a) As a matter of right, the experts of administrations adhering or not adhering to the Radio Regulations (delegates), of private operating enterprises recognized by the respective governments (representatives), and of international organizations (observers) cited in §2 (2) of article 33 [No. 773].

*Ante*, p. 1577.

(b) As a matter of right, the Director of the Bureau of the Union or his representative and the representatives of other international consulting committees.

(c) After decision by the opening plenary assembly, the experts of other international organizations (observers) mentioned by the administrations.

§4. The organizing administration, five months before the meeting, shall communicate to all the administrations the list of committees the appointment of which it intends to propose upon the basis of the classification of opinions and the distribution of questions among the committees. Immediately before the date of opening of the meeting, the heads of delegations shall assemble to examine this plan.

## ARTICLE 3.

*Assemblée plénière d'ouverture. Rôle du président de la réunion du C. C. I. R.*

§ 1. L'assemblée plénière d'ouverture est présidée par un représentant de l'administration organisatrice. Cette assemblée constitue les commissions nécessaires et répartit entre elles, par catégories, les questions à traiter. Elle désigne le président et le ou les vice-présidents de la réunion du C. C. I. R., le président, le ou les vice-présidents et le ou les rapporteurs de chaque commission, et elle décide aussi sur l'admission des organismes internationaux dont il est question au § 3, c) de l'article précédent.

§ 2. Le président de la réunion du C. C. I. R. dirige les assemblées plénières; il a, en outre, la direction générale des travaux de la réunion. Les vice-présidents prêtent assistance au président et le remplacent en cas d'absence.

## ARTICLE 4.

*Secrétariat.*

Le secrétariat de la réunion du C. C. I. R. est assuré par le Bureau de l'Union.

## ARTICLE 5.

*Procès-verbaux des assemblées plénières.*

En principe, les procès-verbaux des assemblées plénières ne reproduisent les exposés des délégués que dans leurs points principaux. Cependant, chaque délégué a le droit de demander l'insertion analytique ou in extenso au procès-verbal de toute déclaration qu'il a faite, à condition qu'il en fournisse le texte au plus tard dans les deux heures qui suivent la fin de la séance.

## ARTICLE 6.

*Langues et mode de votation aux assemblées plénières.*

§ 1. Les langues employées dans les assemblées plénières sont celles indiquées à l'article 21 de la Convention.

§ 2. Dans les assemblées plénières, seules ont voix délibératives les délégations des administrations qui contribuent aux dépenses du service des radiocommunications du Bureau de l'Union et qui ont eu ce droit dans la dernière conférence de plénipotentiaires ou administrative.\*

\* Un Etat souverain qui n'était pas adhérent au Règlement général des radiocommunications et qui a adhéré dans l'intervalle de deux conférences de plénipotentiaires ou administrative, pourra avoir voix délibérative, en tenant compte des principes concernant le droit de vote, établis par la Conférence du Caire.

## ARTICLE 3

*Opening Plenary Assembly. Duties of the President of the C. C. I. R. Meeting*

§1. A representative of the organizing administration shall preside over the opening plenary assembly. This assembly shall organize the necessary committees and distribute among them, by categories, the questions to be treated. It shall designate the president and the vice president or vice presidents of the meeting of the C. C. I. R., the chairman and the vice chairman or vice chairmen, and the reporter or reporters of each committee, and it shall also decide upon the admission of the international organizations mentioned in §3 (c) of the foregoing article.

§2. The president of the meeting of the C. C. I. R. shall conduct the plenary assemblies; moreover, he shall have general supervision over the work of the meeting. The vice presidents shall assist the president and replace him in case of absence.

## ARTICLE 4

*Secretariat*

The secretariat for the meeting of the C. C. I. R. shall be provided by the Bureau of the Union.

## ARTICLE 5

*Minutes of Plenary Assemblies*

In principle, the minutes of the plenary assemblies shall give only the main points of the delegates' statements. However, each delegate shall have the right to request the summary or verbatim insertion in the minutes of any statement he shall have made, provided he shall supply the text thereof not later than two hours after the end of the meeting.

## ARTICLE 6

*Languages and Method of Voting in Plenary Assemblies*

§1. The languages used in the plenary assemblies shall be those indicated in article 21 of the Convention.

§2. In plenary assemblies, only the delegations of those administrations which contribute to the expenses of the radio service of the Bureau of the Union and which were entitled to vote at the last plenipotentiary or administrative conference,\* shall have the right to vote.

\*A sovereign state which, not having adhered to the General Radio Regulations, adheres during the interval between two plenipotentiary or administrative conferences, may have the right to vote in conformity with the principles concerning the right to vote established by the Cairo Conference.

Toutes les autres administrations, exploitations privées et organismes internationaux visés au §2, (2) de l'article 33, le directeur du Bureau de l'Union et les représentants des autres comités consultatifs ont seulement voix consultative. Toutefois, lorsqu'un pays n'est pas représenté par une administration ayant voix délibérative, les représentants des exploitations privées de ce pays disposent, pour leur ensemble et quel que soit leur nombre, d'une seule voix délibérative.

Pour les autres organismes internationaux, les dispositions du § 3, c) de l'article 2 sont appliquées.

§ 3. Une délégation qui serait empêchée, pour une cause grave, d'assister à des séances, a la faculté de charger de sa ou de ses voix une autre délégation. Toutefois, une même délégation ne peut disposer dans ces conditions des voix de plus de deux délégations, y compris la sienne ou les siennes.

§ 4. Aucune proposition n'est adoptée si elle ne réunit la majorité absolue des suffrages exprimés; en cas d'égalité de voix elle est écartée.

§ 5. Les votations ont lieu soit à mains levées, soit, sur demande d'une délégation, par appel nominal, dans l'ordre alphabétique des noms français des pays participants. Dans le premier cas, les procès-verbaux indiquent le nombre des délégations qui ont voté pour et le nombre de celles qui ont voté contre la proposition; dans le dernier cas, ils indiquent les délégations qui ont voté pour et celles qui ont voté contre la proposition.

#### ARTICLE 7.

##### *Fonctionnement des commissions, sous-commissions et sous-sous-commissions.*

§ 1. Les commissions instituées par l'assemblée plénière peuvent se subdiviser en sous-commissions, et les sous-commissions en sous-sous-commissions.

§ 2. Les présidents des commissions proposent à la ratification de leurs commissions respectives le choix du président et du ou des rapporteurs de chaque sous-commission et sous-sous-commission.

§ 3. Les présidents peuvent inviter des experts de l'industrie privée à participer à certaines séances des commissions, s'il apparaît que leur collaboration peut être utile.

§ 4. Les avis émis par les commissions doivent porter l'une des formules "à l'unanimité" ou "à la majorité", selon qu'ils ont été adoptés à l'unanimité ou à la majorité des votants.

§ 5. Les dispositions des articles 5 et 6 sont applicables aux travaux des commissions, sous-commissions et sous-sous-commissions. Toutefois, seules les délégations et les représentations répondant aux conditions fixées au § 2 de l'article 6 et désignées pour faire partie de ces commissions, sous-commissions et sous-sous-commissions ont voix délibérative.

All the other administrations, private operating enterprises, and international organizations contemplated in §2 (2) of article 33 [No. 773], the Director of the Bureau of the Union and representatives of other consulting committees shall attend only in an advisory capacity. However, when a country is not represented by an administration possessing the right to vote, the representatives of the private operating enterprises of such country, as a whole and regardless of their number, shall be entitled to not more than one vote.

*Ante*, p. 1577.

With regard to other international organizations, the provisions of §3 (c) of article 2 shall be applied.

§3. Any delegation which might, for serious reasons, be prevented from attending meetings, shall have the right to entrust its vote or votes to another delegation. However, a single delegation may not, under these circumstances, use the votes of more than two delegations, including its own vote or votes.

§4. No proposal shall be adopted if it is not supported by an absolute majority of the votes cast; in case of a tie, it shall be rejected.

§5. Voting shall be conducted either by raising the hands, or, at the request of a delegation, by roll call in the alphabetical order of the French names of the participating countries. In the former case, the minutes shall indicate the number of delegations that voted for and the number that voted against the proposal; in the latter case, they shall indicate the delegations that voted for and those that voted against the proposal.

#### ARTICLE 7

##### *Functioning of Committees, Subcommittees, and Sub-subcommittees*

§1. The committees created by the plenary assembly may be divided into subcommittees, and the subcommittees into sub-subcommittees.

§2. The chairmen of the committees shall propose, for ratification by their respective committees, the selection of the chairman and one or more reporters for each subcommittee and sub-subcommittee.

§3. The chairmen may invite experts from private industry to participate in certain meetings of the committees, if it appears that their collaboration may be useful.

§4. The opinions expressed by the committees must be marked "unanimously" or "by a majority", according to whether they were adopted unanimously or by a majority of those voting.

§5. The provisions of articles 5 and 6 shall be applicable to the work of the committees, subcommittees, and sub-subcommittees. However, only the delegations and representatives meeting the requirements of §2 of article 6 and designated as members of such committees, subcommittees, and sub-subcommittees shall have the right to vote.

## ARTICLE 8.

*Publication des documents.*

Le Bureau de l'Union prend part aux divers travaux du C. C. I. R. en vue de la centralisation et de la publication des avis et d'une documentation générale à l'usage des administrations.

## ARTICLE 9.

*Assemblée plénière de clôture.*

§ 1. A l'assemblée plénière de clôture, le président communique la liste des avis, la liste des questions restant à résoudre et la liste des questions nouvelles soumises par les commissions.

§ 2. Le président constate, le cas échéant, l'adoption définitive des avis exprimés. S'il y a lieu à votation, les formules "à l'unanimité" ou "à la majorité" s'appliquent à cette votation.

§ 3. L'assemblée plénière établit ensuite la liste des questions non résolues et des questions nouvelles, dont l'étude doit être effectuée; elle procède à la constitution de "Groupes d'administrations", chargées d'étudier les questions susdites entre les réunions et de préparer les avis à soumettre au C. C. I. R.

Pour chaque groupe d'administrations, l'assemblée désigne l'administration centralisatrice et les administrations, exploitations privées et organismes internationaux collaborateurs.

§ 4. A la même assemblée plénière, le C. C. I. R., sur l'offre ou avec le consentement de la délégation intéressée, désigne l'administration qui organisera la réunion suivante et la date approximative de cette réunion.

## ARTICLE 10.

*Répartition et payement des frais*

Les frais qui se rapportent à une réunion du C.C.I.R. sont répartis entre les administrations, exploitations privées et organismes internationaux participants. Pour la répartition des frais, les participants sont divisés en quatre classes, contribuant chacun dans la proportion d'un certain nombre d'unités, savoir:

- 1re classe: 25 unités,
- 2e classe: 20 unités,
- 3e classe: 15 unités,
- 4e classe: 10 unités.

Les trois premières classes comprennent les administrations dont les gouvernements sont rangés dans les trois premières classes prévues à l'article 17 de la Convention.

## ARTICLE 8

*Publication of Documents*

The Bureau of the Union shall take part in the various tasks of the C. C. I. R. for the purpose of centralization and publication of opinions and a general documentation for the use of the administrations.

## ARTICLE 9

*Closing Plenary Assembly*

§1. At the closing plenary assembly, the president shall communicate the list of opinions, the list of questions still to be solved, and the list of new questions submitted by the committees.

§2. The president shall place on record the final adoption of the opinions expressed, if any. If there is occasion for voting, the expressions "unanimously" or "by a majority" shall apply to this vote.

§3. The plenary assembly shall then establish the list of unsolved questions and new questions of which a study is to be made; it shall proceed to the organization of "groups of administrations" charged with studying the above-mentioned questions between meetings and with preparing opinions to be submitted to the C. C. I. R.

For each group of administrations, the assembly shall designate the centralizing administration, and the collaborating administrations, private operating enterprises, and international organizations.

§4. During the same plenary assembly, the C. C. I. R., upon the offer or with the consent of the delegation concerned, shall designate the administration that is to organize the next meeting, together with the approximate date of such meeting.

## ARTICLE 10

*Distribution and Payment of Expenses*

The expenses relating to a C. C. I. R. meeting shall be apportioned among the participating administrations, private operating enterprises, and international organizations. To apportion such expenses, the participants shall be divided into four classes, each contributing according to a certain number of units, to wit:

- 1st class: 25 units
- 2d class: 20 units
- 3d class: 15 units
- 4th class: 10 units

The first three classes shall include the administrations whose governments are in the first three classes provided for in article 17 of the Convention.

La 4<sup>e</sup> classe comprend les administrations dont les gouvernements sont rangés dans les trois dernières classes de l'article 17 de la Convention, et, en outre, les exploitations privées et organismes internationaux participants.

Les quotes-parts doivent être payées selon les dispositions de l'article 17, § 3 (5) de la Convention.

#### ARTICLE 11.

##### *Répartition et traitement des affaires.*

§ 1. Après la clôture d'une réunion, toutes les questions nouvelles, que les administrations, les exploitations privées et les organismes internationaux désirent soumettre au comité, sont adressées au Bureau de l'Union, accompagnées d'un exposé destiné à préciser la portée de chaque question.

Toutefois, une question nouvelle ne sera mise à l'étude que si la demande est appuyée par au moins cinq administrations participantes.

§ 2. Lorsqu'une question nouvelle rentre dans les attributions d'un groupe d'administrations existant, le Bureau de l'Union s'adresse à l'administration centralisatrice dudit groupe pour connaître s'il accepte d'étudier cette nouvelle question. En cas de refus, le Bureau de l'Union procède selon les prescriptions des §§ 3 et 4.

§ 3. Dans les autres cas, le Bureau de l'Union consulte, par correspondance, tous les groupes d'administrations sur l'attribution de la question nouvelle, à un groupe d'administrations existant ou, éventuellement, sur la constitution d'un nouveau groupe d'administrations, qui serait chargé de cette question et sur le choix de l'administration qui serait priée d'être l'administration centralisatrice.

§ 4. Dans le cas où les groupes d'administrations seraient d'accord pour la constitution d'un nouveau groupe d'administrations, ils doivent indiquer les administrations qui pourraient en faire partie et celle qui pourrait être invitée à être administration centralisatrice. Le Bureau de l'Union communique cette opinion aux administrations intéressées en vue de la constitution de ce groupe d'administrations.

Si l'opinion des groupes d'administrations n'est pas unanime, le Bureau de l'Union procédera suivant l'opinion de la majorité.

#### ARTICLE 12.

##### *Préparation d'une réunion.*

§ 1. Tous les documents afférents à une réunion sont imprimés et distribués par le Bureau de l'Union.

§ 2. (1) Lorsque l'étude d'une question a été confiée à un "groupe d'administrations", il appartient à l'administration centralisatrice de faire le nécessaire pour procéder à l'étude de la question. A cet effet,

The fourth class shall include the administrations whose governments are in the last three classes of article 17 of the Convention, and, in addition, the participating private operating enterprises and international organizations.

49 Stat. 2405.

The dues must be paid in accordance with the provisions of article 17, §3 (5), of the Convention.

## ARTICLE 11

### *Distribution and Handling of Business*

§1. After the closing of a meeting, all the new questions which the administrations, private operating enterprises, and international organizations wish to submit to the committee shall be sent to the Bureau of the Union, accompanied by a statement specifying the scope of each question.

However, a new question will only be admitted for study if the request is supported by at least five participating administrations.

§2. When a new question enters into the assignment of an existing group of administrations, the Bureau of the Union shall consult the centralizing administration of the said group in order to ascertain whether it agrees to study this new question. In case of refusal, the Bureau of the Union shall proceed in accordance with the provisions of §§3 and 4.

§3. In other cases, the Bureau of the Union shall consult, through correspondence, all groups of administrations with regard to the assignment of the new question to an existing group of administrations, or, possibly, with regard to the institution of a new group of administrations, which will be charged with this question and with regard to the selection of the administration which will be requested to be the centralizing administration.

§4. In case the groups of administrations agree in reference to the institution of a new group of administrations, they must indicate the administrations which might participate and the one which will be invited to be the centralizing administration. The Bureau of the Union shall communicate this opinion to the administrations concerned for the purpose of instituting this group of administrations.

If the opinion of the groups of administrations is not unanimous, the Bureau of the Union shall proceed in accordance with the opinion of the majority.

## ARTICLE 12

### *Preparation for a Meeting*

§1. All documents pertaining to a meeting shall be printed and distributed by the Bureau of the Union.

§2. (1) When the study of a question has been entrusted to a "group of administrations," it shall devolve upon the centralizing administration to take the necessary steps to proceed to the study

l'administration centralisatrice assume la direction des travaux et a compétence pour convoquer les administrations, exploitations privées et organismes internationaux collaborateurs. Ces réunions n'auront lieu que si la majorité des administrations collaboratrices sont d'accord.

(2) Les questions doivent, dans la mesure du possible, être résolues par correspondance; l'administration centralisatrice peut, à cet effet, correspondre directement par écrit avec les administrations, exploitations privées et organismes internationaux collaborateurs. Mais, si la solution complète d'une question ne peut pas être obtenue par cette voie, l'administration centralisatrice a le droit de proposer des réunions à des endroits convenables, afin de pouvoir discuter verbalement la question à l'étude.

(3) Les groupes d'administrations peuvent inviter des experts de l'industrie privée à participer à certaines de leurs études et discussions, s'il apparaît que leur collaboration peut être utile.

§ 3. L'administration centralisatrice doit faire parvenir son rapport général au Bureau de l'Union au plus tard cinq mois avant la date de la réunion du C.C.I.R.

§ 4. Les administrations, exploitations privées et organismes internationaux qui, après la clôture d'une réunion, désirent collaborer à l'étude d'une question, doivent adresser leur demande à l'administration centralisatrice compétente. Celle-ci en informe toutes les administrations, par l'entremise du Bureau de l'Union.

#### ARTICLE 13.

##### *Représentation du C.C.I.R. dans les réunions d'autres organismes internationaux.*

§ 1. Si d'autres organismes internationaux désirent que le C.C.I.R. participe à leurs réunions, ils doivent adresser leur demande au Bureau de l'Union.

§ 2. Le Bureau de l'Union consulte, par correspondance, toutes les administrations participantes sur la suite à donner à l'invitation. Les frais de la représentation sont à la charge des administrations dont dépendent les experts chargés de représenter le C.C.I.R.

§ 3. En tout cas, le Bureau de l'Union communique aux organismes internationaux intéressés les décisions prises sur leur demande et en informe les adhérents au C.C.I.R.

of the question. To this end, the centralizing administration shall assume the direction of the work and have the authority to call together the collaborating administrations, private operating enterprises, and international organizations. These meetings shall take place only if the majority of the collaborating administrations agree.

(2) The questions must, so far as possible, be solved through correspondence; for this purpose, the centralizing administration may correspond directly, in writing, with the collaborating administrations, private operating enterprises, and international organizations. However, if the complete solution of a question cannot be obtained by such means, the centralizing administration shall have the right to propose meetings at suitable places in order that the question under study may be discussed verbally.

(3) The groups of administrations may invite experts from private industry to participate in certain of their studies and discussions if it appears that their collaboration may be useful.

§3. The centralizing administration must send its general report to the Bureau of the Union not later than five months before the date of the C. C. I. R. meeting.

§4. The administrations, private operating enterprises, and international organizations which, after the closing of a meeting, desire to collaborate in the study of a question, must address their request to the competent centralizing administration. The latter shall inform all the administrations thereof through the Bureau of the Union.

#### ARTICLE 13

##### *Representation of the C. C. I. R. in the Meetings of Other International Organizations*

§1. If other international organizations wish to have the C. C. I. R. participate in their meetings, they must address their requests to the Bureau of the Union.

§2. The Bureau of the Union shall consult all the participating administrations, by correspondence, as to the action to be taken on the invitation. The costs of the representation shall be borne by the administrations to which the experts charged with representing the C. C. I. R. are subject.

§3. In any case, the Bureau of the Union shall communicate to the international organizations concerned the decisions rendered on their requests and shall inform the members of the C. C. I. R. thereof.

**Protocole final**  
**au Règlement général des radiocommunications**

(Revision du Caire, 1938)

**ANNEXÉ À LA CONVENTION INTERNATIONALE**  
**DES TÉLÉCOMMUNICATIONS**

(Madrid, 1932).

Au moment de procéder à la signature du Règlement général des radiocommunications annexé à la Convention internationale des télécommunications, les délégués soussignés prennent acte des déclarations suivantes:

1.

La délégation de l'Allemagne déclare formellement que l'Allemagne se réserve le droit de maintenir l'usage des ondes de 105 kc/s (2 857 m) et 117,5 kc/s (2 553 m) pour quelques services de presse spéciaux faits par radiotéléphonie.

2.

La République de Colombie, vu les conditions défavorables dans sa région, n'accepte pas la limitation fixée dans la bande de 4 770 à 4 900 kc/s (62,89 à 61,22 m) pour la radiodiffusion tropicale, et emploiera les fréquences comprises dans cette bande, en respectant les droits acquis par les services déjà existants pourvu qu'ils aient été préalablement enregistrés au Bureau de l'Union internationale des télécommunications, à Berne.

3.

Les Colonies françaises se réservent le droit de continuer à utiliser dans la bande de 9 600 à 9 700 kc/s (31,25 à 30,93 m) les fréquences qu'elles utilisent actuellement, à moins qu'elles ne puissent obtenir des fréquences équivalentes dans les bandes autorisées pour les services fixes.

4.

L'Administration espagnole se réserve le droit de continuer à utiliser pour la radiodiffusion sur ondes courtes certaines fréquences [9 490 kc/s (31,61 m), 9 860 kc/s (30,43 m), 10 365 kc/s (28,94 m)] situées dans les bandes des services fixes, jusqu'au moment où il lui sera possible d'obtenir des fréquences équivalentes dans les bandes autorisées.

5.

Les Etats-Unis d'Amérique se réservent la faculté d'utiliser la bande de 21 650 à 21 750 kc/s (13,86 à 13,79 m) pour les services mobiles aussi bien que pour le service de radiodiffusion.

[Translation]<sup>1</sup>

## Final Protocol to the General Radio Regulations

(Cairo Revision, 1938)

### ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

49 Stat. 2393.

(Madrid, 1932)

At the time of signing the General Radio Regulations annexed to the International Telecommunication Convention, the undersigned delegates take note of the following statements:

Reservations.

## 1

The delegation of Germany states formally that Germany reserves the right to continue using the waves of 105 kc (2,857 m) and 117.5 kc (2,553 m) for some special press services carried on by radio-telephony.

Germany.

## 2

The republic of Colombia, considering the unfavorable conditions in its region, does not accept the limitation fixed in the band of 4,770 to 4,900 kc (62.89 to 61.22 m) for tropical broadcasting, and will use the frequencies included in this band, while respecting the rights acquired by the already existing services provided they are previously registered with the Bureau of the International Telecommunications Union at Bern.

Colombia.

## 3

The French Colonies reserve the right to continue using, in the band of 9,600 to 9,700 kc (31.25 to 30.93 m), the frequencies they now use, unless they can obtain equivalent frequencies in the bands authorized for fixed services.

French Colonies.

## 4

The Spanish administration reserves the right to continue using, for short-wave broadcasting, certain frequencies [9,490 kc (31.61 m), 9,860 kc (30.43 m), 10,365 kc (28.94 m)] located in the fixed service bands until it can obtain equivalent frequencies in the authorized bands.

Spanish administration.

## 5

The United States of America reserves the option of using the band of 21,650 to 21,750 kc (13.86 to 13.79 m) for mobile services as well as for the broadcasting service.

United States of America.

<sup>1</sup>[The original proclamation does not include the translation.]

## 6.

La Finlande se réserve le droit de continuer à utiliser la bande de 2 835 à 2 860 kc/s (105,8 à 104,9 m) pour ses services mobiles maritimes tant qu'un nouvel accord régional ne lui aura pas donné la possibilité de faire autrement.

## 7.

La France se réserve le droit de continuer à utiliser dans la bande de 9 600 à 9 700 kc/s (31,25 à 30,93 m) les fréquences qu'elle utilise actuellement, à moins qu'elle ne puisse obtenir des fréquences équivalentes dans les bandes autorisées pour les services fixes.

## 8.

Le Gouvernement de la Hongrie se réserve le droit d'utiliser, dans la bande de fréquences de 515 à 550 kc/s (583 à 545 m) tel service, dans les limites du Règlement général des radiocommunications, qu'il jugera nécessaire pour protéger les intérêts nationaux de la Hongrie.

## 9.

Le Gouvernement de la Pologne se réserve, dans les limites du Règlement général des radiocommunications, le droit d'utiliser dans la bande de fréquences de 515 à 550 kc/s (583 à 545 m) tel service qu'elle jugera nécessaire pour protéger les intérêts nationaux de la Pologne.

## 10.

L'Administration portugaise déclare formellement que dans le cas où elle constaterait l'impossibilité de faire ses services de radiodiffusion pour les territoires portugais d'outre-mer dans les bandes allouées à la radiodiffusion sur ondes courtes, en raison de leur insuffisance, se réserve le droit d'employer une fréquence voisine à toute bande où il ne lui sera pas possible de travailler. La ou les fréquences à employer dans ce cas exceptionnel seront choisies de façon à ne pas brouiller les services existants.

## 11.

Les délégués de la Suède déclarent formellement que leur administration se réserve le droit d'utiliser la fréquence de 8 525 kc/s (35,19 m) pour son service maritime jusqu'à ce qu'il soit possible d'obtenir une fréquence équivalente pour la remplacer.

## 12.

L'Administration suisse se réserve le droit de continuer à utiliser la fréquence de 401 kc/s (748 m) pour les émissions de radiodiffusion de la station de Genève, à moins qu'une autre fréquence équivalente au point de vue de la propagation ne lui soit attribuée par la prochaine conférence européenne. Elle est prête, d'ailleurs, à rechercher un arrangement spécial avec le service des radiophares de son pays.

## 6

Finland reserves the right to continue using the band of 2,835 to 2,860 kc (105.8 to 104.9 m) for its maritime mobile services until a new regional agreement permits it to do otherwise.

Finland.

## 7

France reserves the right to continue using, in the band of 9,600 to 9,700 kc (31.25 to 30.93 m), the frequencies it now uses, unless it can obtain equivalent frequencies in the bands authorized for fixed services.

France.

## 8

The Government of Hungary reserves the right to use, in the band of frequencies from 515 to 550 kc (583 to 545 m), such service as it shall deem necessary to protect the national interests of Hungary, within the limits of the General Radio Regulations.

Hungary.

## 9

The Government of Poland reserves the right, within the limits of the General Radio Regulations, to use such service within the bands of frequencies from 515 to 550 kc (583 to 545 m) as it may deem necessary in order to protect the national interests of Poland.

Poland.

## 10

The Portuguese administration states formally that in the event that it is convinced of the impossibility of carrying on its broadcasting services for the overseas Portuguese territories in the bands allocated to short-wave broadcasting, because of the insufficiency of such bands, it reserves the right to use a frequency adjacent to any band in which it would not be possible for it to operate. The frequency or frequencies to be used in this exceptional case will be so selected as not to interfere with existing services.

Portuguese admin-  
istration.

## 11

The delegates from Sweden formally state that their administration reserves the right to use the frequency of 8,525 kc (35.19 m) for its maritime service until it is possible to obtain an equivalent frequency to replace it.

Sweden.

## 12

The Swiss administration reserves the right to continue using the frequency of 401 kc (748 m) for broadcasting transmissions of the Geneva station, unless another frequency, equivalent from the standpoint of propagation, is allocated to it by the next European conference. Moreover, it is ready to seek a special arrangement with the radiobeacon service of its country.

Swiss administra-  
tion.

## 13.

La délégation des Etats-Unis de Vénézuéla déclare que son gouvernement se réserve le droit d'employer ses émetteurs radiotéléphoniques qui travaillent actuellement sur les fréquences de:

8 173 kc/s et 5 220 kc/s	(36,70 et 57,47 m)	émetteur YVA
7 920 kc/s et 5 215 kc/s	(37,88 et 57,53 m)	émetteur YVB
7 842 kc/s et 5 035 kc/s	(38,26 et 59,58 m)	émetteur YVO
13 345 kc/s et 6 672 kc/s	(22,48 et 44,96 m)	émetteur YVQ
18 295 kc/s et 9 147 kc/s	(16,40 et 32,80 m)	émetteur YVR

pour effectuer de la radiodiffusion toutes les fois qu'il le jugera nécessaire.

Aussi fait-elle savoir qu'elle n'accepte pas les limitations spécifiées dans les bandes réservées à la radiodiffusion tropicale [fréquences entre 2 000 et 3 500 kc/s (150 et 85,71 m) et fréquences entre 3 500 et 5 200 kc/s (85,71 et 57,69 m)]. Elle n'accepte pas non plus la limitation de puissance fixée.

En conséquence, l'Administration de Vénézuéla fera tous les efforts possibles pour accomplir la distribution ordonnée par le tableau du RG, mais si elle se trouvait devant quelque situation limitant ou portant préjudice à ses services, l'administration prendra toutes les mesures nécessaires pour les protéger, tout en respectant la priorité des services établis dans les autres pays et qui sont déjà enregistrés au Bureau de l'Union internationale des télécommunications à Berne.

## 14.

La délégation de l'Union des Républiques Soviétistes Socialistes déclare formellement que son administration se réserve le droit d'utiliser sur son territoire les bandes de fréquences suivantes:

*I. Pour la radiodiffusion.*

De 150 à 160 kc/s . . . sur le territoire de l'U.R.S.S. se trouvant à l'Est du méridien 40° Est.

De 265 à 285 kc/s et de 340 à 415 kc/s . . . sur le territoire de l'U.R.S.S. se trouvant à l'Est du méridien 40° Est, en maintenant sur le territoire de la partie européenne de l'U.R.S.S. les stations de radiodiffusion déjà existantes. L'utilisation de la bande de 340 à 415 kc/s pour la radiodiffusion est considérée par l'Administration de l'U.R.S.S. comme secondaire complétant l'attribution fondamentale de cette bande prévue par le Règlement général aux services aéronautiques sur tout le territoire de l'U.R.S.S.

De 5 100 à 5 200 kc/s . . . sur le territoire de l'U.R.S.S. se trouvant à l'Est du méridien 40° Est.

De 15 350 à 15 450 kc/s . . . sur tout le territoire de l'U.R.S.S.

## 13

The delegation from the United States of Venezuela states that its Government reserves the right to use radiotelephone transmitters, now working on the frequencies of:

United States of  
Venezuela.

8,173 kc and 5,220 kc (36.70 and 57.47 m) transmitter YVA  
7,920 kc and 5,215 kc (37.88 and 57.53 m) transmitter YVB  
7,842 kc and 5,035 kc (38.26 and 59.58 m) transmitter YVO  
13,345 kc and 6,672 kc (22.48 and 44.96 m) transmitter YVQ  
18,295 kc and 9,147 kc (16.40 and 32.80 m) transmitter YVR

to carry on broadcasting any time it deems necessary.

It also announces that it does not accept the limitations specified in the bands reserved for tropical broadcasting [frequencies between 2,000 and 3,500 kc (150 and 85.71 m) and frequencies between 3,500 and 5,200 kc (85.71 and 57.69 m)]. It also does not accept the limitation of determined power.

Consequently, the administration of Venezuela will make every possible effort to achieve the allocation ordered by the RG table, but should it find itself in a situation limiting or causing prejudice to its services, the administration will take all the necessary steps to protect the latter, while respecting the priority of the services established in other countries, and already registered with the Bureau of the International Telecommunications Union at Bern.

## 14

The delegation from the Union of Soviet Socialist Republics states formally that its administration reserves the right to use on its territory the following frequency bands:

Union of Soviet  
Socialist Republics.

*I. For Broadcasting*

From 150 to 160 kc [2,000 to 1,875 m]	over the territory of the U.S.S.R. lying east of the meridian 40° E.
From 265 to 285 kc [1,132 to 1,053 m] and from 340 to 415 kc [882 to 723 m]	over the territory of the U.S.S.R. lying east of meridian 40° E., retaining on territory of the European part of the U.S.S.R. the already-existing broadcasting stations. The use of the band 340 to 415 kc (882 to 723 m) for broadcasting is considered by the administration of the U.S.S.R. as secondary, supplementing the fundamental allocation of this band provided by the General Regulations for the aeronautical services over the entire territory of the U.S.S.R.
From 5,100 to 5,200 kc [58.82 to 57.69 m]	over the territory of the U. S. S. R. lying east of meridian 40° E.
From 15,350 to 15,450 kc [19.54 to 19.42 m]	over the entire territory of the U. S. S. R.

*II. Pour les services aéronautiques sur tout le territoire de l'U.R.S.S.*

De 6 600 à 6 675 kc/s

De 8 430 à 8 480 kc/s

De 11 200 à 11 300 kc/s

De 12 630 à 12 770 kc/s

De 17 120 à 17 250 kc/s

De 23 100 à 23 200 kc/s

15.

La délégation de la Lithuanie déclare formellement que son administration se réserve le droit de maintenir la fréquence de travail de sa station nationale de radiodiffusion dans la bande de 150 à 160 kc/s (2 000 à 1 875 m), jusqu'à ce qu'il soit possible de trouver une autre fréquence appropriée pour sa station.

16.

La délégation de la Grande-Bretagne, vu la déclaration de la délégation de la Lithuanie, déclare formellement que, dans l'éventualité d'une augmentation de la puissance ou d'un changement de la fréquence de la station de radiodiffusion de Kaunas, qui aurait pour résultat d'augmenter l'interférence déjà causée par cette station aux services mobiles maritimes de la Grande-Bretagne qui travaillent dans la bande mobile de 150 à 160 kc/s, l'Administration de la Grande-Bretagne se réserve le droit de protéger ses services maritimes par l'augmentation de la puissance de ses émetteurs ou le changement des fréquences employées par ces services dans cette bande. La délégation de la Grande-Bretagne déclare que la responsabilité pour toute interférence qui, comme conséquence de l'application de la présente réserve, serait causée dans les services de radiodiffusion fonctionnant dans la bande de 150 à 160 kc/s incomberait à l'administration lithuanienne.

17.

Comme suite à la réserve de la délégation de la Lithuanie, la délégation roumaine déclare formellement que l'Administration roumaine prendra toutes les mesures nécessaires pour défendre son service de radiodiffusion contre les brouillages qui en résulteraient.

18.

Dans le cas où, par des mesures résultant d'une des déclarations quelconques formulées ci-dessus, les services radioélectriques des pays parties au Règlement général des radiocommunications seraient gênés, ces pays se réservent le droit, sans porter préjudice aux tiers, de prendre toutes les mesures susceptibles d'assurer le bon fonctionnement de leurs services de toute nature. En particulier, ces pays se réservent le droit de ne pas attendre le délai prévu à l'article 16, § 1, (6) du Règlement général des radiocommunications pour la notification des fréquences.

En foi de quoi, les délégués ci-dessous ont dressé le présent Protocole et ils l'ont signé en un exemplaire qui restera déposé aux archives du Gouvernement de l'Égypte, lequel en remettra une copie certifiée conforme à chaque gouvernement contractant.

*II. For the Aeronautical Services Over the Entire Territory of the U. S. S. R.*

From 6,600 to 6,675 kc	[45.45 to 44.94 m]
From 8,430 to 8,480 kc	[35.59 to 35.38 m]
From 11,200 to 11,300 kc	[26.79 to 26.55 m]
From 12,630 to 12,770 kc	[23.75 to 23.49 m]
From 17,120 to 17,250 kc	[17.52 to 17.39 m]
From 23,100 to 23,200 kc	[12.99 to 12.93 m]

15

The delegation from Lithuania formally states that its administration reserves the right to maintain the working frequency of its national broadcasting station in the band from 150 to 160 kc (2,000 to 1,875 m), until it is possible to find another appropriate frequency for its station.

Lithuania.

16

The delegation of Great Britain, in view of the statement by the delegation from Lithuania, formally declares that in the event of an increase in the power or a change in the frequency of the Kaunas broadcasting station—which would have as a result an increase in the interference already caused by this station to the maritime mobile services of Great Britain working in the mobile band of 150 to 160 kc—the administration of Great Britain reserves the right to protect its maritime services by an increase in the power of its transmitters or a change in the frequencies used by these services within this band. The delegation of Great Britain declares that the responsibility for any interference which may be caused in the broadcasting services operating in the band of 130 to 160 kc as a result of the application of this reservation shall devolve upon the Lithuanian administration.

Great Britain.

17

As a result of the reservation by the Lithuanian delegation, the Rumanian delegation formally declares that the Rumanian administration will take all necessary steps to protect its broadcasting service from the interference which may result therefrom.

Rumania.

18

In the event that, through steps resulting from any one of the statements given above, interference occurs with the radio services of countries parties to the General Radio Regulations, these countries reserve the right, without prejudice to third parties, to take any measures which might assure the good operation of their services of any kind. In particular, these countries reserve the right not to await the period provided for in article 16, §1 (6) [Nos. 345 and 346] of the General Radio Regulations for the notification of frequencies.

Right reserved  
where interference  
occurs.

*Ante*, p. 1503.

In witness whereof the delegates listed below have drawn up this protocol and have signed it in one copy which shall remain deposited in the archives of the Egyptian Government, which will forward one certified copy of the same to each contracting government.

	Fait au Caire, le 8 avril 1938.	Done at Cairo, April 8, 1938.
Signatures.	Pour l'Union de l'Afrique du Sud, et le territoire, sous mandat, de l'Afrique du Sud-Ouest:	For the Union of South Africa and the mandated territory of Southwest Africa:
	H. J. LENTON. A. R. McLACHLAN.	H. J. LENTON. A. R. McLACHLAN.
	Pour l'Afrique orientale italienne:	For Italian East Africa:
	GNEME GIUSEPPE. LUIGI NARDI.	GNEME GIUSEPPE. LUIGI NARDI.
	Pour l'Allemagne:	For Germany:
	DR. PAUL JÄGER. PAUL MÜNCH. MARTIN FEUERHAHN. DR. ALFRED CZIBULINSKI.	DR. PAUL JAGER. PAUL MÜNCH. MARTIN FEUERHAHN. DR. ALFRED CZIBULINSKI.
	Pour la République Argentine:	For the Republic of Argentina:
	A. T. COSENTINO.	A. T. COSENTINO.
	Pour la Fédération Australienne:	For the Commonwealth of Aus- tralia:
	J. MALONE. E. J. STEWART.	J. MALONE. E. J. STEWART.
	Pour la Belgique:	For Belgium:
	C. CAENEPENNE. R. LECOMTE.	C. CAENEPENNE. R. LECOMTE.
	Pour la Birmanie:	For Burma:
	R. NESBITT-HAWES.	R. NESBITT-HAWES.
	Pour le Brésil:	For Brazil:
	RODRIGO OCTAVIO JORDAO RAMOS. E. A. NOGUEIRA BRANDÃO.	RODRIGO OCTAVIO JORDAO RA- MOS. E. A. NOGUEIRA BRANDAO.
	Pour la Bulgarie:	For Bulgaria:
	DR. D. G. DIMITROFF. V. PANOFF.	DR. D. G. DIMITROFF. V. PANOFF.
	Pour le Canada:	For Canada:
	LAURENT BEAUDRY. WALTER A. RUSH.	LAURENT BEAUDRY. WALTER A. RUSH.
	Pour le Chili:	For Chile:
	R. SUAREZ BARROS.	R. SUAREZ BARROS.
	Pour la Chine:	For China:
	HUANG SUE-CHING.	HUANG SUE-CHING.
	Pour l'Etat de la Cité du Vatican:	For the Vatican City State:
	FILIPPO SOCCORSI. LUIGI ANGELINI-ROTA.	FILIPPO SOCCORSI. LUIGI ANGELINI-ROTA.
	Pour la République de Colombie:	For the Republic of Colombia:
	LUIS GUILLERMO ECHEVERRI A. C. E. ARBOLEDA. ROBERTO ARCINIEGAS S.	LUIS GUILLERMO ECHEVERRI A. C. E. ARBOLEDA. ROBERTO ARCINIEGAS S.
	Pour les Colonies françaises:	For the French Colonies:
	MEYER.	MEYER.
	Pour les Colonies portugaises:	For the Portuguese Colonies:
	RUI DE SA CARNEIRO. MARIO MONTEIRO DE MACEDO.	RUI DE SA CARNEIRO. MARIO MONTEIRO DE MACEDO.

- |  |  |
|--|--|
| Pour la Confédération suisse:  | For the Swiss Confederation:                                     |
| HUNZIKER.  | HUNZIKER.  |
| G. KELLER.   | G. KELLER.   |
| E. METZLER.  | E. METZLER.  |
| Pour le Congo belge et les territoires sous mandat du Ruanda-Urundi: | For Belgian Congo and the mandated territories of Ruanda-Urundi: |
| G. TONDEUR.  | G. TONDEUR.  |
| Pour Costa-Rica:   | For Costa Rica:  |
| VICTOR DURAN M.  | VICTOR DURAN M.  |
| Pour Cuba:   | For Cuba:  |
| ALFREDO ASSIR.   | ALFREDO ASSIR.   |
| Pour Curaçao et Surinam:   | For Curaçao and Surinam:   |
| G. SCHOTEL.  | G. SCHOTEL.  |
| HOOGWOONING.   | HOOGWOONING.   |
| Pour le Danemark:  | For Denmark:   |
| N. E. HOLMBLAD.  | N. E. HOLMBLAD.  |
| F. HEEGAARD.   | F. HEEGAARD.   |
| Pour la Ville libre de Danzig:                                       | For the Free City of Danzig:                                     |
| ANTONI KRZYCKOWSKI.  | ANTONI KRZYCKOWSKI.  |
| HERBERT BLUME.   | HERBERT BLUME.   |
| Pour les Iles italiennes de l'Egée:                                  | For the Italian Islands of the Aegean Sea:                       |
| GNEME GIUSEPPE.  | GNEME GIUSEPPE.  |
| R. FARACE DI VILIAFORESTA.   | R. FARACE DI VILIAFORESTA.                                       |
| Pour l'Egypte:   | For Egypt:   |
| M. SHAKER.   | M. SHAKER.   |
| J. WEBB.   | J. WEBB.   |
| Pour la République de El Salvador:                                   | For the Republic of El Salvador:                                 |
| VICTOR DURAN M   | VICTOR DURAN M.  |
| Pour l'Espagne:  | For Spain:   |
| GABRIEL ALOMAR.  | GABRIEL ALOMAR.  |
| ANTONIO VICENS.  | ANTONIO VICENS.  |
| JOSÉ GARRIDO.  | JOSÉ GARRIDO.  |
| Pour l'Estonie:  | For Estonia:   |
| G. JALLAJAS.   | G. JALLAJAS.   |
| Pour les Etats-Unis d'Amérique:                                      | For the United States of America:                                |
| WALLACE H. WHITE, JR.  | WALLACE H. WHITE, Jr.  |
| STANFORD C. HOOPER.  | STANFORD C. HOOPER.  |
| EWELL K. JETT.   | EWELL K. JETT.   |
| FRANCIS COLT DE WOLF.  | FRANCIS COLT DE WOLF.  |
| Pour la Finlande:  | For Finland:   |
| URHO TALVITIE.   | URHO TALVITIE.   |
| Pour la France:  | For France:  |
| L. MULATIER.   | L. MULATIER.   |
| P. COMMANAY.   | P. COMMANAY.   |
| Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:   | For the United Kingdom of Great Britain and Northern Ireland:    |
| F. W. PHILLIPS.  | F. W. PHILLIPS.  |
| A. S. ANGWIN.  | A. S. ANGWIN.  |

F. STRONG.	F. STRONG.
A. H. READ.	A. H. READ.
CHARLES W. NUTTING.	CHARLES W. NUTTING.
O. G. LYWOOD.	O. G. LYWOOD.
W. GRAHAM.	W. GRAHAM.
W. A. DUNCAN.	W. A. DUNCAN.
Pour la Grèce:	For Greece:
STANI NICOLIS.	STANI NICOLIS.
K. N. PEZOPOULOS.	K. N. PEZOPOULOS.
Pour le Guatemala:	For Guatemala:
VICTOR DURAN M.	VICTOR DURAN M.
Pour la République de Honduras:	For the Republic of Honduras:
VICTOR DURAN M.	VICTOR DURAN M.
Pour la Hongrie:	For Hungary:
DÉSIRÉ DE VÉGHÉLY.	DÉSIRÉ DE VÉGHÉLY.
ING. JULES ERDÖSS.	ING. JULES ERDÖSS.
Pour les Indes britanniques:	For British India:
K. PRASADA.	K. PRASADA.
P. J. EDMUNDS.	P. J. EDMUNDS.
S. BANERJI.	S. BANERJI.
H. N. SHRIVASTAVA.	H. N. SHRIVASTAVA.
Pour les Indes néerlandaises:	For the Netherlands Indies:
W. F. EINTHOVEN.	W. F. EINTHOVEN.
DOMMISSE.	DOMMISSE.
G. SCHOTEL.	G. SCHOTEL.
HOOGWOONING.	HOOGWOONING.
SCHIPPERS.	SCHIPPERS.
Pour l'Iran:	For Iran:
Ad referendum du Gouverne- ment de l'Iran:	ad referendum of the Govern- ment of Iran:
DJEVAD SINEKY.	DJEVAD SINEKY.
Pour l'Iraq:	For Iraq:
AHMED ZAKI.	AHMED ZAKI.
W. S. BAILEY.	W. S. BAILEY.
SALIM TERZI.	SALIM TERZI.
Pour l'Irlande:	For Ireland:
P. S. O'H-ÉIGEARTAIGH.	P. S. O'H-ÉIGEARTAIGH.
T. S. O'MUINEACHÁIN.	T. S. O'MUINEACHÁIN.
S. S. PUIRSÉAL.	S. S. PUIRSÉAL.
Pour l'Islande:	For Iceland:
G. HLIDDAL.	G. HLIDDAL.
Pour l'Italie:	For Italy:
GNEME GIUSEPPE.	GNEME GIUSEPPE.
ALBINO ANTINORI.	ALBINO ANTINORI.
Pour le Japon,	For Japan:
Pour Chosen, Taiwan, Karafuto, le Territoire à bail du Kwan- tung et les Iles des Mers du Sud sous mandat japonais:	For Chosen, Taiwan, Karafuto, the Kwantung Leased Terri- tory, and the South Sea Islands under Japanese man- date:
TAKEO IINO.	TAKEO IINO.
TEKESHI YANAGISAWA.	TEKESHI YANAGISAWA.
TAKEO KONO.	TAKEO KONO.
HIROMU OGAWA.	HIROMU OGAWA.

YOHJI KIMURA. YOSHIO NOMURA. TAKASI ONO. ICHIRO HAYASHI.	YOHJI KIMURA. YOSHIO NOMURA. TAKASI ONO. ICHIRO HAYASHI.
Pour la Lettonie: B. EINBERGS.	For Latvia: B. EINBERGS.
Pour le Liban: CIANFARELLI. G. NAMMOUR.	For the Lebanon: CIANFARELLI. G. NAMMOUR.
Pour la Libye: GNEME GIUSEPPE. BALDONI.	For Libya: GNEME GIUSEPPE. BALDONI.
Pour la Lithuanie: A. STANKEVICIUS.	For Lithuania: A. STANKEVICIUS.
Pour le Maroc: DURAND.	For Morocco: DURAND.
Pour le Nicaragua: VICTOR DURAN M.	For Nicaragua: VICTOR DURAN M.
Pour la Norvège: HERMOD PETERSEN. A. HAARBERG. CHR. MEYER. ANDR. HADLAND. OLAF MOE.	For Norway: HERMOD PETERSEN. A. HAARBERG. CHR. MEYER. ANDR. HADLAND. OLAF MOE.
Pour la Nouvelle-Zélande: M. B. ESSON.	For New Zealand: M. B. ESSON.
Pour la République de Panama: VICTOR DURAN M.	For the Republic of Panama: VICTOR DURAN M.
Pour le Paraguay: A. T. COSENTINO.	For Paraguay: A. T. COSENTINO.
Pour les Pays-Bas: DAMME. H. J. BOETJE.	For the Netherlands: DAMME. H. J. BOETJE.
Pour le Pérou: C. A. TUDELA.	For Peru: C. A. TUDELA.
Pour la Pologne: ANTONI KRZYCZKOWSKI. JOZEF SREBRZYNSKI.	For Poland: ANTONI KRZYCZKOWSKI. JOZEF SREBRZYNSKI.
Pour le Portugal: DUARTE CALHEIROS. D. DE ALMEIDA CARVALHO.	For Portugal: DUARTE CALHEIROS. D. DE ALMEIDA CARVALHO.
Pour la Rhodesia du Sud: C. J. SWIFT. A. T. HARPHAM.	For Southern Rhodesia: C. J. SWIFT. A. T. HARPHAM.
Pour la Roumanie: E. GELES. ING. ROSCA. ING. TANASESCU.	For Roumania: E. GELES. ING. ROSCA. ING. TANASESCU.
Pour la Suède: G. WOLD. A. SIGURD LITSTRÖM. ARTUR KARLSSON.	For Sweden: G. WOLD. A. SIGURD LITSTRÖM. ARTUR KARLSSON.

Pour la Syrie:	For Syria:
CIANFARELLI.	CIANFARELLI.
VASSEK EL MUAYAD EL AZM.	VASSEK EL MUAYAD EL AZM.
Pour la Tchecoslovaquie:	For Czechoslovakia:
ING. STRNAD.	ING. STRNAD.
ING. JAROMIR SVOBODA.	ING. JAROMIR SVOBODA.
ING. OTA TOMSKY.	ING. OTA TOMSKY.
ING. JOSEF BEŇA.	ING. JOSEF BEŇA.
DR. JAN BUSÁK.	DR. JAN BUSÁK.
Pour la Tunisie:	For Tunisia:
ANSIDEI.	ANSIDEI.
Pour la Turquie:	For Turkey:
N. TONER.	N. TONER.
Pour l'Union des Républiques Soviétistes Socialistes:	For the Union of Soviet Socialist Republics:
PRONINE.	PRONINE.
ALEXANDRE FORTOUCHENKO.	ALEXANDRE FORTOUCHENKO.
Pour l'Uruguay:	For Uruguay:
ALFREDO ASSIR.	ALFREDO ASSIR.
Pour le Vénézuéla:	For Venezuela:
A. LOPEZ L.	A. LOPEZ L.
Pour la Yougoslavie:	For Yugoslavia:
ING. LJUBOMIR TERZIC.	ING. LJUBOMIR TERZIC.
ING. DOBRIVOJE PETROVIC.	ING. DOBRIVOJE PETROVIC.
Pour la Zone espagnole du protec- torat du Maroc:	For the Spanish Zone of the Pro- tectorate of Morocco:
GABRIEL ALOMAR.	GABRIEL ALOMAR.

Ratification.

49 Stat. 2399.

Proclamation.

AND WHEREAS the said revision of the General Radio Regulations and the said Final Protocol were duly ratified on the part of the United States of America on August 11, 1939, and, in accordance with Article 7 of the Madrid International Telecommunications Convention of December 9, 1932, the Bureau of the International Telecommunications Union at Bern, Switzerland, was notified thereof on August 24, 1939, by the Government of the United States of America;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said revision of the General Radio Regulations and the said Final Protocol to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Convention between the United States of America (in behalf of the Canal Zone) and other powers respecting regional radio. Signed at Guatemala City December 8, 1938; ratification advised by the Senate of the United States July 21, 1939; ratified by the President of the United States August 11, 1939; President's instrument of ratification in behalf of the Canal Zone deposited with the Government of Guatemala September 8, 1939; proclaimed by the President of the United States September 18, 1939.*

December 8, 1938  
[T. S. No. 949]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Regional Radio Convention for Central America, Panama and the Canal Zone was signed at the City of Guatemala on December 8, 1938, by the respective Plenipotentiaries of the United States of America, in behalf of the Canal Zone, Costa Rica, El Salvador, Guatemala, Honduras, with a reservation, Nicaragua and Panama, the original of which convention in the Spanish and English languages is word for word as follows:

Preamble.

**CONVENCION REGIONAL DE RADIO DE CENTRO AMERICA, PANAMA Y ZONA DEL CANAL, SUSCRITA EN LA CIUDAD DE GUATEMALA, EL DIA OCHO DE DICIEMBRE DE MIL NOVECIENTOS TREINTA Y OCHO**

**REGIONAL RADIO CONVENTION FOR CENTRAL AMERICA, PANAMA AND THE CANAL ZONE, SIGNED IN THE CITY OF GUATEMALA, DECEMBER EIGHTH, ONE THOUSAND NINE HUNDRED AND THIRTYEIGHT**

Regional Radio Convention for Central America, Panama, and the Canal Zone.

Los suscritos, representantes de los Gobiernos de Costa Rica, El Salvador, Estados Unidos, en representación de la Zona del Canal, Guatemala, Honduras, Nicaragua y Panamá, después de examinadas sus credenciales, habiéndolas encontrado en correcta y debida forma, constituyen la Conferencia Regional de Radio de Centro América, Panamá y Zona del Canal, en la siguiente forma:

The undersigned, representatives of the Governments of Costa Rica, El Salvador, The United States of America in behalf of the Canal Zone, Guatemala, Honduras, Nicaragua and Panamá, after examination of their credentials, which were found to be in correct and proper form, constitute the Regional Radio Conference of Central America, Panamá and the Canal Zone, as follows:

*Por la República de Costa Rica:*

*For the Republic of Costa Rica:*

Representatives.

Excmo. Sr. D. Rafael Castro Quezada;

His Excellency Rafael Castro Quezada;

*Por la República de El Salvador:*

*For the Republic of El Salvador:*

Sres. Ing. D. J. Federico Mejía; D. Fidel Villacorta;

Messrs. J. Federico Mejía, and Fidel Villacorta;

*Por los Estados Unidos:*

Excmo. Sr. Fay Allen Des  
Portes;  
Sr. Harvey B. Otterman;  
Sr. Walter H. McKinney;  
Teniente Coronel David M.  
Crawford;  
Teniente Comandante M. W.  
Arps;  
Sr. Gerald C. Gross;

*For the United States of America:*

His Excellency Fay Allen Des  
Portes;  
Mr. Harvey B. Otterman;  
Lt.—Col. David M. Crawford,  
U. S. A.;  
Lt.—Cmdr. M. W. Arps, U. S.  
N.;  
Messrs. Gerald C. Gross, and  
Walter H. McKinney.

*Por la República de Guatemala:*

Sr. Ing. D. Luis Schlesinger  
Carrera;  
Sr. Lic. D. Arturo Peralta;  
Sr. Lic. D. Jorge F. Sánchez;  
Sr. Lic. D. Ramiro Fernández;  
Sr. Ing. J. B. McElroy;  
Sr. Ing. Walter C. Bay;

*For the Republic of Guatemala:*

Messrs. Luis Schlesinger Ca-  
rrera;  
Arturo Peralta;  
Jorge F. Sánchez;  
Ramiro Fernández;  
J. B. McElroy;  
Walter C. Bay;

*Por la República de Honduras:*

Excmo. Sr. D. Luciano Milla  
Cisneros;

*For the Republic of Honduras:*

His Excellency Luciano Milla  
Cisneros;

*Por la República de Nicaragua:*

Excmo. Sr. D. Hildebrando  
Castellón;  
Sr. H. J. Phillips, Jr.;

*For the Republic of Nicaragua:*

His Excellency Hildebrando Cas-  
tellón;  
Mr. H. J. Phillips, Jr.;

*Por la República de Panamá:*

Hon. Sr. D. Teodoro Rudeke,

*For the Republic of Panamá:*

The Honorable Teodoro Ru-  
deke,

quienes de común acuerdo, y  
sujeta a ratificación de los respec-  
tivos Gobiernos, han celebrado en  
la ciudad de Guatemala, el día  
ocho de diciembre de mil nove-  
cientos treinta y ocho, la siguiente  
Convención, de acuerdo con las  
prescripciones del artículo 7º, pá-  
rrafo 8º, primera sección, 3º sub-  
sección, incisos b) y c) del Regla-  
mento General de Radio de El  
Cairo, 1938, anexo a la Convención  
de Telecomunicaciones de Madrid,  
1932:

who by common consent, and sub-  
ject to the ratification of the  
respective Governments, have con-  
cluded in the City of Guatemala,  
this eighth day of December, one  
thousand, nine hundred and thirty-  
eight, the following Convention,  
in accordance with the provisions  
of Article 7, Paragraph 8, Section 1,  
Sub-section 3, Divisions b) and c)  
of the General Radio Regulations  
of Cairo, 1938, annexed to the  
International Telecommunications  
Convention of Madrid, 1932:

**Parte I****ASIGNACIONES**

En vista de las necesidades  
especiales de los distintos Estados  
de Centro América, Panamá y la  
Zona del Canal, en lo que respecta  
a la radiodifusión, se establece, en

**Part One****ALLOCATIONS**

In view of the special require-  
ments of the several states of  
Central America, Panamá and the  
Canal Zone with respect to broad-  
casting, there is established, in the

*Ante*, p. 1457.

Frequencies, alloca-  
tions.

la banda de radiofrecuencia de 2,300 kcs. a 2,400 kcs., la siguiente tabla de asignaciones:

ADMINISTRACIONES	FRECUENCIAS EN KILOCICLOS		ADMINISTRATIONS	FREQUENCIES IN KILOCYCLES	
	Primarias	Secundarias		Primary	Secondary
Costa Rica . . . .	2, 330	2, 370	Costa Rica . . . .	2330	2370
El Salvador . . . .	2, 300	2, 360	El Salvador . . . .	2300	2360
Guatemala . . . .	2, 320	2, 400	Guatemala . . . .	2320	2400
Honduras . . . .	2, 380	2, 340	Honduras . . . .	2380	2340
Nicaragua . . . .	2, 350	2, 400	Nicaragua . . . .	2350	2400
Panamá . . . .	2, 310	2, 340	Panamá . . . .	2310	2340
Zona del Canal . .	2, 390	2, 370	The Canal Zone . .	2390	2370

## Parte II

### PRINCIPIOS DE INGENIERIA

Los siguientes principios básicos de Ingeniería fueron adoptados para llegar a la repartición arriba especificada:

a) Las frecuencias primarias asignadas a Administraciones contiguas, deben de estar por lo menos veinte (20) kilociclos distantes;

b) Las asignaciones primarias y secundarias de la misma Administración, deben de estar por lo menos veinte (20) kilociclos distantes;

c) Las asignaciones secundarias de Administraciones contiguas, deben de estar separadas por lo menos veinte (20) kilociclos; pero donde sea necesario, las asignaciones secundarias de países contiguos, pueden estar separadas solamente diez (10) kilociclos;

d) Todas las asignaciones de frecuencias de radiodifusión, deberán terminar en cero;

e) La potencia de las estaciones primarias y los tipos de antena, deben ser escogidos de manera que se ajusten a las provisiones del artículo 7º párrafo 8º, 1ª sección, 3ª subsección, inciso b) del Reglamento General de Radio de El Cairo, 1938.

## Part Two

### ENGINEERING PRINCIPLES

The following basic engineering principles have been adopted in order to arrive at the allocations above specified:

a) The primary frequency assignments to contiguous administrations must be at least twenty (20) kilocycles apart;

b) The primary and secondary assignments to the same administration must be at least twenty (20) kilocycles apart;

c) The secondary assignments to contiguous administrations should be separated by at least twenty (20) kilocycles, but when necessary secondary assignments to contiguous countries may be only ten (10) kilocycles apart;

d) All broadcast frequency assignments shall end in zero;

e) The power of primary stations and the types of the antennae must be so chosen as to comply with the provisions of Article 7, paragraph 8, Section I, Subsection 3, division b) of the General Radio Regulations of Cairo, 1938.

Basic engineering principles.

La potencia de las estaciones secundarias se limita a doscientos cincuenta (250) vatios;

The power of secondary stations is limited to two hundred and fifty (250) watts;

f) Todas las estaciones de radio-difusión, deberán ajustarse a las estipulaciones para estaciones de radiodifusión, contenidas en la tabla de tolerancia del apéndice I del Reglamento General de Radio de El Cairo, 1938;

f) All broadcasting stations must comply with the requirements for broadcasting stations as contained in the tolerance table in Appendix I of the General Radio Regulations of Cairo, 1938;

g) Las frecuencias que terminen en cero y que no estén asignadas como frecuencias primarias, pueden también usarse para radiodifusión terciaria, bajo la base de no interferencia. Tal uso deberá ser modificado o suspendido inmediatamente al tenerse aviso de interferencia del Gobierno que tenga prioridad en la correspondiente frecuencia.

g) Frequencies ending in zero and not assigned as primary frequencies may also be used for tertiary broadcasting on a non-interfering basis. Such use must be modified or discontinued immediately upon notice of interference from the government having priority on the frequency concerned.

*Ante*, p. 1589.

### Parte III

### Part Three

#### PRINCIPIOS LEGALES

#### LEGAL PRINCIPLES

Legal principles.

La distribución contenida en esta Convención se basa en los siguientes principios legales:

The distribution contained in this Convention is based on the following legal principles:

a) Los Gobiernos participantes estiman que esta Convención tiene el carácter de un arreglo regional;

a) The participating governments consider that this convention has the character of a regional agreement;

b) Los Gobiernos convienen que la banda de 2300 a 2350 kcs., se asigna exclusivamente para radiodifusión en Centro América y Panamá, sin que esté sujeta a interferencia alguna por servicios de ninguna clase en esta región.

b) The governments agree that the band 2300 to 2350 kilocycles is assigned exclusively for broadcasting in Central America and Panamá, subject to no interference by any other services in this region.

Noninterference by U. S. military services on assigned channels.

En relación con este particular, se conviene que, en tiempo de paz, los servicios militares de las fuerzas terrestres, marítimas o aéreas de los Estados Unidos de América, operando en la vecindad de la Zona del Canal de Panamá, no interferirán en los canales asignados para radiodifusión a los Gobiernos de Centro América y Panamá, en esta banda;

In this connection, it is agreed that, in time of peace, the military services of land, maritime, or air forces of the United States of America operating in the vicinity of the Panamá Canal Zone will not interfere on channels assigned for broadcasting to the Governments of Central America and Panamá in this band;

c) Para asignar un canal separado, primario de radiodifusión a cada uno de los siete Gobiernos representados en esta Conferencia, sin canal secundario de radiodifusión en el canal primario, se conviene en asignar a Honduras la frecuencia de 2,380 kilociclos como canal primario de radiodifusión y queda convenido por todos los Gobiernos representados que la asignación a Honduras de una frecuencia primaria en la banda de 2,350 a 2,400 kilociclos, no establece precedente ni limita en manera alguna los derechos que puedan tener los Estados Unidos de América al uso de frecuencias en la banda de 2,350 a 2,400 kilociclos sujeto a no interferencia de Estaciones de Radiodifusión en Centro América y Panamá, de acuerdo con el Reglamento General de Radio de El Cairo, 1938.

El Gobierno de los Estados Unidos conviene, sin embargo, en que, hasta donde sea posible, su uso en el área geográfica comprendida por esta Conferencia de otras frecuencias distintas de las actualmente en uso en la banda de 2,350 a 2,400 kilociclos y proporcionadas a la Conferencia, serán bajo la base de no interferir en radiodifusión en Centro América y Panamá.

#### Parte IV

#### DISPOSICIONES GENERALES

a) Durante la vigencia de esta Convención, cada Gobierno conviene en no usar ningún canal primario asignado a otro cualquiera de los Gobiernos contratantes, excepto lo previsto en otra parte de esta Convención;

b) Los Gobiernos participantes reconocen el derecho de los servicios militares para usar la banda de

c) In order to provide a separate, primary broadcast channel for each of the seven Governments represented at this Conference, with no secondary broadcast channel on the primary channel, it is agreed that the frequency of 2380 kilocycles be assigned to Honduras as a primary broadcast channel, and it is agreed by all governments represented that the assignment to Honduras of a primary frequency in the band 2350 to 2400 kilocycles does not establish a precedent nor limit in any way whatever rights may be held by the United States of America to the use of frequencies in the band 2350 to 2400 kilocycles subject to non-interference from broadcasting stations in Central America and Panamá in accordance with the General Radio Regulations of Cairo, 1938.

However, the Government of the United States agrees that, insofar as practicable, its use in the geographical area covered by this Conference of frequencies other than those now in use in the band 2350 to 2400 kilocycles and furnished to the Conference will be on a basis of non-interference to broadcasting in Central America and Panamá.

#### Part Four

#### GENERAL PROVISIONS

a) During the time this Convention is in force, each Government agrees not to use any primary channel assigned to any of the other contracting Governments, except as provided elsewhere in this Convention;

b) The participating Governments acknowledge the right of

*Ante*, p. 1417.

Noninterference agreement by U. S.

Primary channels, use limited.

Military services.

	2,300 kilociclos a 2,400 kilociclos para fines militares, sujeto a las provisiones y limitaciones de los párrafos <i>b</i> ) y <i>c</i> ), parte III, de esta Convención;	band of 2300 kilocycles to 2400 kilocycles for military purposes, subject to the provisions and restrictions of paragraphs <i>b</i> ) and <i>c</i> ), Part Three, of this Convention;
Ratifications.	<i>c</i> ) La presente Convención será ratificada por los Gobiernos contratantes de conformidad con sus respectivos procedimientos constitucionales;	<i>c</i> ) The present Convention shall be ratified by the contracting Governments in conformity with their respective constitutional procedures;
Deposit; notification.	<i>d</i> ) Las ratificaciones se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de Guatemala, quien las notificará a la mayor brevedad posible a los Gobiernos interesados;	<i>d</i> ) The ratifications shall be deposited with the Ministry of Foreign Relations of the Government of Guatemala, which shall notify such ratifications, as soon as possible, to the Governments concerned;
Effective date.	<i>e</i> ) La presente Convención entrará en vigor entre los Gobiernos que la ratifiquen, treinta días después de que hayan sido depositados por lo menos dos de los documentos de ratificación en la Secretaría de Relaciones Exteriores del Gobierno de Guatemala;	<i>e</i> ) The present Convention shall become effective, as between the ratifying Governments, thirty days after instruments of ratification have been deposited by at least two of them, with the Ministry of Foreign Relations of the Government of Guatemala;
Denunciation; effect.	<i>f</i> ) La presente Convención podrá ser denunciada por notificación que se dirija al Gobierno depositario, surtiendo efecto la misma en cuanto al Gobierno denunciante, un año después de la fecha en que haya sido recibida; El Gobierno depositario notificará las denuncias que reciba a todos los Gobiernos participantes, con inclusión del Gobierno denunciante;	<i>f</i> ) The present Convention may be denounced by notification addressed to the depository Government, which shall become effective as regards the denouncing Government one year after the date of receipt thereof. The depository Government shall notify all participating Governments, including the denouncing Government, of the denunciations received;
Texts, authenticity.	<i>g</i> ) La presente Convención se redacta en español e inglés y ambos textos tendrán igual fuerza;	<i>g</i> ) The present Convention is drafted in Spanish and English and both texts shall have equal force;
Revision, procedure.	<i>h</i> ) Los Gobiernos participantes reconocen que, a pesar de los esfuerzos que se han hecho para llegar a un acuerdo satisfactorio, es imposible asegurar, sin ir a la práctica, el funcionamiento completamente efectivo de este acuerdo, y por consiguiente, se hace provisión para su revisión. Tal	<i>h</i> ) The participating Governments recognize that, in spite of the efforts which have been made to arrive at a satisfactory agreement, it is impossible to assure, without actual operation, the completely effective functioning of this agreement, and provision is accordingly made for its revision.

revisión puede hacerse por una Conferencia futura, llamada por una mayoría de los Gobiernos que hayan ratificado esta Convención;

i) Nada en este acuerdo será interpretado como prevención para concertar por los Estados Unidos de América, otros acuerdos sobre radio, concernientes a la defensa del Canal de Panamá.

Firmada en la ciudad de Guatemala, República de Guatemala, el ocho de diciembre de mil novecientos treinta y ocho.

Such revision may be made by a future Conference called by a majority of the Governments which have ratified this Convention;

i) Nothing in this agreement shall be construed as precluding the consummation by the United States of America, of other radio agreements concerning the defense of the Canal Zone.

Done in the City of Guatemala, Republic of Guatemala, on the eighth day of December, in the year One Thousand, Nine Hundred and Thirtyeight.

Other agreements  
not precluded.

*Costa Rica,*  
R. CASTRO Q.

*El Salvador,*

J. FEDERICO MEJÍA.

FIDEL VILLACORTA.

*Estados Unidos de Norte-América en representación de la Zona del Canal,*  
*(United States of America, in behalf of the Canal Zone)*

FAY ALLEN DES PORTES.

D. M. CRAWFORD.

HARVEY B. OTTERMAN.

M. W. ARPS.

GERALD C. GROSS.

*Guatemala,*

L. SCHLESINGER CARRERA.

ARTURO PERALTA.

J. F. SÁNCHEZ.

RAMIRO FERNÁNDEZ.

J. B. McELROY.

WALTER C. BAY.

*Honduras,*

*con las reservas consignadas en el Acta Final,<sup>1</sup>*

L. MILLA CISNEROS.

*Nicaragua,*

H. CASTELLÓN.

H. J. PHILLIPS, JR.

*Panamá,*

TEODORO RUDEKE.

Signatures.

<sup>1</sup> [La alusión a estas reservas en el Acta Final es como sigue:

En este acto el Delegado por el Gobierno de Honduras solicita que en el Acta Final, se haga constar que al suscribir la Convención que ha originado de esta Conferencia, por su parte lo hace con las reservas del caso para que su Gobierno resuelva lo pertinente, de conformidad con los derechos que le puedan asistir al amparo de las prescripciones de la Conferencia de El Cairo, de que fué signatario.

Translation:

<sup>1</sup> The reference to these reservations in the Final Act is as follows:

At this session, the delegate for the Government of Honduras requests that it be recorded in the Final Act that when the convention resulting from this conference was signed, he signed with the appropriate reservations to permit his Government to make any pertinent resolutions, in accordance with the rights it may have under the provisions of the Cairo conference, to which it was signatory.]

Ratification by  
U. S.; deposit.

AND WHEREAS the said Convention has been duly ratified on the part of the United States of America and the President's instrument of ratification in behalf of the Canal Zone was deposited with the Ministry of Foreign Relations of the Government of Guatemala on September 8, 1939, in accordance with Part Four, paragraph (*d*) of the said Convention;

Ratification by  
Guatemala.

AND WHEREAS, pursuant to the aforesaid paragraph (*d*) of Part Four of the said Convention, the instrument of ratification of the said Convention by the Government of Guatemala was deposited on May 10, 1939 with the Ministry of Foreign Relations of that Government;

AND WHEREAS it is provided in Part Four, paragraph (*e*) of the said Convention that the Convention shall become effective as between the ratifying governments thirty days after instruments of ratification have been deposited by at least two of them, with the Ministry of Foreign Relations of the Government of Guatemala;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Regional Radio Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith, in behalf of the Canal Zone, by the United States of America and the citizens thereof on and from October 8, 1939.

Effective date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Convention between the United States of America and other members of the International Labor Organization respecting officers' competency certificates. Adopted by the General Conference of the International Labor Organization, twenty-first session, Geneva, October 24, 1936; ratification advised by the Senate of the United States, subject to understandings, June 13, 1938; ratified by the President of the United States, subject to the said understandings, September 1, 1938; ratification of the United States of America registered with the Secretary General of the League of Nations October 29, 1938; proclaimed by the President of the United States September 29, 1939.*

October 24, 1936  
[T. S. No. 950]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a draft convention (No. 53) with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, was adopted on the twenty-fourth day of October nineteen hundred and thirty-six, by the General Conference of the International Labor Organization at its twenty-first session held at Geneva October 6-24, 1936, a certified copy of which draft convention, communicated by the Secretary-General of the League of Nations, acting in conformity with the requirements in the nineteenth Article of the Constitution of the International Labor Organization, to the Government of the United States of America as a Member of the said Organization, is, in the French and English languages, word for word as follows:

Officers' Competency Certificates Convention, 1936.  
Preamble.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 6 octobre 1936 en sa vingt et unième session,

Après avoir décidé d'adopter diverses propositions relatives à l'institution par chacun des pays maritimes d'un minimum de capacité professionnelle exigible des capitaines, officiers de pont et officiers mécaniciens remplissant les fonctions de chef de quart à bord des navires marchands, ques-

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth

General Conference, International Labor Organization.

tion qui constitue le quatrième item on the Agenda of the Session, point à l'ordre du jour de la session, and

Après avoir décidé que ces propositions prendraient la forme d'un projet de convention internationale, Having determined that these proposals shall take the form of a Draft International Convention,

Adoption of Draft Convention.

adopte ce vingt-quatrième jour d'octobre mil neuf cent trente-six, le projet de convention ci-après qui sera dénommé Convention sur les brevets de capacité des officiers, 1936: adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention, which may be cited as the Officers' Competency Certificates Convention, 1936:

ARTICLE 1.

ARTICLE 1.

Application.

1. La présente convention s'applique à tout navire immatriculé dans un territoire à l'égard duquel ladite convention est en vigueur et effectuant une navigation maritime, à l'exception:

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of—

Vessels excepted.

- a) des navires de guerre;
- b) des navires d'Etat et des navires au service d'une administration publique, qui n'ont pas une affectation commerciale;
- c) des navires en bois de construction primitive tels que "dhows" et jonques

- (a) ships of war;
- (b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;
- (c) wooden ships of primitive build such as dhows and junks.

2. La législation nationale peut accorder des dérogations totales ou partielles pour les navires d'une jauge brute inférieure à 200 tonneaux.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2.

ARTICLE 2.

Definitions.

Pour l'application de la présente convention, les termes suivants doivent être entendus comme suit:

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

"Master or skipper."

- a) "capitaine ou patron" signifie toute personne chargée du commandement d'un navire;
- b) "officier de pont chef de quart" signifie toute personne, à l'exception des pilotes, qui est effectivement chargée de la navigation ou de la manoeuvre d'un navire;

- (a) "master or skipper" means any person having command or charge of a vessel;
- (b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manoeuvring of a vessel;

"Navigating officer in charge of a watch."

- c) "chef mécanicien" signifie toute personne ayant la direction permanente du service assurant la propulsion mécanique d'un navire;
- (c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;
- d) "officier mécanicien chef de quart" signifie toute personne qui est effectivement chargée de la conduite des machines de propulsion d'un navire.
- (d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.
- "Chief engineer."
- "Engineer officer in charge of a watch."

## ARTICLE 3.

1. Nul ne peut exercer ou être engagé pour exercer à bord d'un navire auquel s'applique la présente convention les fonctions de capitaine ou patron, d'officier de pont chef de quart, de chef mécanicien et d'officier mécanicien chef de quart sans être titulaire d'un brevet, constatant sa capacité d'exercer ces fonctions, délivré ou approuvé par l'autorité publique du territoire où le navire est immatriculé.

2. Il ne peut être dérogé aux dispositions du présent article qu'en cas de force majeure.

## ARTICLE 4.

1. Nul ne doit recevoir un brevet de capacité:
- a) s'il n'a atteint l'âge minimum exigé pour la délivrance de ce brevet;
- b) si son expérience professionnelle n'a eu la durée minimum exigée pour la délivrance de ce brevet;
- c) s'il n'a subi avec succès les examens organisés et contrôlés par l'autorité compétente en vue de constater s'il possède l'aptitude nécessaire pour exercer les fonctions correspondant au brevet auquel il est candidat.

## ARTICLE 3.

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

## ARTICLE 4.

1. No person shall be granted a certificate of competency unless—
- (a) he has reached the minimum age prescribed for the issue of the certificate in question;
- (b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and
- (c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

Certificate of competency, requirement.

Exceptions.

Requirements for certificate.

National laws, etc.

2. La législation nationale doit: 2. National laws or regulations shall—

- a) fixer l'âge minimum et l'expérience professionnelle à exiger des candidats à chaque catégorie de brevets de capacité; (a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;
- b) prévoir l'organisation et le contrôle par l'autorité compétente d'un ou de plusieurs examens en vue de constater si les candidats aux brevets de capacité possèdent l'aptitude exigée pour les fonctions correspondant aux brevets auxquels ils sont candidats. (b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

Issuance of certificates without examination.

3. Tout Membre de l'Organisation peut, pendant une période de trois ans à partir de la date de sa ratification, délivrer des brevets de capacité aux personnes qui n'ont pas passé les examens organisés en vertu du paragraphe 2 b) du présent article, pourvu: 3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who—

- a) que ces personnes possèdent en fait une expérience pratique suffisante de la fonction correspondant aux brevets dont il s'agit; (a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and
- b) qu'aucune faute technique grave n'ait été relevée contre ces personnes. (b) have no record of any serious technical error against them.

## ARTICLE 5.

## ARTICLE 5.

Enforcement.

1. Tout Membre ratifiant la présente convention doit en assurer, par un système d'inspection efficace, l'application effective. 1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

Detention of vessels.

2. La législation nationale doit prévoir les cas dans lesquels les autorités d'un Membre peuvent arrêter tout navire immatriculé dans son territoire en raison d'une infraction aux dispositions de la présente convention. 2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

Communication between Members.

3. Lorsque les autorités d'un Membre ayant ratifié la présente convention constatent une infrac- 3. Where the authorities of a Member which has ratified this Convention find a breach of its

tion à ses dispositions sur un navire immatriculé dans le territoire d'un autre Membre ayant également ratifié la convention, ces autorités devront en référer au consul du Membre dans le territoire duquel le navire est immatriculé.

provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

## ARTICLE 6.

1. La législation nationale doit déterminer les sanctions, pénales ou disciplinaires, à appliquer dans les cas où les dispositions de la présente convention ne sont pas respectées.

2. Ces sanctions pénales ou disciplinaires doivent être prévues notamment contre:

- a) l'armateur ou son agent, le capitaine ou le patron engageant une personne non titulaire du brevet exigé par la présente convention;
- b) le capitaine ou le patron laissant exercer l'une des fonctions définies à l'article 2 de la présente convention par une personne non titulaire d'un brevet correspondant au moins à cette fonction;
- c) les personnes obtenant par fraude ou fausses pièces un engagement pour exercer l'une des fonctions définies à l'article 2 de la présente convention sans être titulaires du brevet requis à cet effet.

## ARTICLE 7.

1. En ce qui concerne les territoires mentionnés par l'article 35 de la Constitution de l'Organisation internationale du Travail, tout Membre de l'Organisation qui ratifie la présente convention doit accompagner sa ratification d'une déclaration faisant connaître:

- a) les territoires pour lesquels il s'engage à appliquer sans modifications les dispositions de la convention;

## ARTICLE 6.

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which—

- (a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention;
- (b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;
- (c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

Penalties or disciplinary measures.

Cases specified.

## ARTICLE 7.

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

Declaration to be appended to ratification.

- b) les territoires pour lesquels il s'engage à appliquer les dispositions de la convention, avec des modifications, et en quoi consistent lesdites modifications;
- c) les territoires pour lesquels la convention est inapplicable et, dans ces cas, les raisons pour lesquelles elle est inapplicable;
- d) les territoires pour lesquels il réserve sa décision.
- (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;
- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. Les engagements mentionnés aux alinéas a) et b) du premier paragraphe du présent article seront réputés partie intégrante de la ratification et porteront des effets identiques.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Tout Membre pourra renoncer par une nouvelle déclaration à tout ou partie des réserves contenues dans sa déclaration antérieure en vertu des alinéas b), c) ou d) du paragraphe premier du présent article.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

#### ARTICLE 8.

#### ARTICLE 8.

Les ratifications officielles de la présente convention seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

#### ARTICLE 9.

#### ARTICLE 9.

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Secrétaire général.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Subsequent declarations.

Ratifications, registration.

Scope.

Effective date.

## ARTICLE 10.

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

## ARTICLE 10.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Notification to Members.

## ARTICLE 11.

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

## ARTICLE 11.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Denunciation.

Extensions.

## ARTICLE 12.

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Con-

## ARTICLE 12.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on

Reports at 10-year intervals.

férence générale un rapport sur the working of this Convention  
l'application de la présente con- and shall consider the desirability  
vention et décidera s'il y a lieu of placing on the Agenda of the  
d'inscrire à l'ordre du jour de la Conference the question of its  
Conférence la question de sa re- revision in whole or in part.  
vision totale ou partielle.

## ARTICLE 13.

## ARTICLE 13.

Revision of Conven-  
tion, effect.

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 11 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur;

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ARTICLE 14.

## ARTICLE 14.

Texts, authenticity.

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

The French and English texts of this Convention shall both be authentic.

AND WHEREAS it is provided in Article 8 of the said draft convention that the formal ratifications thereof shall be communicated to the Secretary-General of the League of Nations for registration and in Article 9 that the convention shall come into force twelve months after the date on which the ratifications of two Members of the International Labor Organization have been registered with the Secretary-General of the League of Nations, and that thereafter the convention shall come into force for any Member twelve months after the date on which its ratification has been registered;

AND WHEREAS the said draft convention was duly ratified on the part of the United States of America subject to understandings as follows:

U. S. ratification subject to understandings.

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this convention to mean navigation on the high seas only.

"Nothing in this convention shall be so construed as to prevent the authorities of the United States from making such inspection of any vessel referred to in article V, paragraph 3, within the jurisdiction of the United States, as may be necessary to determine that there has been a compliance with the terms of this convention, or to prevent such authorities from withholding clearance to any such vessel which they find has not complied with the provisions of the convention until such time as any such deficiency shall be corrected.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision.";

AND WHEREAS the ratifications of the said draft convention by Norway, New Zealand, Belgium, subject to subsequent decisions regarding application to the Belgian Congo and to territories under Belgian mandate, Estonia, Denmark, applicable to all Danish territories except Greenland, Brazil, and Egypt were registered with the Secretary-General of the League of Nations on July 7, 1937, March 29, 1938, April 11, 1938, June 20, 1938, July 13, 1938, October 12, 1938, and May 20, 1939, respectively, and by such registrations the said draft convention became a formal convention between Norway and New Zealand on March 29, 1938, which came into force, pursuant to Article 9 thereof, between Norway and New Zealand on March 29, 1939, twelve months after the date on which the ratification of New Zealand was registered with the Secretary-General of the League of Nations, and, pursuant to the same Article came into force for Belgium, Estonia and Denmark on April 11, 1939, June 20, 1939 and July 13, 1939, respectively, and will come into force for Brazil on October 12, 1939 and for Egypt on May 20, 1940;

Ratification by designated parties; effective dates.

AND WHEREAS the ratification of the said draft convention by the United States of America, subject to the understandings above recited was registered with the Secretary-General of the League of Nations on October 29, 1938;

Registration of U. S. ratification.

AND WHEREAS by such registration the said convention will come into force, pursuant to Article 9 thereof, for the United States of America with respect to Norway, New Zealand, Belgium, Estonia, Denmark and Brazil on October 29, 1939, twelve months after the date on which the ratification of the United States of America was registered with the Secretary-General of the League of Nations, and, pursuant to the same article, will come into force for Egypt and other Members of the International Labor Organization whose ratifications

Effective date; scope.

have been or may be registered with the Secretary-General of the League of Nations subsequent to October 29, 1938, twelve months after the date on which the ratification has been or may be registered in each case;

Exemptions for certain vessels.

AND WHEREAS it is provided in paragraph 2 of Article 1 of the said draft convention that national laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage;

AND WHEREAS the Congress of the United States of America by an Act, Public, No. 16, 76th Congress, 1st Session, entitled "AN ACT To exempt all vessels of the United States of less than two hundred tons gross registered tonnage from the provisions of the Officers' Competency Certificates Convention, 1936 (being International Labor Conference Treaty, Convention Numbered 53, adopted by the International Labor Conference at Geneva in 1936)," approved March 29, 1939 (53 Stat. 554), did enact that

46 U. S. C., Supp. V, § 241.

". . . vessels of the United States of less than two hundred tons gross registered tonnage are hereby exempted from the provisions of such convention: *Provided, however,* That neither the ratification of the said convention by the President of the United States, nor the advice and consent of the United States Senate given thereto, nor any provision of the said convention as ratified, nor any provision of this Act shall be deemed to alter, amend, or repeal any statute of the United States existing at the time of said ratification, or thereafter enacted, with regard to any such vessel of less than two hundred tons gross registered tonnage.";

AND WHEREAS the Congress of the United States of America, by an Act, Public, No. 188, 76th Congress, 1st Session, entitled "AN ACT To make effective the provisions of the Officers' Competency Certificates Convention, 1936" approved July 17, 1939 (53 Stat. 1049), did enact such legislation as was required to give full force and effect to the provisions of the aforesaid convention;

46 U. S. C., Supp. V, § 224a.

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and the citizens thereof, except in respect of vessels of the United States of less than two hundred tons gross registered tonnage, on and from October 29, 1939, subject to the understandings above recited and to the legislation which has been enacted to make effective the provisions of the said convention on the part of the United States of America.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of September in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

By the President:

FRANKLIN D ROOSEVELT

CORDELL HULL

*Secretary of State.*

*Convention between the United States of America and other members of the International Labor Organization respecting shipowners' liability in case of sickness, injury, or death of seamen. Adopted by the General Conference of the International Labor Organization, twenty-first session, Geneva, October 24, 1936; ratification advised by the Senate of the United States, subject to understandings, June 13, 1938; ratified by the President of the United States, subject to the said understandings, August 15, 1938; ratification of the United States of America registered with the Secretary-General of the League of Nations October 29, 1938; proclaimed by the President of the United States September 29, 1939.*

October 24, 1936  
[T. S. No. 951]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a draft convention (No. 55) with regard to the liability of the shipowner in case of sickness, injury, or death of seamen, was adopted on the twenty-fourth day of October nineteen hundred and thirty-six, by the General Conference of the International Labor Organization at its twenty-first session held at Geneva October 6-24, 1936, a certified copy of which draft convention, communicated by the Secretary-General of the League of Nations, acting in conformity with the requirements in the nineteenth Article of the Constitution of the International Labor Organization, to the Government of the United States of America as a Member of the said Organization, is, in the French and English languages, word for word as follows:

Shipowners' Liability (Sick and Injured Seamen) Convention, 1936.  
Preamble.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 6 octobre 1936 en sa vingt et unième session,

Après avoir décidé d'adopter diverses propositions relatives aux obligations de l'armateur en cas de maladie, d'accident ou de décès des gens de mer, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

Après avoir décidé que ces propositions prendraient la forme d'un projet de convention internationale,

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the liability of the shipowner in case of sickness, injury or death of seamen, which is included in the second item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention,

General Conference, International Labor Organization.

Adoption of Draft Convention.

adopte, ce vingt-quatrième jour d'octobre mil neuf cent trente-six, le projet de convention ci-après qui sera dénommé Convention sur les obligations de l'armateur en cas de maladie ou d'accident des gens de mer, 1936:

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Shipowners' Liability (Sick and Injured Seamen) Convention, 1936:

## ARTICLE 1.

## ARTICLE 1.

Application.

1. La présente convention s'applique à toute personne employée à bord d'un navire, autre qu'un navire de guerre, immatriculé dans un territoire pour lequel la présente convention est en vigueur et qui effectue habituellement une navigation maritime.

1. This Convention applies to all persons employed on board any vessel, other than a ship of war, registered in a territory for which this Convention is in force and ordinarily engaged in maritime navigation.

Exceptions by national law or regulation permitted.

2. Toutefois, tout Membre de l'Organisation internationale du Travail pourra prévoir dans sa législation nationale telles exceptions qu'il estimerait nécessaires en ce qui concerne:

2. Provided that any Member of the International Labour Organisation may in its national laws or regulations make such exceptions as it deems necessary in respect of—

- a) les personnes employées à bord:
  - i) des navires appartenant à une autorité publique lorsque ces navires n'ont pas une affectation commerciale;
  - ii) des bateaux de pêche côtière;
  - iii) des bateaux d'une jauge brute inférieure à vingt-cinq tonnes;
  - iv) des bateaux en bois de construction primitive, tels que des "dhows" et jonques;
- b) les personnes employées à bord pour le compte d'un employeur autre que l'armateur;
- c) les personnes employées, exclusivement dans les ports, à la réparation, au nettoyage, au chargement ou au déchargement des navires;
- d) les membres de la famille de l'armateur;
- e) les pilotes.

- (a) persons employed on board,
  - (i) vessels of public authorities when such vessels are not engaged in trade;
  - (ii) coastwise fishing boats;
  - (iii) boats of less than twenty-five tons gross tonnage;
  - (iv) wooden ships of primitive build such as dhows and junks;
- (b) persons employed on board by an employer other than the shipowner;
- (c) persons employed solely in ports in repairing, cleaning, loading or unloading vessels;
- (d) members of the shipowner's family;
- (e) pilots.

## ARTICLE 2.

## ARTICLE 2.

1. Les obligations de l'armateur doivent couvrir les risques:

1. The shipowner shall be liable in respect of—

Liability of shipowner.

- a) de maladie ou d'accident survenus entre la date stipulée dans le contrat d'engagement pour le commencement du service et l'expiration de l'engagement;
- b) de décès résultant d'une telle maladie ou d'un tel accident.

- (a) sickness and injury occurring between the date specified in the articles of agreement for reporting for duty and the termination of the engagement;
- (b) death resulting from such sickness or injury.

Sickness and injury during term of employment.

Resultant death.

2. Toutefois, la législation nationale peut prévoir des exceptions:

2. Provided that national laws or regulations may make exceptions in respect of:

Exceptions by national law or regulation permitted.

- a) pour l'accident qui n'est pas survenu au service du navire;
- b) pour l'accident ou la maladie imputable à un acte intentionnel ou à une faute intentionnelle ou à l'inconduite du malade, du blessé ou du décédé;
- c) pour la maladie ou l'infirmité dissimulée volontairement au moment de l'engagement.

- (a) injury incurred otherwise than in the service of the ship;
- (b) injury or sickness due to the wilful act, default or misbehaviour of the sick, injured or deceased person;
- (c) sickness or infirmity intentionally concealed when the engagement is entered into.

3. La législation nationale peut prévoir que les obligations de l'armateur ne s'appliqueront pas en ce qui concerne la maladie, ni en ce qui concerne le décès imputable directement à la maladie, lorsque la personne employée a refusé de se soumettre à un examen médical au moment de l'engagement.

3. National laws or regulations may provide that the shipowner shall not be liable in respect of sickness, or death directly attributable to sickness, if at the time of the engagement the person employed refused to be medically examined.

Refusal to be medically examined.

## ARTICLE 3.

## ARTICLE 3.

Aux fins de la présente convention l'assistance à la charge de l'armateur comprend:

For the purpose of this Convention, medical care and maintenance at the expense of the shipowner comprises:

Medical care and maintenance, scope.

- a) le traitement médical et la fourniture des médicaments et autres moyens thérapeutiques de qualité et quantité suffisantes;
- b) la nourriture et le logement.

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances; and
- (b) board and lodging.

## ARTICLE 4.

## ARTICLE 4.

Period of liability.

1. L'assistance doit être à la charge de l'armateur jusqu'à guérison du malade ou du blessé, ou jusqu'à constatation du caractère permanent de la maladie ou de l'incapacité.

1. The shipowner shall be liable to defray the expense of medical care and maintenance until the sick or injured person has been cured, or until the sickness or incapacity has been declared of a permanent character.

Limitation permitted.

2. Toutefois, la législation nationale peut prévoir que l'assistance à la charge de l'armateur sera limitée à une période qui ne pourra être inférieure à seize semaines à partir du jour de l'accident ou du début de la maladie.

2. Provided that national laws or regulations may limit the liability of the shipowner to defray the expense of medical care and maintenance to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

Provisions where compulsory sickness insurance, etc., is in force.

3. En outre, s'il existe un système d'assurance-maladie obligatoire, un système d'assurance-accidents obligatoire ou un système de réparation des accidents du travail, qui soit en vigueur pour les marins dans le territoire où le navire est immatriculé, la législation nationale peut prévoir:

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide—

- a) que l'armateur cessera d'être responsable à l'égard d'une personne malade ou blessée à partir du moment où cette personne a droit à l'assistance médicale en vertu du système d'assurance ou de réparation;
- b) que l'armateur cessera d'être responsable, à partir du moment prescrit par la loi pour l'octroi de l'assistance médicale en vertu du système d'assurance ou de réparation aux bénéficiaires dudit système, même lorsque la personne malade ou blessée n'est pas elle-même couverte par ce système, à la condition qu'elle n'en soit pas exclue en raison de toute restriction visant particulièrement les

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to medical benefits under the insurance or compensation scheme;
- (b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of medical benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not

travailleurs étrangers ou les travailleurs ne résidant pas sur le territoire où le navire est immatriculé.

ARTICLE 5.

1. Lorsque la maladie ou l'accident entraîne une incapacité de travail, l'armateur doit payer:

- a) tant que le malade ou le blessé demeure à bord, la totalité du salaire;
- b) à partir du débarquement, si le malade ou le blessé a des charges de famille, la totalité ou une partie du salaire selon les prescriptions de la législation nationale, jusqu'à guérison ou jusqu'à constatation du caractère permanent de la maladie ou de l'incapacité.

2. Toutefois, la législation nationale peut limiter la responsabilité de l'armateur quant au paiement de la totalité ou d'une partie du salaire à une personne débarquée à une période qui ne pourra être inférieure à seize semaines à partir du jour de l'accident ou du début de la maladie.

3. En outre, s'il existe un système d'assurance-maladie obligatoire, un système d'assurance-accidents obligatoire ou un système de réparation des accidents du travail qui soit en vigueur pour les marins dans le territoire où le navire est immatriculé, la législation nationale peut prévoir:

- a) que l'armateur cessera d'être responsable à l'égard d'une personne malade ou blessée à partir du moment où cette personne a droit aux prestations en espèces en vertu du système d'assurance ou de réparation;

resident in the territory in which the vessel is registered.

ARTICLE 5.

1. Where the sickness or injury results in incapacity for work the shipowner shall be liable—

- (a) to pay full wages as long as the sick or injured person remains on board;
- (b) if the sick or injured person has dependants, to pay wages in whole or in part as prescribed by national laws or regulations from the time when he is landed until he has been cured or the sickness or incapacity has been declared of a permanent character.

2. Provided that national laws or regulations may limit the liability of the shipowner to pay wages in whole or in part in respect of a person no longer on board to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

3. Provided also that, if there is in force in the territory in which the vessel is registered a scheme applying to seamen of compulsory sickness insurance, compulsory accident insurance or workmen's compensation for accidents, national laws or regulations may provide:

- (a) that a shipowner shall cease to be liable in respect of a sick or injured person from the time at which that person becomes entitled to cash benefits under the insurance or compensation scheme;

Incapacity for work.

Limitation permitted.

Provisions where compulsory sickness insurance, etc., is in force.

- b) que l'armateur cessera d'être responsable, à partir du moment prescrit par la loi pour l'octroi des prestations en espèces en vertu du système d'assurance ou de réparation aux bénéficiaires dudit système, même lorsque la personne malade ou blessée n'est pas elle-même couverte par ce système, à la condition qu'elle n'en soit pas exclue en raison de toute restriction visant particulièrement les travailleurs étrangers ou les travailleurs ne résidant pas sur le territoire où le navire est immatriculé.
- b) that the shipowner shall cease to be liable from the time prescribed by law for the grant of cash benefits under the insurance or compensation scheme to the beneficiaries of such schemes, even when the sick or injured person is not covered by the scheme in question, unless he is excluded from the scheme by reason of any restriction which affects particularly foreign workers or workers not resident in the territory in which the vessel is registered.

## ARTICLE 6.

## ARTICLE 6.

Expense of repatriation.

1. L'armateur doit supporter les frais de rapatriement de tout malade ou blessé débarqué en cours de route par suite d'une maladie ou d'un accident.

1. The shipowner shall be liable to defray the expense of repatriating every sick or injured person who is landed during the voyage in consequence of sickness or injury.

Port to which return is effected.

2. Le port de rapatriement doit être:

2. The port to which the sick or injured person is to be returned shall be—

- a) ou le port d'engagement;
- b) ou le port de départ du navire;
- c) ou un port du pays du malade ou du blessé ou du pays dont relève le malade ou le blessé;
- d) ou un autre port fixé par accord entre l'intéressé et le capitaine ou l'armateur, avec l'approbation de l'autorité compétente.

- (a) the port at which he was engaged; or
- (b) the port at which the voyage commenced; or
- (c) a port in his own country or the country to which he belongs; or
- (d) another port agreed upon by him and the master or shipowner, with the approval of the competent authority.

Charges included in expense of repatriation.

3. Les frais de rapatriement doivent comprendre toutes dépenses relatives au transport, au logement et à la nourriture du malade ou du blessé pendant le voyage, ainsi que les frais d'entretien du malade ou du blessé jusqu'au moment fixé pour son départ.

3. The expense of repatriation shall include all charges for the transportation, accommodation and food of the sick or injured person during the journey and his maintenance up to the time fixed for this departure.

4. Si le malade ou le blessé est en état de travailler, l'armateur peut s'acquitter de la prestation de rapatriement à sa charge en lui procurant un emploi convenable à bord d'un navire se rendant à l'une des destinations prévues au paragraphe 2 du présent article.

4. If the sick or injured person is capable of work, the shipowner may discharge his liability to repatriate him by providing him with suitable employment on board a vessel proceeding to one of the destinations mentioned in paragraph 2 of this Article.

Person capable of work.

#### ARTICLE 7.

1. L'armateur doit supporter les frais funéraires en cas de décès survenu à bord, ou en cas de décès survenu à terre lorsqu'au moment de sa mort le décédé aurait pu prétendre à l'assistance à la charge de l'armateur.

1. The shipowner shall be liable to defray burial expenses in case of death occurring on board, or in case of death occurring on shore if at the time of his death the deceased person was entitled to medical care and maintenance at the shipowner's expense.

Burial expenses.

2. La législation nationale peut prévoir le remboursement, par une institution d'assurance, des frais supportés par l'armateur, lorsque le système d'assurance sociale ou de réparation comporte une prestation pour frais funéraires.

2. National laws or regulations may provide that burial expenses paid by the shipowner shall be reimbursed by an insurance institution in cases in which funeral benefit is payable in respect of the deceased person under laws or regulations relating to social insurance or workmen's compensation.

Reimbursement by insurance institution.

#### ARTICLE 8.

La législation nationale doit exiger de l'armateur ou de son représentant qu'il prenne des mesures afin de sauvegarder les biens laissés à bord par le malade, le blessé ou le décédé visé par la présente convention.

National laws or regulations shall require the shipowner or his representative to take measures for safeguarding property left on board by sick, injured or deceased persons to whom this Convention applies.

Safeguarding of personal property.

#### ARTICLE 9.

La législation nationale doit prévoir des dispositions en vue d'assurer une solution rapide et peu coûteuse des litiges auxquels peuvent donner lieu les obligations de l'armateur en vertu de la présente convention.

National laws or regulations shall make provision for securing the rapid and inexpensive settlement of disputes concerning the liability of the shipowner under this Convention.

Settlement of disputes.

#### ARTICLE 10.

L'armateur peut être exempté des obligations stipulées aux ar-

#### ARTICLE 10.

The shipowner may be exempted from liability under Ar-

Exemption from certain liability.

ticles 4, 6 et 7 de la présente convention dans la mesure où ces obligations seraient assumées par les pouvoirs publics.

ticles 4, 6 and 7 of this Convention in so far as such liability is assumed by the public authorities.

ARTICLE 11.

ARTICLE 11.

Equality of treatment.

La présente convention ainsi que les législations nationales, en ce qui concerne les prestations dues en vertu de la présente convention, doivent être interprétées et appliquées de manière à assurer l'égalité de traitement à tous les marins, sans distinction de nationalité, de résidence ou de race.

This Convention and national laws or regulations relating to benefits under this Convention shall be so interpreted and enforced as to ensure equality of treatment to all seamen irrespective of nationality, domicile or race.

ARTICLE 12.

ARTICLE 12.

More favorable agreements, etc., not affected.

Rien dans la présente convention n'affecte toute loi, toute sentence, toute coutume ou tout accord entre les armateurs et les marins qui assure des conditions plus favorables que celles prévues par la présente convention.

Nothing in this Convention shall affect any law, award, custom or agreement between ship-owners and seamen which ensures more favourable conditions than those provided by this Convention.

ARTICLE 13.

ARTICLE 13.

Declarations respecting certain territories.

1. En ce qui concerne les territoires mentionnés par l'article 35 de la Constitution de l'Organisation internationale du Travail, tout Membre de l'Organisation qui ratifie la présente convention doit accompagner sa ratification d'une déclaration faisant connaître:

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisation which ratifies this Convention shall append to its ratification a declaration stating:

- a) les territoires pour lesquels il s'engage à appliquer sans modifications les dispositions de la convention;
  - b) les territoires pour lesquels il s'engage à appliquer les dispositions de la convention avec des modifications, et en quoi consistent lesdites modifications;
  - c) les territoires pour lesquels la convention est inapplicable
- (a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;
  - (b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;
  - (c) the territories in respect of which the Convention is in-

- et, dans ces cas, les raisons pour lesquelles elle est inapplicable;
- d) les territoires pour lesquels il réserve sa décision.
- applicable and in such cases the grounds on which it is inapplicable;
- (d) the territories in respect of which it reserves its decision.

2. Les engagements mentionnés aux alinéas a) et b) du premier paragraphe du présent article seront réputés partie intégrante de la ratification et porteront des effets identiques.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

Declarations to be integral parts of ratifications.

3. Tout Membre pourra renoncer par une nouvelle déclaration à tout ou partie des réserves contenues dans sa déclaration antérieure en vertu des alinéas b), c) ou d) du paragraphe premier du présent article.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

Subsequent cancellation of reservations.

## ARTICLE 14.

Les ratifications officielles de la présente convention seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

## ARTICLE 14.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Ratifications, registration.

## ARTICLE 15.

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Secrétaire général.

## ARTICLE 15.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Secrétaire général.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

## ARTICLE 16.

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront

## ARTICLE 16.

As soon as the ratifications of two Members of the International Labour Organisation have been

Notification to Members.

été enregistrées, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

## ARTICLE 17.

## ARTICLE 17.

## Denunciation.

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

## Extensions.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

## ARTICLE 18.

## ARTICLE 18.

## Reports at 10-year intervals.

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

## ARTICLE 19.

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 17 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

## ARTICLE 20.

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

AND WHEREAS it is provided in Article 14 of the said draft convention that the formal ratifications thereof shall be communicated to the Secretary-General of the League of Nations for registration and in Article 15 that the convention shall come into force twelve months after the date on which the ratifications of two Members of the International Labor Organization have been registered with the Secretary-General of the League of Nations and that thereafter the convention shall come into force for any Member twelve months after the date on which its ratification has been registered;

AND WHEREAS the said draft convention was duly ratified on the part of the United States of America subject to understandings as follows:

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in

## ARTICLE 19.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ARTICLE 20.

The French and English texts of this Convention shall both be authentic.

Revision of Convention, effect.

Texts, authenticity.

U. S. ratification subject to understandings.

this convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' appearing in this Convention to mean navigation on the high seas only.

"That the provisions of this convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision."

Ratification by  
Belgium, registration.

AND WHEREAS the ratification of the said draft convention by Belgium was registered with the Secretary-General of the League of Nations on April 11, 1938, subject to subsequent decisions regarding application to the Belgian Congo and the territories under Belgian Mandate and the ratification thereof by the United States of America, subject to the understandings above recited, was registered with the Secretary-General on October 29, 1938;

Ratification by  
U. S., registration.

Effective date;  
scope.

AND WHEREAS by such registrations the said draft convention became a formal convention between the United States of America and Belgium on October 29, 1938, which, pursuant to Article 15 thereof, will come into force as between the United States of America and Belgium on October 29, 1939, twelve months after the date on which the ratification of the United States of America was registered with the Secretary-General of the League of Nations, and pursuant to the same Article, will come into force, for other Members of the International Labor Organization whose ratifications may have been or hereafter may be registered with the Secretary-General of the League of Nations subsequent to October 29, 1938, twelve months after the date on which the ratification has been or may be registered in each case;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and the citizens thereof, on and from October 29, 1939, subject to the understandings above recited and to any exceptions and any limitations of liability in accordance with the provisions of the convention which may be made by legislation or regulations on the part of the United States of America.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State:*

*Convention between the United States of America and other members of the International Labor Organization respecting minimum age for employment of children at sea. Adopted by the General Conference of the International Labor Organization, twenty-second session, Geneva, October 24, 1936; ratification advised by the Senate of the United States, subject to understandings, June 13, 1938; ratified by the President of the United States, subject to the said understandings, August 15, 1938; ratification of the United States of America registered with the Secretary-General of the League of Nations October 29, 1938; proclaimed by the President of the United States September 29, 1939.*

October 24, 1936  
[T. S. No. 952]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS a draft convention (No. 58) fixing the minimum age for the admission of children to employment at sea was adopted on the twenty-fourth day of October nineteen hundred and thirty-six, by the General Conference of the International Labor Organization at its twenty-second session held at Geneva October 22–24, 1936, a certified copy of which draft convention, communicated by the Secretary-General of the League of Nations, acting in conformity with the requirements in the nineteenth Article of the Constitution of the International Labor Organization, to the Government of the United States of America as a Member of the said Organization, is, in the French and English languages, word for word as follows:

Minimum Age  
(Sea) Convention  
(Revised), 1936.  
Preamble.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 22 octobre 1936 en sa vingt-deuxième session,

Après avoir décidé d'adopter diverses propositions relatives à la révision partielle de la convention fixant l'âge minimum d'admission des enfants au travail maritime adoptée par la Conférence à sa deuxième session, question inscrite à l'ordre du jour de la présente session,

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-second Session on 22 October 1936, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to employment at sea adopted by the Conference at its Second Session, the question forming the Agenda of the present Session, and

General Conference  
of the International  
Labor Organization.

Considérant que ces propositions doivent prendre la forme d'un projet de convention internationale,

Considering that these proposals must take the form of a Draft International Convention,

Adoption of Draft Convention.

adopte, ce vingt-quatrième jour d'octobre mil neuf cent trente-six, le projet de convention ci-après qui sera dénommé Convention (révisée) sur l'âge minimum (travail maritime), 1936:

adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention which may be cited as the Minimum Age (Sea) Convention (Revised), 1936:

ARTICLE 1.

ARTICLE 1.

Definition of "vessel."

Pour l'application de la présente convention, le terme "navire" doit être entendu de tous les bateaux, navires ou bâtiments, quels qu'ils soient, de propriété publique ou privée, effectuant une navigation maritime, à l'exclusion des navires de guerre.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned; it excludes ships of war.

ARTICLE 2.

ARTICLE 2.

Employment of children under 15.

Exception.

Certificates for children over 14.

1. Les enfants de moins de quinze ans ne peuvent être employés au travail à bord des navires, autres que ceux sur lesquels sont seuls employés les membres d'une même famille.

1. Children under the age of fifteen years shall not be employed or work on vessels, other than vessels upon which only members of the same family are employed.

2. Toutefois, la législation nationale peut autoriser la délivrance de certificats permettant aux enfants âgés de quatorze ans au moins d'être employés dans les cas où une autorité scolaire ou une autre autorité appropriée désignées par la législation nationale s'est assurée, après avoir dûment pris en considération la santé et l'état physique de l'enfant, ainsi que les avantages futurs aussi bien qu'immédiats que l'emploi envisagé peut comporter pour lui, que cet emploi est dans l'intérêt de l'enfant.

2. Provided that national laws or regulations may provide for the issue in respect of children of not less than fourteen years of age of certificates permitting them to be employed in cases in which an educational or other appropriate authority designated by such laws or regulations is satisfied, after having due regard to the health and physical condition of the child and to the prospective as well as to the immediate benefit to the child of the employment proposed, that such employment will be beneficial to the child.

ARTICLE 3.

ARTICLE 3.

School-ships or training-ships.

Les dispositions de l'article 2 ne s'appliqueront pas au travail des enfants sur les bateaux-écoles,

The provisions of Article 2 shall not apply to work done by children on school-ships or

à la condition que ce travail soit approuvé et surveillé par l'autorité publique.

training-ships, provided that such work is approved and supervised by public authority.

## ARTICLE 4.

Dans le but de permettre le contrôle de l'application des dispositions de la présente convention, tout capitaine ou patron devra tenir un registre d'inscription ou un rôle d'équipage mentionnant toutes les personnes de moins de seize ans employées à bord, avec l'indication de la date de leur naissance.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

Register of employees under 16.

## ARTICLE 5.

La présente convention n'entrera en vigueur qu'après l'adoption, par la Conférence internationale du Travail, d'un projet de convention portant revision de la convention fixant l'âge minimum d'admission des enfants aux travaux industriels (1919) et d'un projet de convention portant revision de la convention concernant l'âge d'admission des enfants aux travaux non industriels (1932).

This Convention shall not come into force until after the adoption by the International Labour Conference of a Draft Convention revising the Convention fixing the minimum age for admission of children to industrial employment, 1919, and a Draft Convention revising the Convention concerning the age for admission of children to non-industrial employment, 1932.

Coming into force, conditions.

## ARTICLE 6

Les ratifications officielles de la présente convention seront communiquées au Secrétaire général de la Société des Nations et par lui enregistrées.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Ratifications, registration.

## ARTICLE 7.

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Secrétaire général.

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

Scope.

2. Sous réserve des dispositions de l'article 5 ci-dessus, elle entrera en vigueur douze mois après que les ratifications de deux Membres

2. Subject to the provisions of Article 5 above it shall come into force twelve months after the date on which the ratifications of two

Effective date.

auront été enregistrées par le Secrétaire général. Members have been registered with the Secretary-General.

Adherence there-  
after.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée. 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### ARTICLE 8.

#### ARTICLE 8.

Notifications.

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées, le Secrétaire général de la Société des Nations notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### ARTICLE 9.

#### ARTICLE 9.

Denunciation.

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Secrétaire général de la Société des Nations, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

Renewal for 10-year  
periods.

2. Tout Membre ayant ratifié la présente convention qui, dans un délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

## ARTICLE 10.

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa revision totale ou partielle.

## ARTICLE 11.

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 9 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

## ARTICLE 12.

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

## ARTICLE 10.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

## ARTICLE 11.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## ARTICLE 12.

The French and English texts of this Convention shall both be authentic.

Reports at 10-year intervals.

Revision.

Effect of revising Convention.

Closing to additional ratifications.

Continuation of present Convention.

Texts, authenticity.

AND WHEREAS it is provided in Article 6 of the said draft convention that the formal ratifications thereof shall be communicated to the Secretary-General of the League of Nations for registration and in Article 7 that, subject to the provisions of Article 5, the convention shall come into force twelve months after the date on which the ratifications of two Members of the International Labor Organization have been registered with the Secretary-General of the League of Nations, and that thereafter the convention shall come into force for any Member twelve months after the date on which its ratification has been registered;

AND WHEREAS it is provided in Article 5 of the said draft convention that the convention shall not come into force until after the adoption by the International Labor Conference of a draft convention revising the convention fixing the minimum age for admission of children to industrial employment, 1919, and a draft convention revising the convention concerning the age for admission of children to nonindustrial employment, 1932;

AND WHEREAS a draft convention revising the convention fixing the minimum age for admission of children to industrial employment, 1919, and a draft convention revising the convention concerning the age for admission of children to nonindustrial employment, 1932, were adopted by the International Labor Conference at its twenty-third session on June 22, 1937;

AND WHEREAS the aforesaid draft convention fixing the minimum age for the admission of children to employment at sea, 1936, was duly ratified on the part of the United States of America subject to understandings as follows:

“That the United States Government understands and construes the words ‘maritime navigation’ appearing in this Convention to mean navigation on the high seas only.

“That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision.”;

AND WHEREAS the ratifications of the said draft convention by Norway, Belgium, subject to subsequent decisions regarding application to the Belgian Congo and to territories under Belgian Mandate, Brazil and Sweden were registered with the Secretary-General of the League of Nations on July 7, 1937, April 11, 1938, October 12, 1938 and January 6, 1939, respectively, and by such registrations the said draft convention became a formal convention between Norway and Belgium on April 11, 1938, which came into force, pursuant to Article 7 thereof, between Norway and Belgium on April 11, 1939, twelve months after the date on which the ratification of Belgium was registered with the Secretary-General of the League of Nations, and, pursuant to the same article, will come into force for Brazil on October 12, 1939 and for Sweden on January 6, 1940;

Adoption by International Labor Conference of requisite draft conventions.

U. S. ratification subject to specified understandings.

Registration of certain ratifications, coming into force.

AND WHEREAS the ratification of the said draft convention by the United States of America, subject to the understandings above recited, was registered with the Secretary-General of the League of Nations on October 29, 1938;

Registration of U. S. ratification.

AND WHEREAS by such registration the said convention will come into force, pursuant to Article 7 thereof, for the United States of America with respect to Norway, Belgium and Brazil on October 29, 1939, twelve months after the date on which the ratification of the United States of America was registered with the Secretary-General of the League of Nations, and, pursuant to the same article, will come into force for Sweden and other Members of the International Labor Organization whose ratifications have been or may be registered with the Secretary-General of the League of Nations subsequent to October 29, 1938, twelve months after the date on which the ratification has been or may be registered in each case;

Date of coming into force for U. S.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and the citizens thereof, on and from October 29, 1939, subject to the understandings above recited and to any legislation or regulations in accordance with the provisions of the convention which may be made on the part of the United States of America.

Proclamation.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of September in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

January 27, 1939  
[T. S. No. 953]

*Convention between the United States of America and Finland regulating military obligations of persons having dual nationality. Signed at Helsinki January 27, 1939; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 14, 1939; ratified by Finland September 29, 1939; ratifications exchanged at Helsinki October 3, 1939; proclaimed by the President of the United States October 7, 1939.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

Preamble.

WHEREAS a convention between the United States of America and the Republic of Finland regulating the military obligations of persons possessing the nationality of both the High Contracting Parties was concluded and signed by their respective Plenipotentiaries at Helsinki on the twenty-seventh day of January, one thousand nine hundred and thirty-nine, the original of which convention, in the English and Finnish languages, is word for word as follows:

Texts.

The United States of America and the Republic of Finland, being desirous of regulating the question of exemption from military obligations of persons possessing the nationality of both the High Contracting Parties, have decided to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

Amerikan Yhdysvallat ja Suomen Tasavalta, haluten järjestää kysymyksen kummankin Korkean Sopimuspuolen kansalaisuuden omaavien henkilöiden vapauttamisesta sotilaallisista velvollisuuksista, ovat päättäneet tässä tarkoituksessa solmia sopimuksen ja ovat valtuutetuikseen määränneet:

Plenipotentiaries.

<p>The President of the United States of America:</p> <p>Mr. H. F. Arthur SCHOENFELD, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Finland;</p> <p>and</p> <p>The President of the Republic of Finland:</p> <p>Mr. Juho Eljas ERKKO, Minister of Foreign Affairs of the Republic of Finland;</p>	<p>Amerikan Yhdysvaltain Presidentti:</p> <p>Herra H. F. Arthur SCHOENFELDin, Amerikan Yhdysvaltain Suomen Tasavallassa olevan erikoislähettilään ja täysivaltaisen ministerin,</p> <p>ja</p> <p>Suomen Tasavallan Presidentti:</p> <p>Herra Juho Eljas ERKON, Suomen Tasavallan ulkoasiainministerin,</p>
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Who, having communicated to each other their full powers found to be in good and due form, have agreed as follows:

## ARTICLE I

A person possessing the nationality of both the High Contracting Parties who habitually resides in the territory of one of them and who is in fact most closely connected with that Party shall be exempt from all military obligations in the territory of the other Party.

## ARTICLE II

The present convention shall be ratified and the ratifications thereof shall be exchanged at Helsinki. It shall take effect in all its provisions on the day of the exchange of ratifications and shall continue in force for the term of ten years from that day.

If within six months before the expiration of ten years from the day on which the present convention shall come into force, neither High Contracting Party notifies the other of an intention of terminating the convention upon the expiration of the aforesaid period of ten years, the convention shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the convention.

In witness whereof, the respective Plenipotentiaries have signed the present convention and have affixed their seals thereto.

## I ARTIKLA

Henkilö, jolla on kummankin Korkean Sopimuspuolen kansalaisuus ja joka tavallisesti asuu toisen sopimuspuolen alueella sekä jolla todella on lähin yhteys siihen, on vapautettava kaikista sotilaallisista velvollisuuksista toisen sopimuspuolen alueella.

Exemption, except in country of habitual residence.

## II ARTIKLA

Tämä sopimus on ratifioitava ja ratifioimiskirjat on vaihdettava Helsingissä. Se tulee kaikkine määräyksineen voimaan ratifioimiskirjojen vaihdon päivänä ja on oleva voimassa kymmenen vuoden ajan sanotusta päivästä.

Ratification.

Effective date; duration.

Ellei kumpikaan Korkea Sopimuspuoli kuutta kuukautta ennen kymmenen vuoden päättymistä siitä päivästä lukien, jolloin tämä sopimus on tullut voimaan, ilmoita toiselle tahtovansa luopua sopimuksesta sanotun kymmenvuotisen ajanjakson päättyessä, sopimus jää voimaan sanotun ajan jälkeen kunnes kuusi kuukautta on kulunut siitä päivästä, jolloin jompikumpi Korkea Sopimuspuoli on ilmoittanut toiselle tahtovansa luopua sopimuksesta.

Termination.

Tämän vakuudeksi asianomaiset täysivaltaiset edustajat ovat tämän sopimuksen allekirjoittaneet ja sineteillään varustaneet.

Signatures.

Texts, authenticity.

Done in duplicate, in the English and Finnish languages, both authentic, at Helsinki, this twenty-seventh day of January, nineteen hundred and thirty nine.

Tehty kahtena kappaleena, englanniksi ja suomeksi, jotka molemmat tekstit ovat todistusvoimaisia, Helsingissä kahdentenkymmenentenä seitsemäntenä päivänä tammikuuta tuhat yhdeksänsataa kolmekymmentä yhdeksän.

H. F. ARTHUR SCHOENFELD

ELJAS ERKKO

[SEAL]

[SEAL]

Ratifications.

AND WHEREAS the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Helsinki on the third day of October, one thousand nine hundred and thirty-nine;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this seventh day of October in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Convention between the United States of America and other American republics respecting interchange of publications. Signed at Buenos Aires December 23, 1936; ratification advised by the Senate of the United States, subject to an understanding, August 1, 1939; ratified by the President of the United States, subject to the said understanding, August 14, 1939; ratification of the United States of America deposited with the Pan American Union at Washington October 23, 1939; proclaimed by the President of the United States November 15, 1939.*

December 23, 1936  
[T. S. No. 954]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, a Convention on the Interchange of Publications was signed at the Inter-American Conference for the Maintenance of Peace at Buenos Aires on December 23, 1936, by the Plenipotentiaries of the United States of America and the respective Plenipotentiaries of the other American Republics, a true copy of which Convention in the English, Spanish, Portuguese and French languages is word for word as follows: <sup>1</sup>

Preamble.

<sup>1</sup> [The texts follow literally the certified copy of the convention furnished by the Argentine Government.]

## CONVENTION ON INTERCHANGE OF PUBLICATIONS

The Governments represented in the Inter-American Conference for the Maintenance of Peace,

Desiring to conclude a convention relative to the exchange of publications, have named the following plenipotentiaries:

Plenipotentiaries.

*Argentina:*

Carlos Saavedra Lamas,  
Roberto M. Ortiz,  
Miguel Angel Cárcano,  
José María Cantilo,  
Felipe A. Espil,  
Leopoldo Melo,  
Isidoro Ruiz Moreno.  
Daniel Antokoletz,  
Carlos Brebbia,  
César Díaz Cisneros.

*Paraguay:*

Miguel Angel Soler,  
J. Isidro Ramírez.

*Honduras:*

Antonio Bermúdez M.,  
Julián López Pineda.

*Costa Rica:*

Manuel F. Jiménez,  
Carlos Brenes.

*Venezuela:*

Caracciolo Parra Pérez,  
Gustavo Herrera,  
Alberto Zérega Fombona.

*Peru:*

Carlos Concha,  
Alberto Ulloa,  
Felipe Barreda Laos,  
Diómedes Arias Schreiber.

*El Salvador:*

Manuel Castro Ramírez,  
Maximiliano Patricio Brannon.

*Mexico:*

Francisco Castillo Nájera,  
Alfonso Reyes,  
Ramón Beteta,  
Juan Manuel Alvarez del Castillo.

*Brazil:*

José Carlos de Macedo Soares,  
Oswaldo Aranha,  
José de Paula Rodrigues Alves,  
Helio Lobo,  
Hildebrando Pompeu Pinto Accioly,  
Edmundo da Luz Pinto,  
Roberto Carneiro de Mendonça,  
Rosalina Coelho Lisboa de Miller,  
María Luiza Bittencourt.

*Uruguay:*

José Espalter,  
Pedro Manini Ríos,  
Eugenio Martínez Thedy,  
Juan Antonio Buero,  
Felipe Ferreiro,  
Andrés F. Puyol,  
Abalcázar García,  
José G. Antuña,  
Julio César Cerdeiras Alonso,  
Gervasio Posadas Belgrano.

*Guatemala:*

Carlos Salazar,  
José A. Medrano,  
Alfonso Carrillo.

*Nicaragua:*

Luis Manuel Debayle,  
José María Moncada,  
Modesto Valle.

*Dominican Republic:*

Max Henríquez Ureña,  
Tulio M. Cestero,  
Enrique Jiménez.

*Colombia:*

Jorge Soto del Corral,  
Miguel López Pumarejo,  
Roberto Urdaneta Arbeláez,  
Alberto Lleras Camargo,  
José Ignacio Díaz Granados.

*Panama:*

Harmodio Arias M.,  
Julio J. Fábrega,  
Eduardo Chiari.

*United States of America:*

Cordell Hull,  
Sumner Welles,  
Alexander W. Weddell,  
Adolf A. Berle, Jr.,  
Alexander F. Whitney,  
Charles G. Fenwick,  
Michael Francis Doyle,  
Elise F. Musser.

Library of the Capital of each of the Contracting Parties a section dedicated to each of the other States taking part in this Convention

Establishment of sections in national libraries.

*Chile:*

Miguel Cruchaga Tocornal,  
Luis Barros Borgoño,  
Félix Nieto del Río,  
Ricardo Montaner Bello.

Article II. For the installation of these sections each Government promises to provide to each of the other Parties signatory to this Convention a collection of works of such character as to afford an understanding of the thought of their men of letters and science.

Collection of representative works.

*Ecuador:*

Humberto Albornoz,  
Antonio Pons,  
José Gabriel Navarro,  
Francisco Guarderas,  
Eduardo Salazar Gómez.

Article III. Each Government agrees to provide the accredited diplomatic missions of the other Contracting Parties with two copies of each of its official publications and such other publications as are edited with official assistance. These copies shall be destined for the sections indicated in Article I.

Official, etc., publications.

*Bolivia:*

Enrique Finot,  
David Alvéstegui,  
Eduardo Díez de Medina,  
Alberto Ostría Gutiérrez,  
Carlos Romero,  
Alberto Cortadellas,  
Javier Paz Campero.

Article IV. The national or official Libraries of the Capitals of the Contracting Parties shall enter into agreements to maintain, with the frequency desirable, a service of exchange of works edited in each one of them, and of photographic copies of documents which may be of interest to American history.

National libraries, exchange of works, etc.

*Haiti:*

H. Pauleus Sannon,  
Camille J. León,  
Elie Lescot,  
Edmé Manigat,  
Pierre Eugène de Lespinasse,  
Clément Magloire.

*Cuba:*

José Manuel Cortina,  
Ramón Zaydin,  
Carlos Márquez Sterling,  
Rafael Santos Jiménez,  
César Salaya,  
Calixto Whitmarsh,  
José Manuel Carbonell.

Article V. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Previous agreements not affected.

Who, after having deposited their full powers, found to be in good and due form, have agreed as follows:

Article VI. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The original

Ratification.

Article I. There shall be established in the national or official

Deposit of original of Convention.

Certified copies.	instrument shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall transmit authentic certified copies to the Governments for the aforementioned purpose of ratification.	the present Convention in English, Spanish, Portuguese and French and hereunto affix their respective seals, at the City of Buenos Aires, Capital of the Argentine Republic, on the twenty-third day of the month of December, 1936.
Deposit of ratifications.	The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.	<i>Argentina:</i> CARLOS SAAVEDRA LAMAS, ROBERTO M. ORTIZ, MIGUEL ANGEL CÁRCANO, JOSÉ MARÍA CANTILLO, FELIPE A. ESPIL, LEOPOLDO MELO, ISIDORO RUIZ MORENO, DANIEL ANTOKOLETZ, CARLOS BREBBIA, CÉSAR DÍAZ CISNEROS.
Coming into effect.	Article VII. The present Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications.	<i>Paraguay:</i> MIGUEL ANGEL SOLER, J. ISIDRO RAMÍREZ.
Duration.	Article VIII. The present Convention shall remain in effect indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it but shall remain in effect for the remaining High Contracting Parties.	<i>Honduras:</i> ANTONIO BERMÚDEZ M., JULIÁN LÓPEZ PINEDA.
Denunciation; effect.	Article IX. The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.	<i>Costa Rica:</i> MANUEL F. JIMÉNEZ, CARLOS BRENES.
Accession of other states.	Article IX. The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.	<i>Venezuela:</i> CARACCILO PARRA PÉREZ, GUSTAVO HERRERA, ALBERTO ZÉREGA FOMBONA.
Signatures.	In witness whereof, the above mentioned Plenipotentiaries sign	<i>Peru:</i> CARLOS CONCHA, ALBERTO ULLOA, FELIPE BARREDA LAOS, DIÓMEDES ARIAS SCHREIBER.
		<i>El Salvador:</i> MANUEL CASTRO RAMÍREZ, MAXIMILIANO PATRICIO BRAN- NON.
		<i>Mexico:</i> FRANCISCO CASTILLO NÁJERA, ALFONSO REYES, RAMÓN BETETA, JUAN MANUEL ALVAREZ DEL CASTILLO.

*Brazil:*

JOSÉ CARLOS DE MACEDO  
SOARES,  
JOSÉ DE PAULA RODRIGUES  
ALVES,  
HELIO LOBO,  
HILDEBRANDO POMPEU PINTO  
ACCIOLY,  
EDMUNDO DA LUZ PINTO,  
ROBERTO CARNEIRO DE MEN-  
DONÇA,  
ROSALINA COELHO LISBOA DE  
MILLER,  
MARÍA LUIZA BITTENCOURT.

*Uruguay:*

PEDRO MANINI RÍOS,  
EUGENIO MARTÍNEZ THEDY,  
FELIPE FERREIRO,  
ABALCÁZAR GARCÍA,  
JULIO CÉSAR CERDEIRAS  
ALONSO,  
GERVASIO POSADAS BELGRANO.

*Guatemala:*

CARLOS SALAZAR,  
JOSÉ A. MEDRANO,  
ALFONSO CARRILLO.

*Nicaragua:*

LUIS MANUEL DEBAYLE,  
JOSÉ MARÍA MONCADA,  
MODESTO VALLE.

*Dominican Republic:*

MAX HENRÍQUEZ UREÑA,  
TULIO M. CESTERO,  
ENRIQUE JIMÉNEZ,

*Colombia:*

JORGE SOTO DEL CORRAL,  
MIGUEL LÓPEZ PUMAREJO,  
ROBERTO URDANETA ARBE-  
LÁEZ,  
ALBERTO LLERAS CAMARGO,  
JOSÉ IGNACIO DÍAZ GRANADOS.

*Panama:*

HARMODIO ARIAS M.,  
JULIO J. FÁBREGA,  
EDUARDO CHIARI.

*United States of America:*

CORDELL HULL,  
SUMNER WELLES,  
ALEXANDER W. WEDDELL,  
ADOLF A. BERLE, JR.,  
ALEXANDER F. WHITNEY,  
CHARLES G. FENWICK,  
MICHAEL FRANCIS DOYLE,  
ELISE F. MUSSER.

*Chile:*

MIGUEL CRUCHAGA TOCORNAL,  
LUIS BARROS BORGOÑO,  
FÉLIX NIETO DEL RÍO,  
RICARDO MONTANER BELLO.

*Ecuador:*

HUMBERTO ALBORNOZ,  
ANTONIO PONS,  
JOSÉ GABRIEL NAVARRO,  
FRANCISCO GUARDERAS,

*Bolivia:*

ENRIQUE FINOT,  
DAVID ALVÉSTEGUI,  
CARLOS ROMERO,

*Haiti:*

H. PAULEUS SANNON,  
CAMILLE J. LEÓN,  
ELIE LESCOT,  
EDMÉ MANIGAT,  
PIERRE EUGÉNE DE LESPI-  
NASSE,  
CLÉMENT MAGLOIRE.

*Cuba:*

JOSÉ MANUEL CORTINA,  
RAMÓN ZAYDIN,  
CARLOS MÁRQUEZ STERLING,  
RAFAEL SANTOS JIMÉNEZ,  
CÉSAR SALAYA,  
CALIXTO WHITMARSH,  
JOSÉ MANUEL CARBONELL.

## CONVENCION SOBRE INTERCAMBIO DE PUBLICACIONES

Los Gobiernos representados en la Conferencia Interamericana de Consolidación de la Paz,

Deseosos de concertar un convenio sobre Canje de Publicaciones, han nombrado los siguientes Plenipotenciarios:

*Argentina:*

Carlos Saavedra Lamas,  
Roberto M. Ortiz,  
Miguel Angel Cárcano,  
José María Cantilo,  
Felipe A. Espil,  
Leopoldo Melo,  
Isidoro Ruiz Moreno,  
Daniel Antokoletz,  
Carlos Brebbia,  
César Díaz Cisneros.

*Paraguay:*

Miguel Angel Soler,  
J. Isidro Ramírez.

*Honduras:*

Antonio Bermúdez M.,  
Julián López Pineda.

*Costa Rica:*

Manuel F. Jiménez,  
Carlos Brenes.

*Venezuela:*

Caracciolo Parra Pérez,  
Gustavo Herrera,  
Alberto Zérega Fombona.

*Perú:*

Carlos Concha,  
Alberto Ulloa,  
Felipe Barreda Laos.  
Diómedes Arias Schreiber.

*El Salvador:*

Manuel Castro Ramírez,  
Maximiliano Patricio Brannon.

*México:*

Francisco Castillo Nájera,  
Alfonso Reyes,  
Ramón Beteta,  
Juan Manuel Alvarez del Castillo.

*Brasil*

José Carlos de Macedo Soares,  
Oswaldo Aranha,  
José de Paula Rodrigues Alves.  
Helio Lobo,  
Hildebrando Pompeu Pinto Accioly,  
Edmundo da Luz Pinto,  
Roberto Carneiro de Mendonça,  
Rosalina Coelho Lisboa de Miller,  
María Luiza Bittencourt.

*Uruguay:*

José Espalter,  
Pedro Manini Ríos,  
Eugenio Martínez Thedy,  
Juan Antonio Buero,  
Felipe Ferreiro,  
Andrés F. Puyol,  
Abalcázar García,  
José G. Antuña,  
Julio César Cerdeiras Alonso,  
Gervasio Posadas Belgrano.

*Guatemala:*

Carlos Salazar,  
José A. Medrano,  
Alfonso Carrillo.

*Nicaragua:*

Luis Manuel Debayle,  
José María Moncada,  
Modesto Valle.

*República Dominicana:*

Max Henríquez Ureña,  
Tulio M. Cestero,  
Enrique Jiménez.

*Colombia:*

Jorge Soto del Corral,  
Miguel López Pumarejo,  
Roberto Urdaneta Arbeláez,  
Alberto Lleras Camargo,  
José Ignacio Díaz Granados.

*Panamá:*

Harmodio Arias M.,  
Julio J. Fábrega,  
Eduardo Chiari.

*Estados Unidos de América:*

Cordell Hull,  
Sumner Welles,  
Alexander W. Weddell,  
Adolf A. Berle, Jr.,  
Alexander F. Whitney,  
Charles G. Fenwick,  
Michael Francis Doyle,  
Elise F. Musser.

*Chile:*

Miguel Cruchaga Tocornal,  
Luis Barros Borgoño,  
Félix Nieto del Río,  
Ricardo Montaner Bello.

*Ecuador:*

Humberto Albornoz,  
Antonio Pons,  
José Gabriel Navarro,  
Francisco Guarderas,  
Eduardo Salazar Gómez.

*Bolivia:*

Enrique Finot,  
David Alvéstegui,  
Eduardo Díez de Medina,  
Alberto Ostría Gutiérrez,  
Carlos Romero,  
Alberto Cortadellas,  
Javier Paz Campero.

*Haití:*

H. Pauleus Sannon,  
Camille J. León,  
Elie Lescot,  
Edmé Manigat,  
Pierre Eugène de Lespinasse,  
Clément Magloire.

*Cuba:*

José Manuel Cortina,  
Ramón Zaydín,  
Carlos Márquez Sterling,  
Rafael Santos Jiménez,  
César Salaya,  
Calixto Whitmarsh,  
José Manuel Carbonell.

Quienes, después de haber exhibido sus Plenos Poderes, que fueron hallados en buena y debida forma, han convenido en lo siguiente:

Artículo I.—Se creará en la Biblioteca Nacional u oficial de la Capital de cada una de las Partes Contratantes, una sección dedicada a cada uno de los otros Estados que intervienen en este Convenio.

Art. II.—Para la instalación de estas secciones, cada Gobierno se compromete a proveer a cada uno de los otros Contratantes de este Convenio de una colección de obras capaces de dar concepto sobre la ideología de sus hombres de estudio y de ciencia.

Art. III.—Cada Gobierno se compromete a hacer proveer a las misiones diplomáticas de las otras Partes Contratantes acreditadas ante aquél, de dos ejemplares de cada una de sus publicaciones oficiales y de todas aquellas que fueren editadas con su auxilio. Estos ejemplares serán destinados a las secciones indicadas en el Artículo I.

Art. IV.—Las Bibliotecas Nacionales u oficiales de las capitales de las Partes Contratantes entrarán en acuerdos para mantener, con la deseable frecuencia, el servicio de canje de las obras editadas en cada una de ellas y de copias fotográficas de documentos que puedan tener interés para la Historia Americana.

Art. V.—La presente Convención no afecta los compromisos contraídos anteriormente por las Altas Partes Contratantes en virtud de acuerdos internacionales.

Art. VI.—La presente Convención será ratificada por las Altas

Partes Contratantes, de acuerdo y sellan la presente Convención en español, inglés, portugués y francés, con sus procedimientos constitucionales. El Ministerio de Relaciones Exteriores de la República Argentina guardará los originales de la presente Convención y queda encargado de enviar copias certificadas auténticas a los Gobiernos para el referido fin. Los instrumentos de ratificación serán depositados en los archivos de la Unión Panamericana, en Washington, que notificará dicho depósito a los Gobiernos signatarios; tal notificación valdrá como canje de ratificaciones.

Art. VII.—La presente Convención entrará en vigor entre las Altas Partes Contratantes en el orden en que vayan depositando sus respectivas ratificaciones.

Art. VIII.—La presente Convención regirá indefinidamente, pero podrá ser denunciada mediante aviso anticipado de un año a la Unión Panamericana, que lo transmitirá a los demás Gobiernos signatarios. Transcurrido este plazo, la Convención cesará en sus efectos para el denunciante, quedando subsistente para las demás Altas Partes Contratantes.

Art. IX.—La presente Convención quedará abierta a la adhesión y acesión de los Estados no signatarios. Los instrumentos correspondientes serán depositados en los archivos de la Unión Panamericana, que los comunicará a las otras Altas Partes Contratantes.

En fe de lo cual, los Plenipotenciarios arriba mencionados, firman

en la ciudad de Buenos Aires, Capital de la República Argentina, a los veintitrés días del mes de diciembre del año mil novecientos treinta y seis.

*Argentina:*

CARLOS SAAVEDRA LAMAS,  
ROBERTO M. ORTIZ,  
MIGUEL ANGEL CÁRCANO,  
JOSÉ MARÍA CANTILLO,  
FELIPE A. ESPIL,  
LEOPOLDO MELO,  
ISIDORO RUIZ MORENO.  
DANIEL ANTOKOLETZ,  
CARLOS BREBBIA,  
CÉSAR DÍAZ CISNEROS.

*Paraguay:*

MIGUEL ANGEL SOLER,  
J. ISIDORO RAMÍREZ.

*Honduras:*

ANTONIO BERMÚDEZ M.,  
JULIÁN LÓPEZ PINEDA.

*Costa Rica:*

MANUEL F. JIMÉNEZ,  
CARLOS BRENES.

*Venezuela:*

CARACCILO PARRA PÉREZ,  
GUSTAVO HERRERA,  
ALBERTO ZÉREGA FOMBONA.

*Perú:*

CARLOS CONCHA,  
ALBERTO ULLOA,  
FELIPE BARREDA LAOS,  
DIÓMEDES ARIAS SCHREIBER.

*El Salvador:*

MANUEL CASTRO RAMÍREZ,  
MAXIMILIANO PATRICIO BRAN-  
NON.

*México:*

FRANCISCO CASTILLO NÁJERA,  
ALFONSO REYES,  
RAMÓN BETETA,  
JUAN MANUEL ALVAREZ DEL  
CASTILLO.

*Brasil:*

JOSÉ CARLOS DE MACEDO  
SOARES,  
JOSÉ DE PAULA RODRÍGUES  
ALVES,  
HELIO LOBO,  
HILDEBRANDO POMPEU PINTO  
ACCIOLY,  
EDMUNDO DA LUZ PINTO,  
ROBERTO CARNEIRO DE MEN-  
DONÇA,  
ROSALINA COELHO LISBOA DE  
MILLER,  
MARÍA LUIZA BITTENCOURT.

*Panamá:*

HARMODIO ARIAS M.,  
JULIO J. FÁBREGA,  
EDUARDO CHIARI.

*Estados Unidos de América:*

CORDELL HULL,  
SUMNER WELLES,  
ALEXANDER W. WEDDELL,  
ADOLPH A. BERLE, JR.,  
ALEXANDER F. WHITNEY,  
CHARLES G. FENWICK,  
MICHAEL FRANCIS DOYLE,  
ELISE F. MUSSER.

*Chile:*

MIGUEL CRUCHAGA TOCORNAL,  
LUIS BARROS BORGOÑO,  
FÉLIX NIETO DEL RÍO,  
RICARDO MONTANER BELLO.

*Ecuador:*

HUMBERTO ALBORNOZ,  
ANTONIO PONS,  
JOSÉ GABRIEL NAVARRO,  
FRANCISCO GUARDERAS,

*Bolivia:*

ENRIQUE FINOT,  
DAVID ALVÉSTEGUI,  
CARLOS ROMERO,

*Haití:*

H. PAULEUS SANNON,  
CAMILLE J. LEÓN,  
ELIE LESCOT,  
EDMÉ MANIGAT,  
PIERRE EUGÉNE DE LESPI-  
NASSE,  
CLÉMENT MAGLOIRE.

*Cuba:*

JOSÉ MANUEL CORTINA,  
RAMÓN ZAYDIN,  
CARLOS MÁRQUEZ STERLING,  
RAFAEL SANTOS JIMÉNEZ,  
CÉSAR SALAYA,  
CALIXTO WHITMARSH,  
JOSÉ MANUEL CARBONELL.

*Uruguay:*

PEDRO MANINI RÍOS,  
EUGENIO MARTÍNEZ THEDY,  
FELIPE FERREIRO,  
ABALCÁZAR GARCÍA,  
JULIO CÉSAR CERDEIRAS ALON-  
SO,  
GERVASIO POSADAS BELGRANO.

*Guatemala:*

CARLOS SALAZAR,  
JOSÉ A. MEDRANO,  
ALFONSO CARRILLO.

*Nicaragua:*

LUIS MANUEL DEBAYLE,  
JOSÉ MARÍA MONCADA,  
MODESTO VALLE.

*República Dominicana:*

MAX HENRÍQUEZ UREÑA,  
TULIO M. CESTERO,  
ENRIQUE JIMÉNEZ.

*Colombia:*

JORGE SOTO DEL CORRAL,  
MIGUEL LÓPEZ PUMAREJO,  
ROBERTO URDANETA ARBE-  
LÁEZ,  
ALBERTO LLERAS CAMARGO,  
JOSÉ IGNACIO DÍAZ GRANADOS.

## CONVENÇÃO SOBRE INTER CAMBIO DE PUBLICAÇÕES

Os Governos representados na Conferencia Interamericana de Consolidação da Paz,

Desejosos de realizar um convenio sobre Intercambio de Publicações, nomearam os Plenipotenciarios que á seguir se mencionam:

### *Argentina:*

Carlos Saavedra Lamas,  
Roberto M. Ortíz,  
Miguel Angel Cárcano,  
José María Cantilo,  
Felipe A. Espil,  
Leopoldo Melo,  
Isidoro Ruiz Moreno.  
Daniel Antokoletz,  
Carlos Brebbia,  
César Díaz Cisneros.

### *Paraguay:*

Miguel Angel Soler,  
J. Isidro Ramírez.

### *Honduras:*

Antonio Bermúdez M.,  
Julián López Pineda.

### *Costa Rica:*

Manuel F. Jiménez,  
Carlos Brenes.

### *Venezuela:*

Caracciolo Parra Pérez,  
Gustavo Herrera,  
Alberto Zérega Fombona.

### *Perú:*

Carlos Concha,  
Alberto Ulloa,  
Felipe Barreda Laos,  
Diómedes Arias Schreiber.

### *El Salvador:*

Manuel Castro Ramírez,  
Maximiliano Patricio Brannon.

### *México:*

Francisco Castillo Nájera,  
Alfonso Reyes,  
Ramón Beteta,  
Juan Manuel Alvarez del Castillo.

### *Brasil:*

José Carlos de Macedo Soares,  
Oswaldo Arhana,  
José de Paula Rodrigues Alves,  
Helio Lobo,  
Hildebrando Pompeu Pinto Accioly,  
Edmundo da Luz Pinto,  
Roberto Carneiro de Mendonça,  
Rosalina Coelho Lisboa de Miller,  
María Luiza Bittencourt.

### *Uruguay:*

José Espalter,  
Pedro Manini Ríos,  
Eugenio Martínez Thedy,  
Juan Antonio Boero,  
Felipe Ferreiro,  
Andrés F. Puyol,  
Abalcázar García,  
José G. Antuña,  
Julio César Cerdeiras Alonso,  
Gervasio Posadas Belgrano.

### *Guatemala:*

Carlos Salazar,  
José A. Medrano,  
Alfonso Carrillo.

### *Nicaragua:*

Luis Manuel Debayle,  
José María Moncada,  
Modesto Valle.

### *República Dominicana:*

Max Henríquez Ureña,  
Tulio M. Cestero,  
Enrique Jiménez.

### *Colombia:*

Jorge Soto del Corral,  
Miguel López Pumarejo,  
Roberto Urdaneta Arbeláez,  
Alberto Lleras Camargo,  
José Ignacio Díaz Granados.

### *Panamá:*

Harmodio Arias M.,  
Julio J. Fábrega,  
Eduardo Chiari.

*Estados Unidos de América:*

Cordell Hull,  
Sumner Welles,  
Alexander W. Weddell,  
Adolph A. Berle, Jr.,  
Alexander F. Whitney,  
Charles G. Fenwick,  
Michael Francis Doyle,  
Elise F. Musser.

*Chile:*

Miguel Cruchaga Tocornal,  
Luis Barros Borgoño,  
Félix Nieto del Río,  
Ricardo Montaner Bello.

*Ecuador:*

Humberto Albornoza,  
Antonio Pons,  
José Gabriel Navarro,  
Francisco Guarderas.

*Bolivia:*

Enrique Finot,  
David Alvéstegui,  
Eduardo Díez de Medina,  
Alberto Ostria Gutiérrez,  
Carlos Romero,  
Alberto Cortadellas,  
Javier Paz Campero.

*Haití:*

H. Pauleus Sannon,  
Camille J. León,  
Elie Lescot,  
Edmé Manigat,  
Pierre Eugène de Lespinasse,  
Clément Magloire.

*Cuba:*

José Manuel Cortina,  
Ramón Zaydín,  
Carlos Márquez Sterling,  
Rafael Santos Jiménez,  
César Salaya,  
Calixto Whitmarsh,  
José Manuel Carbonell.

Os quaes, depois de terem exhibido as suas credenciaes, que foram achados em bôa e devida forma, convieram no seguinte:

Artigo I.—Criar-se-á na Bibliotheca Nacional ou official da capital de cada uma das Partes

Contractantes uma secção dedicada a cada um dos outros Estados que são partes neste Convenio.

Artigo II.—Para a installação destas secções, cada Governo se compromette a fornecer a cada um dos demais Contractantes deste Convenio uma collecção de obras capazes de dar conceito sobre a ideologia dos seus homens de estudio o de sciencia.

Artigo III.—Cada Governo se compromette a fornecer ás missões diplomaticas das outras Partes Contractantes perante ella acreditadas, dois exemplares de cada uma das suas publicações officiaes e de todas aquellas que fossem editadas com o seu auxilio. Estes exemplares serão destinados ás secções indicadas no Artigo I.

Artigo IV.—As Bibliothecas Nacionaes ou officiaes das capitaeas das Partes Contractantes entrarão em accórdos para manter, com a frequencia necessaria, o serviço de troca das obras editadas em cada uma dellas e de copias photographicas de documentos que possam têr interêsse para a Historia Americana.

Artigo V.—A presente Convenção não affecta os compromissos contrahidos anteriormente pelas Altas Parte Contractantes em virtude de accórdos internacionaes.

Artigo VI.—A presente Convenção será ratificada pelas Altas Partes Contractantes de accôrdo com os seus preceitos constitucionaes. O Ministerio de Relações Exteriores da Republica Argentina conservará os originaes da presente Convenção e fica

encarregado de enviar copias verdadeiras e authenticadas aos Governos para o referido fim. Os instrumentos de ratificação serão depositados nos archivos de União Panamericana, em Washington, que communicará o referido deposito aos Governos signatarios; essa communicação terá o valor de troca de ratificações.

Artigo VII.—A presente Convenção entrará em vigor entre as Altas Partes Contractantes na ordem em que forem depositando as suas respectivas ratificações.

Artigo VIII.—A presente Convenção vigorará indefinidamente, podendo ser denunciada mediante aviso antecipado de um anno á União Panamericana que o transmittirá aos demais Governos signatarios. Decorrido esse prazo, a Convenção deixará de produzir effeito para o Estado denunciante, subsistindo para as demais Altas Partes Contractantes.

Artigo IX.—A presente Convenção ficará aberta á adhesão e accessão dos Estados não signatarios. Os instrumentos respectivos serão depositados nos Archivos da União Panamericana, que os communicará ás outras Altas Partes Contractantes.

Em fé do que, os Plenipotenciarios que acima se nomeiam assignam e affixam seus sellos na presente Convenção em espanhol, inglez, portuguez e francez, na cidade de Buenos Aires, Capital

da Republica Argentina, aos vinte tres dias do mez de dezembro do anno de mil novecentos e trinta e seis.

*Argentina:*

CARLOS SAAVEDRA LAMAS,  
ROBERTO M. ORTIZ,  
MIGUEL ANGEL CÁRCANO,  
JOSÉ MARÍA CANTILLO,  
FELIPE A. ESPIL,  
LEOPOLDO MELO,  
ISIDORO RUIZ MORENO,  
DANIEL ANTOKOLETZ,  
CARLOS BREBBIA,  
CÉSAR DÍAZ CISNEROS.

*Paraguay:*

MIGUEL ANGEL SOLER,  
J. ISIDRO RAMÍREZ.

*Honduras:*

ANTONIO BERMÚDEZ M.,  
JULIÁN LÓPEZ PINEDA.

*Costa Rica:*

MANUEL F. JIMÉNEZ,  
CARLOS BRENES.

*Venezuela:*

CARACCILO PARRA PÉREZ,  
GUSTAVO HERRERA,  
ALBERTO ZÉREGA FOMBONA.

*Perú:*

CARLOS CONCHA,  
ALBERTO ULLOA,  
FELIPE BARREDA LAOS,  
DIÓMEDES ARIAS SCHREIBER.

*El Salvador:*

MANUEL CASTRO RAMÍREZ,  
MAXIMILIANO PATRICIO BRANNON.

*México:*

FRANCISCO CASTILLO NÁJERA,  
ALFONSO REYES,  
RAMÓN BETETA,  
JUAN MANUEL ALVAREZ DEL CASTILLO.

*Brasil*

JOSÉ CARLOS DE MACEDO  
SOARES,  
OSWALDO ARANHA,  
JOSÉ DE PAULA RODRIGUES  
ALVES,  
HELIO LOBO,  
HILDEBRANDO POMPEU PINTO  
ACCIOLY,  
EDMUNDO DA LUZ PINTO,  
ROBERTO CARNEIRO DE MEN-  
DONÇA,  
ROSALINA COELHO LISBOA DE  
MILLER,  
MARÍA LUIZA BITTENCOURT.

*Uruguay:*

PEDRO MANINI RÍOS,  
EUGENIO MARTÍNEZ THEDY,  
FELIPE FERREIRO,  
ABALCÁZAR GARCÍA,  
JULIO CÉSAR CERDEIRAS  
ALONSO  
GERVASIO POSADAS BELGRANO

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JOSÉ A. MEDRANO,  
ALFONSO CARRILLO.

*Nicaragua:*

LUIS MANUEL DEBAYLE,  
JOSÉ MARÍA MONCADA,  
MODESTO VALLE.

*República Dominicana:*

MAX HENRÍQUEZ UREÑA,  
TULIO M. CESTERO,  
ENRIQUE JIMÉNEZ.

*Colombia:*

JORGE SOTO DEL CORRAL,  
MIGUEL LÓPEZ PUMAREJO,  
ROBERTO URDANETA ARBELÁEZ,  
ALBERTO LLERAS CAMARGO,  
JOSÉ IGNACIO DÍAZ GRANADOS.

*Panamá:*

HARMODIO ARIAS M.,  
JULIO J. FÁBREGA,  
EDUARDO CHIARI.

*Estados Unidos de América:*

CORDELL HULL,  
SUMNER WELLES,  
ALEXANDER W. WEDDELL,  
ADOLF A. BERLE, JR.,  
ALEXANDER F. WHITNEY,  
CHARLES G. FENWICK,  
MICHAEL FRANCIS DOYLE,  
ELISE F. MUSSER.

*Chile:*

MIGUEL CRUCHAGA TOCORNAL,  
LUIS BARROS BORGONO,  
FÉLIX NIETO DEL RÍO,  
RICARDO MONTANER BELLO.

*Ecuador:*

HUMBERTO ALBORNOZ,  
ANTONIO PONS,  
JOSÉ GABRIEL NAVARRO,  
FRANCISCO GUARDERAS,  
EDUARDO SALAZAR GÓMEZ.

*Bolivia:*

ENRIQUE FINOT,  
DAVID ALVÉSTEGUI,  
CARLOS ROMERO.

*Haiti:*

H. PAULEUS SANNON,  
CAMILLE J. LEÓN,  
ELIE LESCOT,  
EDMÉ MANIGAT,  
PIERRE EUGÈNE DE LESPINASSE,  
CLÉMENT MAGLOIRE.

*Cuba:*

JOSÉ MANUEL CORTINA,  
RAMÓN ZAYDIN,  
CARLOS MÁRQUEZ STERLING,  
RAFAEL SANTOS JIMÉNEZ,  
CÉSAR SALAYA,  
CALIXTO WHITMARSH,  
JOSÉ MANUEL CARBONELL.

## CONVENTION SUR L'ÉCHANGE DE PUBLICATIONS

Les Gouvernements représentés à la Conférence Interaméricaine pour le Maintien de la Paix,

Désireux de conclure un accord sur l'Échange de Publications, ont désigné les Plénipotentiaires suivants:

*Argentine:*

Carlos Saavedra Lamas,  
Roberto M. Ortiz,  
Miguel Angel Cárcano,  
José María Cantilo,  
Felipe A. Espil,  
Leopoldo Melo,  
Isidoro Ruiz Moreno,  
Daniel Antokoletz,  
Carlos Brebbia,  
César Díaz Cisneros.

*Paraguay:*

Miguel Angel Soler,  
J. Isidro Ramírez.

*Honduras:*

Antonio Bermúdez M.,  
Julián López Pineda.

*Costa Rica:*

Manuel F. Jiménez,  
Carlos Brenes.

*Vénézuéla:*

Caracciolo Parra Pérez,  
Gustavo Herrera,  
Alberto Zérega Fombona.

*Pérou:*

Carlos Concha,  
Alberto Ulloa,  
Felipe Barreda Laos.  
Diómedes Arias Schreiber.

*Le Salvador:*

Manuel Castro Ramírez,  
Maximiliano Patricio Brannon.

*Mexique:*

Francisco Castillo Nájera,  
Alfonso Reyes,  
Ramón Beteta,  
Juan Manuel Alvarez del Castillo.

*Brésil:*

José Carlos de Macedo Soares,  
Oswaldo Aranha,  
José de Paula Rodrigues Alves,  
Helio Lobo,  
Hildebrando Pompeu Pinto Accioly,  
Edmundo da Luz Pinto,  
Roberto Carneiro de Mendonça,  
Rosalina Coelho Lisboa de Miller,  
María Luiza Bittencourt.

*Uruguay:*

José Espalter,  
Pedro Manini Ríos,  
Eugenio Martínez Thedy,  
Juan Antonio Buero,  
Felipe Ferreiro,  
Andrés F. Puyol,  
Abalcázar García,  
José G. Antuña,  
Julio César Cerdeiras Alonso,  
Gervasio Posadas Belgrano.

*Guatémala:*

Carlos Salazar,  
José A. Medrano,  
Alfonso Carrillo.

*Nicaragua:*

Luis Manuel Debayle,  
José María Moncada,  
Modesto Valle.

*République Dominicaine:*

Max Henríquez Ureña,  
Tulio M. Cestero,  
Enrique Jiménez.

*Colombie:*

Jorge Soto del Corral,  
Miguel López Pumarejo,  
Roberto Urdaneta Arbeláez,  
Alberto Lleras Camargo,  
José Ignacio Díaz Granados.

*Panama:*

Harmodio Arias M.,  
Julio J. Fábrega,  
Eduardo Chiari.

*Etats-Unis d'Amérique:*

Cordell Hull,  
Sumner Welles,  
Alexander W. Weddell,  
Adolf A. Berle, Jr.,  
Alexander F. Whitney,  
Charles G. Fenwick,  
Michael Francis Doyle,  
Elise F. Musser.

*Chili:*

Miguel Cruchaga Tocornal,  
Luis Barros Borgoño,  
Félix Nieto del Río,  
Ricardo Montaner Bello.

*Equateur:*

Humberto Alborno, z,  
Antonio Pons,  
José Gabriel Navarro,  
Francisco Guarderas,  
Eduardo Salazar Gómez.

*Bolivie:*

David Alvéstegui,  
Enrique Finot,  
Eduardo Díez de Medina,  
Alberto Ostría Gutiérrez,  
Carlos Romero,  
Alberto Cortadellas,  
Javier Paz Campero.

*Haïti:*

H. Pauleus Sannon,  
Camille J. León,  
Elie Lescot,  
Edmé Manigat,  
Pierre Eugène de Lespinasse,  
Clément Magloire.

*Cuba:*

José Manuel Cortina,  
Ramón Zaydín,  
Carlos Márquez Sterling,  
Rafael Santos Jiménez,  
César Salaya,  
Calixto Whitmarsh,  
José Manuel Carbonell.

Lesquels, après s'être communiqué leurs Pleins Pouvoirs, trouvés en bonne et due forme, ont convenu ce qui suit:

Art. I.—A la Bibliothèque Nationale ou Officielle de la capitale

de chacune des Parties Contractantes sera créée une section dédiée à chacun des autres Etats qui interviennent dans cet Accord.

Art. II.—Pour l'installation de ces sections, chaque Gouvernement s'engage à pourvoir chacun des autres contractants de cet Accord d'une collection d'oeuvres capable de donner une idée complète sur la tendance et la pensée de ses hommes de lettres et de ses savants.

Art. III.—Chaque Gouvernement s'engage à faire parvenir aux missions diplomatiques des autres Parties Contractantes accréditées auprès de lui, deux exemplaires de chacune de ses publications officielles et de toutes celles qui seraient éditées avec son aide. Ces exemplaires seront destinés aux sections signalées à l'Article premier.

Art. IV.—Les Bibliothèques Nationales ou officielles des capitales des Parties Contractantes entreront en accord pour maintenir, avec la fréquence désirable, le service d'échange des oeuvres qu'elles éditeront et des copies photographiques de documents, qui peuvent être d'intérêt pour l'Histoire Américaine.

Art. V.—La présente Convention n'affecte pas les engagements contractés précédemment par les Hautes Parties Contractantes en vertu d'accords internationaux.

Art. VI.—La présente Convention sera ratifiée par les Hautes Parties Contractantes, conformément à leurs procédures constitutionnelles. Le Ministère des Af-

fares Etrangères de la République Argentine conservera les originaux de la présente Convention et est chargé d'en envoyer, dans ce but, des copies certifiées authentiques aux Gouvernements. Les instruments de ratification seront déposés aux archives de l'Union Panaméricaine, à Washington, qui en notifiera le dépôt aux Gouvernements signataires; cette notification équivaldra à l'échange des ratifications.

Art. VII.—La présente Convention entrera en vigueur les Hautes Parties Contractantes dans l'ordre où elles déposeront leurs respectives ratifications.

Art. VIII.—La présente Convention restera indéfiniment en vigueur, mais pourra être dénoncée moyennant un préavis d'un an à l'Union Panaméricaine, qui le transmettra aux autres Gouvernements signataires. Ce délai écoulé, la Convention cessera de produire ses effets à l'égard de la Partie qui l'aura dénoncée, mais restera en vigueur à l'égard des autres Hautes Parties Contractantes.

Art. IX.—La présente Convention restera ouverte à l'adhésion des Etats non signataires. Les instruments correspondants seront déposés aux archives de l'Union Panaméricaine, qui les communiquera aux autres Hautes Parties Contractantes.

En foi de quoi, les Plénipotentiaires ci-après nommés ont signé la présente Convention en espagnol,

en anglais, en portugais et en français et y ont apposé leurs sceaux dans la ville de Buenos Aires, Capitale de la République Argentine, ce vingt-trois, Décembre mil neuf cent trente-six.

*Argentine:*

CARLOS SAAVEDRA LAMAS,  
ROBERTO M. ORTIZ,  
MIGUEL ANGEL CÁRCANO,  
JOSÉ MARÍA CANTILLO.  
FELIPE A. ESPIL,  
LEOPOLDO MELO,  
ISIDORO RUIZ MORENO.  
DANIEL ANTOKOLETZ,  
CARLOS BREBBIA,  
CÉSAR DÍAZ CISNEROS.

*Paraguay:*

MIGUEL ANGEL SOLER,  
J. ISIDRO RAMÍREZ.

*Honduras:*

ANTONIO BERMÚDEZ M.,  
JULIÁN LÓPEZ PINEDA.

*Costa Rica:*

MANUEL F. JIMÉNEZ,  
CARLOS BRENES.

*Vénézuéla:*

CARACCIOLO PARRA PÉREZ,  
GUSTAVO HERRERA,  
ALBERTO ZÉREGA FOMBONA.

*Pérou:*

CARLOS CONCHA,  
ALBERTO ULLOA,  
FELIPE BARREDA LAOS,  
DIÓMEDES ARIAS SCHREIBER.

*Le Salvador:*

MANUEL CASTRO RAMÍREZ,  
MAXIMILIANO PATRICIO BRAN-  
NON.

*Mexique:*

FRANCISCO CASTILLO NÁJERA,  
ALFONSO REYES,  
RAMÓN BETETA,  
JUAN MANUEL ALVAREZ DEL  
CASTILLO.

*Brésil:*

JOSÉ CARLOS DE MACEDO  
SOARES,  
JOSÉ DE PAULA RODRIGUES  
ALVES,  
HELIO LOBO,  
HILDEBRANDO POMPEU PINTO  
ACCIOLY,  
EDMUNDO DA LUZ PINTO,  
ROBERTO CARNEIRO DE MEN-  
DONÇA,  
ROSALINA COELHO LISBOA DE  
MILLER,  
MARÍA LUIZA BITTENCOURT.

*Panama:*

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JULIO J. FÁBREGA,  
EDUARDO CHIARI.

*Etats-Unis D'Amérique:*

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SUMNER WELLES,  
ALEXANDER W. WEDDELL,  
ADOLPH A. BERLE, JR.,  
ALEXANDER F. WHITNEY,  
CHARLES G. FENWICK,  
MICHAEL FRANCIS DOYLE,  
ELISE F. MUSSER.

*Chili:*

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LUIS BARROS BORGOÑO,  
FÉLIX NIETO DEL RÍO,  
RICARDO MONTANER BELLO.

*Equateur:*

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ANTONIO PONS,  
JOSÉ GABRIEL NAVARRO,  
FRANCISCO GUARDERAS,

*Bolivie:*

ENRIQUE FINOT,  
DAVID ALVÉSTEGUI,  
CARLOS ROMERO,

*Haiti:*

H. PAULEUS SANNON,  
CAMILLE J. LEÓN,  
ÉLIE LESCOT,  
EDMÉ MANIGAT,  
PIERRE EUGÉNE DE LESPI-  
NASSE,  
CLÉMENT MAGLOIRE.

*Cuba:*

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RAMÓN ZAYDIN,  
CARLOS MÁRQUEZ STERLING,  
RAFAEL SANTOS JIMÉNEZ,  
CÉSAR SALAYA,  
CALIXTO WHITMARSH,  
JOSÉ MANUEL CARBONELL.

*Uruguay:*

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FELIPE FERREIRO,  
ABALCÁZAR GARCÍA,  
JULIO CÉSAR CERDEIRAS  
ALONSO,  
GERVASIO POSADAS BELGRANO.

*Guatémala:*

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JOSÉ A. MEDRANO.  
ALFONSO CARRILLO.

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LUIS MANUEL DEBAYLE,  
JOSÉ MARÍA MONCADA,  
MODESTO VALLE.

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MAX HENRÍQUEZ UREÑA,  
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*Colombie:*

JORGE SOTO DEL CORRAL,  
MIGUEL LÓPEZ PUMAREJO,  
ROBERTO URDANETA ARBELÁEZ,  
ALBERTO LLERAS CAMARGO,  
JOSÉ IGNACIO DÍAZ GRANADOS.

U. S. ratification  
with an understand-  
ing.

AND WHEREAS, the said Convention was duly ratified on the part of the United States of America with the following understanding made a part of the ratification:—

“To carry out the provisions of Article III, bilateral agreements may be entered into through exchanges of notes between the United States and the other Governments parties to the Convention setting forth the procedures to be followed, any modifications which may seem advisable in the number of copies of publications required to be exchanged under the said article, and the Government agencies to be responsible for the delivery of the publications”,

Deposit.

and the instrument of ratification including the said understanding was on October 23, 1939 deposited in the archives of the Pan American Union at Washington;

AND WHEREAS it is provided in Article VII of the said Convention that the Convention will come into effect between the High Contracting Parties in the order in which they deposit their respective ratifications;

AND WHEREAS ratifications of the said Convention were deposited in the archives of the Pan American Union at Washington by the Dominican Republic on December 7, 1937, El Salvador on April 1, 1938, Brazil on May 24, 1938, Haiti on June 23, 1938, Guatemala on August 23, 1938, Honduras on October 29, 1938, Venezuela on November 5, 1938, Nicaragua on December 6, 1938, Panama on December 13, 1938, Peru on February 20, 1939, and Costa Rica on June 27, 1939;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention and the said understanding on the part of the United States of America to be made public to the end that the same and every part thereof may be fulfilled and observed in good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

*Treaty between the United States of America and Liberia respecting extradition. Signed at Monrovia November 1, 1937; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 30, 1939; ratified by Liberia November 16, 1939; ratifications exchanged at Monrovia November 21, 1939; proclaimed by the President of the United States November 30, 1939.*

November 1, 1937  
[T. S. No. 955]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS an Extradition Treaty between the United States of America and the Republic of Liberia was concluded and signed by their respective Plenipotentiaries at Monrovia on the first day of November, one thousand nine hundred and thirty-seven, the original of which Treaty, being in the English language, is word for word as follows:

Preamble.

#### TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LIBERIA

The United States of America and the Republic of Liberia, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

Text.

The President of the United States of America:

Plenipotentiaries.

His Excellency Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Liberia;

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

#### ARTICLE I.

It is agreed that the Government of the United States and the Government of the Republic of Liberia shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of, any of the crimes or offenses specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who

Reciprocal delivery  
of persons charged,  
etc., with certain  
crimes.

shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

## ARTICLE II.

### Extraditable crimes.

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes or offenses:

1. Murder (including crimes designated by the terms parricide, poisoning, and infanticide); manslaughter, when voluntary.

2. Malicious wounding or inflicting grievous bodily harm with premeditation.

3. Rape, abortion, carnal knowledge of children under the age of sixteen years.

4. Abduction or detention of women or girls for immoral purposes.

5. Bigamy.

6. Arson.

7. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

8. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statutes;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ship upon the high seas with intent to do bodily harm.

9. Burglary; house-breaking.

10. The act of breaking into and entering the offices of the Government or public authorities, or other buildings not dwellings with intent to commit a felony therein.

11. Robbery.

12. Forgery or the utterance of forged papers.

13. The forgery or falsification of the official acts of the Government or public authorities, including Courts of Justice, or the uttering or fraudulent use of any of the same.

14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement.

16. Kidnapping of minors or adults, defined to be abduction or detention of a person or persons, in order to exact money from them, their families or any other person or persons, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses, or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one hundred dollars.

19. Perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, executor, administrator, guardian, director or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one hundred dollars.

21. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

22. Willful desertion or willful non-support of minor or dependent children, or of other dependent persons, provided that the crime or offense is punishable by the laws of both countries.

23. Bribery.

24. Crimes or offenses against the bankruptcy laws.

25. Crimes or offenses against the laws for the suppression of traffic in narcotics.

26. Crimes and offenses against the laws regulating the postal service of both countries, with respect to using the mails to promote frauds.

27. Extradition shall also take place for participation in any of the crimes or offenses before mentioned as an accessory before or after the fact, or in any attempt to commit any of the aforesaid crimes or offenses.

Accessories, etc.

### ARTICLE III.

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense committed before his extradition. The State applied to, or Courts of such State, shall decide whether the crime or offense is of a political character. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Head of the State of one of the High Contracting Parties, or against the Sovereign or Head of a foreign State, or against the life of any member of the family of either, shall not be deemed sufficient to sustain that such crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

Political offenses.

## ARTICLE IV.

Trial limited to offense for which surrendered.

No person shall be tried for any crime or offense, committed prior to his extradition, other than that for which he was surrendered, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

## ARTICLE V.

Time limitation, etc.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the demanding country, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

## ARTICLE VI.

Person under prosecution in country where found.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

## ARTICLE VII.

Person claimed by other powers.

If a fugitive criminal claimed by one of the two parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received unless the demand is waived.

Existing treaties with other states not affected.

This article shall not affect such treaties as have previously been concluded by one of the contracting parties with other States.

## ARTICLE VIII.

Citizens of country appealed to.

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens, except in cases where such citizenship has been obtained after the perpetration of the crime for which extradition is sought. The State appealed to shall decide whether the person claimed is its own citizen.

## ARTICLE IX.

Expenses of arrest and transportation.

The expense of transportation of the fugitive shall be borne by the Government which has preferred the demand for extradition. The appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim other than for the board and lodging of a fugitive prior to his surrender,

arising out of the arrest, detention, examination and surrender of fugitives under this Treaty, shall be made against the government demanding the extradition; provided, however, that any officer or officers of the surrendering government giving assistance, who shall, in the usual course of their duty receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

#### ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to shall be duly respected.

Articles seized with fugitive.

#### ARTICLE XI.

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties, or in the occupancy and under the control of either of them, during such occupancy or control.

Territory affected.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents or superior consular officers of the High Contracting Parties. In the event of the absence of such agents or officers from the country or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Liberia, requisitions may be made by superior consular officers.

Requisitions.

The arrest of the fugitive shall be brought about in accordance with the laws of the respective countries, and if, after an examination, it shall be decided, according to the law and the evidence, that extradition is due pursuant to this Treaty, the fugitive shall be surrendered in conformity to the forms of law prescribed in such cases.

Arrest.

The person provisionally arrested shall be released, unless within two months from the date of commitment in the territory of either one of the High Contracting Parties, the formal requisition for surrender with the documentary proofs hereinafter prescribed shall be made as aforesaid by the diplomatic agent or superior consular officer of the demanding government, or, in his absence, by a consular officer thereof.

Release, condition.

If the fugitive criminal shall have been convicted of the crime or offense for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated,

Papers required.

shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed shall be produced, together with the evidence of criminality mentioned in Article I hereof.

#### ARTICLE XII.

Ratification.

The present Treaty, written in English, shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Monrovia as soon as possible.

#### ARTICLE XIII.

Duration.

The present Treaty shall remain in force for a period of five years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

Signatures.

In witness whereof the above named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Monrovia this first day of November, nineteen hundred and thirty-seven.

LESTER A. WALTON [SEAL]  
C. L. SIMPSON [SEAL]

Ratifications exchanged.

AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Monrovia, on the twenty-first day of November, one thousand nine hundred and thirty-nine;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November, in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

*Treaty of friendship, commerce, and navigation between the United States of America and Liberia. Signed at Monrovia August 8, 1938; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 30, 1939; ratified by Liberia November 16, 1939; ratifications exchanged at Monrovia November 21, 1939; proclaimed by the President of the United States November 30, 1939.*

August 8, 1938  
[T. S. No. 956]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a Treaty of Friendship, Commerce and Navigation between the United States of America and the Republic of Liberia was concluded and signed by their respective Plenipotentiaries at Monrovia on the eighth day of August, one thousand nine hundred and thirty-eight, the original of which Treaty, being in the English language, is word for word as follows:

Preamble.

The United States of America and the Republic of Liberia, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the people thereof, have resolved to conclude a Treaty of Friendship, Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries,

Text.

The President of the United States of America:

Plenipotentiaries.

Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia, and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following Articles:

#### ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic,

Reciprocal liberty of  
travel, residence, com-  
merce, etc.

manufacturing, commercial and mortuary purposes; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the State of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

Equality of taxes,  
etc.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by nationals of the State of residence.

Access to courts of  
justice.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

Protection of per-  
sons and property.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Immigration, etc.,  
statutes not affected.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to emigration or to immigration or the right of either of the High Contracting Parties to enact such statutes, provided, however, that nothing in this paragraph shall prevent the nationals of either High Contracting Party from entering, traveling and residing in the territories of the other Party in order to carry on international trade or to engage in any commercial activity related to or connected with the conduct of international trade on the same terms as nationals of the most-favored nation.

International trade  
activities.

## ARTICLE II

Civil liability for  
injuries or death.

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for bodily injuries or for death, and giving to relatives or heirs or dependents of an injured person a right of action or a pecuniary compensation, such relatives or heirs or dependents of the injured person, himself a national of either of the High Contracting Parties and injured within any of the territories of the other, shall, regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

## ARTICLE III

Buildings and other  
property to be re-  
spected.

The dwellings, warehouses, manufactories, shops, and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, lawfully used for any purposes set forth in Article I, shall be respected.

It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals of the State of residence or nationals of the nation most favored by it.

Search of premises.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference and exempt from any estate succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Term for sale of inherited, etc., property.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases. In the same way, personal property left to nationals of one of the High Contracting Parties by nationals of the other High Contracting Party, and being within the territories of such other Party, shall be subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

Rights of disposal and succession.

Payment of duties, etc.

#### ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they shall also be permitted to bury their dead according to their religious customs in suitable and convenient

Freedom of worship.

places established and maintained for the purpose, subject to the mortuary and sanitary laws and regulations of the place of burial.

#### ARTICLE VI

Military obligations.

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intention to adopt its nationality by naturalization, unless such persons depart from the territories of said belligerent Party within sixty days after the declaration of war. Such right to depart shall apply also to persons possessing the nationality of both High Contracting Parties unless they habitually reside in the territory of the country drafting for compulsory military service.

Natives declaring intention to resume nationality.

It is agreed, however, that such right to depart shall not apply to natives of the country drafting for compulsory military service, who, after having become nationals of the other Party, have declared an intention to acquire or resume the nationality of the country of their birth. Such persons shall nevertheless be entitled in respect of this matter to treatment no less favorable than that accorded the nationals of any other country who are similarly situated.

#### ARTICLE VII

Freedom of commerce and navigation.

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most-favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

#### ARTICLE VIII

Duties, etc., most-favored-nation treatment.

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation, or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by either High Contracting Party to any article originating in or destined for any third country, shall be accorded immediately and unconditionally to the like article originating in or destined for the other High Contracting Party.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment.

Every such favor, privilege or immunity which shall hereafter be granted to nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals, vessels, and goods.

#### ARTICLE IX

Neither of the High Contracting Parties shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other High Contracting Party, which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted even temporarily by either High Contracting Party in favor of an article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other High Contracting Party.

Import or export restrictions.

If either High Contracting Party establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the other High Contracting Party has an interest, or imposes a lower import duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the High Contracting Party taking such action shall, upon request, inform the other High Contracting Party as to the total quantity, or any change therein, of any such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge during a specified period, and shall allot to the other High Contracting Party for such specified period a proportion of such total quantity as originally established or subsequently changed in any manner equivalent to the proportion of the total importation of such article which the other High Contracting Party supplied during a previous representative period, unless it is mutually agreed to dispense with such allotment. Neither of the High Contracting Parties shall, by import licenses, regulate the total quantity of importations into its territory or sales therein of any article in which the other High Contracting Party has an interest, unless the total quantity of such article permitted to be imported or sold during a quota period of not less than three months shall have been established, and unless the regulations covering the issuance of such licenses or permits shall have been made public before such regulations are put into force.

Import quotas, etc.

#### ARTICLE X

If either High Contracting Party establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

International payments.

(a) Impose no prohibition, restriction, or delay on the transfer of payment for imported articles the growth, produce, or manufac-

ture of the other High Contracting Party, or of payments necessary for and incidental to the importation of such articles;

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce, or manufacture of any third country; and

(c) Accord unconditionally, with respect to all rules and formalities applying to exchange transactions in connection with payments for or payments necessary and incidental to the importation of articles the growth, produce, or manufacture of the other High Contracting Party, treatment no less favorable than that accorded in connection with the importation of the like articles the growth, produce, or manufacture of any third country.

With respect to non-commercial transactions, each High Contracting Party shall apply any form of control of the means of international payment in a non-discriminatory manner as between the nationals of the other High Contracting Party and the nationals of any third country.

#### ARTICLE XI

Government, etc.,  
monopolies.

In the event that either High Contracting Party establishes or maintains a monopoly for the importation, production or sale of a particular product or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular product, the High Contracting Party establishing or maintaining such monopoly, or granting such monopoly privileges, shall, in respect of the foreign purchases of such monopoly or agency, accord the commerce of the other High Contracting Party fair and equitable treatment. In making its foreign purchases of any article such monopoly or agency shall be influenced solely by competitive considerations such as price, quality, marketability, and terms of sale.

#### ARTICLE XII

Carriage by sea, re-  
ciprocal privileges.

All articles which are or may be legally imported from foreign countries into ports of the United States of America or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Liberian vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Liberia or are or may be legally exported therefrom in Liberian vessels may likewise be imported into those ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Liberian vessels.

In the same manner there shall be perfect reciprocal equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territories of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

Bounties, drawbacks, etc.

### ARTICLE XIII

The nationals, goods, products, wares, and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals, goods, products, wares, and merchandise of the country with regard to internal taxes, transit duties, charges in respect of warehousing and other facilities and the amount of drawbacks and export bounties.

Internal taxes, transit duties, etc.

### ARTICLE XIV

The merchant or other private vessels and cargoes of one of the High Contracting Parties shall, within the territorial waters and harbors of the other Party in all respects and unconditionally be accorded the same treatment as the vessel and cargoes of that Party, irrespective of the port of departure of the vessel, or the port of destination, and irrespective of the origin or the destination of the cargo. It is especially agreed that no duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories or territorial waters of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels.

Vessels, reciprocal treatment.

### ARTICLE XV

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

Nationality of vessels.

### ARTICLE XVI

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territories of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of

Discharge of portions of cargoes at open ports.

the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances, and they shall be permitted to load in like manner at different ports in the same voyage outward, provided, however, that the coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that nationals and vessels of either High Contracting Party shall within the territories of the other enjoy with respect to the coasting trade most-favored-nation treatment.

Loading.

Exception; coasting trade.

#### ARTICLE XVII

Corporations, legal rights.

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and which maintain a central office within the territories thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of corporations and associations of either High Contracting Party which have been so recognized by the other to establish themselves in the territories of the other Party or to establish branch offices and fulfill their functions therein shall depend upon and be governed solely by the consent of such Party as expressed in its National, State or Provincial laws.

#### ARTICLE XVIII

Right to organize corporations, etc.

The nationals of either High Contracting Party shall enjoy within the territories of the other, upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no condition less favorable than those which have been or may hereafter be imposed upon the nationals of the most-favored nation. The right of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise

any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to carry on their activities. The foregoing stipulations do not apply to organization of and participation in political associations.

#### ARTICLE XIX

The nationals, including corporations and associations, of either High Contracting Party shall enjoy in the territories of the other Party, upon compliance with the conditions there imposed, most-favored-nation treatment in respect of the exploration for and exploitation of mineral resources; provided that neither Party shall be required to grant rights and privileges in respect of the mining of coal, phosphate, oil, oil shale, gas and sodium on the public domain, or in respect of the ownership of stock in domestic corporations engaged in such operations, greater than its nationals, corporations and associations receive from the other Party.

Mining privileges.

Restriction.

It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

#### ARTICLE XX

Commercial travelers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most-favored-nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

Commercial travelers.

If either High Contracting Party requires the presentation of an authentic document establishing the identity and authority of a commercial traveler, a signed statement by the concern or concerns represented, certified by a consular officer of the country of destination shall be accepted as satisfactory.

#### ARTICLE XXI

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries, to persons and goods coming from, going to or passing through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law or regulations, provided that

Freedom of transit.

Exceptions.

Exclusion from special areas.

the foregoing shall not be construed to prevent either High Contracting Party from excluding aliens from special areas within its territories closed to visit by law, military order or regulations. The measures of a general or particular character which either of the High Contracting Parties is obliged to take in case of an emergency affecting the safety of the State or vital interests of the country may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this paragraph, it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Persons and goods in transit.

Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to treatment as regards charges, facilities, or any other matter less favorable than that accorded to the most-favored nation.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

It is understood that all goods in transit through the territory of the United States of America and all goods in transit through the territory of Liberia when warehoused or otherwise stored shall be subject to storage charges.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic.

Arms, etc.

Nothing in this Article shall affect the right of either of the High Contracting Parties to prohibit or restrict the transit of arms, munitions and military equipment in accordance with treaties or conventions that may have been or may hereafter be entered into by either Party with other countries.

## ARTICLE XXII

Gold or silver exportation or importation.

Nothing in this Treaty shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either High Contracting Party may see fit with respect to the prohibition, or the control, of the export or sale for export, of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Control of arms, etc.

Designated prohibitions or restrictions.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party against the other High Contracting Party in favor of any third country, the stipulations of this Treaty shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) designed to protect human, animal, or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

Frontier traffic.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded to neighboring States in order to facilitate short frontier traffic, or to advantages resulting

Customs union.

from a customs union to which either High Contracting Party may become a party so long as such advantages are not extended to any other country.

The stipulations of this Treaty do not extend to advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

Advantages granted by U. S. to its territories, etc., or to Cuba.

#### ARTICLE XXIII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land and water over which the Parties, respectively, claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

Areas affected.

#### ARTICLE XXIV

The present Treaty shall come into force in all of its provisions on the day of the exchange of ratifications and shall continue in force for the term of five years from that day.

Effective date; duration.

If within one year before the expiration of five years from the date on which the present Treaty shall come into force, neither High Contracting Party notifies to the other Party an intention of terminating the Treaty upon the expiration of the aforesaid period of five years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other Party an intention of terminating it.

Termination.

The present Treaty shall, from the date of the exchange of ratifications, be deemed to supplant the Treaty of Commerce and Navigation between the United States of America and Liberia, concluded at London on October 21, 1862.

Former treaty supplanted.

12 Stat. 1245.

#### ARTICLE XXV

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Monrovia as soon as possible.

Ratification.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Signatures.

Done in duplicate, at Monrovia, this eighth day of August nineteen hundred and thirty eight.

[SEAL] LESTER A. WALTON  
[SEAL] C. L. SIMPSON

Ratifications ex-  
changed.

AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Monrovia, on the twenty-first day of November, one thousand nine hundred and thirty-nine;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November, in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President :

CORDELL HULL

*Secretary of State.*

*Convention between the United States of America and Liberia respecting consular officers. Signed at Monrovia October 7, 1938; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 14, 1939; ratified by Liberia November 16, 1939; ratifications exchanged at Monrovia November 21, 1939; proclaimed by the President of the United States November 30, 1939.*

October 7, 1938  
[T. S. No. 957]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS a Convention between the United States of America and the Republic of Liberia, defining the duties, rights, prerogatives and immunities of consular officers of each country in the territory of the other country, was concluded and signed by their respective Plenipotentiaries at Monrovia on the seventh day of October, one thousand nine hundred and thirty-eight, the original of which Convention, being in the English language, is word for word as follows:

Preamble.

The President of the United States of America and the President of the Republic of Liberia, being desirous of defining the duties, rights, prerogatives and immunities of consular officers of each country in the territory of the other country, have decided to conclude a convention to that end and have appointed the following Plenipotentiaries; that is to say:

Text.

The President of the United States of America:

Plenipotentiaries.

Lester A. Walton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Liberia, and

The President of the Republic of Liberia:

His Excellency C. L. Simpson, Secretary of State of the Republic of Liberia,

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

#### ARTICLE I

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places, and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Reception of consular officers.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most

Enjoyment of rights, etc., accorded most favored nation.

avored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the State which receives them.

Exequaturs, etc.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing State and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Convention.

## ARTICLE II

Exemption from arrest; exception.

Consular officers, nationals of the State by which they are appointed, and not engaged in any profession, business or trade, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

Military billetings and service.

Testimony in criminal cases.

In criminal cases the attendance at court by a consular officer as a witness may be demanded by the prosecution or defense, or by the court. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Civil cases.

When the testimony of a consular officer who is a national of the State which appoints him and is engaged in no private occupation for gain is taken in civil cases, it shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

Testimony regarding official acts not required.

No consular officer shall be required to testify in either criminal or civil cases regarding acts performed by him in his official capacity.

## ARTICLE III

Exemption from taxes; exception.

Consular officers, including employees in a consulate, nationals of the State by which they are appointed, other than those engaged in private occupations for gain within the State where they exercise their functions, shall be exempt from all taxes, National, State, Provincial and Municipal, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territories of the State within which they exercise their functions.

All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other State satisfactory evidence of the appointment and shall indicate the character of the service of the officials to whom the exemptions of this Article are intended to apply.

The Government of each High Contracting Party shall have the right to lease land and to lease acquire and own buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territory of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE IV

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property whether accompanying the officer, his family or suite, to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

The exemptions of the foregoing paragraph shall apply equally to officials who are duly appointed by one of the High Contracting Parties to exercise in its behalf essential governmental functions in the territory of the other High Contracting Party, provided that such officials shall be nationals of the State appointing them and shall not be engaged in private occupations for gain within the country to which they are accredited. The State appointing them shall communicate to the other satisfactory evidence of the appointment and shall indicate the character of the service of the officials to whom the exemptions of this Article are intended to apply.

Application to other representatives.

Lease or acquisition of realty.

Erection of buildings.

Government-owned realty, tax exemption.

Exception.

Free entry of office supplies and personal property.

Prohibited articles.

Application to other representatives.

Officers in private occupation for gain.

It is understood, however, that this privilege shall not be extended to officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

#### ARTICLE V

Arms and flags at offices, etc.

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office, and they may place the coat of arms of their State on automobiles employed by them in the exercise of their consular functions. Such officers may also fly the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise fly such flag over any boat or vessel employed in the exercise of the consular function.

Inviolability of offices and archives.

The quarters where consular business is conducted and the archives of the consulates shall at all times be inviolable, and under no pretext shall any authorities of any character within the country make any examination or seizure of papers or other property deposited with the archives. When consular officers are engaged in business within the territory of the State where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept. Consular offices shall not be used as places of asylum. No consular officers shall be required to produce official archives in court or testify as to their contents.

Separation of official and private papers.

Ad interim officers.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the Government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities that were granted to the consular officer.

#### ARTICLE VI

Communications with officials for protection of countrymen of consuls.

Consular officers of either High Contracting Party, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities concerned, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and, in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the Government of the country.

Right of interview, etc.

Consular officers shall have the right to interview, to communicate with, and to advise their countrymen within their consular districts; and, upon notification to the appropriate authority, to visit any of their countrymen who are imprisoned or detained by authorities of

the State in which they exercise their consular functions; to assist them in proceedings before or relations with such authorities; and to inquire into any incidents which have occurred within the consular district affecting the interests of their countrymen.

Nationals of either of the High Contracting Parties shall have the right at all times to communicate with the consular officers of their country.

#### ARTICLE VII

Consular officers, in pursuance of the laws of their own country may (a) take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territory of, their own country; (b) draw up, attest, certify and authenticate unilateral acts, translations, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party; (c) authenticate signatures; (d) draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Notarial functions.

Authentications,  
etc.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated by the consular officer, under his official seal, shall be received as evidence in the territories of the High Contracting Parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

Acceptance as evidence.

Effect.

#### ARTICLE VIII

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

Notice of death in one country of a national of the other.

In case of the death of a national of either of the High Contracting Parties without will or testament whereby he has appointed testamentary executors, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was

Provisional holding of intestate property.

a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Officer as administrator of estate.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

#### ARTICLE IX

Representative of nonresident heirs, etc.

A consular officer of either High Contracting Party shall within his district have the right to appear personally or by delegate in all matters concerning the administration and distribution of the estate of a deceased person under the jurisdiction of the local authorities for all such heirs or legatees in said estate, either minors or adults, as may be non-residents and nationals of the country represented by the said consular officer, with the same effect as if he held their power of attorney to represent them, unless such heirs or legatees themselves have appeared, either in person or by duly authorized representative.

Receipt of share of nonresident beneficiary.

A consular officer of either High Contracting Party may on behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees.

#### ARTICLE X

Jurisdiction in maritime cases.

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided, however, that such jurisdiction shall not exclude the jurisdiction conferred on local authorities under existing or future laws.

Crimes on private vessels in territorial waters.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the

consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

Local aid to maintain order on ship-board.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings or of rendering assistance as an interpreter or agent.

Appearance before judicial authorities.

#### ARTICLE XI

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein.

Inspection of vessels clearing for ports of consul's country.

In exercising the right conferred upon them by this Article, consular officers shall act with all possible despatch and without unnecessary delay.

#### ARTICLE XII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the consular officer of the country to which the vessel belongs and within whose district the wreck may have occurred, or by some other person authorized thereto by the law of that country. Pending the arrival of such officer, who shall be immediately informed of the occurrence, or the arrival of such other person, whose authority shall be made known to the local authorities by the consular officer, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any customhouse charges, unless it be intended for consumption in the country where the wreck may have taken place.

Salvage of ship-wrecked vessels.

Local intervention limited.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved,

together with such as would be incurred under similar circumstances by vessels of the nation.

### ARTICLE XIII

Territories affected.

The territories of the High Contracting Parties to which the provisions of this Convention extend shall be understood to comprise all areas of land, water, and air over which the Parties respectively claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

### ARTICLE XIV

Ratification.

Effective date; duration.

The present Convention shall be ratified and the ratifications thereof shall be exchanged at Monrovia. The Convention shall take effect in all its provisions thirty days from the day of the exchange of ratifications and shall remain in full force for the term of five years thereafter.

Modification or termination.

If within six months before the expiration of the aforesaid period of five years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the Articles in this Convention or of terminating it upon the expiration of the aforesaid period, the Convention shall remain in full force and effect after the aforesaid period and until six months from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Convention.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed their seals thereto.

Done in duplicate, at Monrovia, this seventh day of October, 1938.

LESTER A. WALTON [SEAL]

C. L. SIMPSON [SEAL]

Ratifications exchanged.

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Monrovia, on the twenty-first day of November, one thousand nine hundred and thirty-nine;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November, in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Convention and protocol between the United States of America and Sweden respecting double taxation. Signed at Washington March 23, 1939; ratification advised by the Senate of the United States August 2, 1939; ratified by the President of the United States September 8, 1939; ratified by Sweden August 21, 1939; ratifications exchanged at Stockholm November 14, 1939; proclaimed by the President of the United States December 12, 1939.*

March 23, 1939  
[T. S. No. 958]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a convention between the United States of America and Sweden for the avoidance of double taxation and the establishment of rules of reciprocal administrative assistance in the case of income and other taxes, and a protocol forming an integral part of the said convention, were concluded and signed by their respective Plenipotentiaries at Washington on the twenty-third day of March, one thousand nine hundred and thirty-nine, the original of which convention and protocol being in the English and Swedish languages, are word for word as follows:

Preamble.

The President of the United States of America and His Majesty the King of Sweden, being desirous of avoiding double taxation and of establishing rules of reciprocal administrative assistance in the case of income and other taxes, have decided to conclude a Convention and for that purpose have appointed as their respective Plenipotentiaries:—

The President of the United States of America:

Sumner Welles, Acting Secretary of State of the United States of America; and

His Majesty the King of Sweden:

W. Boström, Envoy Extraordinary and Minister Plenipotentiary at Washington;

who, having communicated to one another their full powers found in good and due form, have agreed upon the following Articles:

Amerikas Förenta Staters President samt Hans Majestät Konungen av Sverige hava, föranledda av önskan att undvika dubbelbeskattning och att fastställa bestämmelser angående ömsesidig handräckning beträffande inkomst- och andra skatter, beslutit ingå ett avtal och för detta ändamål utsett såsom sina befullmäktigade ombud:

Amerikas Förenta Staters President:

Sumner Welles, Amerikas Förenta Staters tillförordnade Statssekreterare; och

Hans Majestät Konungen av Sverige:

W. Boström, Dess Envoyé extraordinaire och Ministre plenipotentiaire i Washington;

vilka, efter att hava meddelat varandra sina fullmakter, som befunnits i god och behörig form, överenskommit om följande bestämmelser:

Texts.

Plenipotentiaries.

*Article I**Artikel I*

## Taxes referred to.

The taxes referred to in this Convention are:

(a) In the case of the United States of America:

(1) The Federal income taxes, including surtaxes and excess-profits taxes.

(2) The Federal capital stock tax.

(b) In the case of Sweden:

(1) The National income and property tax, including surtax.

(2) The National special property tax.

(3) The communal income tax.

De skatter, som avses i detta avtal äro:

(a) såvitt angår Amerikas Förenta Stater:

(1) "The Federal income taxes", tilläggsskatter och skatter å "excess profits" inbegripna;

(2) "The Federal capital stock tax",

(b) såvitt angår Sverige:

(1) statlig inkomst- och förmögenhetsskatt, tilläggsskatt inbegripen;

(2) särskild skatt å förmögenhet till staten;

(3) kommunal inkomstskatt.

## Subsequent taxes.

It is mutually agreed that the present Convention shall also apply to any other or additional taxes imposed by either contracting State, subsequent to the date of signature of this Convention, upon substantially the same bases as the taxes enumerated herein.

Det har ömsesidigt överenskommits att föreliggande avtal också skall tillämpas å alla andra skatter och tilläggsskatter, som av någon av de två avtalslutande staterna efter undertecknandet av detta avtal påläggas enligt i huvudsak samma grunder som här uppräknade skatter.

## Scope of Convention.

The benefits of this Convention shall accrue only to citizens and residents of the United States of America, to citizens and residents of Sweden and to United States or Swedish corporations and other entities.

I detta avtal tillförsäkrade förmåner skola tillkomma endast medborgare i Förenta Staterna och i Förenta Staterna boende personer samt svenska medborgare och i Sverige boende personer, så ock amerikanska och svenska bolag eller andra juridiska personer.

*Article II**Artikel II*

## Tax on profits, restriction.

An enterprise of one of the contracting States is not subject to taxation by the other contracting State in respect of its industrial and commercial profits except in respect of such profits allocable to its permanent establishment in the latter State. The income thus taxed in the latter State shall

Ett företag hemmahörande i en av de avtalslutande staterna, är ej föremål för beskattning i den andra avtalslutande staten för inkomster av industri och handel, utom såvitt angår vinster, vilka hänföra sig till något företaget tillhörigt fast driftställe i sistnämnda stat. Inkomst, som så-

be exempt from taxation in the former State.

No account shall be taken, in determining the tax in one of the contracting States, of the mere purchase of merchandise effected therein by an enterprise of the other State.

The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

### Article III

When an enterprise of one of the contracting States, by reason of its participation in the management or capital of an enterprise of the other contracting State, makes or imposes on the latter in their commercial or financial relations conditions different from those which would be made with an independent enterprise, any profits which should normally have appeared in the balance sheet of the latter enterprise but which have been in this manner diverted to the former enterprise may, subject to applicable measures of appeal, be incorporated in the taxable profits of the latter enterprise. In such case consequent rectifications may be made in the accounts of the former enterprise.

### Article IV

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State is taxable only in the State in which registered. Income de-

lunda beskattats av den senare staten, skall vara undantagen från beskattning i den förra staten.

Vid fastställande av skatt i en av de avtalslutande staterna skall hänsyn ej tagas till enbart inköp av varor, som där verkställts av ett företag i den andra staten.

Behöriga myndigheter i de båda avtalslutande staterna må genom överenskommelse fastställa regler för uppdelning av inkomster från industri och handel.

### Artikel III

När ett företag, hemmahörande i en av de avtalslutande staterna, på grund av sin delaktighet i ledningen av ett i den andra staten hemmahörande företag eller i ett sådant företags kapital, i handels- eller andra ekonomiska förbindelser mellan företagen tillämpar eller bestämmer andra villkor än dem, som skulle ha tillämpats i förhållande till ett oberoende företag, skola alla vinster, som normalt bort ingå i det senare företagets balansräkning, men som på detta sätt överförts till det förra företaget, kunna inräknas i det senare företagets beskattningsbara inkomst, med möjlighet likväl att begagna den klagorätt som må stå till buds. I dylikt fall kan erforderlig justering vidtagas i fråga om det förra företagets inkomstberäkning.

### Artikel IV

Inkomst, som ett företag hemmahörande i en av de avtalslutande staterna erhåller genom utövande av verksamhet medelst därstädes registrerade fartyg eller luftfartyg, skall beskattas endast

Purchase of merchandise.

Rules by agreement for apportionment.

Interlocking management of capital, taxable profits.

Income from operation of ships or aircraft.

rived by such an enterprise from the operation of ships or aircraft not so registered shall be subject to the provisions of Article II.

i den stat där fartygen registrerats. Inkomst, som ett sådant företag åtnjuter genom utövande av verksamhet medelst fartyg eller luftfartyg, vilka icke sålunda registrerats, skall behandlas enligt reglerna i artikel II.

#### Article V

#### Artikel V

Income from real property.

Income of whatever nature derived from real property, including gains derived from the sale of such property, but not including interest from mortgages or bonds secured by real property, shall be taxable only in the contracting State in which the real property is situated.

Inkomst av alla slag härrörande från fast egendom, inbegripet vinster på grund av försäljning av sådan egendom, men icke inbegripet ränta & hypotekslån eller obligationer med säkerhet i fast egendom, skall beskattas endast i den av de avtalslutande staterna, där den fasta egendomen är belägen.

#### Article VI

#### Artikel VI

Royalties from real property, mines, etc.

Royalties from real property or in respect of the operation of mines, quarries, or other natural resources shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

Royalty från fast egendom eller för utnyttjande av gruvor, stenbrott eller andra naturtillgångar skall beskattas endast i den av de avtalslutande staterna, i vilken sådan egendom eller sådana gruvor, stenbrott eller andra naturtillgångar äro belägna.

Royalties for use of copyrights, patents, etc.

Other royalties and amounts derived from within one of the contracting States by a resident or by a corporation or other entity of the other contracting State as consideration for the right to use copyrights, patents, secret processes and formulas, trade-marks and other analogous rights, shall be exempt from taxation in the former State.

Övriga royalties eller andra belopp, som åtnjuts från den ena av de avtalslutande staternas område av person boende i den andra avtalslutande staten, eller av bolag eller annan juridisk person hemmahörande i sistnämnda stat, såsom vederlag för rätten att utöva författarrättigheter, patent, hemliga fabrikationsmetoder och recept, varumärken och andra liknande rättigheter skola undantagas från beskattning i den förra staten.

#### Article VII

#### Artikel VII

Dividends.

1. Dividends shall be taxable only in the contracting State in which the shareholder is resident

(1) Utdelning skall beskattas endast i den av de avtalslutande staterna, där den som uppstår

or, if the shareholder is a corporation or other entity, in the contracting State in which such corporation or other entity is created or organized; provided, however, that each contracting State reserves the right to collect and retain (subject to applicable provisions of its revenue laws) the taxes which, under its revenue laws, are deductible at the source, but not in excess of 10 per centum of the amount of such dividends. For the purposes of this Article the National income and property tax imposed by Sweden shall be deemed to be a tax deducted at the source.

2. Notwithstanding the provisions of Article XXII of this Convention, the provisions of this Article may be terminated by either of the contracting States at the end of two years from the date upon which this Convention enters into force or at any time thereafter, provided at least six months' prior notice of termination is given, such termination to become effective on the first day of January following the expiration of such six-month period. In the event the provisions of this Article are terminated, the provisions of—

(1) Article XIII (2), in so far as they relate to the special property tax imposed by Sweden upon shares in a corporation;

(2) Article XIV (b) (2), relating to the allowance of an additional deduction from taxes on dividends; and

(3) Article XVI, in so far as they relate to exchange of information with respect to dividends,

will likewise terminate.

utdelningen bor eller, om den som uppbär utdelningen är ett bolag eller annan juridisk person, i den av de avtalslutande staterna där bolaget eller den juridiska personen bildats eller organiserats. En var av de avtalslutande staterna förbehåller sig likväl rätten att, i den mån dess skattelagstiftning så föreskriver, uttaga och innehålla skatt som enligt dess egen skattelagstiftning avdrages vid källan, dock ej mer än 10 procent av utdelningens belopp. Vid tillämpning av denna artikel skall statlig inkomst- och förmögenhetsskatt i Sverige anses utgöra en skatt avdragen vid källan.

(2) Oavsett vad i artikel XXII av detta avtal stadgas, kunna bestämmelserna i denna artikel av endera av de avtalslutande staterna uppsägas att upphöra två år efter avtalets ikraftträdande eller vid senare tidpunkt, förutsatt att en uppsägningstid av minst sex månader iakttagits, och skall avtalet upphöra att tillämpas den 1 januari efter utgången av dylik uppsägningstid. I sådant fall skola jämväl följande bestämmelser upphöra att gälla, nämligen:

(1) föreskrifterna i artikel XIII (2) i såvitt dessa avse i Sverige utgående särskild skatt å förmögenhet bestående av aktier;

(2) föreskrifterna i artikel XIV (b) (2), innefattande medgivande av ett tilläggsavdrag från skatten å utdelningar; samt

(3) föreskrifterna i artikel XVI, såvitt desamma avse utbyte av upplysningar beträffande utdelningar.

Exception; taxes deductible at source.

Limitation.

Termination.  
Post, p. 1773.

Effect of termination.

Post, p. 1766.

*Article VIII**Artikel VIII*

Interest on bonds,  
notes, or loans.

Interest on bonds, notes, or loans shall be taxable only in the contracting State in which the recipient of such interest is a resident or, in the case of a corporation or other entity, in the State in which the corporation or other entity is created or organized; provided, however, that each contracting State reserves the right to collect and retain (subject to applicable provisions of its revenue laws) the taxes which, under its revenue laws, are deductible at the source.

Exception; taxes  
deductible at source.

Ränta å obligationer, skuldsedlar eller andra låneförbindelser skall beskattas endast i den av de avtalslutande staterna där borgenären bor, eller, om denne är ett bolag eller annan juridisk person, den stat där bolaget eller den juridiska personen bildats eller organiserats. En var av de avtalslutande staterna förbehåller sig likväl rätten att, i den mån dess skattelagstiftning så föreskriver, uttaga och innehålla skatt som enligt dess skattelagstiftning avdrages vid källan.

*Article IX**Artikel IX*

Gains from sale, etc.,  
of capital assets.

Gains derived in one of the contracting States from the sale or exchange of capital assets by a resident or a corporation or other entity of the other contracting State shall be exempt from taxation in the former State, provided such resident or corporation or other entity has no permanent establishment in the former State.

Vinster å försäljning eller byte av kapitaltillgångar, som i en av de avtalslutande staterna åtnjuts av i den andra staten boende person eller där hemmahörande bolag eller annan juridisk person, skall undantagas från beskattning i den förra staten, försåvitt ej den fysiska eller juridiska personen har fast driftställe därstädes.

*Article X**Artikel X*

Government, etc.,  
salaries and pensions.

Wages, salaries and similar compensation and pensions paid by one of the contracting States or by the political subdivisions or territories or possessions thereof to individuals residing in the other State shall be exempt from taxation in the latter State.

Lön, arvode eller annan liknande ersättning eller pension, som en av de avtalslutande staterna eller därunder lydande statlig och kommunal enhet, territorium eller besittning utgiver till person bosatt inom den andra staten, är undantagen från beskattning i den senare staten.

Private pensions  
and life annuities.

Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

Enskild pension eller livränta, som från en av de avtalslutande staterna utgår till någon som bor i den andra staten, skall undantagas från beskattning i den förra staten.

## Article XI

## Artikel XI

(a) Compensation for labor or personal services, including the practice of the liberal professions, shall be taxable only in the contracting State in which such services are rendered.

(b) The provisions of paragraph (a) are, however, subject to the following exceptions:

A resident of Sweden shall be exempt from United States tax upon compensation for labor or personal services performed within the United States of America if he falls within either of the following classifications:

1. He is temporarily present within the United States of America for a period or periods not exceeding a total of one hundred eighty days during the taxable year and his compensation is received for labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Sweden; or

2. He is temporarily present in the United States of America for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such services does not exceed \$3,000.00 in the aggregate.

In such cases Sweden reserves the right to the taxation of such income.

(c) The provisions of paragraph (b) of this Article shall apply, mutatis mutandis, to a resident of the United States of America deriving compensation for personal services performed within Sweden.

(d) The provisions of paragraphs (b) and (c) of this Article shall have no application to the

(a) Ersättning för personligt arbete, utövning av fria yrken inbegripen, skall beskattas allenast i den av de avtalslutande staterna, där arbetet utförts.

(b) Från bestämmelserna i (a) skola emellertid gälla följande undantag:

I Sverige boende person skall vara fritagen från skatt till Amerikas Förenta Stater vad angår ersättning för personligt arbete, som utförts inom Förenta Staterna, såvitt någon av följande förutsättningar föreligger:

(1) om han tillfälligtvis vistas i Amerikas Förenta Stater under tidrymd eller tidrymder, sammanlagt icke överstigande 180 dagar under beskattningsåret, och ersättningen uppburits på grund av anställning hos eller avtal med fysisk eller juridisk person i Sverige, eller

(2) om han tillfälligtvis vistas i Förenta Staterna under tidrymd eller tidrymder, sammanlagt icke överstigande 90 dagar under beskattningsåret, och ersättningen sammanlagt icke överstiger 3.000 dollars.

I anförda fall förbehåller sig Sverige rätt till beskattning av inkomsten.

(c) I (b) av denna artikel angivna regler skola, mutatis mutandis, gälla även för i Förenta Staterna boende person, som åtnjuter ersättning för i Sverige utfört personligt arbete.

(d) Föreskrifterna i (b) och (c) av denna artikel skola icke äga tillämpning å skådespelare, ar-

Compensation for personal services.

Exceptions; resident of Sweden.

Resident of U. S. A.

Exception; earnings of actors, artists, etc.

professional earnings of such individuals as actors, artists, musicians and professional athletes.

Article X not affected.

(e) The provisions of this Article shall have no application to the income to which Article X relates.

tister, musiker eller professionella idrottsmän för inkomster som de åtnjutit i utövning av sitt yrke.

(e) Bestämmelserna i denna artikel skola icke tillämpas å inkomst som avses i artikel X.

### Article XII

Students or business apprentices.

Students or business apprentices from one contracting State residing in the other contracting State exclusively for purposes of study or for acquiring business experience shall not be taxable by the latter State in respect of remittances received by them from within the former State for the purposes of their maintenance or studies.

### Artikel XII

Studeraende eller affärspraktikanter från en av de avtalslutande staterna, vilka uppehålla sig i den andra avtalslutande staten allenast för studieändamål eller för att förvärva affärserfarenhet, skola icke beskattas i den senare staten för belopp som av dem mottagits från den andra statens område till bestridande av uppehälle eller studier.

### Article XIII

Property or increment of property.

In the case of taxes on property or increment of property the following provisions shall be applicable:

Provisions applicable.

(1) If the property consists of:

- (a) Immovable property and accessories appertaining thereto;
- (b) Commercial or industrial enterprises, including maritime shipping and air transport undertakings;

the tax may be levied only in that contracting State which is entitled under the preceding Articles to tax the income from such property.

(2) In the case of all other forms of property, the tax may be levied only in that contracting State where the taxpayer has his residence or, in the case of a corporation or other entity, in the contracting State where the corporation or other entity has been created or organized.

U. S. capital stock tax on Swedish corporations.

The same principles shall apply to the United States capital stock

### Artikel XIII

Om skatt å förmögenhet eller förmögenhetstillväxt förekommer, skola följande bestämmelser äga tillämpning:

(1) Därest förmögenheten består av

- (a) fast egendom med tillbehör, eller
- (b) företag för utövande av handel eller industri, företag för sjöfart och luftfart inbegripna,

utgår skatten allenast i den av de avtalslutande staterna, som enligt föregående artiklar är berättigad till skatt å inkomst av sådan förmögenhet.

(2) För alla andra slag av förmögenhet påföres skatt allenast i den av de avtalslutande staterna, där den skattskyldige bor eller, om denne är ett bolag eller annan juridisk person, i den av de avtalslutande staterna där bolaget eller den juridiska personen bildats eller organiserats.

Motsvarande regler skola gälla i avseende å den i Förenta Sta-

tax with respect to corporations of Sweden having capital or other property in the United States of America.

terna utgående "capital stock tax" såvitt angår svenska bolag med kapital eller egendom i Förenta Staterna.

#### Article XIV

It is agreed that double taxation shall be avoided in the following manner:

(a) Notwithstanding any other provision of this Convention, the United States of America in determining the income and excess-profits taxes, including all surtaxes, of its citizens or residents or corporations, may include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States of America as though this Convention had not come into effect. The United States of America shall, however, deduct the amount of the taxes specified in Article I (b) (1) and (3) of this Convention or other like taxes from the income tax thus computed but not in excess of that portion of the income tax liability which the taxpayer's net income taxable in Sweden bears to his entire net income.

(b) (1) Notwithstanding any other provision of this Convention, Sweden, in determining the graduated tax on income and property of its residents or corporations or other entities, may include in the basis upon which such tax is imposed all items of income and property subject to such tax under the taxation laws of Sweden. Sweden shall, however, deduct from the tax so calculated that portion of such tax liability which the taxpayer's income and property exempt from taxation in Sweden under the provisions of this Con-

#### Artikel XIV

Det är överenskommet, att dubbelbeskattning skall undvikas genom följande förfaringssätt:

(a) Oavsett vad som eljest stadgas i detta avtal äga Amerikas Förenta Stater att vid fastställande av skatt å inkomst och "excess-profits", tilläggsskatter inbegripna, för sina medborgare eller i Förenta Staterna boende fysiska personer eller där hemmahörande juridiska personer, i det belopp på vilket skatten påföres inräkna enligt amerikansk skattelagstiftning skattepliktig inkomst av alla slag, som om detta avtal icke gällt. Emellertid skola Förenta Staterna från sålunda beräknad inkomstskatt avdraga beloppet av de i artikel I (b) (1) och (3) av detta avtal angivna eller andra liknande skatter, dock högst motsvarande så stor andel av den beräknade inkomstskatten, som den skattskyldiges i Sverige skattepliktiga inkomst utgör i förhållande till hans hela nettoinkomst.

(b) (1) Oavsett vad som eljest stadgas i detta avtal äger Sverige att vid fastställande av progressiv skatt å inkomst och förmögenhet, såvitt angår där boende fysiska personer eller där hemmahörande juridiska personer, i det belopp på vilket sådan skatt påföres, inräkna inkomst eller förmögenhet av alla slag, för vilken skattskyldighet föreligger enligt svensk skattelagstiftning. Emellertid skall Sverige från den på dylikt sätt uträknade skatten avdraga så stor andel som skattebetalarens i Sverige icke skattepliktiga in-

Avoidance of double taxation, general provisions.

Taxation by U. S. A.

Taxation by Sweden.

vention bears to his entire income and property.

komst eller förmögenhet utgör i förhållande till hans hela inkomst eller förmögenhet.

Deduction, for tax collected at source.

(2) There shall also be allowed by Sweden from its National income and property tax a deduction offsetting the tax deducted at the source in the United States of America, amounting to not less than 5 per centum of the dividends from within the United States of America and subject to such tax in Sweden. It is agreed that the United States of America shall allow a similar credit against the United States income tax liability of citizens of Sweden residing in the United States of America.

(2) Sverige skall dessutom från sin statliga inkomst- och förmögenhetsskatt medgiva ett avdrag svarande mot den vid källan i Amerikas Förenta Stater avdragna skatten, ej understigande 5 procent av sådana utdelningar från Förenta Staterna, som äro föremål för dylik beskattning i Sverige. Det är överenskommet, att Förenta Staterna skola medgiva där boende svenska medborgare ett liknande avdrag å deras federala inkomstskatt.

Deduction by U. S. A.

#### Article XV

#### Artikel XV

Reciprocal exchange of information.

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Such information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on demand.

För att åstadkomma större effektivitet i den beskattning som avses i detta avtal förbinder sig en var av de avtalslutande staterna att, under förutsättning av ömsesidighet, tillhandahålla sådana upplysningar i beskattningsavseende, som myndigheterna ha va tillgång till eller enligt sin egen lagstiftning kunna anskaffa, och vilka kunna vara av värde för myndigheterna i den andra staten vid påförande av nämnda skatter, så ock att biträda med delgivning av handlingar i samband därmed. Utbyte av upplysningar och skriftväxling som avses i denna artikel sker mellan behöriga myndigheter i de avtalslutande staterna utan särskild begäran eller på grund av särskild framställning.

#### Article XVI

#### Artikel XVI

Information by U. S. authorities to Swedish authorities.

1. In accordance with the preceding Article, the competent authorities of the United States of America shall forward to the com-

(1) På sätt i näst föregående artikel angives skola behöriga myndigheter i Förenta Staterna så snart som möjligt efter ut-

petent authorities of Sweden as soon as practicable after the close of each calendar year the following information relating to such calendar year:

(a) The names and addresses of all addressees within Sweden deriving from sources within the United States of America dividends, interest, royalties, pensions, annuities, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee;

(b) Any particulars which the competent United States authorities may obtain from banks, savings banks or other similar institutions concerning assets belonging to individuals resident in Sweden or to Swedish corporations or other entities;

(c) Any particulars which the competent United States authorities may obtain from inventories in the case of property passing on death concerning debts contracted with individuals resident in Sweden or Swedish corporations or other entities.

2. The competent authorities of Sweden shall forward to the competent authorities of the United States of America as soon as practicable after the close of each calendar year the following information relating to such calendar year:

(a) The particulars contained in the forms delivered to the Swedish authorities in connection with the payment to individuals or corporations or other entities whose addresses are within the United States of America of dividends on shares in a corporation or participation certificates in cooperative societies, and interest on bonds or other similar securities;

gången av varje kalenderår tillhandahålla behöriga myndigheter i Sverige följande upplysningar hänförande sig till kalenderåret:

(a) namn och adress för alla fysiska och juridiska personer i Sverige, vilka från källor inom Förenta Staterna erhållit utdelning, ränta, royalty, pension, livränta eller annan bestämd eller till beloppet beräknelig årlig eller periodisk intäkt, med angivande av beloppet & sådan intäkt i fråga om varje adressat;

(b) upplysningar som myndigheter i Förenta Staterna eventuellt må erhålla från banker, sparbanker eller andra liknande institutioner rörande tillgodohavanden tillhöriga personer boende i Sverige eller svenska bolag eller andra svenska juridiska personer;

(c) upplysningar som vederbörande myndigheter i Förenta Staterna eventuellt må erhålla från bouppteckningar i anledning av dödsfall angående skulder till personer boende i Sverige eller svenska bolag eller andra svenska juridiska personer;

(2) Behöriga myndigheter i Sverige skola så snart som möjligt efter utgången av varje kalenderår tillhandahålla behöriga myndigheter i Amerikas Förenta Stater följande upplysningar hänförande sig till kalenderåret:

(a) upplysningar, vilka föreligga i de uppgifter, som överlämnats till svenska myndigheter i samband med utbetalning till fysiska personer, bolag eller andra juridiska personer med adress i Förenta Staterna av utdelningar & aktier och andelsbevis eller av räntor & obligationer eller andra dylika värdepapper;

Information by Swedish authorities to U. S. authorities.

(b) The particulars contained in permits accorded to individuals resident in the United States of America or to United States corporations or other entities to enable them to acquire for business purposes immovable property situated in Sweden;

(c) Any particulars which the central Swedish authorities may obtain from banks, savings banks or other similar institutions concerning assets belonging to individuals resident in the United States of America or to United States corporations or other entities;

(d) Any particulars which the central Swedish authorities may obtain from inventories in the case of property passing on death, concerning debts contracted with individuals resident in the United States of America, or United States corporations or other entities;

(e) A list of the names and addresses of all United States citizens resident in the United States of America who have made declarations to the Central Committee in Stockholm in charge of the taxation of taxpayers not resident in Sweden for purposes of the Swedish tax on income and property;

(f) Particulars concerning annuities and pensions, public or private, paid to individuals resident in the United States of America.

### Article XVII

Each contracting State undertakes, in the case of citizens or corporations or other entities of the other contracting State, to lend assistance and support in the collection of the taxes to which the present Convention relates, together with interest, costs, and additions to the taxes and fines not being of a penal character. The contracting State making such

(b) upplysningar i beslut om tillstånd för personer boende i Förenta Staterna eller för där hemmahörande bolag eller andra juridiska personer att för affärsändamål förvärva i Sverige belägen fast egendom;

(c) upplysningar som vederbörande svenska myndigheter eventuellt må erhålla från banker, sparbanker eller andra liknande institutioner rörande tillgodohavanden tillhöriga personer boende i Förenta Staterna eller där hemmahörande bolag eller andra juridiska personer;

(d) upplysningar som de centrala myndigheterna i Sverige eventuellt må erhålla från bouppteckningar i anledning av dödsfall angående skulder till personer boende i Förenta Staterna eller där hemmahörande bolag eller andra juridiska personer;

(e) en förteckning upptagande namn och adresser å alla amerikanska medborgare med hemvist i Förenta Staterna, vilka till den centrala taxeringsnämnden i Stockholm, som har att verkställa taxering av skattskyldiga utom riket, hava avgivit deklaration till ledning för svensk taxering till inkomst- och förmögenhets-skatt;

(f) upplysningar rörande livräntor, ävensom pensioner på grund av allmän eller enskild tjänst till personer med hemvist i Förenta Staterna.

### Artikel XVII

Envar av de avtalslutande staterna förbinder sig att, såvitt angår medborgare eller bolag eller andra juridiska personer tillhörande den andra avtalslutande staten, lämna biträde och handräckning för indrivning av sådana skatter som föreliggande avtal avser, tillika med ränta, kostnader, samt tillägsbelopp till skatterna och viten utan straffrättslig karaktär.

collection shall be responsible to the other contracting State for the sums thus collected.

In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined shall be accepted for enforcement by the other contracting State and collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes. The State to which application is made shall not be required to enforce executory measures for which there is no provision in the law of the State making the application.

The applications shall be accompanied by such documents as are required by the laws of the State making the application to establish that the taxes have been finally determined.

If the revenue claim has not been finally determined the State to which application is made may, at the request of the other contracting State, take such measures of conservancy as are authorized by the revenue laws of the former State.

### *Article XVIII*

The competent authority of each of the contracting States shall be entitled to obtain, through diplomatic channels, from the competent authority of the other contracting State, particulars in concrete cases relative to the application to citizens or to corporations or other entities of the former State, of the taxes to which the present Convention relates. With

Den av de avtalslutande staterna, som verkställer indrivningen, skall gentemot den andra avtalslutande staten vara ansvarig för de på dylikt sätt indrivna beloppen.

Där fråga är om framställning rörande indrivning av skatter, skola sådana skatteanspråk från en av de avtalslutande staterna som vunnit laga kraft erkännas såsom exigibla av den andra avtalslutande staten och indrivnas där i enlighet med dess lagstiftning beträffande indrivning av egna skatter. Den stat, till vilken framställningen gjorts, skall icke vara pliktig att tillgripa verkställighetsåtgärder, som ej äro i överensstämmelse med lagstiftningen i den stat som gjort framställningen.

Framställningarna skola åtföljas av sådana handlingar som enligt lagstiftningen i den stat som gör framställningen erfordras för att ådagalägga att skatteanspråken vunnit laga kraft.

Om skatteanspråket icke vunnit laga kraft, må den stat, till vilken framställning gjorts, på anmodan av den andra staten vidtaga sådana åtgärder för anspråkets säkerställande som överensstämma med den förstnämnda statens skattelagstiftning.

### *Artikel XVIII*

Behörig myndighet i en var av de avtalslutande staterna är berättigad att å diplomatisk väg från motsvarande myndighet i den andra staten erhålla upplysningar i särskilda fall i och för taxering till i detta avtal angivna skatter av medborgare, bolag eller andra juridiska personer, hemmahörande i den förra staten. Beträffande upplysningar i andra fall skall behörig

Enforcement by one State of revenue claims of the other.

Conservancy, prior to final determination of claim.

Obtaining of particulars as to application of taxes.

respect to particulars in other cases, the competent authority of each of the contracting States will give consideration to requests from the competent authority of the other contracting State.

myndighet i en var av de avtal-slutandestaterna beakta framställningar från motsvarande myndighet i den andra staten.

### Article XIX

### Artikel XIX

Exceptions to rule of mutual assistance.

In no case shall the provisions of Article XVII, relating to mutual assistance in the collection of taxes, or of Article XVIII, relating to particulars in concrete cases, be construed so as to impose upon either of the contracting States the obligation

Föreskrifterna i artikel XVII rörande ömsesidig handräckning för skatteindrivning eller i artikel XVIII rörande meddelande av upplysningar i särskilda fall skola icke anses medföra skyldighet för någon av de avtalsslutande staterna

(1) to carry out administrative measures at variance with the regulations and practice of either contracting State, or

(1) att vidtaga förvaltningsåtgärder, som avvika från endera av de avtalsslutande staternas lagstiftning eller praxis, eller

(2) to supply particulars which are not procurable under its own legislation or that of the State making application.

(2) att lämna upplysningar, som icke kunna erhållas enligt dess egen lagstiftning eller lagstiftningen i den stat, som gör framställningen.

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a business, industrial or trade secret or practice. In such case it shall inform, as soon as possible, the State making the application.

Den stat, till vilken framställning om erhållande av upplysningar eller handräckning gjorts, skall så snart sig göra låter efterkomma den gjorda framställningen. Dock må ifrågavarande stat vägra att efterkomma framställningen på grund av allmänna hänsyn eller om bifall till framställningen skulle innebära kränkning av en industriell hemlighet eller affärshemlighet eller affärskutym. I dylikt fall skall nämnda stat så snart som möjligt underrätta den stat, som gjort framställningen

Refusal of requests, specified reasons.

### Article XX

### Artikel XX

Taxpayer's claim of double taxation.

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled

Påvisar skattskyldig, att åtgärder som vidtagits av de avtalsslutande staternas myndigheter för honom medfört dubbelbeskattning beträffande skatter som avses i detta avtal, skall han vara berättigad att häremot göra erinran

to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

### *Article XXI*

The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention. With respect to the provisions of this Convention relating to exchange of information, service of documents and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection and related matters.

### *Article XXII*

The present Convention shall be ratified, in the case of the United States of America, by the President, by and with the advice and consent of the Senate, and in the case of Sweden, by His Majesty the King, with the consent of the Riksdag. The ratifications shall be exchanged at Stockholm.

This Convention shall become effective on the first day of January following the exchange of the instruments of ratification

hos den stat vars medborgare han är, eller, om han icke är medborgare i någondera av de avtalslutande staterna, hos den stat, där han är boende, eller, i fråga om bolag eller annan juridisk person, den stat där denna bildats eller organiserats. Anses erinran grundad, kan behörig myndighet i sistnämnda stat träffa överenskommelse med behörig myndighet i den andra staten för att på skäligt sätt undvika dubbelbeskattningen i fråga.

### *Artikel XXI*

Behöriga myndigheter i de båda avtalslutande staterna äga meddela föreskrifter erforderliga för tolkning och tillämpning av förevarande avtal. Vad angår detta avtals föreskrifter om utbyte av upplysningar, delgivning av handlingar och ömsesidig handräckning för skatteindrivning må nämnda myndigheter överenskomma om regler avseende förfaringssätt, formen för framställningar och svar å desamma, omräkning av valuta, disposition av individa medel, minsta belopp som framställning om indrivning må avse samt andra likartade spörsmål.

### *Artikel XXII*

Detta avtal skall ratificeras såvitt angår Amerikas Förenta Stater, av Presidenten med senatens råd och godkännande och för Sveriges del av Hans Maj:t Konungen med riksdagens samtycke. Ratifikationshandlingarna skola utväxlas i Stockholm.

Avtalet skall träda i kraft den 1 januari närmast efter utbyte av ratifikationsinstrumenten och skall tillämpas å inkomst som åtnjutits

Regulations, etc.

Ratifications; exchange.

Effective date; application.

Duration.	and shall apply to income realized and property held on or after that date. The Convention shall remain in force for a period of five years and indefinitely thereafter	och förmögenhet som innehafts å eller efter nämnda dag. Avtalet skall förbliva i kraft under en tidsperiod av fem år, och därefter utan tidsbegränsning, med rätt
Termination.	but may be terminated by either contracting State at the end of the five-year period or at any time thereafter, provided at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.	dock för en var av de avtalslutande staterna att uppsäga detsamma till utgången av femårsperioden eller till varje tidpunkt därefter under förutsättning att minst sex månaders föregående uppsägning iakttagits. Urkraftträdandet skall äga rum den 1 januari efter utgången av dylik sexmånadersperiod.
Signatures.	In witness whereof the respective Plenipotentiaries have signed this Convention and have affixed their seals hereto.	Till bekräftelse härå hava de båda staternas befullmäktigade ombud undertecknat detta avtal och försett detsamma med sina sigill.
Texts, authenticity.	Done in duplicate, in the English and Swedish languages, both authentic, at Washington, this twenty-third day of March, nineteen hundred and thirty-nine.	Som skedde i två exemplar, på engelska och svenska språken, vilka båda äga lika vitsord, i Washington den tjugotredje mars nittonhundra trettionio.

For the President of the United States of America:

SUMNER WELLES [SEAL]

For His Majesty the King of Sweden:

W. BOSTRÖM [SEAL]

### PROTOCOL

### PROTOKOLL

Protocol.

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income and other taxes, this day concluded between the United States of America and Sweden, the undersigned Plenipotentiaries have agreed that the following provisions shall form an integral part of the Convention:

Vid undertecknandet denna dag av avtal mellan Amerikas Förenta Stater och Sverige för undvikande av dubbelbeskattning och fastställande av bestämmelser angående ömsesidig handräckning beträffande inkomst- och andra skatter hava undertecknade befullmäktigade ombud överenskommit att följande bestämmelser skola utgöra en integrerande del av avtalet:

Definitions.

1. As used in this Convention:

1. I detta avtals mening skall:

“Permanent establishment.”

(a) The term “permanent establishment” includes branches, mines and oil wells, plantations, factories, workshops, warehouses, offices, agencies, installations, and other fixed places of business of an enterprise but

(a) begreppet “fast driftställe” innefatta filialer, gruvor och oljekällor, plantager, fabriker, verkstäder, magasin, kontor, agenturer, anläggningar och andra ett företag tillhörande fasta affärsställen, men icke in-

does not include the casual or temporary use of merely storage facilities. A permanent establishment of a subsidiary corporation shall not be deemed to be a permanent establishment of the parent corporation. When an enterprise of one of the contracting States carries on business in the other State through an employee or agent, established there, who has general authority to contract for his employer or principal, it shall be deemed to have a permanent establishment in the latter State. But the fact that an enterprise of one of the contracting States has business dealings in the other State through a bona fide commission agent, broker or custodian shall not be held to mean that such enterprise has a permanent establishment in the latter State.

(b) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Swedish enterprise".

(d) The term "United States enterprise" means an enterprise carried on in the United States of America by a resident of the United States of America or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States of America or under the law of the United States of America or of any State or Territory of the United States of America.

(e) The term "Swedish enterprise" is defined in the same manner, mutatis mutandis, as the term "United States enterprise".

begripa en allenast tillfällig eller kortfristig användning av upplagsplats. Ett dotterföretag tillhörigt fast driftställe skall icke anses utgöra ett fast driftställe för moderföretaget. Om ett företag hemmahörande i en av de avtalslutande staterna bedriver affärer i den andra staten genom en därstädes etablerad befattningshavare eller agent, som har en generell fullmakt att avsluta kontrakt för sin arbetsgivare eller huvudman, skall det anses hava ett fast driftställe i sistnämnda stat. Men den omständigheten att ett företag hemmahörande i en av de avtalslutande staterna upprätthåller affärsförbindelser i den andra staten genom förmedling av fristående kommissionär, mäklare eller ansvarig förvaltare skall icke anses innebära, att ett dylikt företag har fast driftställe i den andra staten;

(b) uttrycket "företag" inbegripa varje slag av företagsverksamhet, vare sig den utövas av enskild person, kompanjonskap, bolag eller annan juridisk person;

(c) uttrycket "företag hemmahörande i en av de avtalslutande staterna" betyda allt efter omständigheterna "företag i Förenta Staterna" eller "svenskt företag";

(d) uttrycket "företag i Förenta Staterna" betyda ett företag, som i Förenta Staterna bedrivs av där boende person eller av bolag eller annan juridisk person i Förenta Staterna; uttrycket "bolag eller annan juridisk person i Förenta Staterna" betyda kompanjonskap, bolag eller annan juridisk person, som bildats eller organiserats i Amerikas Förenta Stater eller enligt lagstiftningen i Förenta Staterna eller någon dess delstat eller något dess territorium;

(e) uttrycket "svenskt företag" definieras på samma sätt, mutatis mutandis, som "företag i Förenta Staterna".

"Enterprise."

"Enterprise of one of the contracting States."

"United States enterprise."

"United States corporation or other entity."

"Swedish enterprise."

"Corporation."

2. The term "corporation" includes associations, joint-stock companies, and insurance companies.

2. Uttrycket "bolag" inbegriper föreningar, aktiebolag och försäkringsbolag.

Citizen of one State not residing in either.

3. A citizen of one of the contracting States not residing in either shall be deemed, for the purpose of this Convention, to be a resident of the contracting State of which he is a citizen.

3. En medborgare i en av de avtalslutande staterna, som ej bor i någon av dessa stater, skall vid tillämpning av detta avtal anses bo i den stat, vars medborgare han är.

When doubt arises with respect to residence or with respect to the taxable status of corporations or other entities, the competent authorities of the two contracting States may settle the question by mutual agreement.

I händelse av tvivelsmål rörande frågan om var en person skall anses vara boende eller om var bolag eller andra juridiska personer i beskattningsavseende skola anses höra hemma, må vederbörande myndigheter i de båda avtalslutande staterna träffa avgörande genom ömsesidig överenskommelse.

Swedish tax on undivided estates.

4. The provisions of Swedish law concerning the taxation of the undivided estates of deceased persons shall not apply where the beneficiaries are directly liable to taxation in the United States of America.

4. Föreskrifterna i svensk lagstiftning rörande beskattning av oskifta dödsbon skola ej äga tillämpning där dödsbodelägarna äro direkt skattskyldiga i Amerikas Förenta Stater.

"Life annuities."

*Ante*, p. 1764.

5. The term "life annuities" referred to in Article X of this Convention means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum paid for such obligation.

5. Uttrycket "livränta" i artikel X avser viss fastställd summa, som enligt given förbindelse utbetalas periodiskt på bestämda tidpunkter under livstid eller visst angivet antal år såsom vederlag för gjorda inbetalningar.

Swedish "fees tax."

6. The Swedish so-called "fees tax" (bevillningsavgift för vissa offentliga föreställningar) based on gross income in so far as it affects such individuals as actors, artists, musicians and professional athletes shall be deemed to be an income tax for the purposes of Article XIV (a).

6. De svenska bevillningsavgifterna för vissa offentliga föreställningar, utgående & bruttoinkomst för artister, musiker och professionella idrottsmän, m.fl. skola vid tillämpning av artikel XIV (a) anses vara skatter & inkomst.

*Ante*, p. 1767.

Taxes deducted from dividends and interest.

The credit for taxes provided in Article XIV shall have no application to taxes deducted at the

Avdraget för skatter enligt artikel XIV skall icke äga tillämpning & sådan skatt & utdelning eller rän-

source from dividends and interest except to the extent provided in paragraph (b) (2) of that Article.

In the application of the provisions of this Convention the benefits of section 131 of the United States Revenue Act of 1938, relating to credits for foreign taxes, shall be accorded, but the credit provided for in Article XIV (a) shall not extend to United States excess-profits taxes nor to the surtax imposed on personal holding companies.

7. Citizens of each of the contracting States residing within the other contracting State shall not be subjected in the latter State to other or higher taxes than are imposed upon the citizens of such latter State.

8. The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers, nor to deny to either of the contracting States the right to subject to taxation its own diplomatic and consular officers.

9. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

10. In the administration of the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in collection of taxes, fees and costs incurred in the ordinary course shall be borne by the State to which application is made

ta, som avdragits vid källan, i vidare mån än som stadgas i (b) (2) av samma artikel.

Vid tillämpning av detta avtal skola de förmåner, som inbegripas i Section 131 av Förenta Staternas inkomstskattelag av 1938 beträffande avdrag för utländska skatter, medgivas, men avdraget jämlikt artikel XIV (a) skall icke utsträckas att gälla skatt i Förenta Staterna å "excess-profits" eller tilläggsskatt som påförts "personal holding companies".

7. Medborgare i en av de avtalslutande staterna, vilka äro bosatta i den andra avtalslutande staten, skola ej i den senare staten vara föremål för andra eller högre skatter än dem, som påföras dess egna medborgare.

8. Vad i detta avtal stadgas skall icke anses på något sätt inkräkta på eller beröra diplomatiska och konsulära befattningshavares rätt till andra eller längre gående undantag, som nu åtnjutas eller framdeles må beviljas, eller betaga någondera av de avtalslutande staterna rätten att beskatta sina egna diplomatiska och konsulära befattningshavare.

9. Vad i detta avtal överenskommits skall icke anses på något sätt inkräkta på undantag, avdrag eller andra lätnader som medgivits enligt lagstiftningen i en av de avtalslutande staterna vid fastställande av dess skatter.

10. Vid tillämpning av avtalets bestämmelser rörande utbyte av upplysningar, delgivning av handlingar och ömsesidig handräckning beträffande skatteindrivning skola avgifter och kostnader, som förekomma vid sedvanligt förfarande, bäras av den stat, till vilken fram-

52 Stat. 506,  
26 U. S. C., Supp.  
V, § 131.

U. S. excess-profits  
taxes and surtax on  
personal holding com-  
panies.

Taxes on citizens of  
other State.

Exemptions granted  
to diplomatic and  
consular officers.

Right of State to  
tax its own officers

Exemptions, deduc-  
tions, etc., not af-  
fected.

Mutual assistance,  
etc., payment of costs.

but extraordinary costs incident to special forms of procedure shall be borne by the applying State.

ställning skett, men extraordinära kostnader på grund av användande av speciella förfaringssätt bäras av den stat, som gjort framställningen.

Information held confidential.

11. Documents and other communications or information contained therein, transmitted under the provisions of this Convention by one of the contracting States to the other contracting State shall not be published, revealed or disclosed to any person except to the extent permitted under the laws of the latter State with respect to similar documents, communications or information.

11. Handlingar och andra meddelanden eller däri förekommande upplysningar, vilka enligt föreskrifterna i detta avtal överlämnats från en av de avtalslutande staterna till den andra staten, må icke offentliggöras, uppenbaras eller utlämnas till någon utom i den mån sådant medgives enligt lagstiftningen i den senare staten i fråga om liknande handlingar, meddelanden och upplysningar.

Ante, p. 1770.

"Finally determined," definition.

12. As used with respect to revenue claims in Article XVII of this Convention the term "finally determined" shall be deemed to mean:

12. Då uttrycket "vunnit laga kraft" i artikel XVII brukas i fråga om skatteanspråk, skall det anses innebära:

(a) In the case of Sweden, claims which have been finally established, even though still open to revision by exceptional procedure;

(a) såvitt angår Sverige, att anspråket slutligen fastställts, även om det fortfarande kan ändras genom extraordinärt förfarande;

(b) In the case of the United States of America, claims which are no longer appealable, or which have been determined by decision of a competent tribunal, which decision has become final.

(b) såvitt angår Förenta Staterna, att skatteanspråket ej längre kan överklagas eller att det fastställts genom ett slutgiltigt avgörande av vederbörlig myndighet.

"Competent authority," etc.

13. As used in this Convention the term "competent authority" or "competent authorities" means, in the case of the United States of America, the Secretary of the Treasury and in the case of Sweden, the Finance Ministry.

13. Uttrycken "behörig myndighet" eller "behöriga myndigheter" enligt detta avtal betyda för Förenta Staternas vidkommande "the Secretary of the Treasury" och för Sveriges vidkommande finansdepartementet.

"United States of America."

14. The term "United States of America" as used in this Convention in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

14. Där i detta avtal uttrycket "Amerikas Förenta Stater" användes i geografisk bemärkelse, skall det anses innefatta allenast delstaterna, territorierna Alaska och Hawaii samt distriktet Columbia.

Interpretation and application.

15. Should any difficulty or doubt arise as to the interpreta-

15. Skulle svårighet eller tvivelsmål uppkomma rörande tolk-

tion or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

16. The present Convention and Protocol shall not be deemed to affect the exchange of notes between the United States of America and Sweden providing relief from double income taxation on shipping profits, signed March 31, 1938.

Done at Washington, this twenty-third day of March, nineteen hundred and thirty-nine.

ningen eller tillämpningen av förvarande avtal eller dess förhållande till avtal mellan en av de avtalslutande staterna och en tredje stat, skola behöriga myndigheter i de avtalslutande staterna träffa avgörande genom ömsesidig överenskommelse.

16. Förvarande avtal och protokoll skola icke anses inverka å giltigheten av noteväxlingen den 31 mars 1938 mellan Förenta Staterna och Sverige om ömsesidigt fritagande av inkomstskatt av inkomst härrörande från rederirörelse.

Som skedde i Washington den tjugotredje mars nittonhundra trettionio.

SUMNER WELLES [SEAL]  
W. BOSTRÖM [SEAL]

Arrangement regarding shipping profits not affected.

52 Stat. 1490.

Signatures.

AND WHEREAS the said convention and the said protocol have been duly ratified on both parts and the ratifications of the two Governments were exchanged at Stockholm on the fourteenth day of November, one thousand nine hundred and thirty-nine;

AND WHEREAS, as is provided in Article XXII, the said convention shall become effective on the first day of January following the exchange of the instruments of ratification;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention and the said protocol to be made public to the end that the same and every article, clause and part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and from the first day of January, one thousand nine hundred and forty.

IN TESTIMONY WHEREOF, I have hereunder set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twelfth day of December, in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Exchange of ratifications.

Proclamation.

Effective date

February 15, 1939  
[T. S. No. 959]

*Treaty between the United States of America and Monaco respecting extradition. Signed at Monaco February 15, 1939; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 30, 1939; ratified by Monaco February 13, 1940; ratifications exchanged at Monaco February 27, 1940; proclaimed by the President of the United States March 27, 1940.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Preamble.

WHEREAS an Extradition Treaty between the United States of America and His Most Serene Highness the Sovereign Prince of Monaco was concluded and signed by their respective Plenipotentiaries in Monaco on the fifteenth day of February, one thousand nine hundred and thirty-nine, the original of which Treaty, being in the English and the French languages, is word for word as follows:

#### EXTRADITION TREATY

#### TRAITE D'EXTRADITION

Texts.

The Government of the United States of America and His Most Serene Highness the Sovereign Prince of Monaco, desiring to assure a better administration of justice in both countries, have resolved to conclude a treaty for the extradition of fugitives from justice and have appointed for that purpose the plenipotentiaries designated below, to wit:

Le Gouvernement des Etats-Unis d'Amérique et Son Altesse Sérénissime le Prince Souverain de Monaco, désirant assurer une meilleure administration de la Justice dans les deux Pays, ont résolu de conclure un Traité pour l'extradition des malfaiteurs fugitifs et ont nommé, à cet effet, les Plénipotentiaries ci-après désignés, savoir:

Plenipotentiaries.

The President of the United States of America:

Le Président des Etats-Unis d'Amérique:

Paul C. Squire, Consul of the United States of America at Nice, France, and at Monaco;

Paul C. Squire, Consul des Etats-Unis d'Amérique à Monaco en résidence à Nice;

His Most Serene Highness the Sovereign Prince of Monaco:

Son Altesse Sérénissime le Prince Souverain de Monaco:

Henry Mauran, Minister Plenipotentiary, Secretary of State of the Principality of Monaco;

Henry Mauran, Ministre Plénipotentiaire, Secrétaire d'Etat de la Principauté de Monaco;

Who, after having communicated to each other their full

lesquels, après s'être communiqué leurs pleins pouvoirs trouvés

powers found in good and due en bonne et due forme, sont conform, have agreed upon the following articles: venus des articles suivants:

## ARTICLE I

The High Contracting Parties agree to surrender to each other reciprocally persons who, having been prosecuted for or convicted of any of the crimes or offenses specified in the following article, committed within the jurisdiction of one of the two States shall have sought an asylum or shall be found on the territory of the other.

Nevertheless, the extradition shall not take place except in a case where the existence of the violation is shown in such manner that the laws of the country where the fugitive is found would justify his arrest and prosecution if the crime or offense had been committed there.

## ARTICLE II

Extradition shall be granted for the following crimes and offenses:

1. Murder, parricide, assassination, poisoning, infanticide; manslaughter, when voluntary; assault with intent to commit murder;

2. Rape, abortion, bigamy;

3. Arson;

4. Stealing accompanied by one of the following circumstances: violence, threats, housebreaking, skeleton keys; stealing committed at night in an inhabited house; stealing committed by several persons or by one person bearing arms;

5. Forgeries in a public or authentic document, in a commercial

## ARTICLE PREMIER

Les Hautes Parties Contractantes s'engagent à se livrer réciproquement les individus qui, pour suivis ou condamnés pour l'un des crimes ou délits spécifiés à l'article suivant, commis dans la juridiction de l'un des deux Etats auront cherché un asile ou seront trouvés sur le territoire de l'autre.

Reciprocal surrender of persons prosecuted for certain crimes.

Toutefois, l'extradition n'aura lieu que dans le cas où l'existence de l'infraction sera constatée de telle façon que les lois du Pays où le fugitif sera trouvé justifieraient son arrestation et sa mise en jugement si le crime ou délit y avait été commis.

Restriction.

## ART. 2.

L'extradition sera accordée pour les crimes et délits suivants:

1—Meurtre, parricide, assassinat, empoisonnement, infanticide;

2—Viol, avortement, bigamie;

3—Incendie volontaire;

4—Vol avec l'une des circonstances suivantes: violence, menace, effraction, fausses clefs; vols commis la nuit dans une maison habitée; vol commis par plusieurs personnes ou par un individu porteur d'armes;

5—Faux en écriture publique ou authentique, en écriture de com-

Extraditable crimes.

or bank paper, in a private document; use of the said forgeries;

6. Counterfeiting, falsifying or alteration of coin or paper money, bonds or coupons of public debts, bank notes; seals of State; utterance or use of the articles thus counterfeited, falsified or altered;

7. Breach of trust, embezzlement, whether by public depositaries, or by ministerial or public officers; embezzlement by a hired person to the prejudice of his employer, embezzlement or abstraction by an innkeeper, carrier, boatman, or their agents, when such acts are punishable by the laws of both countries and when the amount of the sums or values concerned in the offense is not less than two hundred dollars or five thousand francs;

8. Obtaining money, securities or other property under false pretenses, and theft, when such acts are punishable by the laws of both countries and when the amount of the sums or values affected by the violation is not less than two hundred dollars or five thousand francs;

9. False swearing, false witness, subornation of witnesses, experts or interpreters;

10. Child-stealing, abduction of a minor boy under the age of 14 or a girl under the age of 16;

11. Kidnapping or illegal detention;

12. Wilful and unlawful obstruction or destruction of railways, which may endanger human life;

13. a. Piracy, by the law of nations;

b. The act by any person, being or not being one of the crew

merce ou de banque, en écriture privée; usage desdits faux;

6—Contrefaçon, falsification ou altération de monnaie, papier monnaie, titres ou coupons de dettes publiques, billets de banque; sceaux de l'Etat; émission ou usage des objets ainsi contrefaits, falsifiés ou altérés;

7—Abus de confiance, détournement soit par des dépositaires publics, soit par des officiers ministériels ou publics; détournement par une personne salariée au préjudice de son patron, détournement ou soustraction par aubergiste, voiturier, batelier ou leurs préposés, lorsque ces actes sont punis par les lois des deux Pays et lorsque le montant des sommes ou valeurs sur lesquelles porte l'infraction n'est pas inférieure à 200 dollars ou 5.000 francs;

8—Obtention d'argent, de titres de valeur ou autres biens; escroquerie, vol, lorsque ces actes sont punis par les lois des deux Pays et lorsque le montant des sommes ou valeurs sur lesquelles porte l'infraction n'est pas inférieur à 200 dollars ou 5.000 francs;

9—Faux serment, faux témoignage, subordination de témoins, d'experts ou d'interprètes;

10—Vol d'enfant, enlèvement d'un mineur au-dessous de quatorze ans ou d'une fille au-dessous de seize ans;

11—Sequestration ou détention illégale;

12—Obstruction ou destruction volontaire et illégale des voies ferrées qui puisse mettre en danger la vie des personnes;

13—a/ Piraterie d'après le droit des gens;

b/ Le fait, par tout individu faisant partie ou non de

of a seagoing vessel or ship, of l'équipage d'un navire ou bâtiment taking possession of such vessel de mer, de s'emparer dudit bâtiment by fraud or violence; par fraude ou violence;

c. Wrongfully destroying, c/ Destruction, submersion, sinking, stranding or causing the échouement ou perte d'un navire loss of a vessel at sea; en mer dans une intention coupable;

d. Revolt or conspiracy, by d/ Révolte ou complot, par two or more persons on board a deux ou plusieurs personnes à vessel on the high seas, against bord d'un navire en haute mer, the authority of the captain or contre l'autorité du capitaine ou master; patron;

e. Assault on board a ves- e/ Agression à bord d'un sel on the high seas with intent to navire en haute mer avec inten- kill or inflict serious injuries; tion de commettre un homicide ou de faire des blessures graves;

14. Crimes and offenses com- 14—Crimes et délits commis mitted against the laws of both contre les lois des deux Pays sur la suppression of the suppression de l'esclavage et la traite; slavery and the slave trade;

15. Fraudulent receiving and 15—Recel frauduleux des objets concealment of articles or values ou valeurs obtenus à l'aide d'un obtained through a crime or an crime ou d'un délit, lorsque cet offense, when such act is punish- acte est puni par les lois des deux able under the laws of both coun- Pays et lorsque le montant desdits tries and when the amount of the objets ou valeurs n'est pas infé- said articles or values is not less rieur à 200 dollars ou 5.000 francs; than two hundred dollars or five thousand francs;

16. Crimes and offenses relating 16—Crimes et délits relatifs à la to the traffic in women and chil- Traite des femmes et des enfants; dren;

17. Crimes and offenses covered 17—Crimes et délits prévus par by the laws concerning the use of les lois concernant l'usage et le and traffic in opium and other Trafic de l'Opium et autres stupé- narcotics. fians.

Extradition shall also be granted L'extradition sera aussi accordée for the attempt to commit the acts Attempts, etc., to pour la tentative des faits énumé- commit offenses. rés ci-dessus, pour la participation ou complicité dans lesdits faits, lorsque cette tentative, participa- tion ou complicité sera punissable according to the laws of the two coun- d'après la législation des deux Pays. tries.

### ARTICLE III

### ART. 3.

Requisitions for extradition Les demandes d'extradition se- shall be made by the diplomatic ront faites par les agents diplo- agents, or, in their absence, either matiques, ou, en cas d'absence de Requisitions for extradition.

from the country or its seat of government, by the consuls or consular agents. ceux-ci, soit du Pays soit du siège du Gouvernement, par les Consuls ou Agents consulaires.

Accompanying documents.

If the requisition concerns a fugitive who has been convicted after a hearing in court (contradictoirement), it must be accompanied with a duly authenticated copy of the sentence; if it concerns a fugitive who has merely been charged with a crime or offense or convicted in his default or absence, it must be accompanied with a duly authenticated copy of the warrant of arrest and of the depositions or other evidence upon which such warrant was issued. Si la demande concerne un fugitif condamné contradictoirement, elle devra être accompagnée d'une expédition authentique de la sentence; si elle concerne un fugitif, soit simplement inculpé, soit condamné par contumace ou par défaut, elle sera accompagnée d'une copie authentique du mandat d'arrêt et des dépositions ou autres preuves sur lesquelles le mandat a été décerné. La procédure d'extradition sera suivie conformément aux lois en vigueur sur la matière dans le Pays requis.

Procedure.

The procedure of extradition shall be followed according to the laws regulating extradition in force in the country on which the requisition is made.

#### ARTICLE IV

#### ART. 4.

Arrest.

The arrest of the fugitive criminal may be requested on information even by telegraph, of the existence of a judgment of conviction or of a warrant of arrest.

L'arrestation du criminel fugitif peut être demandée sur avis même télégraphique de l'existence d'une sentence de condamnation ou d'un mandat d'arrêt.

In Monaco.

In Monaco, the application for the arrest shall be addressed to the Minister of State, who shall transmit it to the proper authority.

A Monaco, la demande d'arrestation est adressée au Ministre d'Etat, qui la transmet à l'Autorité compétente.

In U. S. A.

In the United States of America, the application for arrest shall be addressed to the Secretary of State, who shall deliver a warrant certifying that the application is regular and requesting the competent authorities to take action thereon in conformity with law.

Aux Etats-Unis d'Amérique, la demande d'arrestation est adressée au Secrétaire d'Etat qui délivrera un mandat constatant qu'elle est régulière et requérant les Autorités compétentes d'y donner suite conformément à la Loi.

Urgent cases.

In each country, in case of urgency, the application for arrest may be addressed directly to the competent magistrate in conformity with the laws in force.

Dans chaque Pays, en cas d'urgence, le magistrat compétent peut être saisi directement de la demande d'arrestation conformément aux lois en vigueur.

Release, condition.

In both countries, the person provisionally arrested shall be

Dans les deux Pays, la personne arrêtée provisoirement sera mise

released, if, within a period of forty days from the date of arrest in Monaco, or from the date of commitment in the United States of America, the formal requisition for extradition accompanied with the documents prescribed in the foregoing article has not been submitted by the diplomatic agent of the country making the requisition or, in his absence, by a consul or consular agent of said country.

## ARTICLE V

The contracting Parties shall not be bound to deliver up their own citizens or subjects under the stipulations of this treaty.

## ARTICLE VI

No person shall be surrendered if the offense for which his extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

If any question arises as to whether a case comes within the provisions of this article, the authorities of the Government on which the requisition is made shall decide.

However, when the violation comprises the act of murder, assassination or poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Sovereign or Head of any State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense is of a political character, or that it has any connection with crimes or offenses of a political character.

en liberté si, dans un délai de quarante jours à dater de l'arrestation à Monaco ou du mandat de dépôt aux Etats-Unis d'Amérique, la demande régulière d'extradition, accompagnée des pièces prescrites à l'article précédent, n'a pas été présentée par L'Agent diplomatique du Pays requérant ou, en son absence, par un Consul ou Agent consulaire de ce Pays.

## ART. 5.

Les parties contractantes ne seront pas obligées de livrer leurs propres citoyens ou sujets, en vertu des stipulations du présent traité.

## ART. 6.

Aucun individu ne sera livré si l'infraction pour laquelle son extradition est demandée a un caractère politique ou s'il prouve que la demande d'extradition a été faite en réalité dans le but de le poursuivre ou de le punir pour une infraction de caractère politique.

Si la question s'élève de savoir si le cas rentre dans les prévisions de la disposition qui précède, la décision appartiendra aux Autorités du Pays requis.

Cependant, lorsque l'infraction comprend l'acte de meurtre ou d'assassinat ou d'empoisonnement, soit accompli, soit tenté, le fait que l'offense a été commise ou entreprise contre les jours du Souverain ou Chef d'un Etat quel qu'il soit, ou contre les jours de n'importe quel membre de sa famille, ne sera pas estimé suffisant pour soutenir que ce crime ou délit est d'un caractère politique, ou qu'il a quelque rapport avec des crimes ou délits de caractère politique.

Delivery by a country of its own citizens, etc.

Political offenses.

Decision as to nature of offense.

Assassination, etc.

## ARTICLE VII

## ART. 7.

Trial limited to offense for which surrendered.

No person surrendered by one of the High Contracting Parties to the other shall be prosecuted, judged or punished for any crime or offense committed prior to his extradition, other than the offense for which his surrender was accorded, and no person shall be arrested or detained by civil process for a cause prior to the extradition, unless, in either case, he has been at liberty for one month to leave the country, after having been tried, or, in case of conviction, after having either served his sentence or obtained pardon.

Aucun individu livré par une des hautes parties contractantes à l'autre ne sera poursuivi, jugé ou puni pour aucune infraction commise antérieurement à son extradition, autre que celle pour laquelle sa remise a été accordée; aucun individu ne sera arrêté ni détenu au civil pour une cause antérieure à l'extradition, à moins que, soit dans un cas, soit dans l'autre, il n'ait eu la liberté de quitter de nouveau le Pays pendant un mois, après avoir été jugé, ou, en cas de condamnation, après avoir soit subi sa peine, soit obtenu sa grâce.

## ARTICLE VIII

## ART. 8.

Prior trial for same act.

Extradition shall not be granted, under the stipulations of this Convention, if the person claimed has been tried for the same act in the country to which the requisition is addressed, or if, subsequent to the acts with which he is charged, the prosecution or the conviction, the action or the sentence has become barred by limitation, according to the law of the said country.

L'extradition ne sera pas accordée, en vertu des stipulations de la présente Convention, si l'individu réclamé a été jugé pour le même fait dans le Pays requis, ou, si depuis les faits qui lui sont imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après la loi de ce Pays.

Time limitation.

## ARTICLE IX

## ART. 9.

Person under prosecution in country where found.

If, at the time of the requisition, the person claimed is being prosecuted, or has been convicted of a crime or offense committed in the country of refuge, his extradition may be deferred until such prosecution is terminated, and/or until he has been released in conformity with law.

Si l'individu réclamé est poursuivi au moment de la demande, ou se trouve condamné pour un crime ou un délit commis dans le Pays de refuge, son extradition pourra être différée jusqu'à ce que ces poursuites soient terminées et jusqu'à ce qu'il ait été mis en liberté conformément à la loi.

## ARTICLE X

## ART. 10.

Person claimed by other powers.

If the person claimed by one of the High Contracting Parties, in virtue of this treaty, is also claimed

Si l'individu réclamé par l'une des hautes parties contractantes en vertu du présent Traité est

by one or more other Powers on account of crimes or offenses committed in their respective jurisdictions, his extradition shall be granted to the State whose demand is received first; unless the Government from which extradition is asked is bound by treaty, in case of concurrent demands, to accord preference to the one that is first in date, in which event that rule shall be followed, unless also an arrangement exists between the demanding Governments which would decide the preference either on account of the gravity of the offenses committed or for any other reason.

aussi réclamé par une ou plusieurs autres Puissances, du chef de crimes ou délits commis dans leurs juridictions respectives, son extradition sera accordée à l'Etat dont la demande aura été reçue la première, à moins que le Gouvernement requis ne soit tenu par Traité, dans le cas de demandes concurrentes, d'accorder la préférence à celle qui est la première en date, et alors on se conformera à cette règle, à moins également qu'il n'existe entre les Gouvernements requérants un arrangement qui déciderait de la préférence, soit à raison de la gravité des infractions commises, soit pour tout autre motif.

## ARTICLE XI

## ART. 11.

All articles seized which were in the possession of the person to be surrendered at the time of his arrest, whether they are the proceeds of the crime or offense charged, or can be used as elements to establish the proof of the crime or offense, shall, so far as practicable, and if the competent authority of the State applied to orders the delivery thereof, be given up at the time the extradition is effected. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

Tous les objets saisis qui étaient, au moment de son arrestation, en la possession de la personne à livrer, qu'ils proviennent du crime ou délit relevé à sa charge ou qu'ils puissent servir d'éléments pour établir la preuve du crime ou du délit seront, autant que possible, et si l'autorité compétente de l'Etat requis en ordonne la remise, délivrés au moment où l'extradition s'effectuera. Toutefois, les droits des tiers sur les objets dont il s'agit seront dûment respectés.

Articles seized with fugitive.

## ARTICLE XII

## ART. 12.

The expenses occasioned by the arrest, examination and delivery of the persons claimed shall be borne by the Government requesting the extradition. However, such Government shall not have to bear any expense for the services of such public officers or functionaries of the Government

Les frais occasionnés par l'arrestation, l'interrogatoire et la remise des individus réclamés seront à la charge du Gouvernement requérant. Toutefois, ce Gouvernement n'aura pas à supporter les frais se rapportant à l'intervention de fonctionnaires ou officiers publics du Gouvernement requis dont

Expenses of arrest and transportation.

from which extradition is sought as receive a fixed salary from the State. It is understood that the charge for the services of such public officers or functionaries as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which the extradition is requested.

le ministère ou les services sont rémunérés par un traitement fixe de l'Etat. Il est entendu que les frais dus aux fonctionnaires ou officiers publics, dont les actes ou services sont rémunérés par des émoluments ou honoraires ne dépasseront pas le chiffre des honoraires réguliers qu'ils auraient touchés pour les services ou actes accomplis ou rendus par eux si ces actes ou services avaient concerné une procédure pénale ordinaire suivant les lois du Pays requis.

ARTICLE XIII

ART. 13.

Effective date.

This treaty shall take effect in 30 days after the date of the exchange of ratifications, and shall not operate retroactively.

Le présent Traité sera exécutoire trente jours après l'échange de ratifications et ne s'appliquera qu'aux crimes et délits commis après sa mise en vigueur.

Ratifications.

The ratifications of this treaty shall be exchanged at Monaco as soon as possible, and it shall continue to produce its effects for a period of six months after either of the High Contracting Parties shall have given notice of its intention to terminate it.

Les ratifications en seront échangées à Monaco aussitôt que possible, et il continuera à produire ses effets pendant six mois à partir de la dénonciation qui en serait faite par l'une des deux hautes parties contractantes.

Duration.

Signatures.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the above articles both in English and French and have hereunto affixed their seals.

EN FOI DE QUOI, les Plénipotentiaires respectifs ont signé les articles ci-dessus tant en langue française qu'en langue anglaise et y ont apposé leurs cachets.

DONE, in duplicate, at Monaco, this fifteenth day of February, in the year nineteen hundred and thirty-nine.

FAIT, en double, à Monaco, ce quinzième jour de Février de l'an dix neuf cent trente neuf.

PAUL C. SQUIRE [SEAL]

H MAURAN [SEAL]

Ratifications exchanged.

AND WHEREAS the said Treaty has been duly ratified on both parts and the ratifications of the two Governments were exchanged in Monaco on the twenty-seventh day of February, one thousand nine hundred and forty;

AND WHEREAS the said Treaty shall take effect thirty days after the date of the exchange of ratifications in accordance with Article XIII thereof;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and from the twenty-eighth day of March, one thousand nine hundred and forty.

Proclamation.

Effective date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of March, in the year of our Lord one thousand nine hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

December 3, 1938  
[T. S. No. 960]

*Treaty between the United States of America and Iraq respecting commerce and navigation. Signed at Baghdad December 3, 1938; ratification advised by the Senate of the United States August 1, 1939; ratified by the President of the United States August 30, 1939; ratified by Iraq May 1, 1940; ratifications exchanged at Baghdad May 20, 1940; proclaimed by the President of the United States May 29, 1940.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Preamble.

WHEREAS a Treaty of Commerce and Navigation between the United States of America and the Kingdom of Iraq was concluded and signed by their respective Plenipotentiaries at Baghdad on the third day of December, one thousand nine hundred and thirty-eight, the original of which Treaty, being in the English and Arabic languages, is word for word as follows:

### TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE KING- DOM OF IRAQ.

Texts.

47 Stat. 1810.

The United States of America and His Majesty the King of Iraq, taking cognizance of the provisions of Article 7 of the Convention, signed at London January 9, 1930, to which the United States of America, Great Britain, and Iraq are Parties, whereby on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq, negotiations shall be entered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations, have resolved to conclude a treaty of Commerce and Navigation and for that purpose have appointed as their Plenipotentiaries:

Plenipotentiaries.

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

PAUL KNABENSHUE,

Minister Resident of the United States of America at Baghdad.

HIS MAJESTY THE KING OF IRAQ:

His Excellency Sayid TOWFIK AL SWAIDI,  
Minister for Foreign Affairs.

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

#### Article 1.

Mutual according of  
most-favored-nation  
treatment.

In respect of import and export duties, all other charges imposed on or in connection with importation or exportation, and the method of levying such duties and charges, as well as in respect of transit, warehousing and customs formalities, and the treatment of commer-

cial traveler's samples, the United States of America will accord to Iraq and Iraq will accord to the United States of America, its territories and possessions, unconditional most-favored-nation treatment.

Therefore, no higher or other duties shall be imposed on the importation into or the disposition in the United States of America, its territories or possessions, of any articles the growth, produce or manufacture of Iraq than are or shall be payable on like articles the growth, produce or manufacture of any other foreign country.

Similarly, no higher or other duties shall be imposed on the importation into or the disposition in Iraq of any articles the growth, produce or manufacture of the United States of America, its territories or possessions, than are or shall be payable on like articles the growth, produce or manufacture of any other foreign country.

Similarly, no higher or other duties shall be imposed in the United States of America, its territories or possessions, or in Iraq, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any other foreign country.

Any advantage, of whatsoever kind, which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

The stipulations of this Treaty regarding the treatment to be accorded by each High Contracting Party to the commerce of the other do not extend:

**Exceptions.**

(a) to the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this paragraph shall continue to apply in respect of any advantages now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another, irrespective of any change in the political status of any of the territories or possessions of the United States of America;

(b) to any advantages in customs matters which Iraq may grant to goods the produce or manufacture of Turkey, or of any country whose territory was in 1914 wholly included in the Ottoman Empire in Asia;

(c) to any advantages which are, or may in the future be accorded by either Party to purely border traffic within a zone not exceeding ten miles (15 kilometres) wide on either side of the customs frontier;

(d) to any advantages in customs matters which are, or may in the future be accorded to States in customs union with either High Contracting Party so long as such advantages are not accorded to any other State.

### *Article II*

Having regard to the volume and nature of the trade between the two countries it is agreed that in all that concerns matters of pro-

**Prohibitions or restrictions on imports and exports.**

hibitions or restrictions on importations and exportations each of the two countries will accord, whenever they may have recourse to the said prohibitions or restrictions, to the commerce of the other country treatment equally favorable to that which is accorded to any other country and that in the event either country establishes or maintains import or customs quotas, or other quantitative restrictions, or any system of foreign exchange control, the share of the total permissible importation of any product or of the total exchange made available for importation of any product of the other country shall be equal to the share in the trade in such product which such other country enjoyed in a previous representative period.

### *Article III*

Treatment of ves-  
sels.

Vessels of the United States of America will enjoy in Iraq and Iraqi vessels will enjoy in the United States of America treatment not less favorable than that accorded to national vessels or the vessels of the most favored nation.

Coasting trade.

The coasting trade of the High Contracting Parties is exempt from the provisions of this Article and from the other provisions of this Treaty, and is to be regulated according to the laws of each High Contracting Party in relation thereto. It is agreed, however, that vessels of either High Contracting Party shall enjoy within the territory of the other with respect to the coasting trade the most-favored-nation treatment.

### *Article IV*

Reservations.  
Gold or silver.

Munitions.

Neutrality, etc.

Nothing in this Treaty shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition or implements of war, and in exceptional circumstances, all other military supplies. It is agreed, further, that nothing in this Treaty shall be construed to prevent the adoption or enforcement of measures relating to neutrality or to rights and obligations arising under the Covenant of the League of Nations.

Protection of health,  
life, or national treas-  
ures.

State monopolies.

Revenue or police  
laws.  
Foreign purchases of  
state monopoly.

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either High Contracting Party against the other High Contracting Party in favor of any third country, nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose (1) prohibitions or restrictions designed to protect human, animal, or plant health or life or national treasures of artistic, historical or archaeological value; (2) prohibitions or restrictions applied to products which as regards production or trade are or may in the future be subject within the country to state monopoly or monopolies exercised under state control; or (3) regulations for the enforcement of revenue or police laws.

Each of the High Contracting Parties agrees that, in respect of the foreign purchases of any state monopoly for the importation, production, or sale of any commodity or of any agency having such monopoly privileges, the commerce of the other High Contracting Party shall

receive fair and equitable treatment, and that, in making its foreign purchases, such monopoly or agency will be influenced solely by those considerations which would normally be taken into account by a private commercial enterprise interested solely in purchasing goods on the most favorable terms.

#### *Article V*

Should measures be taken by either High Contracting Party seriously affecting the chief exports of the other Party, the Party taking such measures will give sympathetic consideration to any representations which the other Party may make in respect to such measures. If agreement with respect to the question or questions involved in such representations shall not have been reached within ninety days from the date of the receipt of the said representations the Government making the representations may, notwithstanding the provisions of Article VII, terminate this Treaty, such termination to be effective at the expiration of thirty days from the date of the receipt of a notification given subsequent to the expiration of the ninety-day period provided herein.

Conditions of termination.

#### *Article VI*

The present Treaty shall, from the day on which it comes into force supplant Article 7 of the convention between the United States of America and Great Britain and Iraq signed at London January 9, 1930, in so far as commerce and navigation are concerned.

Article 7 of existing convention supplanted.  
47 Stat. 1819.

#### *Article VII*

The present Treaty shall take effect in all its provisions on the thirtieth day after the exchange of ratifications, and shall continue in force for the term of three years from that day. If neither High Contracting Party notifies to the other at least one year in advance an intention of terminating the Treaty upon the expiration of the aforesaid period of three years, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of terminating the Treaty.

Effective date; duration.

#### *Article VIII*

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Baghdad as soon as possible.

Ratification.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Signatures.

Done in duplicate in the English and Arabic languages, which have the same value and shall have equal force, at Baghdad this 3rd day of December, 1938, of the Christian Era, corresponding with the 10th. day of Shawaal, 1357, of the Hijra.

[SEAL]

PAUL KNABENSHUE

[SEAL]

T. SWAIDI

- • -

وطائق الأبرام وتبقى نافذة لمدة ثلاث سنوات بعد ذلك التاريخ • وإذا لم يخطر  
أحد الفريقين الساميين المتعاقدين الآخر قبل سنة واحدة على الأقل برغبته فسي  
انتهائها عند انقضاء مدة الثلاث سنوات المذكورة فتبقى نافذة العمل بعد المدة  
الآنفة الذكر إلى سنة واحدة من التاريخ الذي يخطر فيه أحد الفريقين الآخر  
برغبته في انتهائها •

#### المادة الثانية

تجب هذه المعاهدة ويتم تبادل وطائق الأبرام في بغداد بأسرع ما يمكن •  
وتأبدا لما تقدم فقد وقع المندوبان المفوضان المذكوران أعلاه على هذه  
المعاهدة وخطماها بختميهما •

كتمت بنسختين باللغتين العربية والانكليزية اللتين يكون لهما نفس الأهمية  
والمفعول في بغداد في اليوم الثالث من شهر كانون الأول سنة ١٩٢٨ ميلادية  
الموافق لليوم العاشر من شهر شوال سنة ١٣٥٧ هجرية •

[SEAL]

*Paul Thurbew*

[SEAL]

*T. Zwaidy*

- ٤ -

المختصة بالحياد وبالحقوق والواجبات المتأتبة من ميثاق عصبة الامم •

وبشرط ان لا يقوم احد الفريقين الساميين المتعاقدين — عند تساوى الظروف والشروط — بتمييز كفي في المعاملة ضد الفريق السامي المتعاقد الآخر لصالح بلد ثالث فليس في هذه المعاملة ما يفرض بشكل يفيد تقييد حق اى من الفريقين الساميين المتعاقدين لغرض ( ١ ) موانع او تقييدات من شأنها حماية حياة وصحة البشر او الحيوانات والنباتات او حماية الكنوز القومية التي لها قيمة فنية او تاريخية او اثرية او ( ٢ ) الموانع او التقييدات المطبقة على البضائع الخاضعة او التي قد تخضع لسي المستقبل داخل اراضي البلد فيما له علاقة بالانتاج او التجارة لاحتكار من قبل الدولة او لاحتكارات تجرى تحت رعايتها او ( ٣ ) لوضع انظمة لتنفيذ القوانين المتعلقة بالايادات والشروط •

ووافق كل من الفريقين الساميين المتعاقدين على ان تجارة الفريق السامسي المتعاقد الآخر — فيما يخص المشتريات الخارجية من قبل اية مؤسسة احتكار كانت ممن احتكارات الدولة لاستيراد او انتاج او بيع اية سلعة من السلع ام من قبل وكالة ما ممن الوكالات التي تتمتع بامتيازات احتكار كهذا — سوف تعامل بمعاملة منصفة عادلة وان ذلك الاحتكار او تلك الوكالة سوف لا تتأخر عند القيام بالمشتريات الخارجية الا بالاعتبارات التي تؤخذ عادة بنظر الاعتبار من قبل الشركات التجارية الخصوصية التي همها الوحيد شراء البضائع بافضل الشروط •

#### المادة الخامسة

اذا اتخذ احد الفريقين الساميين المتعاقدين وسائل تؤثر بصورة خطيرة على صادرات الفريق الآخر الرسمية فنظر الفريق الذي اتخذ تلك الوسائل بعين المصطفى في اية مراجعة يقوم بها ذلك الفريق الآخر بشأن الوسائل المذكورة • واذا لم يتم التوصل الى الاتفاق حول المسألة او الوسائل التي تتناولها تلك المراجعة خلال تسعين يوما من تاريخ تلقي المراجعة للحكومة التي قامت بتلك المراجعة — يقطع النظر عن احكام المادة السابعة — ان تنهي هذه المعاهدة على ان يحمل بذلك الانهاء بمسء انقضاء ثلاثين يوما من تاريخ تلقي اخطار الانهاء الصادر عقب انقضاء مدة التسعين يوما المنصوص عليها في هذه المادة •

#### المادة السادسة

تحل هذه المعاهدة من تاريخ تنفيذها محل المادة السابعة من الاتفاقية المنقذة بين الولايات المتحدة الامريكية وبريطانيا العظمى والمراق والموقع عليهما في لندن في ٩ كانون الثاني ١٩٣٠ وذلك فيما له تعلق بالتجارة والملاحة •

#### المادة السابعة

تفقد هذه المعاهدة بكامل احكامها ونصوصها في اليوم الثلاثين بعد تبادل وثائق

- ٣ -

د - المساعدات المتعلقة بالامور الكمركية المنوحة الآن او التي قد تمنح في المستقبل الى الدول المنضمة الى اتحاد كمركي مع اى من الفرقين الساميين المتعاقدين طالما تكون تلك المساعدات غير منوحة الى اية دولة اخرى .

#### المادة الثانية

من المتفق عليه بعد اخذ مقدار ونوع التجارة بين البلدين بنظر الاعتبار انه في كل ما يتعلق بالموانع او التقييدات الموضوعة على الادخالات او الصادرات ينسح كل من البلدين الى تجارة البلد الآخر كلما دعي الأمر الى الالتجاء الى تلك الموانع او التقييدات معاملة تعادل حظوة المعاملة المنوحة الى اى بلد آخر وانه في حالة قيام احد البلدين بوضع نظام الحصص (الكوتا) على الادخالات او الكمارك او الاستقرار عليها او اية تقييدات اخرى على الكمية او اى نظام لمراقبة اسعار التحويل الاجنبية فتكون الحصص من مجموع الادخالات المسموح بها من اية منتوجات كانت او الحصص من مجموع المبالغ الاجنبية المتسيرة لاستيراد اية منتوجات كانت من البلد الآخر معادلة للحصة التي تمنح بها ذلك البلد الآخر من تجارة تلك المنتوجات في مدة سابقة اعتيادية .

#### المادة الثالثة

تتمتع السفن المائدة للولايات المتحدة الامريكية في المراق وكذلك تتمتع السفن المراقبة في الولايات المتحدة الامريكية بمعاملة لا تقل حظوة عن المعاملة المنوحة للسفن المحلية او لسفن اكثر الام حظوة

تعنى تجارة الفرقين الساميين المتعاقدين الساحلية من احكام هذه المادة ومن احكام مواد هذه المعاهدة الاخرى وتنظم وفق احكام قوانين كل من الفرقين الساميين المتعاقدين المختصة بها . غير انه من المتفق عليه ان تتمتع السفن المائدة لكل من الفرقين الساميين المتعاقدين داخل اراضي الفرق الآخر بمعاملة اكثر الام حظوة وذلك فيما يتعلق بالتجارة الساحلية .

#### المادة الرابعة

ليس في هذه المعاهدة ما يفسر بشكل يفيد الحيلولة دون اتخاذ الوسائل لمنع او تقييد تصدير او استيراد الذهب والفضة او بشكل يفيد الحيلولة دون اتخاذ ما يرى كل من الفرقين الساميين المتعاقدين اتخاذه صالحا من الوسائل المختصة بمراقبة تصدير الاسلحة والمتاد والمهمات الحربية ام يهيئها لاجل التصدير او بمراقبة جميع التجهيزات العسكرية الاخرى في ظروف استثنائية . ومن المتفق عليه كذلك انه ليس في هذه المعاهدة ما يفسر بشكل يفيد الحيلولة دون اتخاذ او تنفيذ الوسائل المختصة

- ٤ -

عند ادخال او مداولة الحاصلات والمنتجات والمصنوعات المراقبة رسم اعلى من او مختلفة عن تلك الرسم المستوفاة او التي تستوفى على مواد مماثلة من حاصلات او منتجات او مصنوعات اي بلد اجنبي آخر .

وكذلك لا تستوفى في العراق عند ادخال او مداولة الحاصلات والمنتجات والمصنوعات الامريكية ومنتجات ومصنوعات اراضيها وممتلكاتها رسم اعلى من او مختلفة عن تلك المستوفاة او التي تستوفى على مواد مماثلة من حاصلات او منتجات او مصنوعات اي بلد اجنبي آخر .

وكذلك لا تستوفى في الولايات المتحدة الامريكية وارضها وممتلكاتها او نسي العراق حين التصدير على الاموال التي ترسل الى الفريق الآخر والى ارضه وممتلكاته رسم اعلى من او مختلفة عن تلك المستوفاة او التي تستوفى على الاموال المماثلة حين تعديها الى اي بلد اجنبي آخر .

ان جميع المساعدات مهما كانت التي يمنحها احد الفريقين الساميين المتعاقدين على الحاصلات والمنتجات والمصنوعات المائدة لاى بلد اجنبي آخر تمنح في نفس الوقت وبلا قيد او شرط ويدين طلب او تمهين لنقص الحاصلات والمنتجات والمصنوعات المائدة للفريق السامي المتعاقد الآخر .

لا تتناول الشروط التي تشرطها هذه المعاهدة فيما يتعلق بالمعاملات التي على كل من الفريقين الساميين المتعاقدين ان يمنحها الى تجارة الفريق الآخر الامور التالية :-

- أ - المساعدات التي تمنحها الآن او قد تمنحها في المستقبل الولايات المتحدة الامريكية او اراضيها او ممتلكاتها او منطقة قناة بناما الواحدة للآخرى او لجمهورية كوبا . وسحق على تطبيق احكام هذه الفقرة فيما يتعلق باية مساعدات ممنوحة الآن او قد تمنحها في المستقبل الولايات المتحدة الامريكية او اراضيها او ممتلكاتها او منطقة قناة بناما الواحدة للآخرى بغض النظر عن وقوع اي تغيير في الوضع السامي المائد لاراضي او ممتلكات الولايات المتحدة الامريكية .
- ب - المساعدات المتعلقة بالامور الكمركية التي قد يمنحها العراق الى منتجات او مصنوعات تركية او منتجات او مصنوعات اي بلد آخر كانت اراضه كلها في السنة ١٩١٤ ضمن الامبراطورية العثمانية في آسيا .
- ج - المساعدات المنوحة الآن او التي قد تمنح في المستقبل من قبل اي من الفريقين الى التجارة التي هي محض تجارة مع بلد متاخم ضمن منطقة لا يزيد عرضها على عشرة اميال ( ١٥ ) كيلومترا مسن اجنبي الحدود الكمركية .



AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Baghdad on the twentieth day of May, one thousand nine hundred and forty;

Ratifications exchanged.

AND WHEREAS the said Treaty, in accordance with Article VII thereof, shall take effect on the thirtieth day after the exchange of ratifications, that is to say, on June nineteenth, one thousand nine hundred and forty;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, on and after the nineteenth day of June, one thousand nine hundred and forty.

Proclamation.

Effective date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-ninth day of May, in the year of our Lord one thousand nine hundred and forty, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

September 15, 1938  
[T. S. No. 961]

*Convention between the United States of America and Canada respecting emergency regulation of level of Rainy Lake and of other boundary waters in the Rainy Lake watershed. Signed at Ottawa September 15, 1938; ratification advised by the Senate of the United States August 30, 1940; ratified by the President of the United States September 10, 1940; ratified by His Majesty in respect of Canada May 19, 1939; ratifications exchanged at Ottawa October 3, 1940; proclaimed by the President of the United States October 18, 1940.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Preamble.

WHEREAS, a convention between the United States of America and Canada, providing for emergency regulation of the level of Rainy Lake and of other boundary waters in the Rainy Lake watershed, as recommended by the International Joint Commission established pursuant to the provisions of the treaty signed at Washington on January 11, 1909, relating to questions arising between the United States of America and Canada, was signed by their respective plenipotentiaries at Ottawa on the 15th day of September, one thousand nine hundred and thirty-eight, the original of which convention is word for word as follows:

36 Stat. 2448.

Text.

The United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada,

Desirous of providing for emergency regulation of the level of Rainy Lake and of the level of other boundary waters in the Rainy Lake watershed, in such a way as to protect the interests of the inhabitants of the United States of America and Canada, and,

Accepting as a basis of agreement the following recommendations made by the International Joint Commission in its Final Report dated May 1, 1934, on the Reference concerning Rainy Lake and the boundary waters flowing into and from that lake, and particularly in answer to Question 2 of that Reference, namely,

that it would be wise and in the public interest that the Commission be clothed with power to determine when unusual or extraordinary conditions exist throughout the watershed, whether by reason of high or low water, and that it be empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as any future dams or works, in the event of the Commission determining that such unusual or extraordinary conditions exist.

Have resolved to conclude a convention for that purpose and have accordingly named as their plenipotentiaries:—

The President of the United States of America:

Plenipotentiaries.

JOHN FARR SIMMONS, Charge d'Affaires ad interim of the United States of America at Ottawa;

His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, for Canada:

The Right Honourable WILLIAM LYON MACKENZIE KING, Prime Minister, President of the Privy Council and Secretary of State for External Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed as follows:

#### ARTICLE I

The International Joint Commission, established pursuant to the provisions of the treaty signed at Washington on the 11th day of January, 1909, relating to questions arising between the United States of America and Canada, is hereby clothed with power to determine when emergency conditions exist in the Rainy Lake watershed, whether by reason of high or low water, and the Commission is hereby empowered to adopt such measures of control as to it may seem proper with respect to existing dams at Kettle Falls and International Falls, as well as with respect to any existing or future dams or works in boundary waters of the Rainy Lake watershed, in the event the Commission shall determine that such emergency conditions exist.

Powers, etc., of International Joint Commission.

#### ARTICLE II

This convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect immediately upon the exchange of ratifications which shall take place at Ottawa as soon as possible.

Ratification; effective date.

IN WITNESS WHEREOF, the undersigned plenipotentiaries have signed the present convention and have hereunto affixed their seals.

Done in duplicate at Ottawa this fifteenth day of September, A. D., 1938.

JOHN FARR SIMMONS [SEAL]      W. L. MACKENZIE KING [SEAL]

AND WHEREAS, the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged at Ottawa on October 3, 1940;

Ratifications exchanged.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eighteenth day of October in the year of our Lord one thousand nine hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

**INTERNATIONAL AGREEMENTS  
OTHER THAN TREATIES**

# INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

*Arrangement between the United States of America and Canada relating to air transport services. Effected by exchange of notes signed August 18, 1939; effective August 18, 1939.*

August 18, 1939  
[E. A. S. No. 159]

*The Canadian Secretary of State for External Affairs (Mackenzie King) to the American Minister (Roper)*

OFFICE OF  
THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS  
CANADA

No. 166

OTTAWA, August 18, 1939.

SIR:

I have the honour to refer to negotiations which have recently taken place between the Government of Canada and the Government of the United States of America for the conclusion of a reciprocal arrangement relating to air transport services.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

## ARRANGEMENT BETWEEN CANADA AND THE UNITED STATES OF AMERICA RELATING TO AIR TRANSPORT SERVICES

### ARTICLE I

Having in mind the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Canada, the Parties to this Arrangement agree that the establishment and development of air transport services between their respective territories by air carrier enterprises holding proper authorizations from their respective Governments, shall be governed by the following provisions.

Purpose.

### ARTICLE II

The present Arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

Area affected.

The privileges accorded by this Arrangement shall be available only to air carrier enterprises *bona fide* owned and controlled by nationals of the respective Parties.

Limitation.

## ARTICLE III

Permits for non-stop services.  
Post, p. 2422.

Inland non-stop services, U. S.-Alaska.

Air carrier enterprises, operating rights.

Adjustment of details.

Each of the Parties agrees, subject to compliance with its laws and regulations, to grant to air carrier enterprises of the other Party permits for non-stop services through the air space over its territory between two points within the territory of the other Party; provided however that inland non-stop services between the United States and Alaska shall be the subject of a separate understanding.

Each Party further agrees, subject to compliance with its laws and regulations and on a basis of reciprocity, to grant operating rights to the air carrier enterprises of the other Party for the operation of international services between a place in the territory of one Party and a place in the territory of the other Party.

The details of the application of the principle of reciprocity contained herein shall be the subject of amicable adjustment between the competent aeronautical authorities of the Parties to this Arrangement.

## ARTICLE IV

Application for operation, transmittal through diplomatic channels.

53 Stat. 1925.

Issuance of permits or licenses; requirements.

Any air carrier enterprise of either Party applying for permission to operate in territory of the other Party shall be required to transmit its application through diplomatic channels in accordance with Article III (c) of the Air Navigation Arrangement effected by an exchange of notes between the two Parties, signed on July 28, 1938.

The air carrier enterprises of each Party will be required to qualify before the competent aeronautical authorities of the other Party under the latter's applicable laws and regulations before being permitted to engage in the operations contemplated by this Arrangement, and upon so qualifying will be issued permits or licenses by such authorities accordingly.

## ARTICLE V

Determination of terms of permits, etc.

Validity, etc., of permit.

The terms of the permits referred to in Article IV, the airports to be used by the respective services, the routes or airways to be flown within the respective territories of the Parties between the designated airports, and other appropriate details of the conduct of the air transport services contemplated by this Arrangement, shall be determined by the competent aeronautical authorities of the Parties. Any permit issued by the competent aeronautical authorities for the air transport services contemplated hereunder shall be valid only so long as the holder thereof shall be authorized by its own Government to engage in the service envisaged by such permit. The holding of such permit shall be subject to compliance by the holder with all applicable laws of the issuing Government and with all valid rules, regulations and orders issued thereunder. Such permit may not be revoked for any cause other than non-compliance with such laws, rules, regulations or orders or for such reasons as the public interest may require.

## ARTICLE VI

Mutual enjoyment of privileges.

Each of the Parties hereto agrees not to impose, and to use its best efforts to prevent the imposition of, any restrictions or limitations as

to airports, airways or connections with other transportation services and facilities in general to be utilized within its territory which might be competitively or otherwise disadvantageous to the air carrier enterprises of the other Party.

#### ARTICLE VII

The aircraft operated by United States air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of the United States for aircraft employed in air transportation of the character contemplated by this Arrangement.

Airworthiness re-  
quirements.

The aircraft operated by Canadian air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of Canada for aircraft employed in air transportation of the character contemplated by this Arrangement.

The competent aeronautical authorities of the Parties hereto may communicate with a view to bringing about uniformity of safety standards for the operations contemplated by this Arrangement and compliance therewith, and whenever the need therefor appears the Parties may enter into an agreement prescribing such uniform safety standards.

#### ARTICLE VIII

The matter of the transportation of mail shall be subject to agreement between the competent authorities of both Parties.

Mail transporta-  
tion.

#### ARTICLE IX

The operations contemplated hereunder shall be conducted subject to the applicable terms of the Air Navigation Arrangement effected by an exchange of notes between the two Parties signed on July 28, 1938.

Conduct of opera-  
tions.

53 Stat. 1925.

#### ARTICLE X

This Arrangement shall remain in force for a period of two years and thereafter until terminated on six months notice given by either Government to the other Government.

Duration; termina-  
tion.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on this date. If your Government concurs in this suggestion the Government of Canada will regard it as becoming effective on this date.

Effective date.

Accept, Sir, the renewed assurances of my highest consideration.

W. L. MACKENZIE KING

*Secretary of State for External Affairs*

*Canada*

The Honourable

The UNITED STATES MINISTER TO CANADA, *Ottawa.*

*The American Minister (Roper) to the Canadian Secretary of State  
for External Affairs (Mackenzie King)*

No. 101 LEGATION OF THE UNITED STATES OF AMERICA  
OTTAWA, CANADA.

*August 18, 1939.*

SIR:

Agreement by  
U. S. A.

I have the honor to acknowledge the receipt of your note of August 18, 1939, in which you communicated to me the terms of a reciprocal arrangement between the United States of America and Canada relating to air transport services, as understood by you to have been agreed to in negotiations, now terminated, between the Government of the United States of America and the Government of Canada.

The terms of this arrangement which you have communicated to me are as follows:

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND  
CANADA RELATING TO AIR TRANSPORT SERVICES

ARTICLE I

Having in mind the desirability of mutually stimulating and promoting the sound economic development of air transportation between the United States and Canada, the Parties to this Arrangement agree that the establishment and development of air transport services between their respective territories by air carrier enterprises holding proper authorizations from their respective Governments, shall be governed by the following provisions.

ARTICLE II

The present Arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

The privileges accorded by this Arrangement shall be available only to air carrier enterprises *bona fide* owned and controlled by nationals of the respective Parties.

ARTICLE III

Each of the Parties agrees, subject to compliance with its laws and regulations, to grant to air carrier enterprises of the other Party permits for non-stop services through the air space over its territory between two points within the territory of the other Party; provided however that inland non-stop services between the United States and Alaska shall be the subject of a separate understanding.

Each Party further agrees, subject to compliance with its laws and regulations and on a basis of reciprocity, to grant operating rights to the air carrier enterprises of the other Party for the operation of international services between a place in the territory of one Party and a place in the territory of the other Party.

The details of the application of the principle of reciprocity contained herein shall be the subject of amicable adjustment between the competent aeronautical authorities of the Parties to this Arrangement.

#### ARTICLE IV

Any air carrier enterprise of either Party applying for permission to operate in territory of the other Party shall be required to transmit its application through diplomatic channels in accordance with Article III (c) of the Air Navigation Arrangement effected by an exchange of notes between the two Parties, signed on July 28, 1938.

The air carrier enterprises of each Party will be required to qualify before the competent aeronautical authorities of the other Party under the latter's applicable laws and regulations before being permitted to engage in the operations contemplated by this Arrangement, and upon so qualifying will be issued permits or licences by such authorities accordingly.

#### ARTICLE V

The terms of the permits referred to in Article IV, the airports to be used by the respective services, the routes or airways to be flown within the respective territories of the Parties between the designated airports, and other appropriate details of the conduct of the air transport services contemplated by this Arrangement, shall be determined by the competent aeronautical authorities of the Parties. Any permit issued by the competent aeronautical authorities for the air transport services contemplated hereunder shall be valid only so long as the holder thereof shall be authorized by its own Government to engage in the service envisaged by such permit. The holding of such permit shall be subject to compliance by the holder with all applicable laws of the issuing Government and with all valid rules, regulations and orders issued thereunder. Such permit may not be revoked for any cause other than non-compliance with such laws, rules, regulations or orders or for such reasons as the public interest may require.

#### ARTICLE VI

Each of the Parties hereto agrees not to impose, and to use its best efforts to prevent the imposition of, any restrictions or limitations as to airports, airways or connections with other transportation services and facilities in general to be utilized within its territory which might be competitively or otherwise disadvantageous to the air carrier enterprises of the other Party.

#### ARTICLE VII

The aircraft operated by United States air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of the United States for aircraft employed in air transportation of the character contemplated by this Arrangement.

The aircraft operated by Canadian air carrier enterprises shall conform at all times with the airworthiness requirements prescribed by the competent aeronautical authorities of Canada for aircraft employed in air transportation of the character contemplated by this Arrangement.

The competent aeronautical authorities of the Parties hereto may communicate with a view to bringing about uniformity of safety standards for the operations contemplated by this Arrangement and compliance therewith, and whenever the need therefor appears the Parties may enter into an agreement prescribing such uniform safety standards.

#### ARTICLE VIII

The matter of the transportation of mail shall be subject to agreement between the competent authorities of both Parties.

#### ARTICLE IX

The operations contemplated hereunder shall be conducted subject to the applicable terms of the Air Navigation Arrangement effected by an exchange of notes between the two Parties signed on July 28, 1938.

#### ARTICLE X

This Arrangement shall remain in force for a period of two years and thereafter until terminated on six months notice given by either Government to the other Government.

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

Effective date.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on this date and will accordingly regard it as becoming effective on this date.

I avail myself of the occasion to renew to you, Sir, the assurances of my highest consideration.

DANIEL C. ROPER.

The Right Honorable

The SECRETARY OF STATE FOR EXTERNAL AFFAIRS, *Ottawa*.

*Agreement between the United States of America and Panama respecting neutrality. Effected by exchange of notes signed August 25, 1939.*

August 25, 1939  
[E. A. S. No. 160]

*The American Ambassador (Dawson) to the Panamanian Secretary of Foreign Relations and Communications (Garay)*

Note No. 38 EMBASSY OF THE UNITED STATES OF AMERICA  
Panamá, August 25, 1939

EXCELLENCY:

My Government assumes that the protocol signed by the Secretary of State and the Minister of Panamá on October 10, 1914, dealing with hospitality extended in the waters of the Republic of Panamá and of the Canal Zone to belligerent vessels of war or those employed by belligerent powers for the purpose of prosecuting or aiding hostilities is still in force. However, it would be appreciated if in view of existing circumstances, the Government of Panamá would signify in writing that it shares the view of the United States as to the present force and effect of this protocol.

38 Stat. 2042.

Accept, Excellency, the renewed assurances of my highest consideration.

WILLIAM DAWSON

His Excellency

Señor Doctor Don NARCISO GARAY,  
*Secretary of Foreign Relations  
and Communications.*

*The Panamanian Secretary of Foreign Relations and Communications (Garay) to the American Ambassador (Dawson)*

SECRETARÍA DE RELACIONES EXTERIORES D. D. No. 1890  
Y COMUNICACIONES  
*Departamento Diplomático PANAMÁ, Agosto 25 de 1939.*

SEÑOR EMBAJADOR:

Tengo el honor de manifestar a Vuestra Excelencia, en respuesta a su estimable nota No. 38 de esta fecha, que el Gobierno de Panamá considera que el Protocolo firmado en Washington el 10 de Octubre de 1914 por el Ministro de Panamá en los Estados Unidos de América, Dr. Eusebio A. Morales, y el Secretario de Estado de los Estados Unidos, Robert Lansing, está actualmente vigente y puede ser aplicado por ambos países cuandoquiera que las circunstancias lo requieran.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

NARCISO GARAY,  
*Secretario de Relaciones Exteriores  
y Comunicaciones.*

Su Excelencia don WILLIAM DAWSON,  
*Embajador de los Estados Unidos de América,  
Presente.*

[Translation]

SECRETARIAT OF FOREIGN RELATIONS  
AND COMMUNICATIONS

D. D. No. 1890

*Diplomatic Department*PANAMÁ, *August 25, 1939.*

MR. AMBASSADOR:

I have the honor to advise Your Excellency in reply to your esteemed note no. 38 of this date that the Government of Panamá considers that the protocol signed at Washington on October 10, 1914, by the Minister of Panamá in the United States of America, Dr. Eusebio A. Morales, and the Secretary of State of the United States, Robert Lansing, is at present in effect and may be applied by both countries whenever circumstances require.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

NARCISO GARAY,  
*Secretary of Foreign Relations  
and Communications.*

His Excellency

WILLIAM DAWSON,

*Ambassador of the United States of America,**City*

*Agreement between the United States of America and Argentina respecting military aviation instructors. Signed September 12, 1939; effective September 12, 1939.*

September 12, 1939  
[E. A. S. No. 161]

## AGREEMENT

The President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, as amended by an Act of Congress, May 14, 1935, having authorized the detail of United States Army Air Corps officers to assist the Argentine War Department, the following conditions are agreed between the Ambassador of the Argentine Republic at Washington, as representative and agent of the Argentine Ministry of War, hereinafter referred to as the Party of the First Part, and the Secretary of War of the United States of America as representative and agent of certain officers of the Air Corps, United States Army, hereinafter referred to as the Parties of the Second Part or as Officers of the Regular Army of the United States of America who have been detailed to their duties by the Secretary of War of the United States after approval of the compensation and emoluments herein stipulated.

### TITLE I

#### DUTIES AND DURATION

*Article 1.* The Parties of the Second Part hereby agree:

a) To place at the disposal of the Party of the First Part all their technical and professional

## CONTRATO

Habiendo el Presidente de los Estados Unidos de América, por virtud de la autoridad conferida por Ley del Congreso aprobada el 19 de Mayo de 1926 y reformada por Ley del Congreso del 14 de Mayo de 1935, autorizado la designación de oficiales del Cuerpo Aéreo del Ejército de los E. E. U. U., para cooperar con el Ministerio de Guerra de la República Argentina, se aceptan las condiciones que a continuación se expresan y que han sido convenidas entre el Embajador de la República Argentina en Washington como representante y agente del Ministerio de Guerra de la República Argentina, en adelante referido como la Primera Parte contratante y el Ministerio de Guerra de los Estados Unidos de América como representante y agente de los oficiales del Cuerpo Aéreo del Ejército de los E. E. U. U. en adelante referidos como las Segundas Partes o como los oficiales del Ejército Regular de los Estados Unidos de América, previa aprobación de la remuneración y emolumentos aquí estipulados.

### TITULO I

#### OBLIGACIONES Y DURACIÓN

*Artículo 1º.* Por el presente contrato las Segundas Partes se comprometen a:

a) Poner a disposición de la Primera Parte todos sus conocimientos técnicos y profesionales

Post, p. 2320.

44 Stat. 565; 49 Stat. 218.  
10 U. S. C. § 540;  
Supp. V, § 540.

Duties and duration.

capacities, acting as technical advisers and instructors with regard to aviation when so requested by the Minister of War, Argentine Republic;

b) To advise the Commanding Officer of the Army Air Forces cooperating with him in all matters pertaining to same, prescribing the courses and assisting in the instruction;

c) To instruct personally in their capacities as instructors of bombing, aerial gunnery, aerial tactics, blind and night flying and navigation, as regards both theory and flying, the students who are detailed to them in a complete course dealing with the subject for which they shall draw up a program in accordance with the directives of the Commander of the Air Forces of the Army;

d) To obey without any reservations except such as may be required by the obligations of their oaths as officers of the United States Army, the orders of the service which may be given to them by the Minister of War or his lawful deputy, relative to the performances of their duties. In case of non-compliance with this provision the Party of the First Part shall be empowered to cancel the present contract, under the conditions set forth in Article 9;

e) The Parties of the Second Part shall participate in such air flights as may be required in the performance of their duties; provided further, that the Argentine Government shall place an airplane at their disposal for such periodic flights as may be required to maintain their status as pilots under United States Army Regu-

actuando como informantes e instructores con relación a la aviación cuando así sean requeridos por el Ministerio de Guerra de la República Argentina;

b) Asesorar al Comandante de las Fuerzas Aéreas cooperando con él en todas las materias relativas a las mismas, prescribiendo los cursos y cooperando en la instrucción;

c) A instruir personalmente en sus caracteres de profesores de bombardeo, de tiro aéreo, de táctica aérea, de vuelo a ciegas y nocturno y de navegación, tanto en la parte teórica como en vuelo, a los alumnos que se les designen en un curso completo de las materias, para el cual deberán confeccionar los programas según las directivas del Comandante de las Fuerzas Aéreas del Ejército;

d) Cumplir sin restricción alguna, excepto las obligaciones que les imponen sus juramentos como oficiales del Ejército de los E. E. U. U., las órdenes del servicio que se les impartan por el Ministerio de Guerra o su debido representante, relativas al desempeño de sus funciones. Caso contrario faculta a la Primera Parte para cancelar el presente contrato en las condiciones que establece el Artículo 9°;

e) Las Segundas Partes participarán en los vuelos que sean necesarios para el cumplimiento de sus obligaciones y con la condición de que el Gobierno Argentino pondrá aeroplanos a disposición de las Segundas Partes para efectuar los vuelos periódicos que sean necesarios para mantener sus entrenamientos de pilotos

lations. In making flights no liability is assumed by the Parties of the Second Part for damage caused to equipment, or for death or injury to others incident to any accident in which he may be involved under the provisions of this contract.

The senior officer will assure normally the direct relations with the Minister of War, the Chief of Staff of the Army and the Commanding Officer of the Air Force.

*Article 2.* This agreement shall continue in effect for a period of one year from the date of its signature.

*Article 3.* The present agreement is subject to extension by mutual consent at its expiration for a period of one year.

*Article 4.* It is agreed that the services to be rendered by the Parties of the Second Part, as set forth in Article 1, shall be suspended in the event that any of the armed forces of Argentina engage in activities other than those normally carried on during times of peace. It is agreed further that in case of war being declared between the Argentine Republic and any other nation, or between the United States and any other nation, the present agreement shall at once be considered terminated, subject to the return of the officers, their families and household effects to the United States, as indicated in Articles 13, 14, 15, 16 and 19.

como lo requieran los Reglamentos del Ejército de los E. E. U. U. Al efectuar vuelos las Segundas Partes no asumen responsabilidad alguna por daños causados al equipo o por daños o muerte a otros como resultado de cualquier accidente en que tomen parte dentro de las estipulaciones del presente contrato.

El oficial de mayor categoría será el encargado de mantener regularmente las relaciones con el Ministerio de Guerra, el Estado Mayor General de Ejército y el Comando de las Fuerzas Aéreas.

*Artículo 2°.* Este contrato durará un año desde la fecha de su firma.

*Artículo 3°.* El presente contrato puede ser extendido por consentimiento mútuo a su vencimiento, por un nuevo período de un año.

*Artículo 4°.* Se conviene que los servicios que deban prestar las Segundas Partes según se establece en el Artículo 1° se considerarán suspendidos, en el caso de que cualquiera de las Fuerzas Armadas de la República Argentina tome parte en otras actividades que aquellas que se ejercen normalmente en tiempo de paz. Se conviene además que en caso de declaración de guerra entre la República Argentina y cualquiera otra nación, o entre los Estados Unidos y cualquiera otra nación, de inmediato se considerará rescindido el presente contrato, disponiéndose el regreso de los oficiales, sus familias y efectos personales a los E. E. U. U. en la forma indicada en los Artículos 13, 14, 15, 16 y 19.

*Post, p. 2322.*

*Article 5.* It is stipulated and agreed that while the Parties of the Second Part shall be employed under this agreement, or any extension thereof, the Party of the First Part will not engage the services of any personnel of any other foreign government for the duties and purposes contemplated by this agreement, unless expressly agreed to between the Argentine Government and the Government of the United States.

*Artículo 5º.* Se establece y conviene que durante la vigencia del presente contrato o cualquiera prórroga del mismo, la Primera Parte no podrá utilizar los servicios de personal alguno de otro gobierno extranjero para las obligaciones y propósitos contemplados en este contrato, fuera del caso en que ello sea expresamente convenido por el Gobierno Argentino y el Gobierno de los E. E. U. U.

## TITLE II

## TITULO II

## REQUISITES AND CONDITIONS

## REQUISITOS Y CONDICIONES

Requisites and conditions.

*Article 6.* The Parties of the Second Part hereby agree not to divulge nor by any means to disclose to any foreign government or person whatsoever any secret or confidential matter of which they may become cognizant as a natural consequence of their functions, or in any other way, it being understood that this requisite honorably continues even after the expiration or cancellation of the present or any other subsequent agreement.

*Artículo 6º.* Las Segundas Partes se comprometen por el presente contrato a no divulgar o revelar por ningún medio, cualquier secreto o asunto confidencial que llegue a ser de su conocimiento como una consecuencia natural de sus funciones, o por cualquier otro medio; quedando establecido que este requisito subsistirá honorablemente y de buena fe aún después del vencimiento o cancelación del presente contrato o de cualquier otro subsiguiente.

*Article 7.* During the entire stay in the Argentine Republic at the service of the Party of the First Part, the Parties of the Second Part shall be entitled to the benefits which the Argentine Army Regulations provide for its officers of corresponding rank.

*Artículo 7º.* Durante toda la estada en la República Argentina al servicio de la Primera Parte, las Segundas Partes gozarán de los beneficios que los reglamentos del Ejército Argentino conceden a sus oficiales del mismo grado.

*Article 8.* In case the Party of the First Part should desire that the services of the Parties of the Second Part be extended beyond the period stipulated in Article 2, as referred to in Article 3, written proposal to that effect must be made three months before the expiration of the present agreement.

*Artículo 8º.* En caso de que la Primera Parte deseara que los servicios de las Segundas Partes fueran prorrogados más allá del período estipulado en el Artículo 2º según se establece en el Artículo 3º, deberá presentar una propuesta escrita en tal sentido, tres meses antes del vencimiento del presente contrato.

*Article 9.* The present agreement may be cancelled by either of the Parties subject to thirty (30) days' notice in writing.

*Article 10.* For the purposes of the present contract the family of an officer is construed to include his wife and dependent children.

*Article 11.* After each year of service with the Argentine Government, or proportional part thereof, should this contract be terminated prior to one year, the Parties of the Second Part are individually entitled to one month's leave or proportional part thereof with pay.

*Article 12.* The leave cited in the preceding Article may be spent in foreign countries, subject to the standing instructions of the United States War Department concerning visits to foreign countries. In all cases, a previously written application, containing full details, addressed to the appropriate Argentine Army authority, will be necessary. Unused portions of such leave including that deriving from the previous individual contracts shall be cumulative from year to year.

### TITLE III

#### COMPENSATIONS

*Article 13.* For the services specified in Article 1 of this contract the officers of the Regular Army of the United States of America shall receive from the Argentine Government monthly compensation in pesos, national money, of legal tender, additional

*Artículo 9º.* El presente contrato puede ser cancelado por cualquiera de las dos Partes previa notificación por escrito, presentada con treinta días de anticipación.

*Artículo 10º.* A los efectos del presente contrato la familia de un oficial se considera compuesta por la esposa y los hijos que de él dependen.

*Artículo 11º.* Después de cada año de servicio con el Gobierno Argentino, o fracción en caso de terminar este contrato antes del plazo de un año, las Segundas Partes tendrán derecho a un mes de licencia, o fracción proporcional, con goce de sueldo.

*Artículo 12º.* De la licencia mencionada en el artículo precedente se podrá hacer uso en el extranjero, sujeto a las instrucciones vigentes del Ministerio de Guerra de los E. E. U. U. acerca de las visitas a países extranjeros. En todos los casos será menester formular un pedido previo por escrito conteniendo todos los detalles, a la autoridad militar argentina correspondiente. Las licencias de que no han hecho uso y las que deriven de los previos contratos individuales podrán acumularse de un año a otro.

### TITULO III

#### REMUNERACIÓN DE SERVICIOS

*Artículo 13º.* Por los servicios especificados en el Artículo 1º del presente contrato, los oficiales del Ejército de los E. E. U. U. recibirán del Gobierno Argentino una remuneración mensual en pesos moneda nacional de curso legal que se agregará al pago que reci-

Cancelation provision.

Compensations.

to the pay and allowances which they receive from the Government of the United States, according to the following schedule:

Major and Chief Officer	1400	Mayor y Oficial Jefe	1.400
Major	1300	Mayor	1.300
Captains	1200	Capitanes	1.200
First Lieutenants	1100	Tenientes Primeros	1.100

The said salary shall be payable on the last day of each month, it being hereby stipulated that neither said compensation nor the pay and allowances which they receive from the Government of the United States, shall be subject to any Argentine Government tax now in force, and that if any other tax or taxes are imposed by the Argentine Government, the compensation shall be so increased as to cover this taxation.

*Article 14.* The compensation set forth in Article 13 shall begin from the date of signature of this agreement in the case of such officers as may be in the Argentine Republic at that time, and in the case of any newly assigned officer shall begin on the date of leaving New York, traveling by sea. The compensation shall continue until the termination of this contract, plus the time required to travel by the usual sea route from Buenos Aires to New York, plus such additional time as may cover the leave periods.

*Article 15.* The Party of the First Part will furnish the expenses of transportation if necessary by land and sea of the Parties of the Second Part, their families, household effects and baggage, including automobile, in advance, the officers and their families being furnished with first-class accommodations.

birán del Gobierno de los Estados Unidos de acuerdo con estas bases:

Esos salarios serán pagaderos el último día de cada mes, siendo entendido que dicha remuneración y la que reciban del Gobierno de los E. E. U. U. no serán gravadas con ningún impuesto del Gobierno Argentino en vigor al presente y que si se aprobara por el Gobierno Argentino un impuesto o impuestos, la remuneración será aumentada para cubrir tales impuestos.

*Artículo 14°.* El goce de la remuneración estipulada en el Artículo 13° comenzará el día de la firma de este contrato en el caso de que los oficiales estuvieran en ese tiempo en la República Argentina; en el caso de la designación de un nuevo oficial el goce de la remuneración empezará el día de salida de Nueva York viajando por mar. La remuneración continuará hasta la terminación de este contrato más el tiempo necesario para el viaje por la ruta marítima ordinaria de Buenos Aires a Nueva York, agregando la correspondiente a los periodos de licencia.

*Artículo 15°.* La Primera Parte pagará los gastos necesarios de transporte por mar y por tierra a los oficiales del Ejército de los E. E. U. U., sus familias, sus efectos personales, incluyendo el automóvil, por adelantado, proveyéndolos siempre de pasajes de primera clase.

*Article 16.* An additional allowance of one-half month's compensation will be provided in advance by the Argentine Government to cover expenses of locating and housing any additional officer and his family as may proceed to the Argentine Republic under this contract.

*Article 17.* The cases of cancellation mentioned in Article 9 shall be compensated as follows:

a) The United States may, if the public interest so requires, recall at any time any or all of the officers, substituting for them other officers acceptable to the Argentine Government, all expenses in connection therewith being incumbent upon the Government of the United States of America. If on the request of the Argentine Government, any member of the officers is recalled for due or just cause other than the termination of his services or illness, all expenses connected with the return shall be incumbent upon the United States of America.

b) If cancellation of this contract be effected on the request of the United States of America, all expenses of the return of the officers and all effects thereof to the United States shall be borne by the Government of the United States of America; should cancellation be effected on the initiative of the Argentine Government, or as a result of war between the Argentine Republic and a foreign government or as the result of the contingency envisaged in Article 4, the Argentine Government shall bear these costs.

*Artículo 16°.* Se otorgará por adelantado una bonificación adicional de un medio mes de remuneración, destinada a compensar los gastos originados por cambio de residencia de las Segundas Partes y sus familias, si un nuevo oficial fuera enviado a la República Argentina de acuerdo a este contrato.

*Artículo 17°.* Los casos de cancelación mencionados en el Artículo 9° serán compensados en la siguiente forma:

a) Si los Estados Unidos, requeridos por su interés público, ordena el regreso en cualquier tiempo de uno o de todos los oficiales, sustituyéndolos por otros, de acuerdo con el Gobierno Argentino; todos los gastos originados por este motivo corresponderán al Gobierno de los Estados Unidos de América. Si por el pedido del Gobierno Argentino alguno de los oficiales es llamado a su país por otra causa que la terminación de sus servicios o enfermedad, todos los gastos relacionados con este retorno, si hubiera justa causa, incumben al Gobierno de los Estados Unidos de América.

b) Si la propuesta de cancelación fuera presentada a pedido de los Estados Unidos de América, todos los gastos para el regreso de los oficiales y sus efectos personales serán satisfechos por el Gobierno de los Estados Unidos de América; si la propuesta de cancelación se efectuara a pedido del Gobierno Argentino, o como resultado de una guerra entre la República Argentina y un Gobierno extranjero o como resultado de los casos previstos en el Artículo 4°, todos los gastos estarán a cargo del Gobierno Argentino.

*Article 18.* The Party of the First Part will not provide for annual leave any additional allowance or compensation further than that stipulated in Article 13 and mentioned in Article 14.

*Article 19.* The additional allowance of Article 16 for the Parties of the Second Part shall be paid by the Party of the First Part prior to departure from present station in the United States proceeding by the usual traveled route.

*Article 20.* The household effects and baggage, including an automobile, of officers arriving in the Argentine Republic additional to or in replacement of the original officers, shall be exempt from customs duties in the Argentine Republic, or if such customs duties are imposed and required, an equivalent additional allowance to cover such charge shall be paid by the Argentine Government.

*Article 21.* The compensation for transportation and traveling expenses in the Argentine Republic necessitated by the Argentine official business in compliance with Article 1 will be provided according to conditions specified in Article 7.

*Article 22.* a) Should any of the Parties of the Second Part become ill, he shall be cared for by the Argentine Government in such hospital, after consultation, as may be considered suitable; any officer unable to perform his duties by reason of long continued physical disability shall be changed.

b) If any of the Parties of the Second Part, or one of his family, should die in the Argentine Re-

*Artículo 18°.* La Primera Parte no otorgará por la licencia anual ninguna remuneración o bonificación adicional, salvo la estipulada en el Artículo 13° y mencionada en el Artículo 14°.

*Artículo 19°.* La bonificación adicional del Artículo 16° otorgada a las Segundas Partes será pagada por la Primera Parte por adelantado y antes de la salida de su actual residencia oficial en los Estados Unidos por la ruta ordinaria.

*Artículo 20°.* El mobiliario, el equipaje, incluyendo un automóvil de los oficiales que lleguen a la República Argentina como complemento o en reemplazo de los oficiales actualmente en servicio, estarán libres de derechos aduaneros en la República Argentina; pero si tales derechos fueran impuestos y exigidos, la Primera Parte abonará una bonificación adicional equivalente para cubrir dicho gasto.

*Artículo 21°.* La compensación por transporte y gastos de viaje en la República Argentina, originada por comisiones oficiales en cumplimiento del Artículo 1° será otorgada de acuerdo con las condiciones especificadas en el Artículo 7°.

*Artículo 22°.* a) En caso de que las Segundas Partes o alguna de ellas contrayesen alguna enfermedad, serán hospitalizadas por el Gobierno Argentino en el lugar que se considere apropiado, previa consulta; cualquier oficial incapacitado de cumplir con sus obligaciones por razones de continuada imposibilidad física deberá ser cambiado.

b) Si alguna de las Segundas Partes o cualquier miembro de su familia llegara a fallecer en la

Exemption from customs duties.

public while the present or any extension of this agreement is in force, the Party of the First Part shall have the body transported to such place in the United States as the family may decide. Should the deceased be any of the Parties of the Second Part this agreement will be considered terminated with reference to him fifteen days after his death, and compensation will be provided as specified in Articles 13, 14, 15, 16, 19 and 20, payable to the widow of the Party of the Second Part or other person who may be designated in writing by the Party of the Second Part any time during the continuance of this contract, provided such widow or other person will not be compensated for the accrued leave of the deceased, and provided further that these compensations be paid within fifteen days of the death of the Party of the Second Part.

*Article 23.* In faith whereof, the undersigned, being duly authorized, sign the present agreement in two texts in duplicate, each one in the Spanish and English languages, this twelfth day of September, nineteen hundred and thirty-nine, in Washington, D. C., United States of America.

[SEAL] FELIPE A ESPIL

[SEAL] HARRY T. WOODRING

República Argentina durante el tiempo en que este contrato o cualquiera de sus prórrogas esté en vigor, la Primera Parte tomará las medidas necesarias para que el cuerpo sea transportado al lugar de los Estados Unidos que decida la familia. En caso de ser el fallecido alguna de las Segundas Partes este contrato se considerará a su respecto terminado quince días después del deceso y las compensaciones y remuneraciones que se otorgarán serán las especificadas en los Artículos 13, 14, 15, 16, 19 y 20, pagaderas a la viuda o a cualquier otra persona designada por escrito por las Segundas Partes en cualquier momento durante la vigencia de este contrato, estipulándose que la viuda o la persona designada no será compensada por la licencia proporcional que correspondería al fallecido y que estas remuneraciones serán pagadas dentro de los quince días de ocurrida la muerte del oficial.

*Artículo 23°.* En testimonio de todo lo que, los abajo firmados, estando debidamente autorizados, firman el presente contrato en dos textos por duplicado, cada uno en idioma español e inglés, hoy doce de septiembre de mil novecientos treinta y nueve en Washington, D. C., Estados Unidos de América.

Signatures.

July 17, 1939  
September 13, 1939

*Agreement between Egypt and the United States of America concerning the exchange of parcel post, with regulations of execution; signed at Cairo July 17, 1939 and at Washington September 13, 1939; approved and ratified by the President of the United States September 18, 1939.*

## AGREEMENT BETWEEN EGYPT AND THE UNITED STATES OF AMERICA CONCERNING THE EXCHANGE OF PARCEL POST.

The undersigned, provided with full powers by their respective governments, have by mutual consent and subject to ratification by the competent superior authorities, drawn up the following Agreement:

### ARTICLE I.

#### *Object of the Agreement.*

Contracting parties. Between the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) on one hand, and Egypt on the other hand, there may be exchanged under the denomination of parcel post, parcels up to the maximum weight and the maximum dimensions indicated in the Regulations of Execution.

Post, p. 1832.

### ARTICLE II.

#### *Transit parcels.*

Right of transit. 1. Each Postal Administration guarantees the right of transit through its service, to or from any country with which it has parcel post communication, of parcels originating in or addressed for delivery in the service of the other contracting Administration.

Administrations as intermediaries. 2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions.

3. To be accepted for onward transmission, parcels sent by one of the contracting Administrations through the service of the other Administration must comply with the conditions prescribed from time to time by the intermediate Administration.

### ARTICLE III.

#### *Postage and fees.*

Collection from sender. 1. The Administration of origin is entitled to collect from the sender of each parcel the postage and the fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, the insurance fees and the fees for return receipts that may from time to time be prescribed by its regulations.

Prepayment. 2. Except in the case of returned or redirected parcels, the postage and such of the fees mentioned in the preceding section as are applicable must be prepaid.

## ARTICLE IV.

*Preparation of parcels.*

Every parcel shall be packed in a manner adequate for the length of the journey and the protection of the contents as set forth in the Regulations of Execution.

Packing.  
Post, p. 1832.

## ARTICLE V.

*Prohibitions.*

1. The following articles are prohibited transmission by parcel post:

Articles prohibited  
transmission.

(a) A letter or a communication having the nature of a letter. Nevertheless, it is permitted to enclose in a parcel an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender.

(b) An enclosure which bears an address different from that placed on the cover of the parcel.

(c) Any live animal, except leeches.

(d) Opium, morphine, cocaine, and other narcotics.

(e) Any article, the admission of which is forbidden by the Customs or other laws or regulations in force in either country.

(f) Any explosive or inflammable article, and in general, any article the conveyance of which is dangerous, including articles which from their nature or packing may be a source of danger to postal employees or may soil or damage other parcels.

(g) Obscene or immoral articles.

(h) It is, moreover, forbidden to send coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or not); precious stones, jewelry, or other precious articles in uninsured parcels.

Coin; gold, etc.

2. When a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and inland regulations. Explosive or inflammable articles, as well as documents, pictures, and other articles injurious to public morals may be destroyed on the spot by the Administration which has found them in the mails.

Parcel contravening  
prohibitions, action to  
be taken.

The fact that a parcel contains a letter or a communication having the nature of a letter, may not in any case entail return of the parcel to the sender. The letter is, however, marked for collection of postage due from the addressee at the regular rate.

The two Administrations advise each other, by means of the List of Prohibited Articles published by the International Bureau of the Universal Postal Union, of all prohibited articles. However, they do not assume on that account any responsibility towards the customs or police authorities, or the sender.

List of Prohibited  
Articles.

3. If parcels wrongly admitted to the post are neither returned to origin nor delivered to the addressees, the Administration of origin must be precisely informed of the treatment accorded to the parcels.

Parcels wrongly ad-  
mitted.

## ARTICLE VI.

*Insurance.*

Parcels may be insured up to the amount of 500 gold francs or its equivalent in the currency of the country of origin. However, the Chiefs of the Postal Administrations of the two contracting coun-

Maximum amount.

tries may, by mutual consent, increase or decrease this maximum amount of insurance.

Indemnity, limitation.

A parcel cannot give rise to the right to an indemnity higher than the actual value of its contents, but it is permissible to insure it for only part of that value.

## ARTICLE VII.

### *Responsibility. Indemnity.*

Ordinary parcels.

1. The Postal Administrations of the two contracting countries will not be responsible for the loss, abstraction, or damage of an ordinary parcel.

Insured parcels.

2. Except in the cases mentioned in the Article following, the Administrations are responsible for the loss of insured parcels mailed in one of the two contracting countries for delivery in the other and for the loss, abstraction of, or damage to their contents, or a part thereof.

Indemnity, computation.

The sender, or the addressee if he proves that the sender has waived his rights in his favor, is entitled to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of indemnity is calculated on the basis of the actual value (current price or, in the absence of current price, the ordinary estimated value) at the place where and the time when the parcel was accepted for mailing; provided in any case that the indemnity may not be greater than the amount for which the parcel was insured and on which the insurance fee has been collected, or the maximum amount of 500 gold francs.

Indirect damages, etc.

3. No indemnity is paid for indirect damages or loss of profits resulting from the loss, rifling, damage, nondelivery, misdelivery, or delay of an insured parcel dispatched in accordance with the conditions of the present Agreement.

Return of postal charges.

4. In the case where indemnity is payable for the loss of a parcel or for the destruction or abstraction of the whole of the contents thereof, the sender is entitled to return of the postal charges, if claimed. However, the insurance fees are not in any case returned.

Loss, etc., of certain transit insured parcels.

5. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss, rifling, or damage of transit insured parcels, that is, parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

Insured parcels re-forwarded to a third country, etc.

6. When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to the indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination, can lay claim, in such a case, only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

7. The sender is responsible for defects in the packing and insufficiency in the closing and sealing of insured parcels. Moreover, the two Administrations are released from all responsibility in case of loss, rifling, or damage caused by defects not noticed at the time of mailing.

Defective packing.

### ARTICLE VIII.

#### *Exceptions to the principle of responsibility.*

The Administrations are relieved from all responsibility:

(a) In case of parcels of which the addressee has accepted delivery without reservation.

Exceptions to the principle of responsibility.

(b) In case of loss or damage through force majeure (causes beyond control); although either Administration may at its option and without recourse to the other Administration pay indemnity for loss or damage due to force majeure even in cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure. The country responsible for the loss, abstraction, or damage must decide, in accordance with its internal legislation, whether this loss, abstraction, or damage was due to circumstances constituting a case of force majeure.

(c) When, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through force majeure.

(d) When the damage has been caused by the fault or negligence of the sender, or of the addressee, or the representative of either, or when it is due to the nature of the article.

(e) For parcels which contain prohibited articles.

(f) In case the sender of an insured parcel, with intent to defraud, shall declare the contents to be above their real value; this rule, however, shall not prejudice any legal proceedings necessitated by the legislation of the country of origin.

(g) For parcels seized by the Customs because of false declaration of contents.

(h) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

(i) For parcels which contain matter of no intrinsic value, or perishable matter, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

### ARTICLE IX.

#### *Termination of responsibility.*

Administrations cease to be responsible for parcels of which they have effected delivery in accordance with their internal regulations for parcels of the same nature.

Termination of responsibility.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of a parcel the contents of which have been abstracted or damaged.

## ARTICLE X.

*Obligation to pay compensation.*

Obligation to pay compensation.

The obligation to pay compensation, as well as the postage charges due to be refunded, rests with the Administration to which the office of origin of the parcel is subordinate. However, in cases where the compensation is paid to the addressee in accordance with Article VII, Section 2, second paragraph, the obligation shall rest with the Administration of destination.

The paying Administration retains the right to make a claim against the responsible Administration.

## ARTICLE XI.

*Period for payment of compensation.*

Period for payment of compensation.

1. The payment of compensation for an insured parcel shall be made to the rightful claimant as soon as possible and at the latest within a period of one year counting from the day following that on which the application is made.

Deferred payment.

However, the Administration responsible for making payment may exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

Payment if matter deferred nine months.

2. Except in cases where payment is exceptionally deferred as provided in the second paragraph of the foregoing section, the Postal Administration which undertakes payment of compensation is authorized to pay indemnity on behalf of the Office which, after being duly informed of the application for indemnity, has let nine months pass without settling the matter.

## ARTICLE XII.

*Fixing of responsibility.*

Fixing of responsibility.

1. Until the contrary is proved, responsibility for an insured parcel rests with the Administration which, having received the parcel without making any reservations and being put in possession of all the regulation means of investigation, cannot establish the disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If the loss, rifling, or damage has taken place in the course of transportation, without its being possible to establish on the territory or in the service of which country the act took place, the Offices involved bear the loss in equal shares.

4. The Administration paying compensation takes over to the extent of the amount paid, the rights of the person who has received it in any action which may be taken against the addressee, the sender, or a third party.

5. If a parcel which has been regarded as lost is subsequently found, the person to whom compensation has been paid must be informed that he is at liberty to take possession of the parcel against repayment of the amount of compensation.

## ARTICLE XIII.

*Repayment of compensation.*

1. The Administration responsible for the loss, rifling, or damage, and on whose account the payment is effected, is bound to repay the amount of the indemnity to the country which has effected payment. This reimbursement must take place without delay, and at the latest within the period of nine months after notification of payment.

Repayment of compensation.

2. These repayments to the creditor country must be made without expense for that Office, by money order or draft, in money valid in the creditor country, or in any other way to be agreed upon mutually by correspondence.

## ARTICLE XIV.

*Certificate of mailing. Receipts.*

The sender will, on request at the time of mailing an ordinary (uninsured) parcel, receive a certificate of mailing from the post office where the parcel is mailed on a form provided for the purpose; and each country may fix a reasonable fee therefor.

Certificate of mailing.

The sender of an insured parcel receives without charge, at the time of posting, a receipt for his parcel.

Receipt.

## ARTICLE XV.

*Return receipts and inquiries.*

1. The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate and under the conditions laid down in the Regulations.

Advice of delivery.

2. A fee may be charged at the option of the country of origin on a request for information as to the disposal of an ordinary parcel and also for an insured parcel made after it has been posted if the sender has not already paid the special fee to obtain an advice of delivery.

Inquiries.

3. A fee may also be charged at the option of the country of origin in connection with any complaint of any irregularity which prima facie was not due to the fault of the Postal Service.

Complaints.

## ARTICLE XVI.

*Recall and change of address.*

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be changed. The Postal Administration of the country of origin may collect and retain for this service the charge fixed by its regulations. The requests for recall or change of address of parcels to be delivered in the United States of America shall be addressed to the Central Administration at Washington; those relating to parcels for delivery in Egypt shall be addressed to the claims Office, Postal Administration, Cairo.

Recall and change of address.

## ARTICLE XVII.

*Customs charges.*

The parcels are subject to all customs laws and regulations in force in the country of destination. The duties collectible on that account are collected from the addressee on delivery of the parcel in accordance with the customs regulations of the country of destination.

Collection from addressee.

## ARTICLE XVIII.

*Customs charges to be canceled.*

Returned or redi-  
rected parcels.

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in Egypt and in the United States of America.

## ARTICLE XIX.

*Fee for customs clearance.*

Collection from ad-  
dressee.

The office of delivery may collect from the addressee either in respect of delivery to the Customs and clearance through the Customs or in respect of delivery to the Customs only, a fee not exceeding 50 centimes gold per parcel.

## ARTICLE XX.

*Delivery to the addressee. Fee for delivery at the place of address.*

Delivery to address-  
see; fee.

Parcels are delivered to the addressees as quickly as possible in accordance with the conditions in force in the country of destination. This country may collect in respect of delivery of parcels to the addressee, a fee not exceeding 50 centimes gold per parcel. The same fee may be charged, if the case arises, for each presentation after the first at the addressee's residence or place of business.

Notice of nondeliv-  
ery.

In the event the parcels are not delivered at the addressee's residence or place of business, the addressee is duly advised at the time of arrival of the parcel. The country of destination may collect a fee for the notice sent to the addressee for the purpose. This fee should in no case exceed the inland charge for the prepayment of an ordinary letter.

## ARTICLE XXI.

*Warehousing charges.*

Parcels addressed  
"General Delivery,"  
etc.

The country of destination is authorized to collect the warehousing charge fixed by its legislation for parcels addressed "General Delivery" or which are not claimed within the prescribed period. This charge may in no case exceed five francs gold.

## ARTICLE XXII.

*Missent parcels.*

Ordinary parcels.

Ordinary parcels, when missent, are reforwarded to their correct destination by the most direct route at the disposal of the reforwarding Administration. They must not be charged with customs or other charges by that Administration. Insured parcels, when missent, may not be reforwarded to their destination except as insured mail. If this is impossible, they must be returned to origin.

Insured parcels.

Refund, if returned.

When the reforwarding involves return of the parcel to the office of origin, the retransmitting Administration refunds to that office the credits received and reports the error by a bulletin of verification.

Reforwarding to a  
third country.

When the reforwarding involves dispatch of a parcel to a third country and if the amount credited to the retransmitting Administration is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration allows to the Administration to which it forwards the parcel the credits due it;

it then recovers the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim is notified to the latter by means of a bulletin of verification.

### ARTICLE XXIII.

#### *Reforwarding.*

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination, at the request of either the sender or the addressee.

Reforwarding; supplementary charges.

The reforwarding of a parcel within one of the contracting countries gives rise to collection of the supplementary charges provided for by the Administration of that country. The same is true, if occasion arises, in regard to delivery of such parcel to another person at the original place of destination. These charges shall not be canceled even in case the parcel is returned to origin or reforwarded to another country.

2. If a parcel must be reforwarded to one of the two countries signatory to the present Agreement, it is liable to new postage charges and, if occasion arises, new insurance fees, unless such charges and fees have been paid in advance. The new postage and fees are collected from the addressee by the Administration effecting delivery. Insured parcels must be reforwarded as such.

3. At the request of the sender or addressee, parcels may also be reforwarded or returned to another country. Insured parcels may not, however, be reforwarded or returned except as such. The senders may mark the parcels: "Do not forward to a third country." In that case the parcels must not be reforwarded to any other country. In case of loss, rifling, or damage of an insured parcel reforwarded to another country or returned by that country, the indemnity is decided upon exclusively in accordance with the provisions of Article VII, Section 6.

*Ante*, p. 1824.

### ARTICLE XXIV.

#### *Nondelivery.*

1. Undeliverable parcels returned to the sender are liable to new postage charges as well as insurance fees if necessary, and are returned as parcels of the same class in which they were received. The charges are collectible from the sender and are collected by the Administration which delivers the parcels to him.

Undeliverable parcels.

2. At the time of mailing, the sender must state how his parcel is to be disposed of in the event of nondelivery; that is, the sender must mark the parcel and the despatch note with one of the following notes:

"In case of nondelivery, the parcel should be returned to sender."

"In case of nondelivery, the parcel should be considered as abandoned."

"In case of nondelivery, the parcel should be delivered to \_\_\_\_\_."

No note other than those provided for above or note of similar import is permitted, except as provided in Article XXIII, Section 3.

3. Barring contrary instructions, undeliverable parcels are returned to origin, without previous notification, 30 days after their arrival at the office of destination. Parcels which the addressee refuses to accept shall be returned immediately. In all cases, the reason for nondelivery must be indicated on the parcel.

4. Parcels liable to deterioration or corruption may be sold immediately, even en route, on the outward or return voyage without previous notice and without judicial formality for the benefit of the rightful party.

If for any reason sale is impossible, the deteriorated or corrupted articles are destroyed. The sale or destruction gives rise to the making of a report which is sent to the Administration of origin.

5. Undeliverable parcels which the sender has abandoned may, at the expiration of a 30-day period, be sold for the profit of the Administration of the country of destination. However, in the case of an insured parcel, a report is made up which must be sent to the Administration of the country of origin. Likewise, the Administration of the country of origin must be advised when an insured parcel which is undeliverable is not returned to origin.

6. The provisions of Article XXV, Section 2, shall be applied to a parcel which is returned in consequence of nondelivery.

#### ARTICLE XXV.

##### *Charges.*

Credits.

1. For each parcel exchanged between the contracting countries, the dispatching office credits to the office of destination in the parcel bills the quotas due to the latter and indicated in the Regulations of Execution.

Post, p. 1832.

Reforwarding or return to origin.

2. In case of reforwarding or return to origin of a parcel, if new postage and new insurance fees (in the case of insured parcels) are collected by the redispaching office, the parcel is treated as if it had originated in that country. Otherwise, the redispaching office recovers from the other office the quota due to it; namely, as the case may be:

(a) The charges prescribed by Section 1 above.

(b) The charges for reforwarding or return.

Reforwarding or return to a third country.

In case of reforwarding or return to a third country, the accrued charges, that is, such of the charges mentioned in (a) and (b) above as are applicable, shall follow the parcel; but in the case that the third country concerned refuses to assume the charges because they cannot be collected from the addressee or the sender, as the case may be, or for any other reason, they shall be charged back to the reforwarding country.

Return or reforwarding in transit.

In the case of a parcel returned or reforwarded in transit through one of the two Administrations to or from the other, the intermediary Administration may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

#### ARTICLE XXVI.

*Postal charges other than those prescribed not to be collected.*

Postal charges, restriction.

The parcels to which this Agreement applies shall not be subject to any postal charges other than those contemplated by the different articles hereof.

#### ARTICLE XXVII.

##### *Air parcels.*

Air surtax.

The Chiefs of the Postal Administrations of the two contracting countries have the right to fix by mutual consent the air surtax and other conditions in the case where the parcels are conveyed by the air routes.

## ARTICLE XXVIII.

*Temporary suspension of service.*

In extraordinary circumstances such as will justify the measure, either Administration may temporarily suspend the parcel-post service, either entirely or partially, or restrict it to certain offices, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

Temporary suspension of service.

## ARTICLE XXIX.

*Matters not provided for in the present agreement.*

1. Unless they are provided for in the present Agreement, all questions concerning requests for recall or change of address of parcels, the obtaining and disposition of return receipts, and the settlement of indemnity claims in connection with insured parcels shall be treated in accordance with the provisions of the Universal Postal Convention and its Regulations of Execution, in so far as they are applicable and are not contrary to the foregoing provisions. If the case is not provided for at all, the domestic legislation of the United States of America, or of Egypt, or the decisions made by one country or the other are applicable in the respective country.

Matters not herein provided for.

Universal Postal Convention, etc., to govern.  
Post, pp. 2049, 2105.

2. The details relative to the application of the present Agreement will be fixed by the two Administrations in Regulations of Execution, the provisions of which may be modified or completed by mutual consent by way of correspondence.

Details to be fixed by mutual consent.

3. The two Administrations notify each other mutually of their laws, ordinances, and tariffs concerning the exchange of parcel post, as well as of all modifications in rates which may subsequently be made.

Mutual notice of postal laws, etc.

## ARTICLE XXX.

*Duration of the Agreement.*

1. This Agreement shall become effective on ratification but, pending ratification, it may be put into force administratively on a date to be mutually settled between the Administrations of the two countries.

Entry into force.

2. It shall remain in effect as long as it has not been terminated six months in advance by one or the other of the two Administrations.

Duration.

Done in duplicate and signed at Washington, the 13th day of September 1939 and at Cairo, the 17th day of July 1939.

Signatures.

[SEAL]

JAMES A FARLEY

*The Postmaster General of the United States of America.*

[SEAL]

M WAGUIH

*The Acting Postmaster General of Egypt.*

## REGULATIONS OF EXECUTION FOR THE PARCEL POST AGREEMENT.

The following detailed Regulations for the Execution of the Parcel Post Agreement have been agreed upon by the Chiefs of the Postal Administrations of the United States of America and Egypt.

### ARTICLE 1.

#### *Limits of weight and size.*

Limits of weight and size.

1. The parcels to be exchanged under the provisions of this Agreement may not exceed 22 pounds (10 kilograms) in weight nor the following dimensions:

Greatest length 4 feet, on condition that parcels over 42 inches but not over 44 inches long do not exceed 24 inches in girth; that parcels over 44 inches but not over 46 inches long do not exceed 20 inches in girth; that parcels over 46 inches but not over 48 inches long do not exceed 16 inches in girth; and that parcels up to 3½ feet in length do not exceed 6 feet in length and girth combined.

The limit of weight and maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

2. In regard to the exact calculation of the weight and dimensions, the indications furnished by the dispatching office will be accepted save in case of obvious error.

### ARTICLE 2.

#### *Preparation of parcels.*

Preparation of parcels.

1. The name and address of the sender and of the addressee must be written legibly and correctly, on the parcel itself if possible, or on a label or tag securely affixed to the parcel.

It is recommended that a duplicate of the address be inserted in every parcel, especially when the use of a tag for the address is rendered necessary by the packing or form of the parcel.

Parcels on which the name of the sender or of the addressee is indicated merely by initials are not admitted, unless the initials are the adopted trade name of the sender or addressee which is generally understood.

Addresses in ordinary pencil are not admitted. However, addresses written in indelible pencil on a previously dampened surface are accepted.

2. Each parcel must be packed in such a manner that the contents are protected over the whole route, and in such a way as to prevent the contents from damaging other parcels or objects or injuring postal agents. The packing must protect the contents sufficiently that, in case of rifling, the traces thereof may be easily discovered.

Insured parcels must be closed and securely sealed with wax or otherwise. Ordinary parcels may be sealed at the option of the sender or careful tying is sufficient as a mode of closing.

As a protective measure, either Administration may require that a special imprint or mark of the sender appear on the wax or lead seals closing insured parcels mailed in its service.

The Customs Administration of the country of destination is authorized to open the parcels in order to inspect the contents. To that end, the seals or any other fastenings may be broken. Parcels opened by the Customs must be refastened and also officially resealed, except in the case of ordinary parcels which were not sealed by the senders in the first instance.

3. Each insured parcel must bear on the address side an insurance number and must bear a label with the word "Insured" or this word must be marked or stamped on the parcel.

4. For insured parcels, the amount of insured value must appear on the parcel and on the dispatch note in currency of the country of origin and in gold francs, in roman letters spelled out in full, and in arabic figures. Also, the exact weight of each parcel in pounds and ounces or in kilograms and grams must be entered by the Administration of origin (a) on the address side of the parcel and (b) on the dispatch note in the place reserved for this purpose.

5. The labels or postage stamps affixed to insured parcels must be spaced so that they cannot serve to conceal injuries to the packing. Neither may they be folded over two faces of the wrapping so as to cover the edge.

6. Liquids and easily liquefiable substances must be sent in a double receptacle. Between the first (bottle, flask, box, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, or strong carton of fibreboard, or receptacle of equal strength), there must be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid in case the receptacle is broken.

7. Powders and dyes in powder form must be packed in strong boxes of tin or other metal which, after soldering, must be placed in turn in substantial outer covers in such a way as to avoid all damage to other articles.

### ARTICLE 3.

#### *Customs declarations and dispatch notes.*

1. The sender shall prepare one customs declaration for each parcel sent from either country upon a special form provided for the purpose by the country of origin.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, gross and net weight, the sender's name and address, and the name and address of the addressee; and shall be securely attached to the parcel in the case of parcels sent to the United States of America, or to the dispatch note in the case of parcels sent to Egypt.

However, as an exception to the foregoing, only one customs declaration may serve for as many as three uninsured parcels mailed simultaneously by the same sender in the United States of America to the same addressee at the same address in Egypt, and vice versa, in which case the customs declaration shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment; and shall be securely attached to one of the parcels in the case of parcels for the United States of America, or to the dispatch note in the case of parcels for Egypt. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will

Customs declarations.

indicate in arabic figures the number of the parcel and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 3 parcels, each parcel would be numbered, respectively, 1/3, 2/3, and 3/3.

Dispatch notes.

2. The sender shall also prepare one dispatch note in accordance with the forms in use in the country of origin for each parcel or for each consignment of three ordinary parcels sent from the same sender to the same addressee and mailed simultaneously.

The dispatch notes relating to parcels sent to the United States of America must be attached to the parcels to which they relate; those relating to parcels sent to Egypt must be forwarded with the regular mails.

Responsibility.

3. The Administrations accept no responsibility for the correctness of the information on the customs declarations or on that part of the dispatch note which is filled in by the public.

#### ARTICLE 4.

##### *Return receipts.*

Return receipts.

1. When a return receipt is requested, the office of origin places on the parcel the words or letters "Avis de réception", "Return receipt requested", or "A. R." The office of origin or any other office appointed by the dispatching Administration shall fill out a return receipt form and attach it to the parcel to which it relates in the case of parcels for the United States of America, or to the dispatch note in the case of parcels for Egypt. If the form does not reach the office of destination, that office makes out a duplicate.

2. The office of destination, after having duly filled out the return receipt form, returns it free of postage to the address of the sender of the parcel.

3. When the sender applies for a return receipt after a parcel has been mailed, the office of origin duly fills out a return receipt form and attaches it to a form of inquiry which is entered with the details concerning the transmission of the parcel and then forwards it to the office of destination of the parcel. In the case of the due delivery of the parcel, the office of destination withdraws the inquiry form and the return receipt is treated in the manner prescribed in the foregoing section.

#### ARTICLE 5.

##### *Receptacles.*

Receptacles.

1. The Postal Administrations of the two contracting countries shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

2. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

3. The cost of any empty parcel bag proved after investigation to have been lost will be paid by the Administration responsible for the loss.

## ARTICLE 6.

*Method of exchange of parcels.*

1. The parcels shall be exchanged in sacks duly fastened and sealed by the offices appointed by agreement between the two Administrations and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

Exchange of parcels.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained, and the labels of sacks containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

## ARTICLE 7.

*Billing of parcels.*

1. Separate parcel bills must be prepared for the ordinary parcels on the one hand and for the insured parcels on the other hand.

Billing of parcels.

The parcel bills are prepared in duplicate. The original is sent in the regular mails while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

2. The ordinary parcels included in each dispatch to the United States of America are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof. The ordinary parcels included in each dispatch to Egypt are to be entered on the parcel bills to show the number of each category of parcels according to their weight. The credit due for each category will also be shown.

3. Insured parcels shall be entered individually on the parcel bills to show the insurance number and the name of the office of origin. In the case of insured parcels for the United States of America the total net weight of all the parcels must also be shown. In the case of insured parcels for Egypt the weight and the insurance amount for each parcel must also be shown.

4. Parcels sent "à découvert" must be entered separately on the parcel bills.

5. Returned or redirected parcels must be entered individually on the parcel bills and be followed by the word "Returned" or "Redirected", as the case may be. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office numbers the parcel bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

8. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual agreement through correspondence between the two Administrations.

## ARTICLE 8.

*Verification by the exchange office.*

Verification by exchange office.

1. Upon receipt of a dispatch, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigations or for examination of requests for indemnity must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram at the expense of the Office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must re-dispatch such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case the weight of the parcel will be verified before and after repacking, and be indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at \_\_\_\_\_" and the signature of the agents who have effected such repacking.

## ARTICLE 9.

*Payment.*

Payment.

1. For each parcel, ordinary or insured, sent to Egypt, payment shall be made as follows:

1.25 gold franc per parcel weighing up to 5 kilograms.

2.25 gold francs per parcel exceeding 5 kilograms in weight up to 10 kilograms.

For parcels sent to the Sudan, payment shall be made as follows:

2 gold francs per parcel weighing up to 5 kilograms.

3 gold francs per parcel weighing up to 10 kilograms.

2. For each parcel, ordinary or insured, sent to the United States of America or to its possessions, payment shall be made as follows, based on the bulk net weight of each dispatch:

0.70 gold franc per kilogram for parcels for the United States proper.

1.05 gold franc per kilogram for parcels for the U. S. Virgin Islands and Puerto Rico.

1.85 gold franc per kilogram for parcels for Hawaii, Guam, and Samoa.

2.20 gold francs per kilogram for parcels for Alaska.

3. The terminal quotas and transit charges above mentioned may be reduced or increased on three months previous notice given by

one country to the other. The reduction or increase shall remain in force for at least one year.

4. In respect of insured parcels, the Post Office of the country of origin shall allow to the Post Office of the country of destination for land service a rate of 10 gold centimes for each insured parcel. If the country of destination provides a sea service, the dispatching office shall allow an additional rate of 20 gold centimes for each insured parcel.

#### ARTICLE 10.

##### *Accounting.*

1. At the end of each quarter, each Administration makes up an account on the basis of the parcel bills.

Accounting.

2. These accounts shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. The recapitulation, transmission, examination, and acceptance of these accounts must not be delayed and the payment of the balance shall take place, at the latest, at the expiration of the following quarter.

4. The balance resulting from adjustment of the accounts between the two Administrations is paid by a sight draft drawn on New York, or by some other means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

#### ARTICLE 11.

##### *Miscellaneous notifications.*

The Administrations shall communicate to each other a summary of the provisions of their laws or regulations applicable to the parcels exchanged between the two contracting countries, and other items necessary for carrying out the exchange of parcels.

Notifications.

These Regulations shall come into operation on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement.

Effective date; duration.

Done in duplicate and signed at Washington, the 13th day of September 1939 and at Cairo, the 17th day of July 1939.

Signatures.

[SEAL]

JAMES A FARLEY

*The Postmaster General of the United States of America.*

[SEAL]

M WAGUIH

*The Acting Postmaster General of Egypt.*

The foregoing Agreement between Egypt and the United States of America concerning the exchange of parcel post and the Regulations of Execution thereof have been negotiated and concluded with my advice and consent and they are hereby approved and ratified.

Approval and ratification.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

WASHINGTON, September 18, 1939.

August 14, 1939  
September 13, 1939

*Agreement between Barbados and the United States of America for the exchange of parcel post, with regulations of execution; signed at Bridgetown August 14, 1939 and at Washington September 13, 1939; approved and ratified by the President of the United States September 20, 1939.*

**AGREEMENT BETWEEN THE POSTAL ADMINISTRATION OF BARBADOS AND THE POSTAL ADMINISTRATION OF THE UNITED STATES OF AMERICA FOR THE EXCHANGE OF PARCELS BY PARCEL POST.**

Contracting parties.

The Postal Administrations of Barbados and the United States of America (including Alaska, Puerto Rico, the Virgin Islands, Guam, Samoa, and Hawaii) agree to effect a regular direct exchange of parcels between Barbados and the United States.

**AGREEMENT**

**ARTICLE I.**

*Limits of weight and size.*

Weight.

1. The parcels to be exchanged under the provisions of this Agreement may not exceed 22 pounds in weight nor the following dimensions:

Dimensions.

Greatest length, 4 feet, on condition that parcels over 42 inches but not over 44 inches long do not exceed 24 inches in girth; that parcels over 44 inches but not over 46 inches long do not exceed 20 inches in girth; that parcels over 46 inches but not over 48 inches long do not exceed 16 inches in girth; and that parcels up to 3½ feet in length do not exceed 6 feet in length and girth combined.

Alteration permitted.

The limit of weight and maximum dimensions stated above may be changed from time to time by agreement made through correspondence.

2. In regard to the exact calculation of the weight and dimensions, the indications furnished by the dispatching office will be accepted save in the case of obvious error.

**ARTICLE II.**

*Transit of parcels.*

Right of transit.

1. The two Administrations guarantee the right of transit for parcels over their territory to or from any country with which they respectively have parcel-post communication.

Administrations as intermediaries.

2. Each Postal Administration shall inform the other to which countries parcels may be sent through it as intermediary, and the amount of the charges due to it therefor, as well as other conditions to which the parcels are subject. Transit parcels shall be subject to the provisions of this Agreement and the Detailed Regulations so far as they are applicable.

**ARTICLE III.**

*Prepayment of postage. Rates.*

Prepayment of postage.

The prepayment of the postage on a parcel shall be compulsory, except in the case of a redirected or returned parcel.

## ARTICLE IV.

*Territorial rate.*

1. For prepaid parcels, ordinary or insured, sent to Barbados, payment shall be made as follows, based on the bulk net weight of such parcels included in each dispatch :

Rates.

4 cents per pound.

2. For prepaid parcels, ordinary or insured, sent to the United States of America or to its possessions, payment shall be made as follows, based on the bulk net weight of such parcels included in each dispatch :

6 cents per pound for parcels for the United States of America.

3 cents per pound for parcels for the U. S. Virgin Islands, Hawaii, Puerto Rico, Guam, and Samoa.

6 cents per pound for parcels for Alaska.

3. In addition, the following transit charges, based on the bulk net weight of the parcels, shall be paid for prepaid parcels, ordinary or insured, sent to the possessions of the United States of America :

Transit charges.

6 cents per pound when only sea service is provided.

10 cents per pound when only land service is provided.

13 cents per pound when both land and sea service are provided.

4. The terminal quotas and transit charges above mentioned may be reduced or increased on three months previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

Terminal quotas and transit charges, modifications.

5. For each insured parcel exchanged between the two Administrations, one cent will be allowed to the country of destination as an insurance terminal credit in addition to the terminal credits stated in Section 2. Also, for insured parcels for the possessions of the United States in addition to the transit charges stated in Section 3 above, there will be paid an insurance credit of one cent for each land or sea service involved.

Insurance terminal credits.

6. The amounts to be allowed in respect of parcels sent from one Administration to the other for onward transmission to a third country shall be fixed by the intermediary Administration.

Forwarding allowance.

## ARTICLE V.

*Sea rate.*

Each of the two Administrations shall be entitled to fix the rate for any sea service which it provides.

Sea rate.

## ARTICLE VI.

*Fee for clearance through the Customs. Fee for delivery to the addressee.*

The Administration of destination may collect in respect of delivery to the addressee and in respect of delivery to the Customs and clearance through the Customs, or in respect of delivery to the Customs only, a fee not exceeding 50 centimes per parcel or such other fee as it may from time to time fix for similar services in its parcel-post relations with other countries generally.

Collection of fees.

## ARTICLE VII.

*Customs and other non-postal charges.*

Customs charges and all other non-postal charges shall be paid by the addressees of parcels, except as provided otherwise in this Agreement.

Payment by addressees; exception.

## ARTICLE VIII.

*Warehousing charge.*

Warehousing charge.

Each of the two Administrations may collect any warehousing charge fixed by its regulations for a parcel which is addressed "Poste Restante" or which is not claimed within the prescribed period.

This charge shall in no case exceed five francs.

## ARTICLE IX.

*Prohibitions.*

Postal parcels, restriction.

1. Postal parcels must not contain any letter, note, or document having the character of an actual and personal correspondence, or packets of any kind bearing an address other than that of the addressee of the parcel or of persons dwelling with him.

Exception.

It is, however, permissible to enclose in a parcel an open invoice confined to the particulars which constitute an invoice.

Articles prohibited transmission.

2. It is also forbidden to enclose in a parcel:

(a) Articles which from their nature or packing may be a source of danger to postal employees or may soil or damage other parcels.

(b) Explosive, inflammable, or dangerous substances (including loaded metal caps, live cartridges, and matches).

(c) Living animals, except bees, leeches, and silkworms which must be packed in suitably constructed boxes.

(d) Articles the admission of which is forbidden by law, or by the customs or other regulations.

(e) Articles of an obscene or immoral nature.

Coin; gold, etc.

It is, moreover, forbidden to send coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles in uninsured parcels.

Parcel wrongly admitted, disposition.

3. A parcel which has been wrongly admitted to the post shall be returned to the country of origin, unless the Administration of destination is authorized by its regulations to dispose of it otherwise.

Parcel containing letter.

Nevertheless, the fact that a parcel contains a letter or communications which constitute an actual and personal correspondence shall not, in any case, entail return of the parcel to the country of origin.

Disposition of explosives, etc.

4. Explosive, inflammable, or dangerous substances and articles of an obscene or immoral nature shall not be returned to the country of origin; they shall be disposed of by the Administration which has found them in the mails in accordance with its own internal regulations.

Parcel wrongly admitted, advice of treatment.

5. If a parcel wrongly admitted to the post is neither returned to origin nor delivered to the addressee, the Administration of origin shall be informed in a precise manner of the treatment accorded to the parcel in order that it may take such steps as are necessary.

## ARTICLE X.

*Advice of delivery.*

Advice of delivery.

1. The sender may obtain an advice of delivery for an insured parcel under the conditions prescribed for postal packets by the Convention of the Postal Union. An advice of delivery cannot be obtained for an uninsured parcel.

Fee.

2. The Administration of origin may collect from the sender who requests an advice of delivery, such fee as may from time to time be prescribed by its regulations.

## ARTICLE XI.

*Redirection.*

1. A parcel may be redirected in consequence of the addressee's change of address in the country of destination. The Administration of destination may collect the redirection charge prescribed by its internal regulations. Similarly, a parcel may be redirected from one of the two countries which are parties to this Agreement to another country, provided that the parcel complies with the conditions required for its further conveyance and provided, as a rule, that the extra postage is prepaid at the time of redirection, or documentary evidence is produced that the addressee will pay it.

Redirection.

2. Additional charges levied in respect of redirection and not paid by the addressee or his representative shall not be canceled in case of further redirection or of return to origin, but shall be collected from the addressee or from the sender as the case may be, without prejudice to the payment of any special charges incurred which the Administration of destination does not agree to cancel.

## ARTICLE XII.

*Missent parcels.*

Parcels received out of course, or wrongly allowed to be dispatched, shall be retransmitted or returned in accordance with the provisions of Article 1, Section 2, and Article 15, Sections 1 and 2, of the Detailed Regulations.

Missent parcels.

Post, pp. 1847, 1851.

## ARTICLE XIII.

*Non-delivery.*

1. The sender may request at the time of posting that, if the parcel cannot be delivered as addressed, it be either (a) treated as abandoned, or (b) tendered for delivery at a second address in the country of destination. No other alternative is admissible. If the sender avails himself of this facility, his request must appear on the dispatch note and must be in conformity with or analogous to one of the following forms:

Nondelivery.

"If not deliverable as addressed, abandon."

"If not deliverable as addressed, deliver to \_\_\_\_\_"

The same request must also be written on the cover of the parcel.

2. In the absence of a request by the sender to the contrary, a parcel that cannot be delivered shall be returned to the sender without previous notification and at his expense thirty days after its arrival at the office of destination.

Nevertheless, a parcel which is definitely refused by the addressee shall be returned immediately.

3. The charges due on returned undeliverable parcels shall be recovered in accordance with the provisions of Article XXVIII.

Post, p. 1845.

## ARTICLE XIV.

*Cancellation of customs charges.*

The customs charges on parcels sent back to the country of origin or redirected to another country shall be canceled both in Barbados and the United States of America.

Cancellation of customs charges.

## ARTICLE XV.

*Sale. Destruction.*

Articles of which the early deterioration or corruption is to be expected, and these only, may be sold immediately, even when in transit

Sale or destruction.

on the outward or return journey, without previous notice or judicial formality. If for any reason a sale is impossible, the spoilt or putrid articles shall be destroyed.

#### ARTICLE XVI.

##### *Abandoned parcels.*

Abandoned parcels.

Parcels which cannot be delivered to the addressees and which the senders have abandoned shall not be returned by the Administration of destination, but shall be treated in accordance with its regulations. No claim shall be made by the Administration of destination against the Administration of origin in respect of such parcels.

#### ARTICLE XVII.

##### *Inquiries.*

Inquiries.

1. A fee not exceeding 60 centimes may be charged for every inquiry concerning a parcel.

No fee shall be charged if the sender has already paid the special fee for an advice of delivery.

2. Inquiries shall be admitted only if made by the sender within the period of one year from the day following the date of posting of the parcel.

3. When an inquiry is the outcome of an irregularity in the postal service, the inquiry fee shall be refunded.

#### ARTICLE XVIII.

##### *Insured parcels. Rates and conditions.*

Insured parcels.

1. Parcels may be insured up to the sum of £20 in Barbados, or \$100 in the United States of America.

Insurance fee.

2. The Administration of origin is entitled to collect from the sender of an insured parcel, an insurance fee fixed according to its internal regulations.

Dispatch fee.

3. The Administration of origin is also entitled to collect from the sender of an insured parcel a dispatch fee not exceeding 50 centimes.

Receipt.

4. A receipt must be given free of charge at the time of posting to the sender of an insured parcel.

#### ARTICLE XIX.

##### *Fraudulent insurance.*

Fraudulent insurance.

The insured value may not exceed the actual value of the contents of the parcel, but it is permitted to insure only part of this value.

The fraudulent insurance of a parcel for a sum exceeding the actual value shall be subject to any legal proceedings which may be admitted by the laws of the country of origin.

A parcel the contents of which have no pecuniary value may, however, be insured for a nominal sum in order to obtain the safeguards of the insurance system.

#### ARTICLE XX.

##### *Responsibility for loss, damage, or abstraction.*

Insured parcels.

1. Except in the cases mentioned in the following article, the two Administrations shall be responsible for the loss of insured parcels and for the loss, damage, or abstraction of their contents or of a part thereof.

The sender or other rightful claimant is entitled under this head to compensation corresponding to the actual amount of the loss, abstraction, or damage. The amount of compensation for an insured parcel shall not exceed the amount for which it was insured.

In cases where the loss, damage, or abstraction occurs in the service of the country of destination, the Administration of destination may pay compensation to the addressee at its own expense and without consulting the Administration of origin, provided that the addressee can prove that the sender has waived his rights in the addressee's favor.

2. In calculating the amount of compensation, indirect loss or loss of profits shall not be taken into consideration.

3. Compensation shall be calculated on the current price of goods of the same nature at the place and time at which the goods were accepted for transmission or, in the absence of current price, at the ordinary estimated value.

4. Where compensation is due for the loss, destruction, or complete damage of an insured parcel or for the abstraction of the whole of the contents, the sender is entitled to return of the postage also, if claimed.

5. In all cases, the insurance fees and, if the case arises, the dispatch fee shall be retained by the Administrations concerned.

6. In the absence of special agreement to the contrary between the countries involved, which agreement may be made by correspondence, no indemnity will be paid by either country for the loss of transit insured parcels; that is, parcels originating in a country not participating in this Agreement and destined for one of the two contracting countries or parcels originating in one of the two contracting countries and destined for a country not participating in this Agreement.

7. When an insured parcel originating in one country and destined to be delivered in the other country is reforwarded from there to a third country or is returned to a third country at the request of the sender or of the addressee, the party entitled to the indemnity in case of loss, rifling, or damage occurring subsequent to the reforwarding or return of the parcel by the original country of destination can lay claim, in such a case, only to the indemnity which the country where the loss, rifling, or damage occurred consents to pay, or which that country is obliged to pay in accordance with the agreement made between the countries directly interested in the reforwarding or return. Either of the two countries signing the present Agreement which wrongly forwards an insured parcel to a third country is responsible to the sender to the same extent as the country of origin, that is, within the limits of the present Agreement.

#### ARTICLE XXI.

##### *Exceptions to the principle of responsibility.*

The two Administrations shall be relieved from all responsibility:

- (a) In cases beyond control (force majeure).
- (b) When, their responsibility not having been proved otherwise, they are unable to account for parcels in consequence of the destruction of official documents through a cause beyond control (force majeure).
- (c) When the damage has been caused by the fault or negligence of the sender, or when it arises from the nature of the article.
- (d) For parcels the contents of which fall under the ban of one of the prohibitions mentioned in Article IX.
- (e) For parcels which have been fraudulently insured for a sum exceeding the actual value of the contents, or parcels seized by the Customs for false declaration of contents.

Compensation.

Return of postage  
on loss of parcel.

Retention of fees.

Loss of transit in-  
sured parcels.

Insured parcels re-  
forwarded to a third  
country, etc.

Exceptions to the  
principle of responsi-  
bility.

(f) In respect of parcels regarding which the sender has not made inquiry within the period prescribed by Article XVII.

(g) In respect of any parcels containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding \$500 or £100 in value not packed in a box of the size prescribed by Article 6, Section 3, of the Detailed Regulations.

*Post*, p. 1849.

(h) For parcels which contain matter of no intrinsic value or perishable matter, or which do not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

## ARTICLE XXII.

### *Termination of responsibility.*

Termination of responsibility.

The two Administrations shall cease to be responsible for parcels which have been delivered in accordance with their internal regulations and of which the owners or their agents have accepted delivery without reservation.

Responsibility is, however, maintained when the addressee or, in case of return, the sender makes reservations in taking delivery of a parcel the contents of which have been abstracted or damaged.

## ARTICLE XXIII.

### *Payment of compensation.*

Payment of compensation.

The payment of compensation shall be undertaken by the Administration of origin except in the cases indicated in Article XX, Section 1, where payment is made by the Administration of destination. The Administration of origin may, however, after obtaining the sender's consent, authorize the Administration of destination to settle with the addressee. The paying Administration retains the right to make a claim against the Administration responsible.

## ARTICLE XXIV.

### *Period for payment of compensation.*

Period for payment of compensation.

1. Compensation shall be paid as soon as possible and, at the latest, within one year from the day following the date of the inquiry.

2. The Administration responsible for making payment is authorized to settle with the claimant on behalf of the other Administration if the latter, after being duly informed of the application, has let nine months pass without giving a decision in the matter.

3. The Administration responsible for making payment may, exceptionally, postpone it beyond the period of one year when a decision has not yet been reached upon the question whether the loss, damage, or abstraction is due to a cause beyond control.

## ARTICLE XXV.

### *Incidence of cost of compensation.*

Incidence of cost of compensation.

1. Until the contrary is proved responsibility shall rest with the Administration which, having received the parcel from the other Administration without making any reservation and having been furnished with all the particulars for investigation prescribed by the regulations, cannot establish either proper delivery to the addressee or his agent, or other proper disposal of the parcel.

2. When the loss, rifling, or damage of an insured parcel is detected upon opening the receptacle at the receiving exchange office and after it has been regularly pointed out to the dispatching exchange office, the responsibility falls on the Administration to which the latter office belongs, unless it be proved that the irregularity occurred in the service of the receiving Administration.

3. If, in the case of a parcel dispatched from one of the two countries for delivery in the other, the loss, damage, or abstraction has occurred in course of conveyance without it being possible to prove in the service of which country the irregularity took place, the two Administrations shall bear the amount of compensation in equal shares.

4. By paying compensation, the Administration concerned takes over to the extent of the amount paid, the rights of the person who has received compensation in any action which may be taken against the addressee, the sender, or a third party.

5. If a parcel which has been regarded as lost is subsequently found, in whole or in part, the person to whom compensation has been paid shall be informed that he is at liberty to take possession of the parcel against repayment of the amount paid as compensation.

#### ARTICLE XXVI.

##### *Repayment of the compensation to the Administration of origin.*

The Administration responsible or on whose account the payment is made in accordance with Article XXIII is bound to repay the amount of the compensation within a period of six months after notification of payment. The amount shall be recovered from the Administration responsible through the accounts provided for in Article 21 of the Detailed Regulations.

The Administration of which the responsibility is duly proved and which has originally declined to pay compensation is bound to bear all the additional charges resulting from the unwarranted delay in payment.

#### ARTICLE XXVII.

##### *Credits for conveyance.*

For each parcel dispatched from one of the two countries for delivery in the other, the dispatching office shall allow to the office of destination the rates which accrue to it by virtue of the provisions of Articles IV and V.

For each parcel dispatched from one of the two countries in transit through the other, the dispatching office shall allow to the other office the rates due for the conveyance and insurance of the parcel.

#### ARTICLE XXVIII.

##### *Claims in case of redirection or return.*

In case of the redirection or return of a parcel from one country to the other, the retransmitting Administration shall claim from the other Administration the charges due to it and to any other Administration taking part in the redirection or return. The claim shall be made on the parcel bill relating to the mail in which the parcel is forwarded.

Repayments.

Post, p. 1853.

Credits for conveyance.

Ante, p. 1839.

Claims in case of redirection or return.

## ARTICLE XXIX.

*Charge for redirection in the country of destination.*

Charge for redirection in country of destination.

In case of further redirection or return to the country of origin, the redirection charge prescribed by Article XI shall accrue to the country which redirected the parcel within its own territory.

## ARTICLE XXX.

*Miscellaneous fees.*

Miscellaneous fees.

The following fees shall be retained in full by the Administration which has collected them:

- (a) The fee for advice of delivery referred to in Article X.
- (b) The inquiry fee referred to in Article XVII, Section 1.
- (c) The dispatch fee for an insured parcel referred to in Article XVIII, Section 3.
- (d) The delivery fee and the fee for customs clearance referred to in Article VI.

## ARTICLE XXXI.

*Miscellaneous provisions.*

Francs and centimes.  
*Post*, p. 2062.

1. The francs and centimes mentioned in this Agreement are gold francs and centimes as defined in the Universal Postal Union Convention.

Postal charges.

2. Parcels shall not be subjected to any postal charges other than those contemplated in this Agreement except by mutual consent of the two Administrations.

Temporary suspension of service.

3. In extraordinary circumstances either Administration may temporarily suspend the parcel-post service, either entirely or partially, on condition of giving immediate notice, if necessary by telegraph, to the other Administration.

Mutual arrangement of details.

4. The two Administrations have drawn up the following Detailed Regulations for insuring the execution of the present Agreement. Further matters of detail, not inconsistent with the general provisions of this Agreement and not provided for in the Detailed Regulations may be arranged from time to time by mutual consent.

Application of internal regulations.

5. The internal regulations of Barbados and of the United States of America shall remain applicable as regards everything not provided for by the stipulations contained in the present Agreement and in the Detailed Regulations for its execution.

## ARTICLE XXXII.

*Entry into force and duration of the Agreement.*

Entry into force and duration of Agreement.

This Agreement shall come into force on the 1st day of November, 1938, and shall remain in operation until the expiration of one year from the date on which it may have been denounced by either of the two Administrations.

Signatures.

In witness whereof the undersigned, duly authorized for that purpose, have signed the present Agreement, and have affixed their seals thereto.

Done in duplicate at Washington on the 13th day of September 1939 and at Bridgetown on the 14 day of August 1939.

[SEAL]

JAMES A FARLEY  
*The Postmaster General of the United States of America.*

H. BLACKMAN  
*The Colonial Postmaster of Barbados. Acting*

**DETAILED REGULATIONS FOR CARRYING OUT THE  
PARCEL POST AGREEMENT BETWEEN THE POSTAL  
ADMINISTRATION OF BARBADOS AND THE POSTAL  
ADMINISTRATION OF THE UNITED STATES OF AMER-  
ICA.**

**ARTICLE 1.**

*Circulation.*

1. Each Administration shall forward by the routes and means which it uses for its own parcels, parcels delivered to it by the other Administration for conveyance in transit through its territory.

Circulation.

2. Missent parcels shall be retransmitted to their proper destination, by the most direct route at the disposal of the office retransmitting them. Insured parcels, when missent, may not be reforwarded to their destination except as insured mail. If this is impossible, they must be returned to origin.

**ARTICLE 2.**

*Method of transmission. Provision of bags.*

1. The exchange of parcels between the two countries shall be effected by the offices appointed by agreement between the two Administrations. The parcels shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

Method of trans-  
mission.

2. Parcels shall be exchanged between the two countries in bags duly fastened and sealed.

Provisions as to bags.

In the absence of any arrangement to the contrary, the transmission of parcels dispatched by one of the two contracting countries in transit through the other shall be effected "à découvert".

3. A label showing the office of exchange of origin and the office of exchange of destination shall be attached to the neck of each bag, the number of parcels contained in the bag being indicated on the back of the label.

4. The bag containing the parcel bill and other documents shall be distinctively labeled.

5. Insured parcels shall be forwarded in separate bags. The neck label attached to any bag containing one or more insured parcels shall be marked with any distinctive symbol that may from time to time be agreed upon by the two Administrations.

6. The weight of any bag of parcels shall not exceed 36 kilograms (80 pounds avoirdupois).

7. The Postal Administrations of Barbados and of the United States of America shall provide the respective bags necessary for the dispatch of their parcels and each bag shall be marked to show the name of the office or country to which it belongs.

8. Bags must be returned empty to the dispatching office by the next mail. Empty bags to be returned are to be made up in bundles of ten, enclosing nine bags in one. The total number of bags returned shall be entered on the relative parcel bills.

9. Each Administration shall be required to make good the value of any bags which it fails to return.

## ARTICLE 3.

*Information to be furnished.*

Information to be furnished.

1. Each Administration shall communicate to the other Administration all necessary information on points of detail in connection with the exchange of parcels between the two Administrations and also:—

(a) The names of the countries to which it can forward parcels handed over to it.

(b) The routes available for transmission of the said parcels from the point of entry into its territory or into its service.

(c) The total amount to be credited to it by the other Administration for each destination.

(d) The number of customs declarations which must accompany each parcel.

(e) Any other necessary information.

2. Each Administration shall make known to the other the names of the countries to which it intends to send parcels in transit through the other.

## ARTICLE 4.

*Fixing of equivalents.*

Fixing of equivalents.

In fixing the charges for parcels, either Administration shall be at liberty to adopt such approximate equivalents as may be convenient in its own currency.

## ARTICLE 5.

*Make-up of parcels.*

Make-up of parcels.

Every parcel shall:—

(a) Bear the exact name and address of the sender and of the addressee in Roman characters. Addresses in pencil shall not be allowed except that parcels bearing addresses written with indelible pencil on a previously dampened surface shall be accepted. The address shall be written on the parcel itself or on a label so firmly attached to it that it cannot become detached. The sender of a parcel shall be advised to enclose in the parcel a copy of the address together with a note of his own address.

Parcels on which the name of the sender or of the addressee is indicated merely by initials are not admitted, unless the initials are the adopted trade name of the sender or addressee which is generally understood.

Packing.

(b) Be packed in a manner adequate for the length of the journey and for the protection of the contents.

Articles liable to injure postal employees or to damage other parcels shall be so packed as to prevent any risk.

Ordinary parcels may be sealed at the option of the sender, or careful tying is sufficient as a mode of closing.

## ARTICLE 6.

*Special packing.*

Special packing.

1. Liquids and substances which easily liquefy shall be packed in two receptacles. Between the first receptacle (bottle, flask, pot, box, etc.) and the second (box of metal or of stout wood, strong carton of fibreboard, or receptacle of equal strength) shall be left a space which shall be filled with sawdust, bran, or some other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage.

2. Dry coloring powders such as aniline blue, etc., shall be admitted only if enclosed in stout metal boxes placed inside wooden boxes with sawdust between the two receptacles.

3. Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding \$500 or £100 in value shall be packed in a box measuring not less than 3 feet 6 inches (1.05 meters) in length and girth combined.

#### ARTICLE 7.

##### *Customs declarations and dispatch notes.*

1. The sender shall prepare one customs declaration and one dispatch note for each parcel sent from either country, on a special form provided for the purpose by the country of origin.

Customs declarations and dispatch notes.

The customs declaration shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, gross weight, the sender's name and address, and the name and address of the addressee; and shall be securely attached to the parcel.

However, as an exception to the foregoing, the use of only one customs declaration may be allowed for a single consignment of any number of uninsured parcels sent by the same sender to the same addressee at the same time. In this case the customs declaration shall show, in addition to the particulars set forth in the preceding paragraph, the total number of parcels comprising the shipment, and shall be securely attached to one of the parcels. The parcels comprising the entire shipment shall be clearly marked in such case with a fractional number, the numerator of which will indicate, in arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment; for example, if a single shipment were composed of 15 parcels, each parcel would be numbered respectively 1/15, 2/15, 3/15, etc.

The dispatch note shall also be securely attached to the parcel.

2. The Administrations accept no responsibility for the correctness of the customs declarations or dispatch notes.

#### ARTICLE 8.

##### *Advice of delivery.*

1. Insured parcels for which the senders request an advice of delivery shall be very prominently marked "Advice of delivery" or "A. R."

Advice of delivery.

2. Such parcels shall be accompanied by a form similar to that annexed to the Detailed Regulations of the Convention of the Universal Postal Union. This advice of delivery form shall be prepared by the office of origin or by any other office appointed by the Administration of origin and shall be firmly attached to the dispatch note of the parcel to which it relates in the case of parcels sent to Barbados and to the parcel to which it relates in the case of parcels sent to the United States of America. If it does not reach the office of destination, that office shall make out officially a new advice of delivery form.

3. The office of destination, after having duly filled out the form, shall return it, by ordinary post, unenclosed and free of postage to the address of the sender of the parcel.

4. When the sender makes inquiry concerning an advice of delivery which has not been returned to him after a reasonable interval, action shall be taken in accordance with the rules laid down in Article 9

following. In that case a second fee shall not be charged, and the office of origin shall enter at the top of the form the words "Duplicate advice of delivery".

## ARTICLE 9.

*Advice of delivery applied for after posting.*

Advice of delivery applied for after posting.

When the sender applies for an advice of delivery after an insured parcel has been posted, the office of origin or any other office appointed by the Administration of origin shall fill up an advice of delivery form and shall attach it to a form of inquiry to which postage stamps representing the fee prescribed by the Convention of the Universal Postal Union have been affixed.

The form of inquiry accompanied by the advice of delivery form shall be treated according to the provisions of Article 18 with the single exception that, in the case of the due delivery of the parcel, the office of destination shall withdraw the form of inquiry and shall return the advice of delivery form in the manner prescribed in paragraph 3 of the preceding Article.

## ARTICLE 10.

*Indication of insured value.*

Indication of insured value.

Every insured parcel and the relative dispatch note shall bear an indication of the insured value in the currency of the country of origin. The indication on the parcel shall be both in words and in figures.

## ARTICLE 11.

*Insurance numbers, labels, and seals.*

Insurance numbers, labels, and seals.

Every insured parcel and its dispatch note as well shall bear on the address side an insurance number and a small red label with the indication "Insured" or "Valeur déclarée" in large letters or these words shall be marked or stamped on the parcel and on the dispatch note.

The wax or other seals, the labels of whatever kind, and any postage stamps affixed to insured parcels shall be so spaced that they cannot conceal injuries to the cover. Moreover, the labels and postage stamps, if any, shall not be folded over two sides of the cover so as to hide the edge.

## ARTICLE 12.

*Sealing of parcels.*

Sealing of insured parcels.

Every insured parcel shall be sealed by means of wax or by lead or other seals, the seals being sufficient in number to render it impossible to tamper with the contents without leaving an obvious trace of violation. Either Administration may require a special design or mark of the sender on the sealing of insured parcels mailed in its service, as a means of protection.

The Customs Administration of the country of destination is authorized to open the parcels. To that end, the seals or other fastenings may be broken. Parcels opened by the Customs must be refastened and also officially resealed.

The senders of insured parcels shall be strongly recommended to furnish the relative dispatch note, whenever possible, with an exact reproduction of the seal referred to above.

## ARTICLE 13.

*Indication of weight of insured parcels.*

The exact weight in grams or in pounds and ounces of each insured parcel shall be entered by the Administration of origin :—

Indication of weight  
of insured parcels.

- (a) On the address side of the parcel.
- (b) On the dispatch note, in the place reserved for this purpose.

## ARTICLE 14.

*Date-stamp impression.*

Each parcel and the relative dispatch note shall be impressed by the office of posting, on the address side, with a stamp showing the place and date of posting.

Date-stamp impres-  
sion.

## ARTICLE 15.

*Retransmission.*

1. The Administration retransmitting a missent parcel shall not levy customs or other non-postal charges upon it.

Retransmission.

When an Administration returns such a parcel to the country from which it has been directly received, it shall refund the credits received and report the error by means of a verification note.

In other cases, and if the amount credited to it is insufficient to cover the expenses of retransmission which it has to defray, the retransmitting Administration shall allow to the Administration to which it forwards the parcel the credits due for onward conveyance; it shall then recover the amount of the deficiency by claiming it from the office of exchange from which the missent parcel was directly received. The reason for this claim shall be notified to the latter by means of a verification note.

2. When a parcel has been wrongly allowed to be dispatched in consequence of an error attributable to the postal service and has for this reason to be returned to the country of origin, the Administration which sends the parcel back shall allow to the Administration from which it was received the sums credited in respect of it.

3. The charges on a parcel redirected, in consequence of the removal of the addressee or of an error on the part of the sender, to a country with which Barbados or the United States of America has parcel-post communication shall be claimed from the Administration to which the parcel is forwarded, unless the charge for conveyance is paid at the time of redirection, in which case the parcel shall be dealt with as if it had been addressed directly from the retransmitting country to the new country of destination. In case the third country to which the parcel is forwarded refuses to assume the charges because they cannot be collected from the sender or the addressee, as the case may be, or for any other reason, they shall be charged back to the country of origin.

4. A parcel which is redirected unpaid shall be retransmitted in its original packing and shall be accompanied by the original dispatch note. If the parcel, for any reason whatsoever, has to be repacked or if the original dispatch note has to be replaced by a substitute note, the name of the office of origin of the parcel and the original serial number and, if possible, the date of posting at that office shall be entered both on the parcel and on the dispatch note.

## ARTICLE 16.

*Return of undeliverable parcels.*

Return of undeliverable parcels.  
*Ante*, p. 1841.

1. If the sender of an undeliverable parcel has made a request not provided for by Article XIII, Section 1, of the Agreement, the Administration of destination need not comply with it but may return the parcel to the country of origin, after retention for the prescribed period.

2. The Administration which returns a parcel to the sender shall indicate clearly and concisely on the parcel and on the relative dispatch note the cause for non-delivery. This information may be furnished in manuscript or by means of a stamped impression or a label. The original dispatch note belonging to the returned parcel must be sent back to the country of origin with the parcel.

3. A parcel to be returned to the sender shall be entered on the parcel bill with the word "Rebut" in the "Observations" column. It shall be dealt with and charged like a parcel redirected in consequence of the removal of the addressee.

## ARTICLE 17.

*Sale. Destruction.*

Sale or destruction.  
*Ante*, p. 1841.

When an insured parcel has been sold or destroyed in accordance with the provisions of Article XV of the Agreement, a report of the sale or destruction shall be prepared, a copy of which shall be transmitted to the Administration of origin.

## ARTICLE 18.

*Inquiries concerning parcels.*

Inquiries concerning parcels.

For inquiries concerning parcels which have not been returned, a form shall be used similar to the specimen annexed to the Detailed Regulations of the Parcel Post Agreement of the Universal Postal Union. These forms shall be forwarded to the offices appointed by the two Administrations to deal with them and they shall be dealt with in the manner mutually arranged between the two Administrations.

## ARTICLE 19.

*Parcel bill.*

Parcel bills.

1. Separate parcel bills must be prepared for the ordinary parcels on the one hand, and for the insured parcels on the other hand.

The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the sacks. The sack containing the parcel bill is designated by the letter "F" traced in a conspicuous manner on the label.

2. The ordinary parcels included in each dispatch are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof.

3. Insured parcels shall be entered individually on the parcel bills to show the insurance number and the name of the office of origin. The parcel bills must also show the total net weight of the parcels.

4. Parcels sent "à découvert" must be entered separately on the parcel bills.

5. Returned or redirected parcels must be entered individually on the parcel bills and be followed by the word "Returned" or "Redirected" as the case may be. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

6. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

7. Each dispatching exchange office numbers the parcel bills in the upper left-hand corner in accordance with an annual series. The last number of the preceding year must be mentioned on the first bill of the following year.

8. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual agreement through correspondence between the two Administrations.

#### ARTICLE 20.

##### *Check by offices of exchange. Notification of irregularities.*

1. Upon receipt of a dispatch, the exchange office of destination proceeds to verify it. The entries in the parcel bill must be verified exactly. Each error or omission must be brought immediately to the knowledge of the dispatching exchange office by means of a bulletin of verification. A dispatch is considered as having been found in order in all regards when no bulletin of verification is made up.

If an error or irregularity is found upon receipt of a dispatch, all objects which may serve later on for investigation or for examination of requests for indemnity, must be kept.

2. The dispatching exchange office to which a bulletin of verification is sent, returns it after having examined it and entered thereon its observations, if any. That bulletin is then attached to the parcel bills of the parcels to which it relates. Corrections made on a parcel bill which are not justified by supporting papers are considered as devoid of value.

3. If necessary, the dispatching exchange office may also be advised by telegram, at the expense of the Office sending such telegram.

4. In case of shortage of a parcel bill, a duplicate is prepared, a copy of which is sent to the exchange office of origin of the dispatch.

5. The office of exchange which receives from a corresponding office a parcel which is damaged or insufficiently packed must redispach such parcel after repacking, if necessary, preserving the original packing as far as possible.

If the damage is such that the contents of the parcel may have been abstracted, the office must first officially open the parcel and verify its contents.

In either case, the weight of the parcel will be verified before and after repacking, and indicated on the wrapper of the parcel itself. That indication will be followed by the note "Repacked at \_\_\_\_\_" and the signature of the agents who have effected such repacking.

#### ARTICLE 21.

##### *Accounting for credits.*

1. At the end of each quarter, the creditor Administration makes up an account on the basis of the parcel bills.

2. These accounts shall be submitted to the examination of the corresponding Administration in the course of the month following the quarter to which they relate.

3. The recapitulation, transmission, examination, and acceptance of these accounts must not be delayed. The payment of the balances shall take place, at the latest, at the expiration of the following quarter.

Check by offices of exchange; notification of irregularities.

Accounting for credits.

4. The balance resulting from adjustment of the accounts between the two Administrations is paid by a sight draft drawn on the Capital or a commercial city of the creditor Administration, or by some means mutually agreed upon by correspondence. The expenses of payment are chargeable to the debtor Administration.

ARTICLE 22.

*Entry into force and duration of the Detailed Regulations.*

Entry into force and duration of the Detailed Regulations.

The present Detailed Regulations shall come into force on the day on which the Parcel Post Agreement comes into force and shall have the same duration as the Agreement. The Administration concerned shall, however, have the power by mutual consent to modify the details from time to time.

Signatures.

Done in duplicate at Washington on the 13th day of September 1939 and at Bridgetown on the 14 day of August 1939.

[SEAL]

JAMES A FARLEY

*The Postmaster General of the United States of America.*

H. BLACKMAN

*The Colonial Postmaster of Barbados. Acting*

Approval and ratification.

The foregoing Agreement between the United States of America and Barbados concerning the exchange of parcels by parcel post and the Detailed Regulations for its execution have been negotiated and concluded with my advice and consent and are hereby approved and ratified.

In testimony whereof I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President.

CORDELL HULL

*Secretary of State.*

WASHINGTON, September 20, 1939.

*Agreement between the United States of America and Argentina for the exchange of official publications. Effected by exchange of notes signed September 30 and October 17, 1939; effective October 17, 1939.*

September 30 and  
October 17, 1939  
[E. A. S. No. 162]

*The Argentine Minister for Foreign Affairs and Worship (Cantilo) to the American Ambassador (Armour)*

MINISTERIO DE

RELACIONES EXTERIORES Y CULTO

D. A. P.

BUENOS AIRES, *setiembre 30 de 1939.*

SEÑOR EMBAJADOR:

Con referencia a la nota de esa Embajada n° 1022, de enero 12 ppdo.,<sup>1</sup> tengo el honor de manifestar a V. E. el acuerdo del Gobierno Argentino para celebrar con el Gobierno de los Estados Unidos de América el siguiente Convenio sobre intercambio de publicaciones oficiales:

Habrá un canje completo de publicaciones entre el Gobierno de la República Argentina y el Gobierno de los Estados Unidos de América, el que se realizará en la siguiente forma:

1°.—La Oficina de canje oficial por parte de la República Argentina es el Ministerio de Relaciones Exteriores y Culto, por medio de su Cuarta Sección. La Oficina de canje oficial para la trasmisión de publicaciones de los Estados Unidos de América es la Smithsonian Institution.

2°.—Las remesas de dichas publicaciones canjeadas serán recibidas a nombre de la República Argentina por la Cuarta Sección del Ministerio de Relaciones Exteriores y Culto; a nombre de los Estados Unidos de América por la Biblioteca del Congreso

3°.—El Gobierno de la República Argentina proporcionará regularmente en un ejemplar, una colección completa de las publicaciones oficiales de sus varios departamentos, oficinas, secciones e instituciones. Se adjunta lista de tales entidades.<sup>2</sup> Esa lista se extenderá de manera que incluya, sin necesidad de negociación posterior, toda nueva oficina que el Gobierno creara en lo sucesivo.

4° El Gobierno de los Estados Unidos de América proporcionará regularmente en un ejemplar una colección completa de las publicaciones oficiales de sus varios departamentos, oficinas, secciones e instituciones. Se adjunta lista de tales entidades.<sup>3</sup> Esa lista se extenderá de manera que incluya, sin necesidad de negociación posterior, toda oficina nueva que el Gobierno creara en lo sucesivo.

<sup>1</sup>[No impresa.]

<sup>2</sup>[Véase pág. 1865.]

<sup>3</sup>[Para la lista suministrada por el Gobierno de los Estados Unidos de América, véase pág. 1859.]

5° Con respecto a las entidades que en la actualidad no editan publicaciones y que no figuran en las listas adjuntas, se entiende que las publicaciones que editen en lo futuro dichas entidades serán remitidas en un ejemplar.

6° Ninguno de los Gobiernos estará obligado por el presente acuerdo a proporcionar publicaciones confidenciales, formularios o circulares que no sean de carácter público.

7° Ambas Partes Contratantes se harán cargo de los gastos postales, ferroviarios, marítimos y otros originados en su propio país en cumplimiento del presente Acuerdo.

8° Ambas Partes expresan su voluntad de apresurar, en cuanto sea posible, los envíos de sus publicaciones.

9° El presente Acuerdo no se considerará como modificación de los convenios de canje ya existentes entre las entidades de ambos Gobiernos.

Si el Gobierno de V. E. estuviere de acuerdo con el texto transcrito, con la recepción de la nota de V. E. idéntica a la presente, mi Gobierno considerará concluido el Acuerdo anterior.

Aprovecho esta oportunidad para reiterar al señor Embajador las seguridades de mi más alta y distinguida consideración.

JOSÉ MARÍA CANTILO

A S. E. el señor NORMAN ARMOUR,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América.*

[Translation]

MINISTRY OF  
FOREIGN AFFAIRS AND WORSHIP

D. A. P.

BUENOS AIRES, *September 30, 1939.*

MR. AMBASSADOR:

With reference to the Embassy's note No. 1022 of January 12 last,<sup>4</sup> I have the honor to inform Your Excellency that the Argentine Government agrees to conclude with the Government of the United States the following agreement proposed by the United States for the exchange of official publications:

There shall be a complete exchange of publications between the Government of the Argentine Republic and the Government of the United States of America, to be effected as follows:

1.—The office of official exchange on the part of the Argentine Republic is the Ministry of Foreign Affairs and Worship, through the medium of its Fourth Section. The office of official exchange for the transmission of publications from the United States of America is the Smithsonian Institution.

2.—The remittance of such exchanged publications shall be received on behalf of the Argentine Republic by the Fourth Section of the Ministry of Foreign Affairs and Worship; on behalf of the United States of America by the Library of Congress.

<sup>4</sup> [Not printed.]

3.—The Government of the Argentine Republic shall supply regularly in one copy a complete collection of the official publications of its various departments, offices, sections, and institutions. A list of these entities is enclosed.<sup>5</sup> This list shall be extended in such a way as to include, without requiring subsequent formalities, any new office which the Government may establish hereafter.

4.—The Government of the United States of America shall supply regularly in one copy a complete collection of the official publications of its various departments, offices, sections, and institutions. A list of these entities is enclosed.<sup>6</sup> This list shall be extended in such a way as to include, without requiring subsequent formalities, any new office which the Government may establish hereafter.

5.—With regard to entities which at present do not issue publications and which do not figure in the enclosed lists, it is understood that the publications which such entities may issue in the future shall be transmitted in one copy.

6.—Neither of the Governments shall be obliged by the present agreement to supply confidential publications, forms, or circulars that are not of a public character.

7.—Both contracting parties shall be responsible for postal, railway, maritime, and other expenses originating in their own country in fulfillment of the present agreement.

8.—Both parties express their desire to hasten, as much as possible, the forwarding of their publications.

9.—The present agreement shall not be considered as a modification of the agreements on exchange already existing between the entities of both Governments.

If Your Excellency's Government should be agreeable to the text quoted above, with the reception of an identical note from Your Excellency, my Government will consider the foregoing agreement to be concluded.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

JOSÉ MARÍA CANTILLO

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*The American Ambassador (Armour) to the Argentine Minister for Foreign Affairs and Worship (Cantillo)*

No. 76            EMBASSY OF THE UNITED STATES OF AMERICA  
*Buenos Aires, October 17, 1939.*

EXCELLENCY:

In acknowledging the receipt of Your Excellency's note of September 30, 1939, I have the honor to inform Your Excellency that the Government of the United States agrees to conclude with the Government of the Argentine Republic the following agreement, proposed in the Embassy's note no. 1022 of January 12, 1939,<sup>7</sup> for the exchange of official publications.

<sup>5</sup> [See p. 1865.]

<sup>6</sup> [For list as furnished by the Government of the United States, see p. 1859.]

<sup>7</sup> [Not printed.]

There shall be a complete exchange of official publications between the Government of Argentina and the Government of the United States, which shall be conducted in accordance with the following provisions:

"1. The official exchange office for the transmission of publications of the United States of America is the Smithsonian Institution. The official exchange office on the part of Argentina is the Ministry of Foreign Affairs.

"2. The exchange sendings shall be received on behalf of the United States of America by the Library of Congress; on behalf of Argentina by the Fourth Section of the Ministry of Foreign Affairs.

"3. The Government of the United States of America shall furnish regularly in one copy a full set of the official publications of its several departments, bureaus, offices, and institutions. A list of such instrumentalities is attached (List No. 1).<sup>8</sup> This list shall be extended to include, without the necessity of subsequent negotiation, any new offices that the Government may create in the future.

"4. The Government of Argentina shall furnish regularly in one copy a full set of the official publications of its several departments, bureaus, offices, and institutions. A list of such departments is attached (List No. 2).<sup>9</sup> This list shall be extended to include, without the necessity of subsequent negotiation, any new offices that the Government may create in the future.

"5. With respect to instrumentalities which at this time do not issue publications and which are not mentioned in the attached lists, it is understood that publications issued in the future by those instrumentalities shall be furnished in one copy.

"6. Neither Government shall be obligated by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

"7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

"8. Both parties express their willingness as far as possible to expedite shipments.

"9. This agreement shall not be understood to modify the already existing exchange agreements between the various instrumentalities of the two Governments".

In accordance with the suggestion contained in Your Excellency's note above referred to, the Government of the United States will consider this exchange of notes as constituting an agreement.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

NORMAN ARMOUR

His Excellency Doctor JOSÉ MARÍA CANTILLO,  
*Minister for Foreign Affairs and Worship,*  
*Etc., etc., etc.*

<sup>8</sup> [For list, see p. 1859.]

<sup>9</sup> [For list as furnished by the Government of Argentina, see p. 1865.]

## [LIST NO. 1]

LIST OF THE VARIOUS DEPARTMENTS AND INSTRUMENTALITIES OF  
THE UNITED STATES GOVERNMENT, THE PUBLICATIONS OF WHICH  
ARE TO BE FURNISHED, TOGETHER WITH NOTE OF THE PRINCIPAL  
SERIAL PUBLICATIONS TO BE INCLUDED IN THE EXCHANGE.

## AGRICULTURE DEPARTMENT

- Crops and markets, monthly
- Department leaflet
- Farmers' bulletin, irregular
- Journal of Agricultural research, semi-monthly
- Miscellaneous publication
- Technical bulletin, irregular
- Yearbook of agriculture, bound
- Agricultural economics bureau*
  - Agricultural situation, monthly
  - Statistical bulletin
  - Report, annual
- Agricultural engineering bureau*
  - Report, annual
- Animal industry bureau*
  - Service and regulatory announcements
- Biological survey bureau*
  - North American fauna
  - Report, annual
- Chemistry and soils bureau*
  - Soil survey reports
  - Report, annual
- Dairy industry bureau*
  - Report, annual
- Entomology and plant quarantine bureau*
  - Report, annual
- Experiment stations office*
  - Experiment station record, monthly
  - Report on agricultural experiment stations, annual
- Extension service*
  - Extension service review, monthly
- Food and drug administration*
- Forest service*
  - Report, annual
- Home economics bureau*
  - Report, annual
- Information office*
  - Report, annual
- Plant industry bureau*
- Public roads bureau*
  - Public roads, journal of highway research, monthly
  - Report, annual
- Soil conservation service*
  - Soil conservation, monthly
  - Report, annual
- Weather bureau*
  - Climatological data for U. S., monthly
  - Monthly weather review

## CENTRAL STATISTICAL BOARD

- Report, annual

## CIVIL AERONAUTICS AUTHORITY

**CIVIL SERVICE COMMISSION**

Official register of the U. S., annual, bound  
Report, annual

**COMMERCE DEPARTMENT**

Annual report of the Secretary of Commerce

*Census bureau*

Decennial census  
Biennial census of manufactures  
Birth, stillbirth and infant mortality statistics, annual  
Financial statistics of cities over 100,000, annual  
Financial statistics of state and local governments, annual  
Mortality statistics, annual  
County and city jails, prisoners, annual  
Prisoners in state and federal prisons, annual

*Coast and geodetic survey*

Special publications

*Fisheries bureau*

Bulletin  
Fishery circular  
Investigational report

*Foreign and domestic commerce bureau*

Commerce reports, weekly  
Comparative law series, monthly  
Foreign commerce and navigation, bound, annual  
Monthly summary of foreign commerce  
Statistical abstract, annual  
Survey of current business  
Trade information bulletin  
Trade promotion series

*Lighthouses bureau**Maritime inspection and navigation bureau*

Merchant marine statistics, annual  
Merchant vessels of the United States, annual

*National bureau of standards*

Circular  
Journal of research, monthly  
Technical news bulletin, monthly

*Patent office*

Official gazette, weekly  
Index of trademarks, annual  
Index of patents, annual

**CONGRESS**

Congressional record, bound  
Congressional directory, bound  
Statutes at large, bound  
Code of laws and supplements, bound

*House of representatives*

Journal, bound  
Documents, bound  
Reports, bound

*Senate*

Journal, bound  
Documents, bound  
Reports, bound

**COURT OF CLAIMS**

Report of cases decided

**COURT OF CUSTOMS AND PATENT APPEALS**

Reports (decisions), bound

**DISTRICT OF COLUMBIA**

Reports of the various departments of the local government

**EMPLOYEES' COMPENSATION COMMISSION**

Reports, annual

**FARM CREDIT ADMINISTRATION**

Report, annual

News for farmer cooperatives, monthly

**FEDERAL COMMUNICATIONS COMMISSION**

Report, annual

Decisions

**FEDERAL DEPOSIT INSURANCE CORPORATION****FEDERAL HOME LOAN BANK BOARD**

Federal home loan bank review, monthly

**FEDERAL HOUSING ADMINISTRATION**

Report, annual

Insured mortgage portfolio, monthly

**FEDERAL POWER COMMISSION**

Report, annual

**FEDERAL RESERVE SYSTEM**

Federal reserve bulletin, monthly

Report, annual

**FEDERAL TRADE COMMISSION**

Report, annual

Decisions, bound

**GENERAL ACCOUNTING OFFICE**

Decisions of the comptroller-general, bound

**GOVERNMENT PRINTING OFFICE**

Report, annual

*Documents office*

Documents catalog, biennial

Monthly catalog

**INTERIOR DEPARTMENT**

Report, annual (relating chiefly to public lands)

*Education office*

Bulletin

Pamphlet series

School life, monthly except July and August

Vocational education bulletin

*General land office**Geological survey*

Bulletin

Professional paper

Water supply papers

*Housing authority**Mines bureau*

Bulletin

Minerals yearbook

Technical paper

*National bituminous coal commission**National park service**Reclamation bureau*

Reclamation era, monthly

**INTERSTATE COMMERCE COMMISSION**

- Report, annual
- Annual report on statistics of railways
- Interstate commerce commission reports (decisions), bound

**JUSTICE DEPARTMENT**

- Annual report of the Attorney General
- Opinions of the Attorney General
- Prisons bureau*
- Federal Offenses, annual

**LABOR DEPARTMENT**

- Report, annual
- Children's bureau*
- Bulletin
- The Child, monthly news summary
- Employment Service*
- Immigration and naturalization service*
- Labor standards division*
- Bulletin
- Industrial health and safety series
- Labor statistics bureau*
- Bulletin
- Monthly labor review
- Women's bureau*
- Bulletin

**LIBRARY OF CONGRESS**

- Report, annual, bound
- Copyright office*
- Catalog of copyright entries
- Documents division*
- Monthly checklist of state publications
- Legislative reference service*
- State law index, biennial, bound.

**MARITIME COMMISSION**

- Maritime commission reports
- Report on water-borne foreign commerce, annual

**NATIONAL ACADEMY OF SCIENCES**

- Report, annual

**NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS**

- Report, annual
- Bibliography of aeronautics, annual
- Technical reports

**NATIONAL ARCHIVES**

- Report, annual
- Federal register, bound

**NATIONAL LABOR RELATIONS BOARD**

- Report, annual
- Decisions

**NATIONAL MEDIATION BOARD**

- Report, annual

**NATIONAL RAILROAD ADJUSTMENT BOARD**

- Awards

**NATIONAL RESOURCES COMMITTEE**

- Reports

**NAVY DEPARTMENT**

- Annual report of the Secretary of the Navy
- Engineering bureau*

*Hydrographic office*

Publications

*Marine corps*

*Medicine and surgery bureau*

Naval medical bulletin, quarterly

Annual report of the surgeon general

*Naval war college*

International law situations, annual, bound

*Nautical almanac office*

American ephemeris and nautical almanac, annual

American nautical almanac, annual

*Navigation bureau*

Navy directory, quarterly

Register, annual

*Supplies and accounts bureau*

Naval expenditures, annual

POST OFFICE DEPARTMENT

Postal guide, annual with monthly supplements

Annual report of the postmaster general

*Postal savings system*

Annual report

PRESIDENT OF THE UNITED STATES

Addresses, messages

Railroad retirement board

Report, annual

Reconstruction finance corporation

Reports

RURAL ELECTRIFICATION ADMINISTRATION

Report, annual

Rural electrification news, monthly

SECURITIES AND EXCHANGE COMMISSION

Decisions

Report, annual

SMITHSONIAN INSTITUTION

Report, annual

*Ethnology bureau*

Report, annual

Bulletin

*National museum*

Report, annual

SOCIAL SECURITY BOARD

Social Security bulletin, monthly

Report, annual

STATE DEPARTMENT

Arbitration series

Conference series

Executive agreement series

Foreign relations, annual, bound

Latin American series

Press releases, weekly

Territorial papers of the United States, bound

Treaty series

Treaty information bulletin, monthly

SUPREME COURT

Official reports, bound

**TARIFF COMMISSION**

Report annual  
Miscellaneous series  
Reports

**TAX APPEALS BOARD**

Board of tax appeals reports

**TREASURY DEPARTMENT**

Annual report of the state of finances  
Combined statement of receipts, expenditures, balances, etc.  
Treasury decisions, bound

*Budget bureau*

Budget, annual, bound

*Bookkeeping and warrants division*

Digest of appropriations, annual

*Coast guard*

Register, annual

*Comptroller of the currency*

Report, annual

**INTERNAL REVENUE BUREAU**

Internal revenue bulletin, weekly  
Annual report of the commissioner of internal revenue  
Statistics of income

**MINT BUREAU**

Report, annual

*Narcotics bureau**Procurement division**Public health service*

National institute of health bulletin  
Public health bulletin, irregular  
Public health reports, weekly  
Report, annual  
Venereal disease information, monthly

**VETERANS' ADMINISTRATION**

Report, annual  
Medical bulletin, quarterly

**WAR DEPARTMENT**

Report of the Secretary of war, annual

*Adjutant general's department*

Official army register, annual

Army list and directory, semi-annual

*Army medical library*

Index-catalog

*Engineer department*

Report of the chief of engineers (incl. commercial statistics of water-borne commerce), annual

Rivers and harbors board. Port series

*General staff corps**Insular affairs bureau*

Report, annual

*Medical department*

Report of the surgeon general, annual

*Military intelligence division**National guard bureau**Ordnance department**Quartermaster general**Signal office***WORKS PROGRESS ADMINISTRATION**

[LIST NO. 2]

NOMINA DE PUBLICACIONES OFICIALES

CONGRESO NACIONAL

Diario de Sesiones de las Cámaras de Diputados y Senadores (Tomos anuales).  
Leyes Nacionales (anual)  
Boletín de la Biblioteca del Congreso Nacional (Bimestral)

CORTE SUPREMA DE LA NACION

Fallos de la Corte Suprema de Justicia de la Nación.

MINISTERIO DEL INTERIOR

Memoria anual  
Publicaciones especiales sobre asuntos de política interna

*Caja Nacional de Ahorro Postal*

Memoria anual  
Boletín estadístico e informativo. (mensual).

*Departamento Nacional del Trabajo*

Investigaciones Sociales (periódicas).  
Boletín Informativo. (Bimestral).

*Policía de la Capital*

Memoria anual  
Boletín de Estadística y Jurisprudencia. (Trimestral).

*Departamento Nacional de Higiene*

Boletín Sanitario (mensual).  
"Suplemento"  
Publicaciones especiales sobre asuntos de salud pública.

*Dirección de Aeronáutica Civil*

Boletín de Aeronáutica Civil (anual).

*Dirección General de Correos y Telégrafos*

Memoria anual.  
Güfa Oficial de Correos y Telégrafos (anual)

*Comisión Nacional de Casas Baratas*

Memoria Anual  
La Habitación Popular (trimestral)

*Comisión Nacional de Cultura*

Publicaciones especiales periódicas.

*Comisión Nacional de Climatología y Aguas Minerales*

Publicaciones especiales periódicas.

MINISTERIO DE RELACIONES EXTERIORES Y CULTO

Memoria anual.  
Informaciones Argentinas (quincenal). Se publican también ediciones en francés  
e inglés.  
Güfa de los cuerpos diplomático y Consular argentinos y extranjeros en la  
argentina.  
Publicaciones especiales sobre asuntos de política internacional.

*Instituto Nacional de la Nutrición*

Memoria anual.  
La alimentación de las familias en Buenos Aires, (periódica).  
Publicaciones especiales periódicas.

*Sociedad de Beneficencia de la Capital*

Memoria anual.

*Lotería de Beneficencia Nacional*

Memoria anual.

## MINISTERIO DE HACIENDA

Memoria anual.

Publicaciones especiales sobre asuntos de carácter financiero.

*Dirección General de Estadística*

Anuario del Comercio Exterior.

Boletín del Comercio Exterior (semestral)

Informaciones del Comercio Exterior (trimestral).

*Contaduría General de la Nación*

Memoria anual.

*Banco Central de la República Argentina*

Memoria anual. Se publican también ediciones en francés e inglés.

Revista Económica (periódica).

Suplemento Estadístico de la Revista Económica (mensual).

*Banco de la Nación Argentina*

Revista del Banco de la Nación Argentina (mensual).

*Banco Hipotecario Nacional*

Memoria anual.

*Dirección General de Aduanas*

Boletín mensual.

*Caja Nacional de Jubilaciones y Pensiones Civiles*

Memoria anual.

*Caja Nacional de Jubilaciones Ferroviarias*

Memoria anual.

*Caja Nacional de Jubilaciones de Empleados y Obreros de Empresas Particulares*

Memoria anual.

*Caja Nacional de Jubilaciones Bancarias*

Memoria anual.

*Comisión Nacional del Censo Industrial*

Publicaciones especiales periódicas.

*Casa de la Moneda*

Memoria anual.

## MINISTERIO DE JUSTICIA E INSTRUCCION PUBLICA

Memoria anual.

Boletín del Ministerio de Justicia é Instrucción Pública (Bimestral)

Boletín Oficial (diario).

Boletín Judicial (diario).

*Comisión Nacional de Cultura*

Memoria anual.

Obras y autores (periódica).

Cuadernillo de Cultura Teatral (periódica).

Publicaciones especiales de carácter cultural.

*Comisión Protectora de Bibliotecas Populares*

Memoria anual.

Boletín Bibliográfico (bimestral).

Publicaciones especiales de carácter cultural.

*Academia Argentina de Letras*

Boletín de la Academia Argentina de Letras (trimestral).

*Patronato Nacional de Menores*

Infancia y Juventud (trimestral).

*Facultad de Derecho y Ciencias Sociales*

Boletín Mensual del Seminario.

Boletín del Instituto de Enseñanza Práctica.

*Facultad de Ciencias Económicas*

Revista de Ciencias Económicas (mensual).

*Facultad de Filosofía y Letras*

Sus Seminarios publican periódicamente boletines.

*Dirección General de Institutos Penales*

Memoria y Estadística (anual).

Revista "Penal y Penitenciaria"

*Consejo Nacional de Educación*

El Monitor de la Educación Común (mensual).

Memoria anual.

*Inspección General de Justicia*

Boletín Informativo (mensual).

*Academia Nacional de Medicina*

Boletín mensual.

*Comisión Nacional de Cooperación Intelectual*

Boletín Bibliográfico Argentino (periódico)

Publicaciones especiales de carácter cultural.

*Facultad de Agronomía y Veterinaria*

Publicaciones especiales de sus institutos de investigación.

*Facultad de Ciencias Exactas Físicas y Naturales*

Publicaciones especiales de sus institutos de investigación.

*Biblioteca Nacional*

Revista de la Biblioteca Nacional (periódica).

Publicaciones especiales periódicas de carácter cultural.

Memoria anual.

*Archivo General de la Nación*

Publicaciones especiales periódicas de carácter histórico.

*Academia Nacional de la Historia*

Historia Argentina (periódica)

Publicaciones especiales de carácter histórico.

Las Universidades Nacionales del Litoral, La Plata, Córdoba, y Tucumán editan publicaciones especiales por intermedio de sus distintas Facultades.  
La Universidad Nacional de Cuyo, recientemente creada, ha ofrecido ya a la Embajada de los Estados Unidos canje de publicaciones.

## MINISTERIO DE GUERRA

Memoria anual.  
Boletín Militar.  
Revista "El Soldado Argentino".  
Revista "Tiro y Gimnasia"  
Revista de la Sanidad Militar  
Boletín "El Caballo".

## MINISTERIO DE MARINA

Memoria (anual).  
Memoria de la Prefectura General Marítima (anual).  
Revista de Publicaciones Navales.  
Tabla de Mareas (anual).  
Almanaque Náutico (anual).  
Anales Hidrográficos.  
Derroteros de la Costa.  
Lista de Faros y Balizas.

(estas tres últimas publicaciones son "ocasionales", es decir, aparecen cada dos o tres años).

## MINISTERIO DE AGRICULTURA

Memoria anual.  
Almanaque del Ministerio de Agricultura (anual).  
M. A. N. (mensual).  
Boletín de estadística agropecuaria (mensual).  
Boletín de Policía Sanitaria (mensual)  
Estadística de la Pesca (periódica)  
Granos. Semillas Selectas (mensual).  
Noticioso (periódica).  
Boletín Tabacalero (mensual).

*Junta Reguladora de Vinos*

Memoria (anual)  
Boletín Informativo (mensual).  
Publicaciones especiales.

*Junta Nacional del Algodón*

Memoria anual.  
Boletín mensual.  
Publicaciones especiales.

*Comisión Nacional de Granos y Elevadores*

Memoria anual.  
Catálogo de los patrones oficiales de trigo, avena, cebada, centeno y lino (anual).  
Publicaciones especiales.

*Dirección Nacional de Tierras y Colonias*

Boletín mensual.

*Dirección de Minas y Geología*

Estadística minera (periódica).  
Publicaciones especiales periódicas.

*Junta Nacional de Carnes*

Publicaciones especiales semanales, mensuales y anuales.  
Memoria anual.

*Comisión Reguladora de la Producción y Comercio de la Yerba Mate*

Memoria anual.  
Boletín Informativo (periódica).

MINISTERIO DE OBRAS PUBLICAS

Memoria anual.

*Ferrocarriles del Estado*

Memoria anual  
Guía Horaria (semestral).  
Guía del Turista (anual).  
Programa Semanal de Administración  
Boletín de Servicio

*Dirección Nacional de Vialidad*

Memoria anual.

*Dirección de Parques Nacionales*

Memoria anual  
Guía oficial de Parques Nacionales (tres ediciones anuales).

*Yacimientos Petrolíferos Fiscales*

Memoria anual  
Boletín de Informaciones Petroleras. (mensual).

*Obras Sanitarias de la Nación*

Memoria anual.  
Boletín de las Obras Sanitarias de la Nación (mensual).

*Dirección General de Ferrocarriles*

Estadística de los Ferrocarriles en Explotación.

*Dirección General de Navegación y Puertos*

Anuarios Hidrográficos.  
Resumen mensual del Estado de los rios.

April 1, 1939  
[E. A. S. No. 163]

*Agreement and supplementary exchange of notes between the United States of America and Turkey respecting reciprocal trade. Signed at Ankara April 1, 1939; proclaimed by the President of the United States April 5, 1939; effective provisionally May 5, 1939; ratified by the Grand National Assembly of Turkey June 20, 1939; ratification by the Grand National Assembly of Turkey notified to the Government of the United States of America September 9, 1939; President's proclamation communicated to the Turkish Government November 20, 1939; effective definitively November 20, 1939; supplementary proclamation by the President of the United States November 30, 1939.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Preamble.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351-1352.  
*Ante*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions,

or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Turkish Republic are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and the Turkish Republic;

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351-1352.  
*Ante*, p. 107.

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on April 1, 1939, through my duly empowered Plenipotentiaries, with the President of the Turkish Republic, through his duly empowered Plenipotentiaries, which Agreement, including two Schedules annexed thereto, in the English and Turkish languages, is in words and figures as follows:

### TRADE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE TURKISH REPUBLIC

The President of the United States of America and the President of the Turkish Republic, being desirous of strengthening the traditional bonds of friendship and of extending commercial relations between the two countries by granting mutual and reciprocal concessions and

Purpose declared.

Plenipotentiaries. advantages for the promotion of trade, have decided to conclude a Trade Agreement and for that purpose have appointed their Plenipotentiaries as follows:

The President of the United States of America:

Mr. John V. A. MacMurray, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Turkish Republic, and

Mr. Robert F. Kelley, First Secretary of Embassy of the United States of America; and

The President of the Turkish Republic:

Mr. Şükrü Saracoğlu, Minister of Foreign Affairs of the Turkish Republic, and

Mr. Numan Menemencioğlu, Ambassador, Secretary General of the Ministry of Foreign Affairs;

Who, after communicating to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

#### ARTICLE 1

Imports from United States.  
*Post*, p. 1878.

Natural or manufactured products originating in the United States of America, enumerated and described in Schedule I annexed to this Agreement, shall, on their importation into the territory of the Turkish Republic, be accorded the tariff reductions provided for in the said Schedule.

In the event that the Government of the Turkish Republic should increase the duties provided for in the said Schedule, such increased duties shall not be applied to the said products until two months after the date of their promulgation.

If before the expiration of the aforesaid period of two months an agreement between the two Governments has not been reached with respect to such compensatory modifications of this Agreement as may be deemed appropriate, the Government of the United States of America shall be free within fifteen days after the date of the application of such increased duties to terminate this Agreement in its entirety on thirty days' written notice.

#### ARTICLE 2

Imports from Turkish Republic.  
*Post*, p. 1880.

Natural or manufactured products originating in the Turkish Republic, enumerated and described in Schedule II annexed to this Agreement, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said products shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

## ARTICLE 3

The provisions of Articles 1 and 2 of this Agreement shall not prevent the Government of either country from imposing at any time on the importation of any product a charge equivalent to an internal tax imposed in respect of a like domestic product or in respect of a product from which the imported product has been manufactured or produced in whole or in part.

Imposition of charges on imports.

## ARTICLE 4

Natural or manufactured products originating in the United States of America or the Turkish Republic shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like products of national or foreign origin.

Limitation on internal taxes, etc.

## ARTICLE 5

Natural or manufactured products originating in the United States of America, enumerated and described in Schedule I, and natural or manufactured products originating in the Turkish Republic, enumerated and described in Schedule II, shall be permitted to be imported into the other country without any prohibition or restriction whatsoever.

Freedom of imports.

*Post*, p. 1878.

*Post*, p. 1880.

Nevertheless, the two Governments reserve the right to impose quantitative restrictions on the importation of products enumerated and described in the said schedules in conjunction with governmental measures

Quantitative restrictions.

- (a) operating to regulate the production or market supply or to control the prices of like domestic products or
- (b) tending to increase the labor costs of production of such products;

Provided, however, that the Government proposing to impose any such quantitative restriction is satisfied, in the case of measures described in subparagraph (a) of this paragraph, that such quantitative restriction is necessary to assure the effective operation of such measures, and, in the case of measures described in subparagraph (b), that such measures are causing the domestic production of the product concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such product in relation to the proportion supplied in the past by foreign countries.

If the Government of either of the two countries proposes to establish or change such import restrictions, it shall give written notice thereof to the other Government at least two months before they are put into force. If an agreement between the two Governments concerning the proposed measures is not reached before the expiration of the said period of two months, the other Government shall be free, within fifteen days after the application of any such restriction or change, to terminate the present Agreement in its entirety on thirty days' written notice.

Notice of proposed change.

## ARTICLE 6

Most-favored-nation  
treatment.

Unconditional most-favored-nation treatment shall be accorded by the Government of each country to the commerce of the other country with respect to customs duties or charges imposed on or in connection with imports or exports and the method of levying such duties or charges, with respect to all regulations and formalities in connection with importation or exportation, the sale or use of imported products within the country, transit, warehousing, the transshipment of goods, the re-exportation of goods, and with respect to official charges applicable to these various operations.

Unconditional most-favored-nation treatment shall likewise be accorded by the Government of each country to the commerce of the other country with respect to all duties, charges or exactions other than customs duties imposed on or in connection with imports or exports.

In awarding contracts for public works and in purchasing non-military supplies, the Government of neither country shall discriminate against the other country in favor of any third country.

## ARTICLE 7

No limitation, etc.,  
upon imports; excep-  
tions.

No prohibition, restriction or limitation of any kind shall be imposed by the Government of either country upon the importation of natural or manufactured products originating in the other country or upon the exportation of natural or manufactured products destined for the other country, except as provided below.

Imposition of quan-  
titative restrictions,  
etc.

Subject to the provisions of Article 5 of this Agreement, either of the two Governments may impose prohibitions or quantitative restrictions upon the importation of products originating in the other country as well as upon the exportation of products destined for the other country, provided that importation of the like products originating in all third countries, or exportation of the same products to all third countries, respectively, is similarly prohibited or restricted. If the Government of either country applies quantitative restrictions to the importation of any products in which the other country has an interest, and these restrictions are implemented by quantitative allocation among the various exporting countries, there shall be allocated to the other country a proportion of the total importations equivalent to the proportion of the imports of such product supplied by the other country during a representative period prior to the establishment of the restrictions in question.

Allocations.

## ARTICLE 8

Control of means of  
international pay-  
ment.

In the event that the Government of either of the two countries shall establish or maintain, either directly or indirectly, any form of control of the means of international payment, it shall, in all aspects of the administration of such control, accord to the other country unconditional most-favored-nation treatment.

It is agreed that this provision does not affect the provisions of Article 9.

## ARTICLE 9

The Government of the Turkish Republic undertakes that, so long as it maintains, directly or indirectly, any form of control of the means of international payment, it will provide, in any calendar year, for the transfer of payments for commercial importations of natural or manufactured products originating in the United States of America, imported into the territory of the Turkish Republic during the calendar year in question, an amount of free foreign exchange which shall not be less, in proportion to the total value of the commercial imports of the Turkish Republic during the said calendar year, than the amount corresponding to the proportion of the total commercial imports supplied by the United States of America in the period from January 1, 1935 to December 31, 1937.

Free foreign exchange provisions.

## ARTICLE 10

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and the Turkish Republic, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States of America and such of its territories and possessions as are included in its customs territory on the day of the signature of this Agreement. The provisions of this Agreement relating to most-favored-nation treatment shall apply, however, to all the territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

Scope of Agreement.

## ARTICLE 11

The provisions of this Agreement shall not apply to:

(a) advantages now accorded or which may hereafter be accorded by either country to adjacent countries in order to facilitate frontier traffic within a zone not exceeding fifteen kilometers on either side of the frontier;

Advantages to which provisions inapplicable. Adjacent countries.

(b) advantages resulting from a customs union to which either the United States of America or the Turkish Republic may become a party, so long as such advantages are not accorded to any third country;

Customs union.

(c) advantages which the Turkish Republic has accorded or may hereafter accord in the matter of the customs tariff affecting products originating within the territories detached in 1923 from the Ottoman Empire;

Territories detached from Ottoman Empire.

(d) advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, or the Panama Canal Zone, to one another or to the Republic of Cuba, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

U. S. trade with possessions, etc.

## ARTICLE 12

Gold or silver. Nothing in the present Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional circumstances, all other military supplies.

Arms, ammunition, etc.

Neutrality measures. Nothing in the present Agreement shall prevent the adoption or enforcement of measures relating to neutrality.

Provisions not to extend to certain prohibitions, etc. Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, the provisions of this Agreement shall not extend to prohibitions or restrictions:

- (a) relative to public security;
- (b) imposed on moral or humanitarian grounds;
- (c) designed to protect public health or the life of animals or plants;
- (d) relative to prison-made goods; or
- (e) relative to measures taken for the enforcement of police or revenue laws.

## ARTICLE 13

Adjustments. In the event that either the Government of the United States of America or the Government of the Turkish Republic adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to impair the effectiveness of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter. If no agreement is reached with respect to such representations or proposals within thirty days after they are received, the Government making them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on sixty days' written notice.

Right to terminate Agreement.

## ARTICLE 14

When rate of exchange prejudicial. In the event that the rate of exchange between the currencies of the United States of America and the Turkish Republic varies considerably from the rate obtaining on the day of the signature of this Agreement, the Government of either country, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement. If such negotiations have not resulted in an agreement within a period of thirty days, the Government which has proposed them shall be free to terminate this Agreement in its entirety on thirty days' written notice.

## ARTICLE 15

Nothing in this Agreement shall be deemed to affect the rights and obligations arising out of the Treaty of Commerce and Navigation between the United States of America and the Turkish Republic, signed at Ankara on October 1, 1929.

Specified treaty not affected.  
46 Stat. 2743.

## ARTICLE 16

The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by the Grand National Assembly of Turkey.

Agreement to be proclaimed, etc.

The present Agreement shall come provisionally into force on May 5, 1939. The Agreement shall come definitively into force on the day on which the Government of the United States of America shall have communicated officially to the Government of the Turkish Republic the proclamation of the President of the United States of America and the Government of the Turkish Republic on its part shall have informed the Government of the United States of America of the ratification of the Agreement by the Grand National Assembly of Turkey.

Dates of coming into force.

The Agreement shall remain in force, subject to the provisions of Articles 1, 5, 13 and 14, until it is terminated in accordance with the provisions set forth below. The Government of either country may terminate this Agreement on December 31, 1939, December 31, 1940 or December 31, 1941, in each case on two months' written notice. After December 31, 1941, the Agreement, if not previously terminated, shall continue in force subject to the provisions of Articles 1, 5, 13 and 14 until six months from the day on which the Government of either country shall have given notice to the other Government of its intention to terminate the Agreement.

Duration.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Signatures.

Done in duplicate, in the English and Turkish languages, both authentic, at the City of Ankara, this 1<sup>st</sup> day of April, nineteen hundred and thirty-nine.

JOHN V. A. MACMURRAY  
ROBERT F. KELLEY

Ş. SARACOGLU  
N MENEMENCIOGLU

[SEAL]

[SEAL]

## SCHEDULE I

NOTE: The percentages of reduction set forth in the fourth column of this Schedule shall apply to the rates of duty as set forth in the third column of this Schedule or as subsequently modified.

No. of Turkish tariff	Description of Articles	Rate of duty in Turkish Pounds per 100 kilograms	Percentage of reduction
Ex 72 C-3	Cattle hides: fresh, with or without hair, not worked, salted or pickled in lime, weighing 18 kilos (including 18) and over	6.00	5%
Ex 75 C	Worked skins: Glazed goat skins, weighing more than 4.5 grams per square decimeter (excluding morocco) (Glazed kid skins weighing more than 4.5 grams per square decimeter are dutiable under this number)	1000.00	40%
Ex 176 B	Dried prunes (counting 110 prunes or less per kilo)	48.00	75%
Ex 195	Canned prunes and prune juice: A. Without sugar B. With sugar	70.00 112.50	75% 75%
Ex 201 B	Canned asparagus	120.00	75%
442	Thread (rubber)	62.50	5%
Ex 477	Asbestos, bitumen and the like, and articles of these materials (including those containing in their composition or texture rubber or fibers or base metals and those which are manufactured and mixed with paper, cardboard, plaster, cement, paints or other ordinary materials) (combined or not with other materials): Ex C All kinds of plastic construction materials Ex D Bands (including automobile brake lining)	6.00 37.50	5% 5%
Ex 523	Iron and steel plates and sheets (plain or corrugated) and hoops or bands: Ex B-2 Galvanized with zinc, up to a thickness of 3 millimeters	3.75	5%
Ex 537	Furniture of iron and parts: Ex A Only cabinets, boxes and drawers, with or without visible indexes, for filing purposes 1. Plain and painted 2. Gilded, varnished or others (combined or not with other materials)	30.00 37.50 3.75	20% 20% 5%
Ex 617 B	Motion picture films	per kilogram	
Ex 619	Radio receiving sets, complete or incomplete, including tubes and loud-speakers	500.00	75%
Ex 619	Non-assembled detached radio parts	500.00	88%
Ex 660	Sewing machines, machines for embroidering and tulle weaving, and mechanical parts and spare parts thereof, (excluding needles) (including those electrically driven)	17.50	5%
662	Typewriters, calculating and registering machines, and machines for counting, grouping and classifying, and parts thereof (including those electrically driven): A. Weighing up to 5 kilos B. Weighing 5 kilos and over	60.00 30.00	12% 12%
663	Tables, bases, covers and stands for sewing machines and typewriters	12.00	5%

## SCHEDULE I—Continued

No. of Turkish tariff	Description of Articles	Rate of duty in Turkish Pounds per 100 kilograms	Percentage of reduction
Ex 666	All kinds of electric refrigerating machines and apparatus (assembled, unassembled):		
	A. The whole weighing up to 50 kilos	15. 00	12%
	B. The whole weighing 50 kilos and over up to 150 kilos	12. 00	12%
	C. The whole weighing 150 kilos and over up to 500 kilos	10. 00	12%
	D. The whole weighing 500 kilos and over up to 2,000 kilos	9. 00	12%
	H. The whole weighing 2,000 kilos and over up to 10,000 kilos	8. 00	12%
	V. The whole weighing 10,000 kilos and over	7. 00	12%
667	Automotive vehicles:		
	A. Automotive vehicles for the transport of persons:		
	1. Weighing up to 900 kilos	75. 00	60%
	2. Weighing 900 kilos and over up to 1,300 kilos	35. 00	60%
	3. Weighing 1,300 kilos and over up to 1,750 kilos	45. 00	60%
	4. Weighing 1,750 kilos and over up to 2,000 kilos	175. 00	60%
	5. Weighing 2,000 kilos and over	250. 00	60%
	B. All kinds of automotive vehicle chassis, with or without motor (wheels with or without tires and tubes):		
	1. Weighing up to 750 kilos	48. 00	60%
	2. Weighing 750 kilos and over up to 1,100 kilos	21. 00	60%
	3. Weighing 1,100 kilos and over up to 1,500 kilos	25. 50	60%
	4. Weighing 1,500 kilos and over up to 1,750 kilos	126. 00	60%
	5. Weighing 1,750 kilos and over	180. 00	60%
	C. Bodies of automotive vehicles for the transport of persons	350. 00	60%
	D. Body parts, not specially provided for	150. 00	60%
	H. Chassis parts of automotive vehicles, not specially provided for	45. 00	60%
	V. Wheels and parts of wheels for automotive vehicles and rims of iron or steel	40. 00	60%
695 D	Heavy mineral oils and their residues (machine oils, mazout, motorine and other such combustibles and residues, tars: the light fraction distilling below 270 degrees must not exceed 10%)	1. 00	5%
Ex 703 D	Typewriter ribbons	45. 00	10%
Ex 709	Varnish (only liquid waterproofing preparations)		
	A. With bronze, aluminium, and colors	24. 00	20%
760	All kinds of insecticide preparations intended for the destruction of rats, fleas and other parasites and insects (powders, pastes, liquids and other forms) (including the weight of the inner containers)	5. 00	5%
Ex 853	Specialties for which import permits have been issued by the Government		
	Ex B-1 First class, only toothpastes	50%	ad val. 50%

<sup>1)</sup> Only the amount of the reduced duties will be collected even if the amount of the reduced duties is less than 30% of the C. I. F. value.

## SCHEDULE II

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined in so far as may be practicable as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of articles enumerated in this Schedule, which are subject on the day of the signature of this Agreement to additional or separate ordinary customs duties, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duties shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Articles	Rates of duty
38	Valonia extract, not containing alcohol	7½% ad val.
47	Licorice, extracts of, in pastes, rolls, or other forms	15% ad val.
601	Cigarette leaf tobacco not specially provided for, if unstemmed	30¢ per lb.
740	Figs, fresh, dried, or in brine, valued at 7 cents or more per pound	3¢ per lb.
742	Raisins made from seedless grapes	1½¢ per lb.
757	Filberts: Shelled	8¢ per lb.
761	Pistache nuts: Not shelled	1¼¢ per lb.
	Shelled	2½¢ per lb.
762	Poppy seed	16¢ per 100 lbs.
764	Canary seed	¾¢ per lb.
1116 (a)	Oriental, Axminster, Savonnerie, Aubusson, and other carpets, rugs, and mats, not made on a power-driven loom, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width	30¢ per square foot, but not less than 45% ad val.
1541 (a)	Cymbals and parts thereof, not specially provided for	20% ad val.
1552	Meerschaum, crude or unmanufactured	10% ad val.
1602	Licorice root, natural and uncompounded and in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol	Free
1633	Borax, crude or unmanufactured, and borate of lime, borate of soda, and other borate material, crude and unmanufactured, not specially provided for	Free
1647	Chromite or chrome ore	Free
1670	Valonia, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, not specially provided for	Free
1672	Emery ore	Free
1681	Furs and fur skins, not specially provided for, undressed: Hare and marten	Free
1755	Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for; all the foregoing produced from sheep, lambs, and goats	Free

ANKARA, *April 1, 1939.*

MR. AMBASSADOR:

I have the honor to refer to the provisions of the Trade Agreement between our two Governments signed this day and to inform Your Excellency that my understanding of the agreement with respect to the application of Article 9, reached during the negotiations, is as follows:

1. The total value of the commercial imports from the United States of America into the territory of the Turkish Republic during the period from January 1, 1935 to December 31, 1937, mentioned in Article 9, is 10.91 percent of the total value of the commercial imports of the Turkish Republic from all sources during the same period. It is agreed that, in determining the amount of free foreign exchange which shall be made available each year, this percentage shall be applied to the total value of the commercial imports into the territory of the Turkish Republic from all sources during the year in question, after deducting from such total value the amount by which the value of commercial imports resulting, during the same year, from the utilization of the credits provided for in the Agreement with the United Kingdom of Great Britain and North Ireland, signed on May 27, 1938, and the Agreement with Germany, the principles of which were established in October, 1938, at Ankara, exceeds the payments made during that year in accordance with the provisions of the said credit agreements. This deduction has been decided upon for the reason that the total value of commercial imports into the Turkish Republic will be temporarily increased to an abnormal extent by imports under the governmental credits mentioned above.

The amount of available free foreign exchange envisaged in Article 9, shall be applied to payments for commercial imports originating in all the territories under the sovereignty or authority of the United States of America.

2. The amount of free foreign exchange mentioned above which shall be made available each year under Article 9 shall be utilized for the transfer of payments for the said commercial imports in the chronological order in which requests for exchange are made.

3. In view of the fact that the Turkish Republic derives its principal supply of free foreign exchange from the export of products, the sale of which has a seasonal character, it is understood that it may not be possible to avoid temporary delays in making available free foreign exchange for the transfer of payments for commercial imports originating in the United States of America. It is agreed that the provisions of Article 9 do not preclude seasonal delays in making available free foreign exchange for transfer of the said payments within any calendar year.

4. If the Government of the Turkish Republic should not be in a position, through lack of free foreign exchange, as a result of unforeseen developments affecting adversely the commerce of the Turkish Republic, to make available the amount of free foreign exchange

agreed upon in Article 9, the Government of the United States of America and the Government of the Turkish Republic shall enter into negotiations for the purpose of reaching an arrangement satisfactory to the two Governments.

5. The present note constitutes an integral part of the Trade Agreement signed this day.

Accept, Mr. Ambassador, the assurances of my highest consideration.

Ş. SARACOĞLU

Mr. JOHN V. A. MACMURRAY,  
*Ambassador Extraordinary and  
Plenipotentiary of the United States of America  
to the Turkish Republic.*

Amerika Birleşik Devletleri Reisi ve Türkiye Cumhuriyeti Reisi, iki memleket arasındaki ananevi dostluk bağlarını kuvvetlendirmek ve ticaret münasebetleri, ticaretin inkişafını teminen müşterek ve müteakabil imtiyaz ve menfaatler bahşederek tevsi eylemek arzusuyla bir Ticaret Anlaşması akdetmeye karar vermişler ve bu maksatla

Amerika Birleşik Devletleri Reisi:

Türkiye Cumhuriyeti nezdinde Birleşik Amerika Devletleri Fevkalâde Büyük Elçisi ve Murahhası

BAY JOHN V. A. MAC MURRAY

ve

Birleşik Amerika Devletleri Büyük Elçiliği Başkâtib:

BAY ROBERT F. KELLEY' yi

ve

Türkiye Cumhuriyeti Reisi:

Hariciye Vekili

BAY ŞÜKRÜ SARACOĞLU

ve

Hariciye Vekâleti Kâtibi Umumisi, Büyük Elçi

BAY NUMAN MENEMENCİOĞLU' nu

murahhas tayin eylemişlerdir.

Mezkûr Murahhaslar salâhiyetnamelerini yekdiğerlerine tebliğ edip bunları usulüne muvafık bularak aşağıdaki maddeler üzerinde mutabık kalmışlardır:

#### MADDE I

Bu anlaşmaya merbut I sayılı listede tadat ve tarif edilmiş olan, Amerika Birleşik Devletleri menşeli tabii veya mamul müstahsalât, Türkiye Cumhuriyeti arazisine ithallerinde, mezkûr listede derpiş edilmiş bulunan tarife tenzilâtından istifade edeceklerdir.

Türkiye Cumhuriyeti Hükûmeti mezkûr listede derpiş edilmiş olan resimleri arttırdığı takdirde, bu suretle tezyit edilmiş olan resimler, neşirleri tarihinden iki ay geçmeden mezkûr müstahsalâta tatbik edilmeyecektir.

Salifüzzikir iki aylık müddetin inkızasından önce, iki Hükûmet arasında, bu anlaşmada münasip görülecek tavizi mutazammın tadi-

lâta mütedair bir mutabakat hasıl olmadığı takdirde Amerika Birleşik Devletleri Hükûmeti, bu suretle tezyit edilmiş resimlerin tatbiki tarihinden itibaren on beş gün içinde, bu anlaşmanın tamamını, otuz gün evvelden tahriren ihbar etmek şartile feshetmekte serbest olacaktır.

#### MADDE 2

Bu anlaşmaya merbut II sayılı listede tarif ve tadat edilmiş olan, Türkiye Cumhuriyeti menşeli tabii veya mamul müstahsalât, Amerika Birleşik Devletlerine ithallerinde, mezkûr listede beyan olunan şartlar dahilinde, bu listede derpiş ve tesbit edilmiş olanların fevkinde alelâde gümrük resimlerinden muaf tutulacaktır. Mezkûr müstahsalât, bu anlaşmanın imzası tarihinde mevzu olanların veya bu anlaşmanın imzası gününde mer'î bulunan Amerika Birleşik Devletleri Kanunlarına müsteniden bilâhare vazedilmesi icap edecek olanların fevkinde ithalât üzerine mevzu veya ithalâtla münasebattar diğer bütün vergi, rüsum, ücret, harç veya mükellefiyetlerden de muaf tutulacaktır.

#### MADDE 3

Bu anlaşmanın 1 inci ve 2 nci maddeleri ahkâmı, iki memleketten birinin Hükûmetini, herhangi bir zamanda, herhangi bir müstahsalin ithaline, mümasil yerli bir müstahsale veya ithal olunan müstahsalin tamamen veya kısmen imal veya istihsalinde kullanılan bir müstahsale mevzu dahilî bir teklife muadil bir teklif vazetmekten menetmeyecektir.

#### MADDE 4

Amerika Birleşik Devletleri veya Türkiye Cumhuriyeti menşeli tabii veya mamul müstahsalât, diğer memlekete ithallerinden sonra, millî veya ecnebi menşeli mümasil müstahsaller için vacibütediye olanlardan gayri veya daha yüksek bütün dahilî rüsum, ücret, harç veya mükellefiyetlerden muaf tutulacaktır.

#### MADDE 5

I sayılı listede tadat ve tarif edilmiş olan, Amerika Birleşik Devletleri menşeli tabii veya mamul müstahsalât ile II sayılı listede tadat ve tarif edilmiş olan, Türkiye Cumhuriyeti menşeli tabii veya mamul müstahsalâtın, diğer memlekete, herhangi bir memnuiyet veya tahdide tâbi olmaksızın ithaline müsaade edilecektir.

Bununla beraber, her iki Hükûmet, Hükûmetlerce müttehaz:

- a) Mümasil yerli müstahsalâtın istihsalini veya piyasa mevcudunu tanzim veya fiatlarını kontrol etmeyi istihdaf eden veya
- b) bu kabil müstahsalâtın istihsaline müteallik işçilik maliyetini yükseltmeye müncer olabilecek

tedbirler ile müterafik olarak, mezkûr listelerde tadat ve tarif edilmiş olan müstahsalâtın ithaline mikdar tahditleri vazetmek hakkını muhafaza eder. Bununla beraber, bu kabil mikdar tahdidi vazetmeyi düşünen Hükûmetin, bu fıkranın (a) bendinde tasrih olunan tedabirin

mevzuubahs olması halinde bu kabil miktar tahdidinin bu gibi tedbirlerin müessir bir surette tatbikini temin için lüzumlu olduğuna ve (b) bendinde tasrih olunan tedabirin mevzuubahs olması halinde de, bu kabil tedbirlerin, mevzuubahs müstahsalin dahilî istihsaline, bu müstahsalin umumî istihlâkinin evvelce ecnebi memleketler tarafından temin olunan nisbetine nazaran gayri tabii bir nisbetini teşkil eden ithalât dolayısıyla muzir bir şekilde icrayı tesir edeceğine kanaat getirmiş olması meşruttur.

Her iki memlekettten birinin Hükûmeti, bu kabil ithalât tahdidatını tesis veya tadil etmeyi düşündüğü takdirde, bu tahdidatın mer'iyete konmasından en az iki ay evvel keyfiyeti diğer Hükûmete tahriren ihbar edecektir. Mezkûr iki aylık müddetin inkızasından önce, iki Hükûmet arasında, düşünülen tedbirlere müteallik bir mutabakat hasil olmadığı takdirde, diğer Hükûmet, bu kabil tahdid veya tādilin tatbikini müteakip 15 gün içinde, bu anlaşmanın tamamını, 30 gün evvelden tahriren ihbar etmek şartile feshetmekte serbest olacaktır.

#### MADDE 6

İki memlekettten her birinin Hükûmeti tarafından diğer memleketin ticaretine, ithalât veya ihracata mevzu veya bunlarla münasebattar olarak vazedilmiş olan gümrük resimleri veya harçlar ve bu kabil rüsum veya harçların istifa tarzı ve ithalât veya ihracata müteallik bütün nizamât ve merasim, memlekete ithal edilmiş olan müstahsalâtın satış veya istimali, emteanın transitî, antrepolara vaz'ı, aktarması, emteanın tekrar ihracı ve bu muhtelif amelîyelerin tabii olduğu resmî masarif hususunda şartsız en ziyade müsaadeye mazhar millet muamelesi bahşedilecektir.

İki memlekettten her birinin Hükûmeti tarafından diğer memleketin ticaretine, ithalât veya ihracata mevzu veya bunlarla münasebettar olarak vazedilmiş olan gümrük rüsumundan gayri bilûmum vergi, harç veya mükellefiyetler hususunda dahi şartsız en ziyade müsaadeye mazhar Millet muamelesi bahşedilecektir.

Nafia işlerine müteallik mukavelelerin akdi ve gayri askerî malzeme mübayaası hususunda iki memlekettten her birinin Hükûmeti diğer memlekete üçüncü bir memleket nef'ine olarak farklı bir muamele tatbik etmeyecektir.

#### MADDE 7

İki memlekettten her birinin Hükûmeti tarafından, diğer memleket menşeli tabii veya mamul müstahsalât ithalâtı veya diğer memlekete tabii veya mamul müstahsalât ihracatı üzerine, aşağıdaki hususat müstesna, hiçbir nevi memnuiyet, takyit veya tahdid vazedilmeyecektir.

İşbu anlaşmanın 5 inci maddesi ahkâmı mahfuz kalmak şartile, iki Hükûmetten her biri, diğer memleket menşeli müstahsalât ithalâtı üzerine olduğu gibi diğer memlekete müstahsalât ihracatı üzerine de memnuiyet veya miktar tahdidatı vazedebilir, bean şart ki bütün üçüncü memleketler menşeli mümâsil müstahsalât ithalâtı veya aynı müstahsalâtın bütün üçüncü memleketlere ihracatı, mütenazaran,

müşabih surette men veya tahdid edilmiş olsun. İki memleketten her birinin Hükûmeti, diğer memleketin alâkadar bulunduğu herhangi bir müstahsal ithalâtı üzerine mikdar tahdidatı vazettiği ve bu tahditler muhtelif ihracatçı memleketler arasında mikdar tahsisatı verilmek suretile tatbik edildiği takdirde, diğer memlekete umumî ithalâtın, mevzuubahis tahdidatın tesisine tekaddüm eden temsilî bir devre zarfında diğer memleket tarafından temin olunan bu kabil müstahsal ithalâtı nisbetine muadil bir nisbeti tahsis edilecektir.

#### MADDE 8

İki memleketten her birinin Hükûmeti, beynelmilel tediye vasıtaları üzerinde, doğrudan doğruya veya bilvasıta, herhangi bir kontrol te'sis veya idame ettiği takdirde, bu kabil kontrolün tedvirinde her cephe-den diğer memlekete şartsız en ziyade müsaadeye mazhar millet muamelesi bahşedecektir.

Şurası mukarrerdir ki bu hüküm, 9 uncu madde ahkâmını ihlâl etmeyecektir.

#### MADDE 9

Türkiye Cümhuriyeti Hükûmeti, beynelmilel tediye vasıtaları kontrolünü herhangi bir şekilde, doğrudan doğruya veya bilvasıta, idame ettiği müddetce, herbir takvim yılında, mevzuubahis takvim yılında Türkiye Cümhuriyeti arazisine ithal edilen Amerika Birleşik Devletleri menşeli tabii veya mamul müstahsalâtın ticarî ithalâtına müteallik tediye transferi için, mezkûr takvim yılı zarfında Türkiye Cümhuriyetinin ticarî ithalâtının mecmu kıymetine nisbetle, Amerika Birleşik Devletlerinden 1 Kânunusani 1935 den 31 Kânunuevvel 1937 ye kadar olan müddet zarfında yapılmış olan ticarî ithalât mecmuu nisbetine tekabül eden meblâğdan dun olmayacak bir serbest döviz meblâğı temin edeceğini taahhüt eder.

#### MADDE 10

Bu anlaşmanın, Amerika Birleşik Devletleri ve Türkiye Cümhuriyeti tarafından, mütenazıran, diğer memleket ticaretine bahşedilecek muameleye müteallik hükümleri, Amerika Birleşik Devletleri cihetinden, Amerika Birleşik Devletlerinin kit'a arazisine ve bu anlaşmanın imzası gününde Amerika Birleşik Devletleri gümrük arazisine dahil bulunan arazi ve mutasarrıfata tatbik edilecektir. Mamafih, bu anlaşmanın en ziyade müsaadeye mazhar Millet muamelesine müteallik hükümleri, Panama Kanalı muntakasından gayri, Amerika Birleşik Devletlerinin hakimiyeti veya sultanı altındaki bütün araziye tatbik edilecektir.

#### MADDE 11

Bu anlaşma hükümleri:

a) İki memleketten biri tarafından hemhudud memlekete hududun her iki tarafında on beşer kilometreyi tecavüz etmeyen bir muntaka dahilinde hudud ticaretini kolaylaştırmak için bahşedilmiş veya ilerde bahşedilecek olan menfaatlere,

b) Amerika Birleşik Devletleri veya Türkiye Cumhuriyetinin biri tarafından akdedilecek bir gümrük ittihadından mütevellit menfaatlere, bu menfaatler herhangi üçüncü bir memlekete bahşedilmediği müddetce,

c) Türkiye Cumhuriyeti tarafından 1923 de Osmanlı İmparatorluğundan ayrılan arazi menşeli müstahsalâta gümrük tarifesi bakımından bahşedilmiş veya ilerde bahşedilecek olan menfaatlere,

d) Amerika Birleşik Devletleri arazi veya mutasarrıfatından herhangi birisinin siyasi statüsünde vukua gelecek tadilâta bakılmaksızın, Amerika Birleşik Devletleri, arazisi veya mutasarrıfatı veya Panama kanalı mıntakasının birbirlerine veya Küba Cumhuriyetine bahşetmiş oldukları veya ilerde bahşedecekleri menfaatlere şamil olmayacaktır.

#### MADDE 12

İşbu anlaşma hükümlerinden hiç birisi altın veya gümüş ihracat veya ithalâtını men veya tahdit eden tedabir alınmasını, veya iki Hükümetten her hangi birinin silâh, cepane veya harp malzemesinin ve istisnaî ahvalde diğer bilcümle harp levazımının ihracının veya ihrac için satışının kontrolü hususunda münasip göreceği tedbirlerin itti hazını menedecek mahiyette tefsir edilmeyecektir. İşbu anlaşma hükümlerinin hiç birisi bitarafığa müteallik tedabir itti haz ve tatbikine mani teşkil etmeyecektir.

Mümasil ahval ve şerait altında, iki memleketten herhangi biri tarafından üçüncü bir memleket nefine olarak diğeri aleyhine indî surette farklı bir muamele tatbik edilmemek şartile bu anlaşmanın hükümleri:

- a) Amme emniyetine müteallik,
- b) Ahlâkî veya insanî maksatlarla mevzu,
- c) Amme sıhhatini veyahut hayvan veya nebat hayatını himaye matuf,
- d) Hapishanelerde imal edilmiş eşyaya müteallik veya
- e) asayiş veya varidat Kanunlarının tatbiki için alınmış tedabire müteallik memnuiyet veya takyitlere şamil değildir.

#### MADDE 13

Amerika Birleşik Devletleri Hükümeti veya Türkiye Cumhuriyeti Hükümeti işbu anlaşma ahkâmına muğayir olmamakla beraber, diğeri memleket Hükümetince anlaşmanın müessiriyetini ihlâl edici mahiyette telâkî edilecek herhangi bir tedbir itti haz ettiği takdirde, bu gibi tedabiri itti haz eden Hükümet, mes'elenin tarafeynce mucibi memnuiyet şekilde halli hususunda diğeri taraf Hükümetince yapılabilecek teşebbüs ve teklifleri nazarı itibare alacaktır. Bu gibi teşebbüs ve tekliflerin tebellüğü tarihinden itibaren otuz gün içinde bunlara müteallik bir mutabakat hasıl olmadığı takdirde, teşebbüs ve teklifleri yapan Hükümet, salifüzzikir otuz günlük müddetin hitâmından itibaren on beş gün içinde, işbu anlaşmanın tamamını altmış gün evvelden tahriren ihbar etmek şartile feshetmekte serbest olacaktır.

## MADDE 14

Amerika Birleşik Devletleri ile Türkiye Cumhuriyeti paraları arasındaki kambiyo kurunun, işbu anlaşmanın imzası tarihindeki kura nazaran ehemmiyetli derecede tahavvül etmesi halinde, iki memleketten her birinin Hükûmeti, kurdaki değişikliği memleketin sanayi veya ticaretini zarardide edecek derecede ehemmiyetli telâkki ettiği takdirde, bu anlaşmanın tâdili için müzakere teklifinde bulunmakta serbest olacaktır. Bu müzakereler otuz günlük bir müddet içinde bir mutabakata varmadığı takdirde, müzakere teklifinde bulunmuş olan Hükûmet işbu anlaşmanın tamamını otuz gün evvelden tahriren ihbar etmek şartile fesihle serbest olacaktır.

## MADDE 15

Bu anlaşmanın hiçbir hükmü, 1 Teşrinievvel 1929 da Ankara'da imza edilmiş olan Amerika Birleşik Devletleriyle Türkiye Cumhuriyeti arasında ticaret ve seyrisefain muahedenamesinden mütevellit hukuk ve vecaibi ihlâl eder mahiyette telekki edilmeyecektir.

## MADDE 16

Bu anlaşma Amerika Birleşik Devletleri Reisi tarafından ilân ve Türkiye Büyük Millet Meclisi tarafından tasdik olunacaktır.

Bu anlaşma 5 Mayıs 1939 tarihinden itibaren muvakkaten meriyet mevkiine girecektir. Anlaşma Amerika Birleşik Devletleri Hükûmetinin, Amerika Birleşik Devletleri Reisi tarafından yapılan ilânı Türkiye Cumhuriyeti Hükûmetine resmen iş'ar edeceği ve diğer taraftan da Türkiye Cumhuriyeti Hükûmetinin, Türkiye Büyük Millet Meclisi tarafından anlaşmanın tasdik edildiğini Amerika Birleşik Devletleri Hükûmetine bildireceği gün kat'î olarak meriyet mevkiine girecektir.

Anlaşma 1, 5, 13 ve 14 üncü maddeler ahkâmı mahfuz kalmak şartile aşağıda tasrih olunan hükümler dairesinde feshedilinceye kadar meriyet mevkiinde kalacaktır. İki memleketten her birinin Hükûmeti anlaşmayı 31 Kânunuevvel 1939, 31 Kânunuevvel 1940 veya 31 Kânunuevvel 1941 tarihlerinde ve her defasında iki ay evvelden tahriren ihbar etmek şartile feshedebilir. 31 Birincikânun 1941 den sonra, anlaşma, daha evvel fesh edilmemiş olduğu takdirde 1, 5, 13 ve 14 üncü maddeler hükümleri mahfuz kalmak şartile, iki memleketten biri veya diğerinin Hükûmeti tarafından anlaşmaya nihayet vermek niyetinin diğer Hükûmete bildirildiği tarihten itibaren daha altı ay müddetle meriyet mevkiinde kalmakta devam edecektir.

Yukarıdaki maddelerle vazolunan hükümleri tasdik etmek üzere her iki taraf murahhasları bu anlaşmayı imza etmişler ve mühürlemişlerdir.

Her ikisi de muteber olmak üzere İngilizce ve Türkçe iki nüsha olarak Ankara'da 1 Nisan 1939 da tanzim edilmiştir.

JOHN V. A. MACMURRAY  
ROBERT F. KELLEY

Ş. SARACOĞLU  
N MENEMENİOĞLU

[SEAL]

[SEAL]

## LISTE I

Not.—Bu listenin dördüncü sütununda tesbit olunan tenzilat yüzdeleri, listenin üçüncü sütununda gösterilen rüsum hadlerine veya bunların muahharen muaddel şekillerine tatbik olunacaktır.

Türk Tarife numarası	Eşyanın cinsi	Resim haddi yüz kilodan Türk Lirası	Tenzilat nisbeti
72 C 3 den	Öküz veya inek derileri: Yaş, tüylü veya tüysüz, işlenmemiş, tuzlu veya kirece batırılmış, 18 kilo (18 dahil) ve ondan yukarı olanlar	6.00	% 5
75 C den	İşlenmiş deriler: Beher desimetre murabbai 4.5 gramdan yukarı olan keçi glaseleri (maroken hariç) (Beher desimetre murabbai 4.5 gramdan yukarı olan oğlak glaseleri de bu numaraya göre tarifelenir)	1000.00	%40
176 B den	Erik, kuru (kilosunda 110 dane veya daha az dane bulunanlar)	48.00	%75
195 den	Erik konserveleri ve erik usareleri: A-Şekersiz B-Şekerli	70.00 112.50	%75 %75
201 B den	Kuş konmaz konserveleri	120.00	%75
442	Tel (kauçuktan)	62.50	% 5
477 den	Asbestos (amyant) bitümen ve müşabihleri ve bunların mamulâtı (terkibinde veya nescinde kauçuk veya elyaf veyahut maadini adiyeye bulunanlar ve kâğıt, mukavva, alçı, çimento ve boya gibi mevaddı adiyeye ile mahluten mamul olanlar da dahildir) (mevaddı saire ile mürettep veya gayrı mürettep): C den—hamur halinde her türlü malzemei inşaie D den—Şeritler (otomobil fren şeritleri dahildir)	6.00 37.50	% 5 % 5
523 den	Demir veya çelik sac ve levhalar (düz veya oluklu) ve çenberlik veya şerit: B 2 den—Çinko galvanizli ve kalınlığı üç milimetreye kadar olanlar	3.75	% 5
537 den	Demir mobilya ve bunların aksanı: A dan—Yalnız dolap, kutu, çekmecelerden dosya tasnifine mahsus, görünür endeksli olanlar veya olmayanlar 1—Sade ve boyalı 2—Yaldızlı, sırlı ve saireli (mevaddı saire ile mürettep olsun olmasın)	30.00 37.50 3.75	%20 %20 % 5
617 B den	Sinematograf filimleri	bir kilodan	
619 dan	Radyo ahize cihazları tamam veya natamam lambalar ve oparlörler dahildir	500.00	%75
619 dan	Radyo için birleştirilmemiş müteferrik parçalar	500.00	%88
660 dan	Dikiş makineleri, işleme ve tül makineleri ve bunların makine aksanı ve yedek parçaları (iğneleri müstesnadır) (elektrikli olanlar dahil)	17.50	% 5
662	Yazı, hesap, kayıt makineleri ve tadat, tefrik ve tasnife mahsus makineler ve bunların aksanı (elektrikli olanlar da dahildir) A—Sikleti beş kiloya kadar olanlar B—Sikleti beş kilo ve ondan yukarı	60.00 30.00	%12 %12
663	Dikiş ve yazı makinelerine ait masa, tabla, kapak ve ayakları	12.00	% 5

## LISTE I—Mabad

Türk Tarife numarası	Eşyanın cinsi	Resim haddi yüz kilodan Türk Lirası	Tenzilât nisbeti
666 dan	Her nevi elektrikli tebrid makine ve cihazları (kurulmuş kurulmamış)		
	A—Tamamının sikleti 50 kiloya kadar	15. 00	%12
	B—Tamamının sikleti 50 kilo ve ondan yukarı 150 kiloya kadar	12. 00	%12
	C—Tamamının sikleti 150 kilo ve ondan yukarı 500 kiloya kadar	10. 00	%12
	D—Tamamının sikleti 500 kilo ve ondan yukarı 2000 kiloya kadar	9. 00	%12
	H—Tamamının sikleti 2000 kilo ve ondan yukarı 10.000 kiloya kadar	8. 00	%12
	V—Tamamının sikleti 10.000 kilo ve ondan yukarı	7. 00	%12
667	Zatülhareke arabalar:		
	A—Binek otomobilleri		
	1. Sikleti 900 kiloya kadar	75. 00	%60
	2. Sikleti 900 kilo ve ondan yukarı 1300 kiloya kadar	35. 00	%60
	3. Sikleti 1300 kilo ve ondan yukarı 1750 kiloya kadar	45. 00	%60
	4. Sikleti 1750 kilo ve ondan yukarı 2000 kiloya kadar	175. 00	%60
	5. Sikleti 2000 kilo ve ondan yukarı	250. 00	%60
	B—Her nevi otomobil arabalarının şasisi, motörlü, motörsüz (tekerlekleri lastikli olsun olmasın)		
	1. Sikleti 750 kiloya kadar	48. 00	%60
	2. Sikleti 750 kilo ve ondan yukarı 1100 kiloya kadar	21. 00	%60
	3. Sikleti 1100 kilo ve ondan yukarı 1500 kiloya kadar	25. 50	%60
	4. Sikleti 1500 kilo ve ondan yukarı 1750 kiloya kadar	126. 00	%60
	5. Sikleti 1750 kilo ve ondan yukarı	180. 00	%60
	C—Binek otomobillerinin karoseri kısmı	350. 00	%60
	D—Karoserinin başka yerde zikrolunmayan parçaları	150. 00	%60
	H—Otomobil arabalarının başka yerde isimlerle zikredilmeyen şasi aksamı	45. 00	%60
	V—Otomobil arabalarının tekerlekleri ve aksamı ve demir veya çelik jantlar	40. 00	%60
695 D	Ağır maden yağları ve tortuları (makine yağları, mazot, motorin gibi mahrukat ve tortular, katranlar: 270 dereceden evvel takattur eden hafif kısmı % 10u tecavüz etmeyecektir)	1. 00	% 5
703 D den	Yazı makinesi seridi	45. 00	%10
709 dan	Vernikler (yalnız su geçmez hale koymaya mahsus olan mayi müstahzarat)		
	A—Bronzlu, alüminyumlu ve boyalı	24. 00	%20
760	Fare, pire ve emsali haşarat itlâfına mahsus her nevi müstahzarat (toz, macun, mayi ve sair şekillerde) (iç kapların sikleti dahildir)	5. 00	% 5
853 den	İthaline Hükümetin müsaade etmiş olduğu müstahzarat:		
	B 1 den—Birinci sınıf, yalnız dış macunları	%50 kiymetin-	%50 den

1) İşbu rüsum Cif kıymetin %30 undan dun olsa dahi bu tenzilâtli rüsum alınır.

## LISTE II

Not.—Bu listenin ahkâmı, tatbik imkânı nisbetinde, sanki bu listenin her bir hükmü, Tarife Kanununun, eşyanın cinsine ait hanenin solundaki sütununda kayıtlı olan mukabil hükmünde mevcut imiş gibi tefsir edilecek ve onunla aynı hükmü haiz olacağı gibi Birleşik Amerika Devletlerinin Gümrük Kanunlarının fer'i hükümlerinin bu liste hükümlerine sureti tatbiki de yine tatbik imkânı nisbetinde sanki bu listenin her bir hükmü Tarife Kanununun eşyanın cinsine ait hanenin solundaki sütununda kayıtlı olan mukabil hükmünde mevcut imiş gibi tayin ve tesbit olunacaktır.

Bu cetvelde tadat olunan maddelerden işbu anlaşmanın imza edildiği gün munzam veya müteferrik alelâde gümrük rüsumuna tabi bulunanlar varsa bu rüsum alâkadar eşyanın cinsine ait hanenin solundaki sütunda kayıtlı Tarife Kanunu ahkâmına tevfikân vazedilmiş olsun veya olmasın bu listede gösterilmiş veya berveçhi atı tesis olunmuş tenzilâta tâbi olmak şartile Kanunen hükümden sakıt oluncaya kadar mer'i olacak fakat tezyid olunmayacaktır.

Birleşik Devletler 1930 Tarife Kanunu Paragrafı	Eşyanın cinsi	Gümrük resmi
38	Palamut hülâsası, İspirto ihtiva etmeyen	Kıymeti üzerinden % 7,5
47	Meyan kökü hülâsası, macun, rulo halinde veya sair şekillerde	Kıymeti üzerinden % 15
601	Başka yerde tahsisen zikrolunmamış sigaralık yaprak tütün, saplı	Beher libresinden 30 sent
740	İncir, taze, kurutulmuş veya salamura halinde, libresinin kıymeti 7 sent veya daha yukarı olanlar	Beher libresinden 3 sent
742	Kuru üzüm, çekirdeksiz taze üzümünden müstahsal	Beher libresinden 1½ sent
757	Fındık: Kabuksuz	Beher libresinden 8 sent
761	Fıstık: Kabuklu	Beher libresinden 1¼ sent
	Kabuksuz	Beher libresinden 2¼ sent
762	Haşhaş tohumu	100 libresinden 16 sent
764	Kuşyemi	Beher libresinden ¼ sent
1116 (a)	Şark, Axminster, Savonnerie, Aubusson ve sair kilim, halı ve yol kilimleri, kuvvei muharrikeli tezgâhlarda yapılmamış, sade veya şekilli, ya ayrı ayrı kilim, halı ve yol kilimleri halinde ve yahut da herhangi bir genişlikte top halinde dokunmuş.	Beher ayak murabbaından 30 sent, fakat kıymeti üzerinden % 45den aşağı olmamak şartile.
1541 (a)	Ziller (musiki aleti) ve bunun aksamı, başka yerde tahsisen zikrolunmamış	Kıymeti üzerinden % 20
1552	Lüle taşı, ham veya işlenmemiş	Kıymeti üzerinden % 10
1602	Meyan kökü, tabii ve işlenmemiş ve ham bir halde, ufalama, öğütme, yontma, ezme veya matluba muvafık şekilde ambalajlamak veya imal olununcaya kadar çürümeye mani olmak hususunda lüzumlu olanlardan gayri diğer herhangi bir usul veya muamele ile kıymeti veya şeraiti tekemmül ettirilmemiş, ispirto ihtiva etmeyen	Muaf
1633	Boraks, ham veya işlenmemiş, ve borat döşo, borat döşud, ve diğer boratlar, ham veya işlenmemiş, başka yerde tahsisen zikrolunmamış	Muaf
1647	Kromit veya krom cevheri	Muaf
1670	Palamut, gerek ham ve gerek ufalama, öğütme, yontma, ezme veya sair mümasil usullerle kıymet veya şeraiti tekemmül ettirilmiş ispirto ihtiva etmeyen, başka yerde tahsisen zikrolunmamış	Muaf
1672	Zümpara cevheri	Muaf
1681	Kürk ve kürklük deriler, başka yerde tahsisen zikrolunmamış, terbiye edilmemiş; tavşan ve sansar	Muaf
1755	Sucukluk bağırsak, gırtlak, em'a, mesane, sinir ve zarlar, başka yerde zikredilmeyenler: koyun, kuzu ve keçilerden istihsal olunanlar	Muaf

ANKARA 1 Nisan 1939

BAY BÜYÜK ELÇİ,

Hükümetlerimiz arasında bugün imzalanan Ticaret Anlaşması hükümlerine atfen, müzakereler esnasında 9 uncu maddenin tatbiki bakımından varılan itilâfı aşağıdaki şekilde anlamakta olduğumu Ekselansınıza bildirmekle kesbi şeref eylerim.

1—Amerika Birleşik Devletlerinden Türkiye Cumhuriyeti arazisine 1 Kânunusani 1935 den 31 Kânunuevvel 1937 tarihine kadar olan, 9 uncu maddede mezkûr müddet zarfında vaki ticarî ithalâtın mecmu kıymeti Türkiye Cumhuriyetinin aynı devre zarfında bilûmum menabiden vaki ticarî ithalâtının mecmu kıymetinin % 10,91 i dir. Şurası mukarrerdir ki her sene disponibl olacak serbest döviz miktarının tayininde, bu yüzde nisbeti, Büyük Britanya ve Şimalî İrlanda Müttehit Kırallığı ile 27 Mayıs 1938 tarihinde imza edilmiş olan anlaşma ve esasları 1938 Teşrinievvelinde Ankara'da tesbit edilmiş olan Alman anlaşması ile derpiş edilmiş bulunan kredilerin istimali dolayısıyla aynı sene zarfında yapılan ticarî ithalât kıymeti yekûnunun o sene zarfında mezkûr kredi anlaşmaları ahkâmına tevfikan yapılan tediyatı aşan kısmı mevzuubahs sene zarfında Türkiye Cumhuriyeti arazisine bilûmum menabiden vaki ticarî ithalât mecmu kıymetinden düşürüldükten sonra bakiye kalacak meblâğa tatbik edilecektir. Bu tarh amelîyesinin yapılmasına karar verilmiş olmasının sebebi, Türkiye Cumhuriyetine vaki ticarî ithalâtın mecmu kıymetinin yukarıda mezkûr Hükümet kredileri yolu ile yapılacak ithalât dolayısıyla muvakkaten anormal derecede tezayüt edeceği keyfiyettir.

9 uncu maddede derpiş olunan disponibl serbest döviz miktarı Amerika Birleşik Devletlerinin hakimiyet veya sultanı altında bulunan bütün arazi menşeli ticarî ithalât tediyatına şamil olacaktır.

2—9 uncu madde mucibince her sene disponibl olacak yukarda mezkûr serbest döviz miktarı sözü edilen ticarî ithalâta müteallik tediyatın transferinde döviz taleplerinin yapıldığı tarih sırasına göre kullanılacaktır.

3—Türkiye Cumhuriyetinin esaslı serbest döviz gelirinin satışları mevsime tabi olan müstahsalât ihracatından mütevellit olmasına binaen Amerika Birleşik Devletleri menşeli ticarî ithalâta müteallik tediyatın transferi için serbest döviz disponibilitesi temininde muvakkat teahhürlerin önüne geçilemeyeceği tabiidir. Şurası mukarrerdir ki 9 uncu madde ahkâmı her bir takvim yılı zarfında mezkûr tediyat transferleri için serbest döviz disponibilitesi temini hususunda mevsim teahhürlerine mani teşkil etmeyecektir.

4—Türkiye Cumhuriyeti Hükümeti Türkiye Cumhuriyeti ticaretini gayri müsait şekilde tesiri altında bırakan gayri memul hâdisatın neticesi olarak serbest döviz noksanlığı dolayısıyla 9 uncu madde ile kabul olunan serbest döviz disponibilitelerini temin edecek vaziyette bulunmadığı takdirde Amerika Birleşik Devletleri Hükümeti ve Türkiye Cumhuriyeti Hükümeti her iki Hükümet için şayanı memnuniyet bir anlaşmaya varmak maksadile müzakerata girişeceklerdir.

5-Bu mektup bugün imzalanan ticaret anlaşmasının ayrılmaz bir parçasını teşkil eder.

İhtiramatı faikamın lütfen kabulünü rica ederim Bay Büyük Elçi.  
Ş. SARACOLU

Bay JOHN V. A. MAC MURRAY

*Türkiye Cumhuriyeti nezdinde*

*Birleşik Amerika Devletleri*

*Fevkalâde Büyük Elçisi ve Murahhası*

*Ankara*

WHEREAS the said Agreement was supplemented by an exchange of notes between the Ambassador of the United States of America at Ankara and the Minister for Foreign Affairs of the Turkish Republic, relating to the application of Article 9 of the Agreement, which notes are word for word as follows:

*Ante, p. 1875.*

ANKARA 1 Nisan 1939

“BAY BÜYÜK ELÇİ:

“Hükümetlerimiz arasında bugün imzalanan Ticaret Anlaşması hükümlerine atfen, müzakereler esnasında 9 uncu maddenin tatbiki bakımından varılan itilâfı aşağıdaki şekilde anlamakta olduğumu Ekselansınıza bildirmekle kesbi şeref eylerim:

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*Türkiye Cümhuriyeti nezdinde*

*Birleşik Amerika Devletleri*

*Fevkalâde Büyük Elçisi ve Murahhası"*

*Ankara*

ANKARA, April 1, 1939

"MR. MINISTER:

"I have the honor to acknowledge the receipt of your note of today's date containing a statement of your understanding of the agreement reached with respect to the application of Article 9 of the Trade Agreement signed this day, which is as follows:

*Ante, p. 1875.*

"1. The total value of the commercial imports from the United States of America into the territory of the Turkish Republic during the period from January 1, 1935 to December 31, 1937, mentioned in Article 9, is 10.91 percent of the total value of the commercial imports of the Turkish Republic from all sources during the same period. It is agreed that, in determining the amount of free foreign exchange which shall be made available each year, this percentage shall be applied to the total value of the commercial imports into the territory of the Turkish Republic from all sources during the year in question, after deducting from such total value the amount by which the value of commercial imports resulting, during the same year, from the utilization of the credits provided for in the Agreement with the United Kingdom of Great Britain and Northern Ireland, signed on May 27, 1938, and the Agreement with Germany, the principles of which were established in October, 1938, at Ankara, exceeds the payments made during that year in accordance with the provisions of the said credit

agreements. This deduction has been decided upon for the reason that the total value of commercial imports into the Turkish Republic will be temporarily increased to an abnormal extent by imports under the governmental credits mentioned above.

"The amount of available free foreign exchange envisaged in Article 9, shall be applied to payments for commercial imports originating in all the territories under the sovereignty or authority of the United States of America.

"2. The amount of free foreign exchange mentioned above which shall be made available each year under Article 9 shall be utilized for the transfer of payments for the said commercial imports in the chronological order in which requests for exchange are made.

"3. In view of the fact that the Turkish Republic derives its principal supply of free foreign exchange from the export of products, the sale of which has a seasonal character, it is understood that it may not be possible to avoid temporary delays in making available free foreign exchange for the transfer of payments for commercial imports originating in the United States of America. It is agreed that the provisions of Article 9 do not preclude seasonal delays in making available free foreign exchange for transfer of the said payments within any calendar year.

"4. If the Government of the Turkish Republic should not be in a position, through lack of free foreign exchange, as a result of unforeseen developments affecting adversely the commerce of the Turkish Republic, to make available the amount of free foreign exchange agreed upon in Article 9, the Government of the United States of America and the Government of the Turkish Republic shall enter into negotiations for the purpose of reaching an arrangement satisfactory to the two Governments.

"5. The present note constitutes an integral part of the Trade Agreement signed this day.

"I have the honor to confirm Your Excellency's understanding of the agreement thus reached.

"Accept, Mr. Minister, the assurances of my highest consideration.

JOHN V. A. MACMURRAY

"Mr. ŞÜKRÜ SARACOĞLU,  
*Minister of Foreign Affairs*  
*of the Turkish Republic*".

WHEREAS such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said Agreement, the two Schedules thereunto annexed and the said notes, are required and appropriate to carry out the said Agreement;

WHEREAS it is stipulated in Article 16 of the said Agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by the Grand National Assembly of Turkey, and that the Agreement shall come definitively into force on the day on which the Government of the United States of America shall have communicated officially to the Government of the Turkish Republic the proclamation of the President of the United States of America and the Government of the Turkish Republic, on its part, shall have informed the Government of the United States of America of the ratification of the Agreement by the Grand National Assembly of Turkey;

*Ante*, p. 1877.

WHEREAS it is also provided in Article 16 that the Agreement shall come provisionally into force on May 5, 1939;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said Agreement, including the said Schedules and notes, to the end that the same and every part thereof may be observed and fulfilled by the United States of America and the citizens thereof provisionally on and from May 5, 1939, and definitively on and from the day on which the Government of the United States of America shall have communicated this proclamation officially to the Government of the Turkish Republic and the Government of the Turkish Republic, on its part, shall have informed the Government of the United States of America of the ratification of the Agreement by the Grand National Assembly of Turkey as provided for in Article 16 of the Agreement.

Proclamation.

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351-1352.  
*Ante*, p. 107.

Pursuant to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have caused the Seal of the United States of America to be hereunto affixed.

DONE at the city of Washington this fifth day of April in the year of our Lord one thousand nine hundred and thirty-nine [SEAL] and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## [SUPPLEMENTARY PROCLAMATION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS, by my proclamation of April 5, 1939, I did make public the Trade Agreement, including two Schedules annexed thereto, which, pursuant to Section 350 (a) of the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending act was extended by Joint Resolution of Congress approved March 1, 1937 (50 Stat. 24), I entered into on April 1, 1939 with the President of the Turkish Republic, in order that the said agreement including the said Schedules and two Notes incorporated in the said proclamation should be observed and fulfilled with good faith by the United States of America and the citizens thereof provisionally on and from May 5, 1939 and definitively on and from the day on which the Government of the United States of America should have communicated my aforesaid proclamation officially to the Government of the Turkish Republic and the Government of the Turkish Republic on its part should have informed the Government of the United States of America of the ratification of the agreement by the Grand National Assembly of Turkey as provided for in Article 16 of the agreement;

AND WHEREAS, as provided for in Article 16 of the aforesaid trade agreement, the Government of the United States of America was officially notified by the Government of the Turkish Republic on September 9, 1939 of the ratification of the agreement by the Grand National Assembly of Turkey on June 20, 1939, and the proclamation of the said agreement by the President of the United States of America executed on April 5, 1939 was communicated officially to the Government of the Turkish Republic on November 20, 1939.

Now, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, supplementing my said proclamation of April 5, 1939 do hereby make known and proclaim that the said trade agreement, including the two schedules annexed thereto and the two notes aforesaid, came into force definitively on November 20, 1939; wherefore, I do hereby call upon the United States of America and all the citizens thereof to observe and fulfill the said agreement with good faith definitively on and from that date.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November, in the year of our Lord one thousand nine hundred and thirty-  
[SEAL] nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351-1352.  
*Ante*, p. 107.

*Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland respecting reciprocal trade. Signed at Washington November 17, 1938; proclaimed by the President of the United States November 25, 1938; effective provisionally, with the exception of article XI and Schedule III, as provided in article XXIV, on and after January 1, 1939; ratified by His Majesty in respect of the United Kingdom September 18, 1939; proclamation and ratification exchanged at London November 24, 1939; supplementary proclamation by the President of the United States December 6, 1939; entire agreement effective definitively December 24, 1939, as provided in article XXIII. And exchanges of notes.*

November 17, 1938  
[E. A. S. No. 164]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Preamble.

19 U. S. C. §§ 1351-1354; Supp. V, § 1352.  
Ante, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign

trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the United Kingdom of Great Britain and Northern Ireland, Newfoundland, and certain British non-selfgoverning Colonies, Protectorates and Protected States, are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland;

19 U. S. C. §§ 1351-1354; Supp. V, § 1352. *Acte*, p. 107.

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a foreign Trade Agreement on November 17, 1938, through my duly empowered Plenipotentiary, with His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of Great Britain and Northern Ireland, through his duly empowered Plenipotentiaries, which Agreement, including four Schedules annexed thereto, is in words and figures as follows:

Purposes declared.

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of Great Britain and Northern Ireland;

Desiring to grant reciprocal concessions and advantages in order to facilitate and extend mutual relations of trade and commerce;

Taking into account the absence of any restriction upon the settlement of commercial obligations arising out of such relations;

Have resolved to conclude a Trade Agreement and have appointed for this purpose as their Plenipotentiaries:

Plenipotentiaries.

The President of the United States of America:

Mr. Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India:

For Great Britain and Northern Ireland:

The Right Honorable Sir Ronald Charles Lindsay, G. C. M. G., K. C. B., C. V. O., his Ambassador Extraordinary and Plenipotentiary at Washington, and

Arnold Eidersheim Overton, Esquire, C. M. G., M. C., a Second Secretary in his Board of Trade;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows:

#### ARTICLE I

The territories to which this Agreement shall apply are, on the part of the United States of America, the continental territory of the United States of America and such of its territories and possessions as are included in its customs territory on the day of the signature of this Agreement; and, on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty the King), Great Britain and Northern Ireland, Newfoundland, the British non-self-governing Colonies, Protectorates and Protected States (except the High Commission Territories in South Africa, namely, Basutoland, Bechuanaland Protectorate and Swaziland, and excluding any territories in the region of the Persian Gulf) and the Mandated Territories of Palestine including Trans-Jordan, the Cameroons under British Mandate, Tanganyika Territory and Togoland under British Mandate. The provisions of this Agreement relating to most-favored-nation treatment shall apply, however, to all territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

Territories embraced.

#### ARTICLE II

1. Articles the growth, produce or manufacture of the territories of either High Contracting Party shall not be subjected, upon importation into the territories of the other, from whatever place arriving, to other or higher duties or charges of any kind or to any rules or formalities other or more burdensome than those to which the like articles the growth, produce or manufacture of any other foreign country are subject.

Most-favored-nation treatment.

2. Articles exported from the territories of either High Contracting Party to the territories of the other shall not be subjected to other or higher duties or charges of any kind or to any rules or formalities other or more burdensome than those to which the like articles exported to any other foreign country are subject.

3. Any advantage, favor, privilege or immunity which has been or may hereafter be granted in the territories of either High Contracting Party in respect of any article originating in or destined for any other foreign country in regard to customs duties and other

charges of any kind imposed on or in connection with importation or exportation, to the method of levying such duties or charges, to all matters concerning the rules, formalities and charges imposed in connection with importation or exportation, and to all laws or regulations affecting the sale or use of imported goods within those territories, shall be accorded immediately and unconditionally in respect of the like article originating in or destined for the territories of the other High Contracting Party.

### ARTICLE III

Internal taxes, etc.

Articles the growth, produce or manufacture of the territories of either High Contracting Party shall, after importation into the territories of the other, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on or in connection with like articles of domestic or any other origin, except as otherwise required by laws in force on the day of the signature of this Agreement and subject, in the case of the United States of America, to the constitutional limitations on the authority of the Federal Government.

### ARTICLE IV

Freedom of imports and exports.

1. No prohibition or restriction shall be imposed or maintained on the importation into the territories of either High Contracting Party of any article, from whatever place arriving, the growth, produce or manufacture of the territories of the other High Contracting Party, to which the importation of the like article the growth, produce or manufacture of any other foreign country is not similarly subject.

2. No prohibition or restriction shall be imposed or maintained on the exportation of any article from the territories of either High Contracting Party to the territories of the other, to which the exportation of the like article to any other foreign country is not similarly subject.

### ARTICLE V

Allocations when imports regulated.

If imports of any article into any of the territories of either High Contracting Party should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the territories of the other High Contracting Party shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the territories of that High Contracting Party in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which a territory of one of the High Contracting Parties is a relatively large supplier of any such article, the High Contracting Party imposing the regulation shall, whenever practicable, consult with the other High Contracting Party before the share to be allocated to such territory is determined. If the share allocated should, otherwise than from temporary and unavoidable causes, fail to be supplied, the High Contracting Party imposing the regulation may, after due consultation with the other, adjust the allocation to meet the new situation thus created.

### ARTICLE VI

"Most-favored-nation treatment" construed.

All the provisions of this Agreement providing for most-favored-nation treatment shall be interpreted as meaning that such treatment shall be accorded immediately and unconditionally, without request or compensation.

## ARTICLE VII

The provisions of this Agreement do not extend to favors which are or may hereafter be granted in the territories of either High Contracting Party

Provisions inapplicable to designated favors.

- (1) to facilitate frontier traffic with an adjoining country;
- (2) in virtue of a customs union which has already been, or may hereafter be, concluded with another country.

## ARTICLE VIII

1. If either High Contracting Party should establish a monopoly for the importation into or the production or sale in the territories of that High Contracting Party of a particular article, or should grant exclusive privileges to one or more agencies for any of these purposes, or if either High Contracting Party should take measures to enable such a monopoly to be established or such exclusive privileges to be granted, the commerce of the territories of the other High Contracting Party shall receive fair and equitable treatment in respect of the foreign purchases of such monopoly or agency. To this end such monopoly or agency will, in making its foreign purchases of any article, be influenced solely by considerations, such as those of price, quality, marketability and terms of sale, which would ordinarily be taken into account by a private commercial enterprise interested solely in purchasing on the most favorable terms.

Monopolies.

2. In awarding contracts for public works and in purchasing supplies, neither High Contracting Party shall discriminate against articles the growth, produce or manufacture of the territories of the other High Contracting Party in favor of those of any other foreign country.

Contracts for public works, etc.

## ARTICLE IX

1. Articles the growth, produce or manufacture of the United States of America specified in Schedule I annexed to this Agreement shall, on their importation into the United Kingdom of Great Britain and Northern Ireland, from whatever place arriving, be accorded the treatment provided for in the said Schedule.

Designated imports into United Kingdom. *Post*, p. 1907.

2. If, however, the Government of the United Kingdom is satisfied after inquiry (a) that any article the growth, produce or manufacture of the United States of America of the description specified in Schedule I is being imported and sold in the United Kingdom at less than the comparable price in the United States of America, due allowance being made for costs of transportation and other charges incidental to making delivery of the goods, or (b) that any such article imported into the United Kingdom is the subject of export bounties or subsidies in the United States of America, and that in consequence of the fulfilment of either of the foregoing conditions a trade or industry in the United Kingdom is or is likely to be injuriously affected; then, notwithstanding anything in paragraph 1 of this Article, the Government of the United Kingdom shall be at liberty, after consultation with the Government of the United States of America, in cases coming under (a) above, to take such measures as the two Governments may deem necessary and appropriate in order to act as an effective deterrent to the practice in question; and, in cases coming under (b) above, to impose such additional duties or charges on the article concerned as may be required to compensate for the bounty or subsidy.

Countervailing duties, etc.

3. Any measures taken under the preceding paragraph shall be withdrawn as soon as the circumstances which gave rise to their imposition have ceased to operate.

## ARTICLE X

Designated imports  
into Newfoundland.  
*Post*, p. 1919.

Countervailing duties,  
etc.

1. Articles the growth, produce or manufacture of the United States of America specified in Schedule II annexed to this Agreement shall, on their importation into Newfoundland, from whatever place arriving, be accorded the treatment provided for in the said Schedule.

2. If, however, the Government of Newfoundland is satisfied after inquiry (a) that any article the growth, produce or manufacture of the United States of America of the description specified in Schedule II is being imported and sold in Newfoundland at less than the comparable price in the United States of America, due allowance being made for costs of transportation and other charges incidental to making delivery of the goods, or (b) that any such article imported into Newfoundland is the subject of export bounties or subsidies in the United States of America, and that in consequence of the fulfilment of either of the foregoing conditions a trade or industry in Newfoundland is or is likely to be injuriously affected; then, notwithstanding anything in paragraph 1 of this Article, the Government of Newfoundland shall be at liberty, after consultation between the Government of the United Kingdom and the Government of the United States of America, in cases coming under (a) above, to take such measures as the Governments may deem necessary and appropriate in order to act as an effective deterrent to the practice in question; and, in cases coming under (b) above, to impose such additional duties or charges on the article concerned as may be required to compensate for the bounty or subsidy.

3. Any measures taken under the preceding paragraph shall be withdrawn as soon as the circumstances which gave rise to their imposition have ceased to operate.

## ARTICLE XI

Imports into designated British territories,  
etc.  
*Post*, p. 1924.

Articles the growth, produce or manufacture of the United States of America specified in Schedule III annexed to this Agreement shall, on their importation into the territories named in the said Schedule in respect of which they are specified, from whatever place arriving, be accorded the treatment provided for in the said Schedule.

## ARTICLE XII

Designated imports  
into U. S.  
*Post*, p. 1954.

Articles the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty the King, enumerated and described in Schedule IV annexed to this Agreement, shall, on their importation into the United States of America, from whatever place arriving, be exempt from ordinary customs duties other or higher than those set forth and provided for in the said Schedule IV, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions of any kind, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

## ARTICLE XIII

Schedules deemed  
integral part of Agreement.

The Schedules annexed to this Agreement, and the notes included in them, shall have force and effect as integral parts of the Agreement.

## ARTICLE XIV

The provisions of Article IX, Article X, Article XI and Article XII of this Agreement shall not prevent the imposition at any time on the importation of any article of a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been produced or manufactured in whole or in part.

Charge equivalent to internal tax.

## ARTICLE XV

1. No prohibition, restriction or any form of quantitative regulation, whether or not operated in connection with an agency of centralized control, shall be imposed or maintained in the United Kingdom or Newfoundland on the importation or sale of any article the growth, produce or manufacture of the United States of America specified in Schedules I or II, respectively; or in any territory named in Schedule III on the importation or sale of any such article specified in that Schedule in respect of such territory; or in the United States of America on the importation or sale of any article the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty the King, enumerated and described in Schedule IV, except as otherwise expressly provided in the said Schedules I, II, III or IV, as the case may be.

No quantitative regulation, etc.

*Post*, pp. 1907, 1919.

*Post*, p. 1924.

*Post*, p. 1954.

2. The foregoing provision shall not apply to quantitative regulations, in whatever form, which may hereafter be imposed by either High Contracting Party on the importation or sale of any article the growth, produce or manufacture of the territories of the other, in conjunction with governmental measures or measures under governmental authority

Exceptions.

(a) operating to regulate or control the production, market supply, quality or price of the like article of domestic growth, production or manufacture; or

(b) operating to increase the labor costs of production of the like article of domestic growth, production or manufacture;

Provided, however, that the High Contracting Party proposing to impose any such quantitative regulation is satisfied, in the case of measures described in subparagraph (a) of this paragraph, that such quantitative regulation is necessary to secure the effective operation of such measures, and, in the case of measures described in subparagraph (b), that such measures are causing the domestic production of the article concerned to be injuriously affected by imports which constitute an abnormal proportion of the total consumption of such article in relation to the proportion supplied in the past by foreign countries.

3. Whenever either High Contracting Party proposes to impose or to effect a substantial alteration in any quantitative regulation authorized by the preceding paragraph, that High Contracting Party shall give notice in writing to that effect to the other and shall, upon request, enter into consultation regarding the matter. If agreement is not reached within thirty days after the receipt of the notice the High Contracting Party giving such notice shall be free to impose or alter the regulation at any time, and the other High Contracting Party shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on giving thirty days' notice in writing to that effect.

Notice to other party of proposed change.

Right to terminate.

Not applicable to designated quantitative regulations.

4. The provisions of paragraph 1 of this Article shall not apply to quantitative regulations, in whatever form, imposed by either High Contracting Party on the importation or sale of any article the growth, produce or manufacture of the territories of the other High Contracting Party, in connection with a multilateral agreement, binding both High Contracting Parties, designed to regulate or control the international marketing of such article.

#### ARTICLE XVI

Prohibitions, etc., excluded.

1. The provisions of this Agreement shall not extend to prohibitions or restrictions

Sanitary, etc., measures.

(a) imposed for the protection of public health or on moral or humanitarian grounds;

(b) imposed for the protection of animals or plants, including measures for protection against disease, degeneration or extinction as well as measures taken against harmful seeds, plants and animals;

Obligations under certain international agreements.

(c) imposed by either High Contracting Party in pursuance of obligations under international agreements in force on the day of the signature of this Agreement by which that High Contracting Party is bound;

Gold or silver.

(d) relating to the importation or exportation of gold or silver;

Traffic in arms.

(e) relating to the control of the traffic in arms, ammunition or implements of war, and, in exceptional circumstances, all other military supplies;

Neutrality, etc.

(f) relating to neutrality or to public security;

Engagement in war, etc.

(g) imposed by either High Contracting Party should that Party be engaged in hostilities or war.

2. The provisions of Article XV shall not extend to prohibitions or restrictions

Prison-made goods.

(a) relating to prison-made goods;

Police or revenue laws.

(b) relating to the enforcement of police or revenue laws.

#### ARTICLE XVII

Ad valorem rates of duty, etc.

*Post*, pp. 1907, 1919.

In respect of articles the growth, produce or manufacture of the United States of America specified in Schedules I or II, imported into the United Kingdom or Newfoundland, respectively, and of articles the growth, produce or manufacture of any of the territories to which this Agreement applies on the part of His Majesty the King, enumerated and described in Schedule IV, imported into the United States of America, on which ad valorem rates of duty, or duties based upon or regulated in any manner by value, are or may be assessed, the general principles on which dutiable value is determined in each of the importing territories, on the day of the signature of this Agreement, shall not be altered to the detriment of importers.

*Post*, p. 1954.

#### ARTICLE XVIII

Where rate of exchange prejudicial.

If a wide variation should occur in the rate of exchange between the currencies of the United States of America and the United Kingdom, and if either High Contracting Party should consider the variation so substantial as to prejudice the industries or commerce of the territories of that High Contracting Party, such High Contracting Party shall be free to propose negotiations for the modification of this Agreement; and if agreement is not reached within thirty days after the receipt of such proposal, the High Contracting Party making the proposal shall be free to terminate the Agreement in its entirety on giving thirty days' notice in writing to that effect.

## ARTICLE XIX

Each High Contracting Party reserves the right to withdraw or to modify any concession granted in any territory of that High Contracting Party on any article enumerated and described, or specified, in any of the Schedules annexed to this Agreement, or to impose quantitative regulations on the importation of any such article into that territory if, as the result of the extension of such concession to other foreign countries, any such country obtains the major benefit of the concession, and if in consequence imports of the article concerned increase to such an extent as to threaten serious injury to producers in the territories of that High Contracting Party: Provided, That before any action authorized by this Article is taken, the High Contracting Party proposing to take such action shall give the other thirty days' notice thereof in writing and shall consult with that High Contracting Party concerning the proposed action.

Right to withdraw,  
etc., concessions.

Previous written  
notice to be given.

## ARTICLE XX

Should any measure be adopted in any territory of either High Contracting Party which, while not conflicting with the terms of this Agreement, appears to the other High Contracting Party to have the effect of nullifying or impairing any of the objects of the Agreement, the first High Contracting Party shall consider such representations and proposals as the other may make, with a view to effecting a mutually satisfactory adjustment of the matter.

Adjustments.

## ARTICLE XXI

Except as otherwise required by Article III of this Agreement or by any of the Schedules annexed hereto:

(a) Nothing in the Agreement shall entitle His Majesty the King to claim the benefit of any treatment, preference or privilege which may at any time be accorded exclusively by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba. The provisions of this subparagraph shall continue to apply in respect of any benefits now or hereafter accorded by the United States of America, its territories or possessions or the Panama Canal Zone to the Philippine Islands, irrespective of any change in the political status of the Philippine Islands.

(b) Nothing in the Agreement shall entitle the United States of America to claim the benefit of any treatment, preference or privilege which may at any time be in force exclusively between territories under the sovereignty of His Majesty the King or under His Majesty's protection or suzerainty; or of any special customs privileges which may be accorded in Palestine to articles the growth, produce or manufacture of any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Parties excluded  
from designated preferential  
treatment.

Trade of U. S., etc.

Trade of United  
Kingdom, etc.

## ARTICLE XXII

Nothing in this Agreement shall be deemed to affect the rights or obligations of either High Contracting Party under any treaty or other international instrument in force between them on the day of the signature of the Agreement.

Existing rights and  
obligations.

## ARTICLE XXIII

Agreement to be proclaimed, etc.

Entry into force.

This Agreement shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King. It shall enter definitively into force thirty days after the exchange of the instrument of ratification and a copy of the proclamation, which shall take place in London as soon as possible.

## ARTICLE XXIV

Provisional application of designated articles.

*Post*, p. 1924.

Pending the definitive coming into force of this Agreement as provided in Article XXIII, the provisions thereof other than those of Article XI and of Schedule III shall be applied provisionally on and after January 1, 1939, subject to a right to terminate the provisional application of the Agreement pursuant to the provisions of paragraph 3 of Article XV and of Article XVIII. The provisional application of Article XI and of Schedule III shall be effected as to the several provisions thereof as soon as may be possible.<sup>1</sup>

## ARTICLE XXV

Duration.

Subject to the provisions of paragraph 3 of Article XV and of Article XVIII, this Agreement shall remain in force until December 31, 1941, and, unless at least six months before December 31, 1941, either High Contracting Party shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed hereto their seals.

Done at the city of Washington, in duplicate, this seventeenth day of November, one thousand nine hundred and thirty-eight.

CORDELL HULL	[SEAL]
R. C. LINDSAY	[SEAL]
A. E. OVERTON.	[SEAL]

<sup>1</sup> [See footnotes to the respective territories included in Schedule III.]

## SCHEDULE I

## PART I

NOTE: Articles the growth, produce or manufacture of the United States of America specified in this Part shall not, on their importation into the United Kingdom, from whatever place arriving, be subject to duties or charges of any kind other or higher than those set out in this Part in respect of such articles except that where any of the articles specified in Section A, Part I, of this Schedule which are liable in whole or in part on the day of the signature of this Agreement to duties set forth in Part 5 or Part 6 of "Customs and Excise Tariff of the United Kingdom of Great Britain and Northern Ireland in operation on the 20th August, 1938", published by His Majesty's Stationery Office under the authority of the Commissioners of His Majesty's Customs and Excise, they shall continue to be subject to such duties at rates now in force or as subsequently changed by law.

SECTION A	
Article	Rate of Duty
Wheat in grain	Free
Maize in grain, other than flat white maize	Free
Rice, husked, including cargo rice and cleaned rice whole, but not including broken rice	¾d. per lb.
Oatmeal (including all cuts of oatmeal, oat groats, oat flour and feeding oatmeal or ground oats; but not including oat husks, oat dust or oat husk meal); rolled oats and flaked oats	5s. 0d. per cwt.
Maize starch	10 per cent. ad valorem
Linseed cake and linseed meal	10 per cent. ad valorem
Fish meal, other than herring meal	10 per cent. ad valorem
Crushed oyster shells	10 per cent. ad valorem
Hams, not preserved in airtight containers	Free
<p>NOTE: The quantity of United States hams permitted to be imported shall be the subject of consultation from time to time between the two Governments. The quantity shall not be less than 500,000 cwts. a year, nor more than the quantity which could, in the opinion of the United Kingdom Government, be accommodated on the United Kingdom market without causing instability in the prices of hams and/or bacon. The provisions of this Schedule in respect of both the duty and quota treatment of hams shall, after the expiration of three years, be subject to revision by the Government of the United Kingdom after consultation with the Government of the United States of America.</p>	
Pork, chilled or frozen	Free
<p>NOTE: The right is reserved to regulate quantitatively the imports of pork, chilled or frozen, into the United Kingdom.</p>	
Pigs' tongues, preserved in airtight containers	10 per cent. ad valorem
Pigs' heads, pigs' feet and pigs' offal, edible, not preserved in airtight containers	Free
Sausage casings, wholly of animal origin	10 per cent. ad valorem
Fresh or raw fruit:	
Apples	3s. 0d. per cwt. from 16th August to 15th April inclusive
Pears	3s. 0d. per cwt. from 1st August to 31st January inclusive

## SCHEDULE I—Continued

Article	Rate of Duty
Pecan nuts, shelled or unshelled	10 per cent. ad valorem
Fruit preserved by chemicals or artificial heat and fruit (other than fresh fruit) preserved by artificial cold; but not including fruit preserved in sugar:	
Grapefruit	Free
Dried apples, dried pears, dried peaches and dried nectarines	7s. 0d. per cwt. or 10 per cent. ad valorem, whichever is the greater
Apples, other than dried apples	3s. 6d. per cwt.
Ripe black olives in brine, imported in a container when the gross weight (including the weight of the container) does not exceed one cwt.	15 per cent. ad valorem
Fruit of the following descriptions, preserved in syrup:	
Apples	2s. 3d. per cwt.
Apricots	15 per cent. ad valorem
Cherries, stoned, with or without added flavouring matter	15 per cent. ad valorem
Fruit salad, viz., mixtures of fruit (but not including mixed fruit pulp) containing not less than four separate descriptions of fruit, in which each of at least four descriptions constitutes at least 8 per cent. and no one description represents more than 50 percent., by weight, of all the fruit in the mixture (excluding syrup)	5s. 6d. per cwt.
Grapefruit	Free
Loganberries	4s. 0d. per cwt.
Peaches	15 per cent. ad valorem
Pears	15 per cent. ad valorem
Pineapples	5s. 0d. per cwt.
Fruit juices of the following descriptions, sweetened or unsweetened, including such juices concentrated or preserved or flavoured:	
Grapefruit juice	Free
Orange juice, including such juice containing the detached cells of the fruit but excluding cut or pulped oranges containing the peel	Free
Prune juice	10 per cent. ad valorem
Pineapple juice	10 per cent. ad valorem
Citrus fruit pectin in powder form	10 per cent. ad valorem
Oysters in shell, of the variety <i>ostrea virginica</i>	15 per cent. ad valorem
Salmon, chilled or frozen	¼d. per lb.
Fish, preserved in airtight containers, the following:	
Salmon	10 per cent. ad valorem
Oysters	15 per cent. ad valorem
Pilchards, other than the fish commonly known as "sardines"	7s. 6d. per cwt. or 10 per cent. ad valorem, whichever is the greater
Prawns and shrimps	10 per cent. ad valorem
Honey	5s. 0d. per cwt.
Lard	Free
Oleomargarine, oleo oil and refined tallow, not including premier jus	10 per cent. ad valorem
A. B. gums	10 per cent. ad valorem
Vegetables of the following descriptions, preserved in airtight containers, but not including vegetables and pickles preserved in vinegar:	
Asparagus	10 per cent. ad valorem
Maize, including maize on cob (sweet corn)	10 per cent. ad valorem
Beans, with or without flavouring, but not including beans in pod	20 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Tomato juice, preserved in airtight containers	10 per cent. ad valorem
Boron minerals, crude, and concentrates of boracite and rasorite	Free
Hardwood, not further prepared than square sawn	10 per cent. ad valorem
Persimmon wood, hickory wood and cornel wood in logs, planks, square cut blocks or lengths, or blocks or lengths of rectangular cross section tapered by sawing on one or more sides, not further prepared or manufactured	Free
Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:	
Eleven inches or more in width throughout its length	16s. per standard*
Other:	
Valued at £18. 0s. 0d. or more per standard	16s. per standard
Valued at £17. 0s. 0d. or more per standard but less than £18. 0s. 0d. per standard	10 per cent. ad valorem less one per cent. ad valorem for each four shillings by which the value exceeds £16. 16s. 0d. per standard
<i>Provided that if the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in Paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, imports into the United Kingdom of wood and timber of coniferous species originating in the United States of America shall be accorded customs treatment as follows instead of that provided for above:—</i>	
Wood and timber of coniferous species, other than box-boards, railway sleepers and sleeper blocks, square sawn but not further prepared or manufactured:	
Nine inches or more in width throughout its length and 15 feet or more in length	Free
Other:	
Valued at £18. 0s. 0d. or more per standard	Free
Valued at £16. 4s. 0d. or more, but less than £18. 0s. 0d. per standard	10 per cent. ad valorem less one per cent. ad valorem for each four shillings by which the value exceeds £16. 0s. 0d. per standard
<i>Provided further that, whenever for a period of any four consecutive months the average value of the imports into the United Kingdom from all countries of sawn softwoods (exclusive of planed or dressed softwoods), as now shown in the monthly Trade Returns of the United Kingdom under that heading, either exceeds £14. 0s. 0d. per standard or is less than £10. 0s. 0d. per standard; then, after consultation</i>	

\*The standard referred to throughout this paragraph is the standard of 165 cubic feet.

## SCHEDULE I—Continued

Article	Rate of Duty
with the Government of the United States, each of the value limitations set forth in all of the above concessions relating to wood and timber of coniferous species may be increased in the one case by £1. 0s. 0d. per standard for each complete pound sterling by which such average value exceeds £13. 0s. 0d. per standard or may be decreased in the other case by £1. 0s. 0d. per standard for each complete pound sterling by which such average value is less than £11. 0s. 0d. per standard; but the value limitations set forth in the above concessions shall be restored as soon as possible after the conditions which gave rise to these modifications no longer exist.	
Asphalt and bitumen, natural	10 per cent. ad valorem
Sulphur	Free
Cotton, raw	Free
Cotton linters, unbleached	Free
Cotton waste, unmanufactured, that is to say, waste arising in any process up to and including spinning or in the doubling process or (not being a waste piece of tissue or of a like material) in the knitting or weaving or ancillary finishing processes, which has not been subjected to any process after becoming waste	Free
Rosin (colophony)	Free
Furskins, of the following descriptions, raw, dried, salted or pickled, but not further treated:	
Muskrat ( <i>Ondatra</i> )	Free
Fox:	
Silver ( <i>Vulpes</i> )	Free
Cross ( <i>Vulpes</i> )	Free
Red ( <i>Vulpes</i> )	Free
Gray ( <i>Urocyon</i> )	Free
Arctic ( <i>Alopex</i> )	Free
Raccoon ( <i>Procyon</i> )	Free
Skunk ( <i>Mephitis</i> )	Free
Civet cat ( <i>Spilogale</i> )	Free
Opossum ( <i>Didelphis</i> )	Free
Mink ( <i>Mustela</i> )	Free
Otter ( <i>Lutra</i> )	Free
Sea Otter ( <i>Enhydra</i> )	Free
Seeds, of the following kinds:	
Meadow fescue ( <i>Festuca pratensis</i> )	10 per cent. ad valorem
Smooth stalked meadow grass ( <i>Poa pratensis</i> )	10 per cent. ad valorem
<i>Agrostis</i> , variety <i>alba</i>	10 per cent. ad valorem
Timothy ( <i>Phleum pratense</i> )	10 per cent. ad valorem
Shells (other than mother of pearl, trochus and other hard shells, including fresh water shells, possessing the characteristic nacre of pearl shell), not in any way prepared or worked	10 per cent. ad valorem
Iron and steel bolts, whether threaded or not, bolt ends, set screws and screw studs, and other screws for metal, and nuts, whether tapped or not (including washers assembled with any of those articles):	
(a) Not exceeding $\frac{1}{2}$ inch in maximum thread diameter and of a value exceeding £16.0s.0d. per cwt.	15 per cent. ad valorem
(b) Exceeding $\frac{1}{2}$ inch but not exceeding $1\frac{1}{2}$ inch in maximum thread diameter and of a value exceeding £10.0s.0d. per cwt.	15 per cent. ad valorem
(c) Exceeding $1\frac{1}{2}$ inch but not exceeding $\frac{3}{16}$ inch in maximum thread diameter and of a value exceeding £6.5s.0d. per cwt.	15 per cent. ad valorem
(d) Exceeding $\frac{3}{16}$ inch in maximum thread diameter and of a value exceeding £5.0s.0d. per cwt.	15 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Furniture made wholly or mainly of metal (including aseptic hospital furniture), the following:	
Tables	15 per cent. ad valorem
Stands, desks and counters	15 per cent. ad valorem
Chairs (other than pedestal chairs with reclining movement), stools and seats	15 per cent. ad valorem
Bookcases and bookshelves	15 per cent. ad valorem
Cash and deed boxes	15 per cent. ad valorem
Drawers and cupboards	15 per cent. ad valorem
Shelving	15 per cent. ad valorem
Storage bins and storage racks	15 per cent. ad valorem
Office letter racks and letter trays	15 per cent. ad valorem
Lockers	15 per cent. ad valorem
Safes and cabinets, including filing cabinets, made wholly or mainly of metal	15 per cent. ad valorem
Tools, the following:	
Saws (other than power-driven saws and surgical saws) of a value of 3s. 9d. or more each	15 per cent. ad valorem or 9d. each, whichever is the greater
Files and rasps of which the serrated part exceeds 6 inches in length, but not including nail files	15 per cent. ad valorem
Broaches	20 per cent. ad valorem
Wrenches and spanners, excluding chain pipe wrenches and adjustable pipe wrenches having one fixed jaw, one movable jaw, and one or more springs, but including other pipe wrenches and tap wrenches	15 per cent. ad valorem
Braces, not including breast drills and hand drills	15 per cent. ad valorem
Vices of all kinds	15 per cent. ad valorem
Screw plates	15 per cent. ad valorem
Threading dies and taps	15 per cent. ad valorem
Pipe cutters	15 per cent. ad valorem
Non-portable lifting jacks	15 per cent. ad valorem
Tyre levers and other appliances for fitting tyres	15 per cent. ad valorem
Medical and surgical appliances (other than articles manufactured wholly or mainly of wire), the following:	
Arch supporters for feet	20 per cent. ad valorem
Artificial limbs	20 per cent. ad valorem
Crutches	20 per cent. ad valorem
Fracture appliances in the form of splints and similar supports	20 per cent. ad valorem
Trusses	20 per cent. ad valorem
Artificial teeth, crowns and facings (excluding teeth, crowns and facings for specimen purposes mounted on metal strips or having a number indelibly impressed or embossed on the front thereof):	
(a) Wholly or partly of metal	10s. 0d. per hundred or 20 per cent. ad valorem, whichever is the greater
(b) All others	2s. 0d. per hundred or 20 per cent. ad valorem, whichever is the greater
Dental instruments and appliances, the following:	
Amalgam instruments, of a value exceeding 1s. 6d. each	20 per cent. ad valorem
Brushes, bristle, mounted on mandrel, of a value exceeding 1½d. each	20 per cent. ad valorem
Burnishers, of a value exceeding 1s. 0d. each	20 per cent. ad valorem
Burs, of a value exceeding 9d. per dozen	20 per cent. ad valorem
Carvers, of a value exceeding 1s. 5d. each	20 per cent. ad valorem
Elevators, of a value exceeding 4s. 3d. each	20 per cent. ad valorem
Engines, electric, dental, of a value exceeding £18. 0s. 0d. each	20 per cent. ad valorem
Excavators, of a value exceeding 1s. 0d. each	20 per cent. ad valorem
Files, of a value exceeding 1s. 2d. each	20 per cent. ad valorem
Forceps, of a value exceeding 9s. 0d. each	20 per cent. ad valorem
Gags, mouth, of a value exceeding 1s. 3d. each	20 per cent. ad valorem
Mirrors, mouth, of a value exceeding 6d. each	20 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Dental instruments and appliances—Continued.	
Plastic filling instruments, of a value exceeding 1s. 5d. each	20 per cent. ad valorem
Pluggers, of a value exceeding 1s. 2d. each	20 per cent. ad valorem
Probes and explorers, of a value exceeding 1s. 0d. each	20 per cent. ad valorem
Pyorrhoea instruments, of a value exceeding 1s. 3d. each	20 per cent. ad valorem
Scalers and prophylactic instruments, of a value exceeding 1s. 6d. each	20 per cent. ad valorem
Spittons, of a value exceeding £8. 0s. 0d. each	20 per cent. ad valorem
Spotlights, electric, complete with attachment for fitting to pedestals or units, of a value exceeding £3.0s.0d. each	20 per cent. ad valorem
Stoppers, of a value exceeding 1s.9d. each	20 per cent. ad valorem
Trimmers, of a value exceeding 9d. each	20 per cent. ad valorem
Dental plate fixative powder	10 per cent. ad valorem
Sound amplification apparatus (other than hearing aid appliances designed for the use of the deaf), the following:	
Amplifiers	25 per cent. ad valorem
Loud speakers	25 per cent. ad valorem
Dictating machines, i. e. machines of the types used for recording dictated correspondence; and reproducing machines and record shaving machines adapted for use in connection therewith	10 per cent. ad valorem
Accumulators (electric storage batteries)	15 per cent. ad valorem
Electrical cooking apparatus (including industrial electrical cooking apparatus) and heating elements therefor	15 per cent. ad valorem
Electrical heating apparatus (including industrial electrical heating apparatus) and heating elements therefor	15 per cent. ad valorem
Electrically operated machines of the types used for domestic and household purposes, the following:	
Food mixers	15 per cent. ad valorem
Dish washers	15 per cent. ad valorem
Drink mixers	15 per cent. ad valorem
Fruit juice extractors	15 per cent. ad valorem
Electrically operated machines, the following:	
Hair clippers	15 per cent. ad valorem
Dry shavers	15 per cent. ad valorem
Agricultural tractors:	
Tracklaying tractors of a type suitable for hauling or pushing implements, with or without separate power take-off, but not including machines specially adapted for other purposes, in which the track is ancillary	25 per cent. ad valorem
Other than tracklaying tractors	15 per cent. ad valorem
Air and gas compressors and exhausters	20 per cent. ad valorem
Injectors for boilers	20 per cent. ad valorem
Cash registers, with or without one or more cash drawers, with or without accumulating registers (totalizers) and with or without tape recording, printing and ticket issuing devices	15 per cent. ad valorem
Dairy machinery, other than cream separators, the following:	
Milking machines	15 per cent. ad valorem
Other kinds	20 per cent. ad valorem
Automatic multi-head glass bottle making machines	15 per cent. ad valorem
Automatic multi-head machines of the types used for:	
(a) Making glass stems for electric lamps	15 per cent. ad valorem
(b) Exhausting electric lamps and valves	15 per cent. ad valorem
Dry cleaning and laundering machines (other than hand operated machines of the types used for domestic purposes), the following:	
Cleaners and washers	15 per cent. ad valorem
Driers	15 per cent. ad valorem
Wringers	15 per cent. ad valorem
Ironing machines	15 per cent. ad valorem
and any combination thereof.	15 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Office machinery of the following kinds, other than machines operated in conjunction with punched cards:	
Accounting machines	15 per cent. ad valorem
Calculating machines	15 per cent. ad valorem
Adding machines	15 per cent. ad valorem
Listing machines	15 per cent. ad valorem
Bookkeeping machines	15 per cent. ad valorem
Billing machines	15 per cent. ad valorem
Posting machines	15 per cent. ad valorem
and any combination thereof, including typewriters incorporated in these machines.	
Typewriters, with or without cases (not including electric typewriters, accounting, adding, listing, book-keeping or billing machines or typewriters incorporated therein), of a weight exceeding 22 pounds and of a value exceeding £6. 0s. 0d. per machine	£3. 10s. 0d. per machine
Other office machinery of the following kinds:	
Addressing machines	15 per cent. ad valorem
Letter opening machines	15 per cent. ad valorem
Letter sealing machines	15 per cent. ad valorem
Machines, other than typewriters, of a type specially adapted for the mechanical writing of cheques	15 per cent. ad valorem
Stamp affixing machines	15 per cent. ad valorem
Machines of the types used for the automatic production of typewritten correspondence, with or without motors, but not including typewriters used in connexion therewith	15 per cent. ad valorem
Coin sorting, counting and wrapping machines	15 per cent. ad valorem
Perforating machines	15 per cent. ad valorem
Postage franking machines	15 per cent. ad valorem
Packing and labelling machines, the following:	
Cappers, sealers (excluding carton sealing machines) and closers	15 per cent. ad valorem
Carton and bread wrappers (but not including bread slicers)	20 per cent. ad valorem
Labelling machines	20 per cent. ad valorem
Can casing machines	20 per cent. ad valorem
Filling machines with weighing devices	20 per cent. ad valorem
Paper making and board making machines	20 per cent. ad valorem
Portable electric or pneumatic tools	20 per cent. ad valorem
Marine outboard motors	20 per cent. ad valorem
Typesetting machines	15 per cent. ad valorem
Rotary newspaper printing machines, that is to say, rotary printing machines designed for the printing of newspapers and the like from reels of paper, and equipped with cutting and folding mechanism	15 per cent. ad valorem
Automatic cardboard box and carton forming and lining machines	20 per cent. ad valorem
Pumps of the types used for the delivery of petrol and oil at garages and filling stations	15 per cent. ad valorem
Electrically operated refrigerators, having a storage capacity not exceeding 12 cubic feet, and complete mechanical units for such refrigerators	15 per cent. ad valorem
Air conditioning machines, self-contained, comprising elements for cooling, control of humidity, cleaning and circulating of air	15 per cent. ad valorem
Sewing machine heads, being, in the case of hand sewing machines, machines without stands or separable cabinet work and, in the case of treadle or power operated machines, machines without stands or separable cabinet work and without equipment for providing motive power	15 per cent. ad valorem
Textile machinery of the following kinds:	
Warp tying machines	15 per cent. ad valorem
Warp drawing machines	15 per cent. ad valorem
Circular knitting machines	20 per cent. ad valorem
Vacuum cleaners, electrically operated	15 per cent. ad valorem
Machinery belting of leather over $\frac{1}{8}$ inch thick and not more than 24 inches wide, of a value not less than £30. 0s. 0d. per cwt.	10 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Machinery belting of rubber (including balata and gutta percha) and canvas, of a value not less than £12. 10s. 0d. per cwt.	10 per cent. ad valorem
Hardwood flooring blocks or strips, planed and tongued and grooved or planed and otherwise manufactured	17½ per cent. ad valorem
Hardwood parquet flooring in sections composed of blocks or strips glued or otherwise joined together	17½ per cent. ad valorem
Tool handles of wood, the following:	
Fork, shovel and spade handles, of the box or "D" type, whether riveted or not	Free
Other tool handles	15 per cent. ad valorem
Plywood, faced with softwood	10 per cent. ad valorem
Articles, manufactured wholly or partly of wood, the following:	
Doors of a height and width not less than 6 feet and 2 feet respectively	1s. 6d. each or 20 per cent. ad valorem, whichever is the greater
Oak staves not further prepared than sawn (whether cylindrically or otherwise)	10 per cent. ad valorem
Other oak staves	20 per cent. ad valorem
Oak sections of cask heads not dowel-hoied or pegged and cask heads consisting of a single circular sheet of oak	10 per cent. ad valorem
Cask heads of oak, other than those consisting of a single circular sheet	20 per cent. ad valorem
Cask hoops, including hoopwood in strips, notched or otherwise jointed at the ends	20 per cent. ad valorem
Hoopwood in the form of strips of rough wood, whether straight or coiled, but not including strips notched or otherwise jointed at the ends	10 per cent. ad valorem
Wooden bungs and shives	20 per cent. ad valorem
Wooden boot last blocks roughly shaped by sawing or turning, but not further manufactured	10 per cent. ad valorem
Other wooden boot and shoe lasts, stretchers and trees	20 per cent. ad valorem
Wooden golf club head blocks roughly shaped by sawing, but not further manufactured	10 per cent. ad valorem
Wooden gun, carbine, and rifle stock blocks, roughly shaped by sawing, and such blocks planed or polished, but not further manufactured	10 per cent. ad valorem
Pencil slats of wood	10 per cent. ad valorem
Women's and girls' outer garments being costumes, dresses, coats and skirts made entirely of woven fabrics, consisting wholly of cotton, and of a value exceeding 4s. 0d. per garment, excluding articles which consist wholly or partly of lace or lace net or material resembling these, or which at any stage of manufacture have been subjected, as to the whole or a part thereof, to a process of embroidery by hand or machine needlework, stiletto work, borer work, cut work or drawn thread work, or to a process producing a similar effect	20 per cent. ad valorem
Women's and girls' footwear, the following:	
Boots, bootees, shoes, overshoes, slippers and sandals of all descriptions, of a value exceeding 10s. 0d. a pair (but not including articles made wholly or partly of rubber, balata or gutta percha, except where the outer part of the uppers, apart from stitchings, fastenings or ornaments, is made entirely of leather or leather and elastic)	2s. 0d. per pair or 15 per cent. ad valorem, whichever is the greater
Paraffin wax	10 per cent. ad valorem
Boric acid (refined)	20 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Borax (refined)	20 per cent. ad valorem
Sodium chromate	10 per cent. ad valorem
Sodium bi-chromate	8s. 0d. per cwt.
Chestnut extract	10 per cent. ad valorem
Carbon black from natural gas	10 per cent. ad valorem
Oil varnishes containing one or more of each of the following ingredients, viz., resins, drying oils, thinners and driers, but not including cellulose ester varnishes and preparations containing pigments	15 per cent. ad valorem
Petroleum jelly not containing any other substance	10 per cent. ad valorem
Soft soap	15 per cent. ad valorem
Hard soap, other than abrasive soap and toilet soap	15 per cent. ad valorem
Shaving soap and cream and brushless shaving cream	15 per cent. ad valorem
Hide leather, undressed, the following:	
Bellies and shoulders for soles	10 per cent. ad valorem
Hides and skins, undressed, the following:	
Pickled splits other than grain splits	10 per cent. ad valorem
Reptile leather, undressed, of the following descriptions:	
Snake, lizard, crocodile and alligator skins, not shaped	10 per cent. ad valorem
Leather, dressed, the following:	
Waxed splits, not chrome tanned or shaped, other than grain splits	15 per cent. ad valorem
Reptile leather, dressed, of the following descriptions:	
Snake, lizard, crocodile and alligator skins, not shaped or subjected to any process other than dressing or dressing and colouring	15 per cent. ad valorem
Glacé kid, being chrome tanned goatskin of smooth, polished finish, not shaped	10 per cent. ad valorem
Scrap or waste of chrome tanned calf, kip or hide leather, being leather of a kind not used in the uppers of boots and shoes	15 per cent. ad valorem
Dressed pigskin, peccary and carpincho leather, not shaped	15 per cent. ad valorem
Women's handbags and pochettes, whether fitted or not, made wholly or partly of leather or material resembling leather, without key locks, of which neither the length nor the width, exclusive of the handle, exceeds 12 inches, and of a value exceeding 4s. 0d. each	1s. 0d. each or 20 per cent. ad valorem, whichever is the greater
Paper manufactures, the following:	
Paper dress patterns, including the paper envelopes in which they are enclosed	15 per cent. ad valorem
Vulcanized fibre in reels, coils, sheets, strips, rods or tubes, not further manufactured	16½ per cent. ad valorem
Face and hand towels, made wholly of paper, of a weight when fully extended equivalent to not less than 10 pounds to the ream of 480 sheets of double crown measuring 20 inches by 30 inches	16½ per cent. ad valorem
Serviettes and handkerchiefs, not printed, of a superficial area not exceeding 400 square inches, made wholly of paper, of a weight when fully extended equivalent to not less than 7 pounds to the ream of 480 sheets of double crown measuring 20 inches by 30 inches	16½ per cent. ad valorem
Motor cars and chassis for motor cars (complete with engines) of 25 horse power and upwards, calculated in accordance with the Road Vehicles (Registration and Licensing) Regulations, 1924	33½ per cent. ad valorem
Sheets or sheeting wholly of rubber imported as such	10 per cent. ad valorem
Tubing and piping, wholly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, of a value exceeding 2s. 0d. per pound	10 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Tubing and piping, wholly or partly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, reinforced or armoured throughout its length with metal wire or strip	10 per cent. ad valorem
Tubing and piping (not including, when imported as such, articles comprised in the two items immediately preceding), manufactured partly of rubber (including compounded rubber, vulcanite and ebonite), balata or gutta percha, with or without nozzles or other fittings attached thereto	1½d. per lb. or 15 per cent. ad valorem, whichever is the greater
Material consisting of rubber sheeting with a textile backing, not made up	20 per cent. ad valorem
Celluloid (cellulose nitrate) film base, not sensitized, and celluloid scrap and waste	10 per cent. ad valorem
Felt base floor covering, being floor covering of which the base is bitumenised paper or other bitumenised felted material	15 per cent. ad valorem
Oil baize and other oilcloth (including oilskin) and leather cloth, not made up, being fabrics with a cotton base, but excluding fabrics consisting only of cotton and rubber	2d. per lb. or 15 per cent. ad valorem, whichever is the greater
Hair, being hair of the tails or manes of horses, asses, mules and bovine animals, and hair of pigs, hogs and boars, dressed and/or dyed, but not further processed or manufactured	10 per cent. ad valorem
Complete pipe organs and complete reed organs, not including organs with electrical amplification	25 per cent. ad valorem
Gramophones with electrical amplification, including radio-gramophones	25 per cent. ad valorem
Gramophone records for reproducing music	25 per cent. ad valorem
Toilet preparations of the following descriptions (excluding bath salts and essences, prepared fullers earth and soap):	
Tooth paste or powder and liquid preparations for dental purposes and mouth washes	20 per cent. ad valorem
Toilet paste or powder	20 per cent. ad valorem
Toilet cream	20 per cent. ad valorem
Lipstick, rouge and greasepaint	20 per cent. ad valorem
Hair dyes	20 per cent. ad valorem
Preparations for use in manœuvre or chiropody	20 per cent. ad valorem
Other preparations for use on the hair, face or body	20 per cent. ad valorem
Printers' ink	17½ per cent. ad valorem
Appliances, apparatus, accessories and requisites for sports, games, gymnastics or athletics, the following:	
Coin or disc operated machines and parts thereof	20 per cent. ad valorem
Fishing tackle, the following:	
Rods wholly or mainly of iron or steel	15 per cent. ad valorem
Reels, of a value of not less than 8s. 0d. each	15 per cent. ad valorem
Golf clubs, of a value exceeding 12s. 6d. each	20 per cent. ad valorem
Golf club shafts, of a value exceeding 4s. 6d. each	20 per cent. ad valorem
Golf tees of wood	20 per cent. ad valorem
Golf club bags	20 per cent. ad valorem
Oars and paddles for rowing boats and canoes	20 per cent. ad valorem
Stationery, the following:	
Drawing ink	17½ per cent. ad valorem
Paste and mucilage in small containers	15 per cent. ad valorem
Rubber bands	15 per cent. ad valorem
Rubber erasers, of a value exceeding 1s. 8d. per pound	15 per cent. ad valorem
Parts for files	20 per cent. ad valorem
List binders	20 per cent. ad valorem
Indexers	20 per cent. ad valorem

## SCHEDULE I—Continued

Article	Rate of Duty
Stationery, the following—Continued	
Paper clips wholly of wire, of a value exceeding 4½d. per pound	1½d. per lb. or 20 per cent. ad valorem, whichever is the greater
Pen nibs	20 per cent. ad valorem

## SECTION B

Article	Rate of Duty
Veal offals, edible, not preserved in airtight containers	20 per cent. ad valorem
NOTE: The right to regulate quantitatively the imports of veal offals into the United Kingdom is reserved.	
Dried prunes and dried apricots	10s. 6d. per cwt.
Raisins	10s. 6d. per cwt.
Corsets and similar body supporting undergarments and brassieres, excluding articles which consist wholly or partly of lace or lace net or material resembling these, or which at any stage of manufacture have been subjected, as to the whole or a part thereof, to a process of embroidery by hand or machine needle work, stiletto work, borer work, cut work or drawn thread work, or to a process producing a similar effect:	
(a) Where the value of the silk or artificial silk component or the aggregate of the values of all such components, as the case may be, exceeds 5 per cent. but does not exceed 20 per cent. of the aggregate of the values of all the components of the article	Where any component is silk 4s. 0d. per lb. or 25 per cent. ad valorem, whichever is the greater
	Where no component is silk 1s. 8d. per lb. or 25 per cent. ad valorem, whichever is the greater
(b) Where the value of the silk or artificial silk component or the aggregate of the values of all such components, as the case may be, does not exceed 5 per cent. of the aggregate of the values of all the components of the article	9d. per lb. or 20 per cent. ad valorem, whichever is the greater
	4d. per lb. or 20 per cent. ad valorem, whichever is the greater
(c) Where no silk or artificial silk is present	20 per cent. ad valorem
Stockings and socks made wholly of silk, or containing silk components the value whereof exceeds 20 per cent. of the aggregate of the values of all the components thereof	12s. 0d. per lb. or 43½ per cent. ad valorem, whichever is the greater, provided that in no case shall the duty exceed 10s. 0d. per dozen pairs
Patent leather, not shaped	7½ per cent. ad valorem

NOTE: This rate of duty will not become operative until a suitable opportunity for legislation arises; but it will be given effect not later than 1st August, 1939.

## SCHEDULE I—Continued

## PART II

## Article

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Added sugar contained in articles specified in Part I, Section A, of this Schedule

NOTE: As regards the sugar content of any such articles the preferential duty margins allowed in the United Kingdom in respect of the sugar content of similar British Empire articles shall be stabilised as long as the main preferential duty margins in respect of sugar imported as such remain stabilised. If such margins in respect of sugar imported as such are changed, the preferential duty margins in respect of the sugar content of any of the articles specified in Part I, Section A, of this Schedule shall be changed correspondingly.

Similarly, the rates of duty on the sugar content of any article specified in Part I, Section A, of this Schedule shall remain unchanged as long as the main rates of duty on sugar imported as such remain unchanged. If such rates of duty on sugar imported as such are changed, the rates of duty on the sugar content of any article specified in Part I, Section A, of this Schedule shall be changed correspondingly.

Tobacco, unmanufactured

NOTE: In the course of the discussions leading to the Agreement signed this day, the United States Government have asked for a reduction in the preference accorded in the United Kingdom to Empire tobacco. The Government of the United Kingdom have recognised that this request is one to which the United States Government have attached much importance but they have been prevented from entertaining it by the existence of Agreements with several Governments within the British Empire which guarantee continuance of the present margin of preference until August, 1942. The Government of the United Kingdom will be prepared before decisions are taken as to the level of the preference after August, 1942, to examine the position as it then stands and the possibility of reducing the margin of preference. Meanwhile it will not be increased.

## SCHEDULE II

NOTE: Articles the growth, produce or manufacture of the United States of America specified in this Schedule shall not, on their importation into Newfoundland, from whatever place arriving, be subject to duties or charges of any kind other or higher than those specified in the third column; nor shall the said articles be subject to duties or charges of any kind which exceed the duties or charges applicable to like articles the growth, produce or manufacture of any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection by more than the margin of preference indicated in the fourth column.

The provisions of the foregoing paragraph shall not apply to those rates of duty or margins of preference marked with an asterisk. In respect of these items it is recognised that the equilibrium of the Agreement would be disturbed if the rates of duty or margins of preference so marked were increased above the rates or margins shown. In such a case it is agreed that the Government of the United Kingdom would, after consultation with the Government of Newfoundland, enter into discussions with the Government of the United States, not less than thirty days before the date on which such increased rate of duty or margin of preference becomes effective, with a view to restoring the equilibrium of the Agreement. It is further agreed that the Government of the United Kingdom would adopt the same procedure if a preference were accorded on any article specified in this Schedule to any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection which does not enjoy such a preference on the day of the signature of this Agreement.

The provisions of this Schedule shall be interpreted as though they had been included in the Newfoundland tariff law in force on the day of the signature of this Agreement by an amendment to that law.

Newfound-land Tariff Item No.	Class or Description of Goods	Rate of Duty	Margin of Preference
15	Wheat meal and flour	Free	—
38	Beef, salted, in barrels	\$1.55 per brl.	Nil*
39	Pork, salted, including heads, jowls, tongues, etc., in barrels or half-barrels	\$1.55 per brl.	Nil*
41	Hams and tongues, dry salted or pickled	\$0.03 per lb.	Nil*
76	Fruit—raw: Apples	—	Nil
ex 77	Fruit—raw: Oranges, melons, pumpkins, lemons, limes, grapes, grapefruit, peaches, pears, plums, apricots, cherries, gooseberries, currants, strawberries, pineapples, pomegranates, guava, shaddocks, mangoes and similar green fruits	Free	—
ex 78	Dried fruits (other than dates); currants and dried raisins, N. E. S.	\$0.02 per lb.	Nil*
79	Prunes, figs and fig-cake	Free	—
ex 80	Natural-dried sultana type raisins, otherwise known as Natural Thompson's Seedless Raisins, in bulk or in package	Free	—
93	Lard, lard compound and similar substances, cottolene and stearine of all kinds, N. E. S.	30 per cent. ad valorem	Nil*

## SCHEDULE II—Continued

Newfound- land Tariff Item No.	Class or Description of Goods	Rate of Duty	Margin of Preference
94	Milk and cream, preserved, sterilized or condensed, and milk powders, including the weight of immediate coverings	—	Nil
161	Tobacco, manufactured, for pipe smoking only	—	Nil
162	Tobacco, manufactured, commonly used in making cigarettes or for both pipe and cigarette smoking	—	Nil
164	Cigarettes, manufactured	—	Nil
249	Felt, for pulp and paper machines	Free	—
353	Axes, saws of all kinds, N. E. S.; adzes, cleavers, hatchets, hammers and tools of all kinds, edged or not, for hand use, N. E. S., including bench machines, wedges, sledges, crow-bars, cant-dogs, track tools, picks and eyes, wrenches and pliers of all kinds; shovels and spades of iron and steel or other metals; wooden shovels, tool and implement handles of all kinds, N. E. S.	—	10 per cent. ad valorem
354	Anvils, vices, files and rasps, rules of all kinds, N. E. S.; mallets and gauges, smiths' bellows, horse shoes, diamonds for glaziers' use, glass cutters and emery	—	10 per cent. ad valorem
358	Builders', cabinet makers', upholsterers' and trunkmakers' hardware, including furniture springs, hinges and locks, N. E. S.; screws, commonly called wood screws, of iron, steel, brass or other metal (plated or not) and machine and other screws, N. E. S.; coal boxes and coal scoops, buckets and slop pails; traps of iron or other metal, including rat and mouse traps, wholly or partially made of wood	—	10 per cent. ad valorem
ex 369	Cinematograph apparatus and cameras of all kinds and parts therefor	45 per cent. ad valorem*	Nil
381	Electric motors and generators, N. E. S., switchboards and accessories therefor, transformers and accessories therefor, condensers, capacitors, converters, oil circuit breakers, voltage and induction regulators, lightning arresters, auto starters and commutators, motor control apparatus, domestic lighting sets	—	10 per cent. ad valorem
382	Electric wires and cables (insulated), insulators, electric lamps including bulbs and shades, meters, wiring devices such as switches, sockets, porcelain knobs and tubes; telephone and telegraph instruments, and parts thereof not capable of other use; magnetos and spark plugs	—	10 per cent. ad valorem
383	Radio receivers and transmitters and parts thereof not capable of other use	30 per cent. ad valorem*	Nil

## SCHEDULE II—Continued

Newfound- land Tariff Item No.	Class or Description of Goods	Rate of Duty	Margin of Preference
385	Electric batteries of all kinds, including storage batteries, dry cell batteries (single and multiple cell), flashlight batteries, galvanic batteries, primary and secondary batteries, N. E. S.	—	Nil
386	Electrically-driven appliances (including razors and hair trimmers), N. E. S.	—	Nil
387	Electrical appliances for cooking and heating	45 per cent. ad valorem*	Nil
401	Hand and power machinery and duplicate parts thereof, N. E. S., such as: drilling machines, fan blowers, portable forges, pumps, turning lathes, fretsaw machines, scroll saw machines, and dating, ruling, paging and perforating machines, including pens for same, and machinery of a kind not manufactured in this Island, N. E. S. and welding outfits	—	10 per cent. ad valorem
403	Machinery and parts therefor, such as: wood-working and saw mill machinery, steam engines and turbines, gas engines, stationary engines (not marine), motor engines, N. E. S., water wheels and turbines, elevators, steam and hot water boilers for power and heating purposes, furnaces and radiators, N. E. S., horse power machines, hoisting engines, N. E. S., concrete mixers, rock crushers, cranes and derricks, digging or dredging machines and grips and buckets therefor	—	10 per cent. ad valorem
410	Machinery and parts of machinery, N. E. S.	—	Nil
441	Cotton yarn and twist	Free	—
442	Piece goods, wholly or mainly of cotton, printed or dyed or not, not made up in any manner	20 per cent. ad valorem*	5 per cent. ad valorem
443	Made up or partly made up articles, wholly or mainly of cotton (except apparel), N. E. S., such as: quilts, sheets, towels and curtains	45 per cent. ad valorem*	5 per cent. ad valorem
463	Men's and youths' long rubber boots	Free	—
ex 464	Boots, shoes and slippers for women and children; such footwear being of leather or imitation leather, and of a value in the country of exportation of \$1.00 or more per pair	35 per cent. ad valorem*	5 per cent. ad valorem
467	Hats, caps, bonnets and hat, cap and bonnet shapes, of any material	55 per cent. ad valorem*	5 per cent. ad valorem
ex 468	Readymade clothing, wholly or mainly of material other than wool, for women and girls, viz: costumes, dresses, coats and skirts	35 per cent. ad valorem*	5 per cent. ad valorem
ex 469	Undergarments of any material not knitted, for men and boys, viz: cuffs, collars, pyjamas, shirts, under-vests and like garments	35 per cent. ad valorem*	5 per cent. ad valorem

## SCHEDULE II—Continued

Newfound-land Tariff Item No.	Class or Description of Goods	Rate of Duty	Margin of Preference
470	Gloves and mitts of any material, N. E. S.	—	Nil
481	Acids, drugs and medicinal, chemical and pharmaceutical preparations, when not containing alcohol, N. E. S., such as acetic acid, tartaric acid, cream of tartar, carbonate of ammonia, arsenic, boracite, borate of lime, borate of magnesium, borax, brimstone, bromides, carbide of calcium, carbonic acid gas, chlorides, chloral hydrate, cyanides, glycerine, hydrogen peroxide, iodine, saltpetre soda compounds, Peruvian bark opium, quinine and quinine salts; disinfectants and insecticides, extracts, patent and proprietary preparations, pills, powders, troches, lozenges, syrups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, essential oils and oils, oiled silk; absorbent cotton, cottonwool, lint, lambswool, tow, jute, gauze and oakum, etc., prepared for use in surgical dressings; plain and medicated surgical belts, pessaries and suspensory bandages of all kinds; refined cod liver oil, and compounds of which cod liver oil forms a prominent part; liquorice paste, liquorice in rolls and stick, when of a quality known as Spanish liquorice; Burgundy pitch, vaseline and all medicinal preparations of petroleum	—	10 per cent. ad valorem
521	Printing paper and manufactures of paper, N. E. S.; transparent cellulose wrapping paper, writing paper, wrapping paper, toilet paper, blotting paper; sand, glass, flint and emery papers; emery cloth; millboard; strawboard in sheets or rolls; cardboard; ruled, bordered and coated paper papetries; paper bags or sacks when not printed upon	—	10 per cent. ad valorem
569	Automobiles or motor cars, and other similar motor vehicles and tyres for same	—	10 per cent. ad valorem
570	Parts and accessories, including jacks, radiator cement, so called, for automobiles or motor cars or other similar motor vehicles, N. E. S.	—	10 per cent. ad valorem
M-1006	Lard, neutral stock, lard oil to be used in manufactures	—	Nil
M-1007	Lard, lard stock; milk testing substances, milk powder, cocoanut, cottonseed, oleo, olein beef, olive, palm, sesame and other oils; paraffin wax; parchment liners, circles and fasteners, when imported by manufacturers of butterine or oleo-margarine	—	Nil
M-1014	Tobacco leaf and stems when imported by licensed manufacturers in bond	—	Nil

## SCHEDULE II—Continued

Newfound- land Tariff Item No.	Class or Description of Goods	Rate of Duty	Margin of Preference
M-1015	Tobacco leaf stripped, when imported by licensed manufacturers in bond	—	Nil
M-1041	Mining machinery of all kinds, costing at the place of shipment not less than \$100 per machine or piece, and not including repair parts, mountings and accessories, when used solely for prospecting, mining, quarrying, oil-boring, pumping and refining and of a kind not manufactured in this Island, viz: (a) rock drills, coal cutters, power-loaders and power-shovels; (b) pumps of all kinds to be used for pumping water or oil from the workings to the surface; (c) hoisting engines, haulage engines and conveying machinery to be used for lifting, hauling or conveying coal or ore from the workings to the surface; (d) crushers or other machinery for use in facilitating the refining of coal or ore; (e) special machinery of all kinds to be used in washing, concentrating, reducing and refining coal, ore and oil, or for the manufacture of brick; (f) prospecting drills of all kinds; miners' diamonds and diamond set bits for diamond drills; (g) oil-boring drills and special machinery for pumping and refining oil; (h) cranes and derricks, when used to lift or transport coal or ore from the workings to steamers or cars; (i) steam engines, internal combustion engines, electric generators, electric motors, air compressors and steam boilers to be used for the operation of any of the above-mentioned machinery. The importation of machinery under this section is subject to rules and regulations to be made by the Commissioner for Finance, and is subject to the provisions in such cases provided for under the Customs and Excise Act, 1938, whereby articles mentioned in this section shall be dealt with as smuggled goods if used for any other purpose than that for which they are here set forth	Free	—
M-1044	All special paper and pulp-making machinery and mechanical apparatus, when the same cannot be manufactured within this Island, both for the original installation and the further extension of the same, but not in substitution for old, subject to the rules and regulations to be made by the Commissioner for Finance	Free	—
M-1063	Printing paper when imported by bona fide printers, for the purpose of being printed upon; and bookbinders' cloth, leather, marble paper and paper board, when imported by bookbinders and printers for use in bookbinding	—	10 per cent. ad valorem

## SCHEDULE III

NOTE: Articles the growth, produce or manufacture of the United States of America specified in this Schedule shall not, on their importation into the territory in respect of which they are specified, from whatever place arriving, be subject to duties or charges of any kind which exceed by more than the margins indicated in respect of such articles the duties or charges of any kind applicable on importation to the like articles the growth, produce or manufacture of any territory under the sovereignty of His Majesty the King or under His Majesty's suzerainty or protection, except as otherwise provided in this Schedule.

The currencies in which specific amounts are stated are those in which the customs duties of the territories concerned are specified on the day of the signature of this Agreement.

The provisions of this Schedule shall be interpreted according to the tariff laws and regulations in force in the respective territories on the day of the signature of this Agreement.

If the Government of the United States notifies the Government of the United Kingdom that the tax imposed on the importation of lumber into the United States under Section 601 (c) (6) of the Revenue Act of 1932, as amended, has been removed; then, for so long as imports into the United States of lumber and timber described in Paragraph 401 of the Tariff Act of 1930 and originating in Canada are exempt from ordinary customs duties and charges in excess of 50 cents per thousand board feet, the Government of the United Kingdom undertake that, with the concurrence of the Government of Canada, lumber and timber specified in this Schedule originating in the United States of America shall not, on importation into the territories in respect of which they are specified, be subject to other or higher duties or charges than those applicable to the like articles originating in any part of the British Empire; except that the foregoing does not relate to any territory in Africa.

NORTHERN RHODESIA<sup>2</sup>

NOTE: The provisions of this Schedule shall not apply to any preferences accorded by Northern Rhodesia exclusively to the Union of South Africa, Southern Rhodesia and High Commission Territories in South Africa, namely, Basutoland, Bechuanaland Protectorate and Swaziland.

Article	Maximum Margin of Preference
Oatmeal	4½d. per hundred lbs.
Milk, condensed, full cream	6d. per hundred lbs.
Vegetables, preserved	5 per cent. ad valorem
Electrical machinery and materials, n. e. e. [Tariff Item No. 119 (a)]	10 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Motor cars, motor charabancs and omnibuses [Tariff Item No. 129 (a)]	10 per cent. ad valorem
Parts and spare parts and accessories for motor cars, motor charabancs and omnibuses (except electric lamp bulbs, tyres and tubes, when separately imported) [Tariff Item No. 129 (b)]	10 per cent. ad valorem

<sup>2</sup> [Notice that the concessions in respect of Northern Rhodesia had been put into force was given by the British Embassy in Washington to the Secretary of State January 26, 1939, and February 23, 1939.]

53 Stat. 415.  
26 U. S. C., Supp.  
V, § 3424.  
46 Stat. 629.  
19 U. S. C. § 1001,  
par. 401.

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Spare parts and accessories for motor trucks and motor vans for the conveyance of goods and trailers for the same (except electric lamp bulbs, tyres and tubes when imported separately) [Tariff Item No. 130 (c)]	10 per cent. ad valorem
Typewriters	10 per cent. ad valorem
Office machinery (except typewriters)	5 per cent. ad valorem
Weighing and calculating machinery	5 per cent. ad valorem
Grease, anti-friction and lubricating	5 per cent. ad valorem
Turpentine	5 per cent. ad valorem
Tyres for motor cars, trucks and vans	4d. per lb.
Tubes for motor cars, trucks and vans	3d. per lb.
—————	
Meats (except bacon and ham and fresh meats)	Present Margin
Lamps and lampware [Tariff Item No. 116 (d)]	Present Margin
Agricultural machinery and implements	Present Margin
Mining machinery (including buckets and tip trucks)	Present Margin
Electric batteries	Present Margin
Chassis for motor cars, motor charabancs and omnibuses imported for bodies to be built in Northern Rhodesia [Tariff Item No. 129 (c)]	Present Margin
Motor trucks and motor vans for the conveyance of goods, and trailers for the same [Tariff Item No. 130 (a) and (b)]	Present Margin
Railway machinery, including locomotives and railway stock	Present Margin
Tools, mechanics	Present Margin
Traction engines, tractors and parts	Present Margin
Wireless telegraphy and telephony instruments and apparatus used in the working thereof, except batteries	Present Margin
Radio apparatus and accessories (except batteries):	
When imported by persons licensed by the Postmaster-General to conduct a public radio service	Present Margin
Other	Present Margin
Bricks:	
Fire	Present Margin
Other	Present Margin
Earths and clays	Present Margin
Rosins, gums and shellac	Present Margin
Soap, soap powder and extracts	Present Margin
Varnish	Present Margin
Perfumery and toilet preparations (non-spirituous)	Present Margin
Potassium compounds	Present Margin
Rubber hose	Present Margin
Wood, unmanufactured	Present Margin
Stationery, n. e. e.:	
Loose leaf covers and binders [Tariff Item No. 297 (a) ]	Present Margin
Other [Tariff Item No. 297 (b) and (c) ]	Present Margin
Gramophones, phonographs and records therefor	Present Margin
Films, cinematograph	Present Margin
Photographic apparatus and materials, n. e. e. (except process cameras imported by lithographers) [Tariff Item No. 324]	Present Margin
—————	
Wheat flour	Nil
Lard, animal, and edible meat fats	Nil
Surgical and dental instruments	Nil
Oil, lubricating	Nil
Books, newspapers and printed matter	Nil

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
<b>SOMALILAND PROTECTORATE<sup>3</sup></b>	
Motor cars, trucks and omnibuses	5 per cent. ad valorem
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
<b>GAMBIA (COLONY AND PROTECTORATE)<sup>4</sup></b>	
Motor cars [Tariff Item No. 19 (1)]	15 per cent. ad valorem
Motor car parts and accessories [Tariff Item No. 19 (2)]	15 per cent. ad valorem
Fish, canned or preserved	2s. 0d. per hundred lbs.
Grease	1s. 0d. per hundred lbs.
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Timber:	
Undressed	2s. 6d. per thousand sup. feet
Dressed	2s. 6d. per thousand sup. feet
Wireless instruments and apparatus	Present Margin
Machinery: Other industrial and manufacturing [Tariff Item No. 53 (5)]	Present Margin
Tobacco, unmanufactured	Present Margin
Wheat flour	Nil
Oil, lubricating	Nil
<b>GOLD COAST (COLONY AND PROTECTORATE)</b>	
Cinematograph films	Nil
Electric household appliances and apparatus	Nil
Refrigerators, including mechanical refrigerators and refrigerating machinery	Nil
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	Nil
Fish, canned or preserved	Nil
Flour and meal (except wheat flour)	Nil
Fruit, canned and bottled	Nil
Jams, jellies and preserved fruits	Nil
Grease	Nil
Lard, animal	Nil
Leather, dressed	Nil
Meats, smoked or cured	Nil
Oil, lubricating	Nil
Pickles, sauces and condiments	Nil
Tobacco, unmanufactured	Nil
Tobacco, manufactured:	
Cigarettes	Nil
Other kinds (except cigars and snuff)	Nil
Tyres and tubes for motor cars, trucks and omnibuses	Nil
Vegetables, dried, canned or preserved	Nil
Wood and timber, unmanufactured	Nil
Zinc manufactures	Nil
Casks, shooks, staves and headings	Nil
Wheat flour	Nil
Fruit, fresh	Nil

<sup>3</sup> [Notice that the concessions in respect of Somaliland Protectorate had been put into force was given by the British Embassy in Washington to the Secretary of State February 7 and 28, 1933.]

<sup>4</sup> [Notice that the concessions in respect of Gambia came into force on December 6, 1933, was given by the British Embassy in Washington to the Secretary of State January 10, 1933.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Machinery:	
Mining and dredging	Nil
Typewriters	Nil
Motor cars, trucks and omnibuses	Nil
Parts and accessories for motor cars, trucks and omnibuses	Nil
Carriages (except motor cars and railway rolling stock) and parts thereof	Nil

## NIGERIA (COLONY AND PROTECTORATE)

Guns, unrifled	Nil
Films, cinema	Nil
Machinery:	
Electrical	Nil
Mining	Nil
Adding and calculating	Nil
Musical instruments:	
Pianos and organs	Nil
Oil, lubricating	Nil
Turpentine	Nil
Wheat flour	Nil
Cornmeal	Nil
Grain (except rice)	Nil
Jams, jellies and fruit, canned or bottled	Nil
Vegetables (except fresh)	Nil
Lard, animal	Nil
Spirits (potable) other than brandy, gin, liqueurs, rum and whisky	Nil
Timber	Nil
Tobacco:	
Unmanufactured	Nil
Manufactured (except cigars and cigarettes)	Nil
Books, printed	Nil
Casks, shooks, staves and headings	Nil
Electrical household appliances and apparatus	Nil
Refrigerators, including mechanical refrigerators and refrigerating machinery	Nil
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	Nil
Grease	Nil
Typewriters	Nil
Motor cars, trucks and omnibuses	Nil
Parts and accessories, including tyres and tubes, for motor cars, trucks and omnibuses	Nil

SIERRA LEONE (COLONY AND PROTECTORATE)<sup>5</sup>

Motor vehicles (except motor cycles) including accessories, tools and implements (but not spare parts) imported with such vehicles and included in the purchase price of same [ex Tariff Item No. 33 (a)]	15 per cent. ad valorem
Trailers to be used in connection with a motor vehicle (except a motor cycle) [ex Tariff Item No. 33 (b)]	15 per cent. ad valorem
Parts and accessories for vehicles (except motor cycles) shown under Tariff Item No. 33	15 per cent. ad valorem
Electrical and telegraphic apparatus	10 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fish, canned or preserved	3s. 1½d. per hundred lbs.
Fruit, canned and bottled	3s. 1½d. per hundred lbs.

<sup>5</sup> [Notice that the concessions in respect of Sierra Leone had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Typewriters	12s. 6d. each
Milk, condensed	2s. 0d. per thirty-six lbs.
Oil, lubricating	3d. per Imperial gallon
Turpentine	4½d. per Imperial gallon
Tobacco, unmanufactured	3d. per lb.
Lumber, sawn or hewn, wholly or partly dressed	6s. 0d. per thousand sup. feet
<hr/>	
Carriages and parts thereof (except motor vehicles and trailers)	Present Margin
Grease	Present Margin
Mining and gold dredging machinery	Present Margin
Pianos and organs	Present Margin
Tyres and tubes for motor cars, trucks and omnibuses	Present Margin
<hr/>	
Wheat flour	Nil
Fruit, fresh	Nil
Instruments, scientific	Nil
Lard, animal	Nil
<hr/>	
CEYLON*	
Refrigerators	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fruit, dried or otherwise preserved without sugar (except canned fruit and currants, dates and raisins)	5 per cent. ad valorem
Tanks and drums of iron and steel, black painted or galvanized	5 per cent. ad valorem
Petroleum (refined): Lubricating oil	10¢ per gallon
Typewriters and parts thereof	5 per cent. ad valorem
Wireless goods and apparatus	5 per cent. ad valorem
<hr/>	
Cereal foods (prepared)	Present Margin
Cinematograph films (sound and silent)	Present Margin
Electrical machinery:	
Motors	Present Margin
Transformers and converters	Present Margin
Electrical goods and apparatus:	
Lighting accessories	Present Margin
Washing machines	Present Margin
Other electrical goods and apparatus (except wires and cables, lamp bulbs, telegraph and telephone apparatus, other than wireless, and batteries and accumulators)	Present Margin
Raisins	Present Margin
Fruit, fresh:	
Apples and grapes	Present Margin
Other	Present Margin
Machinery:	
Cranes, hoists and lifting	Present Margin
Pumping	Present Margin
Motor cars (including engines and chassis)	Present Margin
Motor lorries, vans, omnibuses and tractors other than diesel engined (including engines and chassis)	Present Margin
Parts for motor cars, motor lorries, vans, omnibuses and tractors, other than diesel engined (except magnetos, splash proof accumulators and tyres and tubes)	Present Margin
Paints and colours	Present Margin
Perfumery, cosmetics, powder and toilet preparations (except perfumed spirits)	Present Margin
Pig products, other than bacon and hams	Present Margin
Games and athletic materials (except rubber balls)	Present Margin

\* [Notice that the concessions in respect of Ceylon had been put into force was given by the British Embassy in Washington to the Secretary of State March 24, 1930.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Advertising matter, viz. Trade circulars and catalogues, show cards, plates and frames	Nil
Maps and charts	Nil
Milk foods	Nil
Oil and floor cloth	Nil

HONG KONG<sup>1</sup>

Motor cars, trucks and omnibuses	Nil
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NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

STRAITS SETTLEMENTS<sup>2</sup>

Motor cars, trucks and omnibuses	Nil
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NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

FEDERATED MALAY STATES<sup>3</sup>

Hosiery of pure silk	5 per cent. ad valorem
Leather, dressed	5 per cent. ad valorem
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	5 per cent. ad valorem
Electric batteries for torches and hand lamps	10 per cent. ad valorem
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	7½ per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Motor cars, trucks and omnibuses	Nil

NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.

<sup>1</sup> [Notice that the concessions in respect of Hong Kong had been put into force was given by the British Embassy in Washington to the Secretary of State May 27, 1939.]

<sup>2</sup> [Notice that the concessions in respect of the Straits Settlements had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

<sup>3</sup> [Notice that the concessions in respect of the Federated Malay States had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Milk, evaporated	Present Margin
Electric batteries and accumulators (except for torches and hand lamps)	Present Margin
Advertising matter	Nil
Asphalt and bitumen	Nil
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil
Cinematograph apparatus and films	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil
Felt, roofing	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil
Fruit juice	Nil
Grease, lubricating	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Dredges and dredging materials	Nil
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Pumps	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints and enamels (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
<b>JOHORE <sup>10</sup></b>	
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	7½ per cent. ad valorem
Leather, dressed	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Motor cars, trucks and omnibuses	Nil
NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.	
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Milk, evaporated	Present Margin

<sup>10</sup> [Notice that the concessions in respect of Johore had been put into force was given by the British Embassy in Washington to the Secretary of State April 8, 1930.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Advertising matter	Nil
Asphalt and bitumen	Nil
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil
Cinematograph apparatus and films	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil
Electric batteries and accumulators	Nil
Felt, roofing	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil
Fruit juice	Nil
Grease, lubricating	Nil
Hosiery of pure silk	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Dredges and dredging materials	Nil
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Pumps	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints and enamels (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil
<b>KEDAH <sup>11</sup></b>	
Leather, dressed	5 per cent. ad valorem
Hosiery of pure silk	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Motor cars, trucks and omnibuses	Nil
NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.	
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Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Milk, evaporated	Present Margin
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Advertising matter	Nil
Asphalt and bitumen	Nil

<sup>11</sup> [Notice that the concessions in respect of Kedah had been put into force was given by the British Embassy in Washington to the Secretary of State April 5, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil
Cinematograph apparatus and films	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil
Electric batteries and accumulators	Nil
Felt, roofing	Nil
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil
Fruit juice	Nil
Grease, lubricating	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Dredges and dredging materials	Nil
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Pumps	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints and enamels (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil
<b>KELANTAN <sup>12</sup></b>	
Electric batteries for torches and hand lamps	10 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	7½ per cent. ad valorem
Motor cars, trucks and omnibuses	15 per cent. ad valorem
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	5 per cent. ad valorem
Leather, dressed	5 per cent. ad valorem
Hosiery of pure silk	5 per cent. ad valorem
<hr/>	
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Electric batteries and accumulators (except for torches and hand lamps)	Present Margin
Milk, evaporated	Present Margin
<hr/>	
Advertising matter	Nil
Asphalt and bitumen	Nil
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil

<sup>12</sup> [Notice that the concessions in respect of Kelantan had been put into force was given by the British Embassy in Washington to the Secretary of State April 6, 1930.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Cinematograph apparatus	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil
Felt, roofing	Nil
Films, cinematograph	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil
Fruit juice	Nil
Grease, lubricating	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Dredges and dredging materials	Nil
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Pumps	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints and enamels (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
<b>PERLIS <sup>13</sup></b>	
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	7½ per cent. ad valorem
Hosiery of pure silk	5 per cent. ad valorem
Leather, dressed	5 per cent. ad valorem
Motor cars, trucks and omnibuses	Nil
NOTE: The first registration fee chargeable on motor cars, trucks and omnibuses the manufacture of the United States of America shall not exceed by more than 15 per cent. ad valorem the first registration fee chargeable on motor cars, trucks and omnibuses of British Empire manufacture. The right is reserved to substitute an import duty for this fee but such duty shall not exceed by more than 15 per cent. ad valorem the duty chargeable on motor cars, trucks and omnibuses of British Empire manufacture.	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
-----	
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Milk, evaporated	Present Margin
-----	
Advertising matter	Nil
Asphalt and bitumen	Nil
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil
Cinematograph apparatus and films	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil

<sup>13</sup> [Notice that the concessions in respect of Perlis had been put into force was given by the British Embassy in Washington to the Secretary of State April 5, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Electric batteries and accumulators	Nil
Felt, roofing	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil
Fruit juice	Nil
Grease, lubricating	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Dredges and dredging materials	Nil
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Pumps	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints and enamels (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	NR
<b>TRENGGANU <sup>14</sup></b>	
Electric batteries for torches and hand lamps	10 per cent. ad valorem
Fish, canned:	
Salmon, red, sock-eye or blue back and silver	7½ per cent. ad valorem
Hosiery of pure silk	5 per cent. ad valorem
Leather, dressed	5 per cent. ad valorem
Motor cars, trucks and omnibuses	15 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
<hr/>	
Tobacco, manufactured (excluding cigars, cigarettes and snuff), if imported for sale to the public in airtight tins or containers	Present Margin
Electric batteries and accumulators (except for torches and hand lamps)	Present Margin
Machinery:	
Dredges and dredging materials	Present Margin
Pumps	Present Margin
Milk, evaporated	Present Margin
<hr/>	
Advertising matter	Nil
Asphalt and bitumen	Nil
Blacking and polishes (except for leather)	Nil
Cereals, manufactured (except wheat flour and vermicelli)	Nil
Cinematograph apparatus and films	Nil
Dental paste	Nil
Disinfectants, weedkillers and other insecticides, liquid	Nil
Enamels	Nil
Felt, roofing	Nil
Fruit, fresh:	
Pears, apples, grapefruit, grapes and oranges	Nil
Fruit, dried and preserved:	
Raisins, prunes and apples	Nil

<sup>14</sup> [Notice that the concessions in respect of Trengganu had been put into force was given by the British Embassy in Washington to the Secretary of State April 5, 1930.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Fruit juice	Nil
Grease, lubricating	Nil
Implements and tools:	
Axes, hatchets and adzes	Nil
Files and rasps	Nil
Machinery:	
Internal combustion engines (marine), the motive power of which is derived from petrol, kerosene or other spirits	Nil
Printing and bookbinding	Nil
Typewriters	Nil
Maps and plans	Nil
Oilcloth and linoleum	Nil
Paints (prepared, ready mixed)	Nil
Stoves and grates for domestic purposes	Nil
Tin plates	Nil
Tractors and steam-rollers when used for agricultural and mining purposes and not registerable for use on public thoroughfares	Nil
Wireless receiving sets, radio-gramophones, valves and other wireless parts and accessories (except transmitting apparatus)	Nil
<b>MAURITIUS <sup>15</sup></b>	
Asphaltum or bitumen for road making	Rs. 1 per hundred kilos
Bacon and hams (except canned)	Rs. 5 per hundred kilos
Fruit:	
Preserved (not in sugar)	15 cents per kilo
Dried (except dates, raisins and currants)	7½ per cent. ad valorem
Accessories and component parts, other than tyres and tubes, for motor vehicles and chassis (except tractors, motor cycles and sidecars)	20 per cent. ad valorem
Rubber manufactures (except tyres and tubes, boots and shoes and toys)	7½ per cent. ad valorem
Typewriters	5 per cent. ad valorem
Varnish	Rs. 1.50 per hectolitre
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Electrical goods:	
Wireless apparatus and parts thereof	Present Margin
Stoves and household appliances	Present Margin
Electrical goods of every other description (except bulbs) [Tariff Item No. 61 (c)]	Present Margin
Oil, lubricating	Present Margin
Grease, lubricating	Present Margin
Amophos	Present Margin
Substances imported by agriculturists or other persons for the destruction of animals, vermin, insects and other parasites	Present Margin
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Blacking and polishes	Nil
Clay, pipe and fire (unprepared)	Nil
Fruit, fresh:	
Apples and pears	Nil
Motor tractors and parts (imported exclusively for agricultural purposes)	Nil
Rosin	Nil
Tobacco, unmanufactured, not butted or stemmed	Nil
<b>CYPRUS <sup>16</sup></b>	
Fruit, canned	3 per cent. ad valorem
Motor cars and parts thereof (except tyres and tubes) [ex Tariff Item No. 71]	15 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem

<sup>15</sup> [Notice that the concessions in respect of Mauritius had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

<sup>16</sup> [Notice that the concessions in respect of Cyprus had been put into force was given by the British Embassy in Washington to the Secretary of State February 7, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Oil, lubricating, unmanufactured	2s. 0d. per hundred okes
Oils, non-edible, other than cotton and linseed	2s. 0d. per hundred okes
-----	
Tyres and tubes for motor cars	Present Margin
Wireless apparatus and parts thereof	Present Margin
-----	
Agricultural machinery, except ploughs	Nil
Typewriters and parts thereof	Nil
Windmills	Nil
MALTA <sup>17</sup>	
Fruit, preserved	5 per cent. ad valorem
Chassis of automobiles imported without bodies for industrial purposes (exclusive of parts)	15 per cent. ad valorem
Motor vehicles valued at over £100 each (except motor tractors, motor cycles and sidecars and motor vehicles for tramways or railways), including parts and accessories (except tyres and tubes)	15 per cent. ad valorem
Wireless sets, accessories and parts thereof	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
-----	
Tobacco, unmanufactured	Present Margin
Typewriters and adding machines	Present Margin
-----	
Machinery and implements for agricultural purposes	Nil

BAHAMAS <sup>18</sup>

NOTE: In the case of articles marked with an asterisk, the present margins of preference shall be understood to mean the present relationships between the duties or charges applicable on importation to such articles the growth, produce or manufacture of the United States of America and the duties or charges applicable on importation to the like articles the growth, produce or manufacture of any British Empire country.

Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fruit:	
Fresh (except apples and fruits charged with duties under the Second Schedule of the Tariff Act, 1936)	6½ per cent. ad valorem
Dried	6¼ per cent. ad valorem
Jams, jellies and preserved fruits	6¼ per cent. ad valorem
Grease, lubricating	6¼ per cent. ad valorem
Motor cars, trucks and omnibuses	15 per cent. ad valorem
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	15 per cent. ad valorem
Oil, lubricating	4d. per gallon
Paints	6¼ per cent. ad valorem
Shingles	2d. per thousand linear inches
Soap, common, washing	¼d. per lb.
Stationery	6¼ per cent. ad valorem
Tobacco, manufactured:	
Fine cut	16½ per cent. ad valorem
Other than fine cut	3d. per lb.
Toilet preparations, including toilet soaps	6¼ per cent. ad valorem
Vegetables, canned	6¼ per cent. ad valorem

<sup>17</sup> [Notice that the concessions in respect of Malta had been put into force was given by the British Embassy in Washington to the Secretary of State March 14, 1936.]

<sup>18</sup> [Notice that the concessions in respect of Bahamas had been put into force was given by the British Embassy in Washington to the Secretary of State July 7, 1936.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
<b>Whisky:</b>	
Overproof in bulk	4s. 0d. per proof gallon
Underproof in bottles	8s. 0d. per dozen reputed quarts
<hr/>	
Aerated mineral waters	Present Margin
Ammunition, all kinds	Present Margin
Bacon and hams	Present Margin
Bags, trunks and valises	Present Margin
Beef and pork, pickled and salted	Present Margin
Biscuits	Present Margin
Boots and shoes, leather	Present Margin
Chinaware, earthenware and pottery	Present Margin
Coffee, roasted or prepared, but not concentrated	Present Margin
Dynamite	Present Margin
Electrical apparatus	Present Margin
Enamelware	Present Margin
Films, cinematograph (except educational)	Present Margin
Fish, canned	Present Margin
Furniture	Present Margin
Glass and glassware	Present Margin
<b>Grains:</b>	
Chicken and dairy feed	Present Margin
Haberdashery and millinery	Present Margin
Hardware	Present Margin
Hats and caps	Present Margin
Hay	Present Margin
Lard, animal	Present Margin
Matches	Present Margin
Milk, unsweetened	Present Margin
Musical instruments	Present Margin
Nails, other than iron	Present Margin
Oilcloth and linoleum	Present Margin
Paper	Present Margin
Starch	Present Margin
Syrup and molasses	Present Margin
Tinware	Present Margin
Toys and games	Present Margin
Twine	Present Margin
Hominy*	Present Margin
Cornmeal*	Present Margin
Eggs*	Present Margin
Meat, fresh*	Present Margin
Poultry and game, dressed*	Present Margin
Vegetables, fresh (other than potatoes)*	Present Margin
Vegetables, fresh, potatoes*	Present Margin
<b>Fresh fruit:</b>	
Oranges, lemons and grapefruit*	Present Margin
Tyres and tubes for motor cars, trucks and omnibuses	Present Margin
<hr/>	
Books, printed	Nil
Cigars	Nil
Cigarettes	Nil
NOTE: The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made entirely of tobacco grown within the British Empire.	
Fertilisers	Nil
Insecticides	Nil
Packages, empty, for the exportation of native produce	Nil

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Plants, roots, seeds and bulbs	Nil
Tobacco, unmanufactured	Nil
Wire fencing	Nil
<b>BARBADOS</b> <sup>19</sup>	
Electrical apparatus and appliances	10 per cent. ad valorem
Motor cars, trucks and omnibuses	15 per cent. ad valorem
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	15 per cent. ad valorem
Tobacco, manufactured:	
Plug, stick, or twist	6d. per lb.
Cigarettes	2s. 0d. per lb.
Snuff	3d. per lb.
Other kinds (except cigars and cheroots)	1s. 3d. per lb.
Wood and timber, unmanufactured:	
Pitch pine:	
Undressed	8s. per thousand sup. feet of one inch or less in thickness (and exceeding one inch pro rata)
Wholly or partly dressed	8s. per thousand sup. feet of one inch or less in thickness (and exceeding one inch pro rata)
Other kinds (except green heart, purple heart, bullet wood, fustic and locust):	
Undressed	8s. per thousand sup. feet of one inch or less in thickness (and exceeding one inch pro rata)
Wholly or partly dressed	8s. per thousand sup. feet of one inch or less in thickness (and exceeding one inch pro rata)
<hr/>	
Mules	Present Margin
Blacking and polishes	Present Margin
Tyres and tubes for motor cars, trucks and omnibuses	Present Margin
Oilmeal and oilcake	Present Margin
Fruit:	
Dried, including currants, figs, prunes and raisins, other than candied or crystallised fruit and fruit in liquid	Present Margin
Canned and bottled	Present Margin
Glass bottles	Present Margin
Maize or cornmeal	Present Margin
Grease	Present Margin
Hardware	Present Margin
Implements and tools (except agricultural)	Present Margin
Lard, animal	Present Margin
Pork, pickled	Present Margin
Oil, lubricating	Present Margin
Perfumery, cosmetics and toilet requisites (except perfumed spirits and soaps)	Present Margin
Photographic appliances and accessories (except films)	Present Margin
Turpentine	Present Margin
Typewriters and parts thereof	Present Margin
Vegetables, canned	Present Margin
Wood and timber, unmanufactured:	
Shooks and staves	Present Margin
Headings	Present Margin

<sup>19</sup> [Notice that the concessions in respect of Barbados had been put into force was given by the British Embassy in Washington to the Secretary of State April 12, 1935.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Wood and timber, manufactured: House, office and store furniture	Present Margin
Books, printed	Nil
Tobacco, unmanufactured: Leaf, unstemmed	Nil
<b>BERMUDA</b> <sup>20</sup>	
Wheat flour	5 per cent. ad valorem
Eggs	1¼d. per dozen
Fruit, dried	1¼ per cent. ad valorem
Fish, canned	1¼ per cent. ad valorem
Meats:	
Beef and veal, pickled or salted	1¼ per cent. ad valorem
Pork, pickled or salted	1¼ per cent. ad valorem
Lard, animal	1¼ per cent. ad valorem
Electrical supplies	10 per cent. ad valorem
Radios and accessories	10 per cent. ad valorem
Hardware	7½ per cent. ad valorem
Lumber	1¼ per cent. ad valorem
Oil, lubricating	1¼ per cent. ad valorem
Horses and mules	Present Margin
Cattle feed	Present Margin
Vegetables:	
Fresh (except potatoes and onions)	Present Margin
Canned	Present Margin
Dried peas and beans	Present Margin
Cream, fresh	Present Margin
Ice cream	Present Margin
Fruit, bottled or canned	Present Margin
Jams and jellies	Present Margin
Fruit, fresh:	
Citrus	Present Margin
Watermelons	Present Margin
Lime juice and other juices	Present Margin
Fish, shell	Present Margin
Meats:	
Bacon and hams	Present Margin
Canned or bottled	Present Margin
Poultry and game	Present Margin
Mineral waters	Present Margin
Cigarettes	Present Margin
<p>Note: The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made entirely of tobacco grown within the British Empire.</p>	
Manufactured tobacco, other than cigars, cigarettes and snuff	Present Margin
<p>Note: The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to manufactured tobacco the produce or manufacture of the United States of America and the duties and other charges applicable on importation to manufactured tobacco the produce or manufacture of any territory of the British Empire other than manufactured tobacco made entirely of tobacco grown within the British Empire.</p>	

<sup>20</sup> [Notice that the concessions in respect of Bermuda had been put into force was given by the British Embassy in Washington to the Secretary of State March 14, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Tobacco, unmanufactured	Present Margin
Biscuits	Present Margin
Coffee	Present Margin
Confectionery	Present Margin
Groceries	Present Margin
Yeast	Present Margin
Boots and shoes of leather	Present Margin
Chinaware	Present Margin
Cooking stoves	Present Margin
Cosmetics	Present Margin
Cotton:	
Piece goods	Present Margin
Other cotton goods (including clothing, other than hosiery)	Present Margin
Cotton and silk clothing (excluding hosiery)	Present Margin
Engines and parts thereof	Present Margin
Furniture	Present Margin
Glass	Present Margin
Glassware	Present Margin
Hats and caps	Present Margin
Kitchenware	Present Margin
Linen:	
Clothing	Present Margin
Other linen goods	Present Margin
Millwork	Present Margin
Musical instruments	Present Margin
Paints and varnishes	Present Margin
Paint oil	Present Margin
Paper, wrapping	Present Margin
Photographic supplies	Present Margin
Rayon clothing (excluding hosiery)	Present Margin
Sanitary supplies	Present Margin
Silk clothing (excluding hosiery)	Present Margin
Hosiery of silk	Present Margin
Soap flakes and other cleansing materials	Present Margin
Soap, laundry	Present Margin
Stationery	Present Margin
Typewriters and adding machines	Present Margin
Woollen clothing	Present Margin
Yachts, motor or sail (not for commercial use)	Present Margin

Books (except those for accounting purposes) Nil

## BRITISH GUIANA

Fish (except Morocut)—smoked, dried, salted or fresh, when imported in cold storage	\$1.00 per cwt.
Fruit, fresh:	
Apples	60¢ per barrel of 160 lbs.
Lard, animal	\$1.50 per hundred lbs.
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Machinery:	
Agricultural	5 per cent. ad valorem
Mining	5 per cent. ad valorem
Lumber:	
Undressed	\$2.00 per thousand feet, board measure
Dressed	\$2.00 per thousand feet, board measure

Electrical goods and apparatus (except electro-medical apparatus and insulated wires and cables) Present Margin

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
<b>Explosives:</b>	
Dynamite, and all other explosives for blasting purposes	Present Margin
Gunpowder, rack-a-rock and fuses, for blasting purposes	Present Margin
Oilcake and oilmeal	Present Margin
Fish, canned	Present Margin
<b>Fruit:</b>	
Dried (except currants)	Present Margin
Canned or preserved (except pineapples)	Present Margin
Farinaceous preparations (except flour, cornmeal and oatmeal)	Present Margin
Oil, lubricating	Present Margin
Greases and fats	Present Margin
Pitch	Present Margin
House, office cabinet or store furniture of iron and steel	Present Margin
<b>Implements and tools and parts thereof:</b>	
Agricultural	Present Margin
Other kinds	Present Margin
<b>Machinery:</b>	
Electrical	Present Margin
Marine	Present Margin
Office	Present Margin
Printing	Present Margin
Rice	Present Margin
Sugar	Present Margin
Other kinds (except agricultural, mining, sewing machines and parts and water and sewerage machinery)	Present Margin
Accessories and appliances	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	Present Margin
Musical instruments (except pianos and organs)	Present Margin
Oilcloth	Present Margin
Photographic instruments and appliances	Present Margin
Scientific instruments and appliances (except electrical)	Present Margin
Perfumery, cosmetics and toilet requisites (except perfumed spirits and soap)	Present Margin
Polishes and blacking	Present Margin
Tar	Present Margin
Tins, drums and similar containers of iron and steel	Present Margin
Wood and timber, unmanufactured for making containers for goods of local manufacture or production	Present Margin
<hr/>	
Aircraft and parts thereof	Nil
Books	Nil
Films, cinematograph	Nil
Fruit, fresh (except apples, limes, oranges and grapefruit)	Nil
Tobacco, in leaf, if in packages containing not less than 400 lbs:	
Containing not less than 25% and not more than 38% of moisture	Nil
Containing less than 25% of moisture	Nil

BRITISH HONDURAS <sup>21</sup>

Motor cars and motor vehicles, n. e. i. [Tariff Item No. 26 (g)]	15 per cent. ad valorem
NOTE: The minimum specific rate of duty applicable to motor cars the manufacture of the United States of America shall not exceed \$60 each	
Parts and accessories (except tyres and tubes) for vehicles in Tariff Item No. 26 (g)	15 per cent. ad valorem

<sup>21</sup> [Notice that the concessions in respect of British Honduras had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fruit, dried	5 per cent. ad valorem
Farinaceous preparations:	
Cornflour	5 per cent. ad valorem
Other cereal foods (except arrowroot, macaroni, sago, tapioca and starch)	5 per cent. ad valorem
Fruits, candied, crystallised, canned and bottled	10 per cent. ad valorem
House, office cabinet or store furniture of iron or other metal	10 per cent. ad valorem
Perfumery and toilet preparations (except perfumed spirits)	10 per cent. ad valorem
Vegetables:	
Canned	5 per cent. ad valorem
Fresh (except onions, potatoes and garlic)	5 per cent. ad valorem
-----	
Apparel, wearing (except hosiery, shirts, vests, singlets and other men's underwear)	Present Margin
Biscuits, bread and cakes	Present Margin
Blacking and polishes (except woodwork polishes)	Present Margin
Brooms and brushes (household)	Present Margin
Tyres and tubes for motor cars, trucks and omnibuses	Present Margin
Cement	Present Margin
Cocoa, prepared (except sweetmeats)	Present Margin
Coffee, ground or otherwise prepared	Present Margin
Confectionery, including flavouring syrups	Present Margin
Cordage, rope and twine	Present Margin
Eggs, fresh	Present Margin
Electrical apparatus, including radio receiving sets and parts thereof	Present Margin
Films, cinematograph	Present Margin
Fruits, fresh	Present Margin
Nuts, edible	Present Margin
Cornmeal and oatmeal	Present Margin
India rubber manufactures	Present Margin
Implements and tools (except agricultural and for use on poultry farms)	Present Margin
Lard, animal	Present Margin
Lamps and lampware	Present Margin
Machinery, including accessories:	
Electric lighting	Present Margin
Marine	Present Margin
Sawmill	Present Margin
Pork, pickled	Present Margin
Metals and metal manufactures:	
Barbed wire, hog fencing and staples for same	Present Margin
Nails, spikes, rivets, clinches and wire of iron and steel	Present Margin
Musical instruments of all kinds, not being toys	Present Margin
Oil:	
Lubricating	Present Margin
Linseed, raw and boiled	Present Margin
Medicinal and essential	Present Margin
Oilcloth and linoleum	Present Margin
Painters' colours and materials:	
Dry or in paste form	Present Margin
Prepared, including ready mixed	Present Margin
Turpentine	Present Margin
Paper manufactures, other kinds, n. a. l. [Tariff Item No. 81 (d)]	Present Margin
Pickles, sauces and condiments	Present Margin
Salt, coarse, fine and rock	Present Margin

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Soap, common, including laundry, polishing and soft soap	Present Margin
Spices	Present Margin
Tobacco, unmanufactured:	
Black leaf and similar brands	Present Margin
Other kinds	Present Margin
Tobacco, manufactured:	
Cigarettes	Present Margin
Typewriters, adding machines and parts thereof	Present Margin
Vegetables, onions and potatoes	Present Margin
Wood and timber, manufactured:	
Furniture and cabinet ware	Present Margin
Other kinds	Present Margin
Wood and timber, unmanufactured:	
Lumber sawn or hewn:	
Undressed	Present Margin
Wholly or partly dressed	Present Margin
-----	
Books, printed, not being account books	Nil
Agricultural implements and tools	Nil
Agricultural machinery, including accessories	Nil
Metals and metal manufactures:	
Rafting chains and timber dogs	Nil
Railway and tramway rolling stock and material and parts and accessories therefor	Nil
Stationery other than paper:	
Slate pencils	Nil
Printing ink	Nil
Tractors and parts thereof	Nil
Trailers and carts and wagons and parts and accessories for agricultural purposes	Nil
Trucks and trailers and parts and accessories thereof imported for use in connection with chicle and mahogany operations	Nil
JAMAICA <sup>22</sup>	
Corn	1s. 0d. per hundred lbs.
Tobacco, manufactured:	
Cigarettes	1s. 0d. per lb.
NOTE: The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes manufactured within the British Empire containing 50 per cent. or more of British Empire tobacco.	
Other (except cigars)	10d. per lb.
Confectionery	5 per cent. ad valorem
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Electrical apparatus for generating electricity	2½ per cent. ad valorem
Telegraph and telephone apparatus	2½ per cent. ad valorem
Lumber, sawn or hewn:	
Undressed	8s. per thousand feet, sup. measurement, of one inch thick
Wholly or partly dressed	8s. per thousand feet, sup. measurement, of one inch thick

<sup>22</sup> [Notice that the concessions in respect of Jamaica had been put into force was given by the British Embassy in Washington to the Secretary of State January 25, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Biscuits, bread and cake:	
Sweetened	Present Margin
Unsweetened, not in bulk	Present Margin
Fish, canned	Present Margin
Fruit, fresh:	
Apples	Present Margin
Other kinds	Present Margin
Fruit, dried	Present Margin
Jams, jellies and preserved fruits	Present Margin
Wheat	Present Margin
Pulse:	
Beans and peas, whole	Present Margin
Lard, animal	Present Margin
Meats:	
Fresh	Present Margin
Pork, pickled	Present Margin
Tongues, wet, salted	Present Margin
Bacon and hams	Present Margin
Sausages, wet, salted or cured	Present Margin
Hardware	
[Tariff Item No. 46]	Present Margin
Typewriters	Present Margin
Hoops, shooks, staves and headings of wood (for putting up island produce)	Present Margin
Tin manufactures (except ingots)	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	Present Margin
Asphalt, other than pitch	Present Margin
Baking powder	Present Margin
Brooms and brushes	Present Margin
Carriage parts (except for motor vehicles and railway rolling stock)	Present Margin
Eggs	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fibre manufactures	Present Margin
Films, cinematograph	Present Margin
Glassware (except bottles, lamps, lamp chimneys and table glassware)	Present Margin
Grease, lubricating	Present Margin
Hemp manufactures	Present Margin
India rubber and gutta percha manufactures (except boots and shoes and tyres and tubes)	Present Margin
Instruments, scientific and surgical	Present Margin
Leather, dressed and undressed	Present Margin
Machinery and parts thereof:	
As enumerated in Fourth Schedule (Sec. 5) No. 3 (a) of Tariff law No. 4 of 1925	Present Margin
Other (except fire engines and roadmaking machinery)	Present Margin
Molasses and syrup	Present Margin
Oilcloth (including linoleum)	Present Margin
Painters' colours and materials	Present Margin
Paper (except playing cards, writing, fruit wrapping, cardboard guards for island produce, hoops and shooks of cardboard or paper)	Present Margin
Perfumery	Present Margin
Photographic apparatus and chemicals for photographic use	Present Margin
Rosin	Present Margin
Saddlery and harness	Present Margin
Stationery (except writing paper)	Present Margin
Vegetables, fresh (except potatoes, onions and garlic)	Present Margin
Wallboards, fireproof	Present Margin
Wax	Present Margin
Furniture of wood	Present Margin

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Aircraft and parts	Present Margin
Implements and tools:	
Agricultural	Present Margin
Artisans	Present Margin
Musical instruments	Present Margin
Railway rolling stock	Present Margin
-----	
Advertising matter	Nil
Bags and sacks for putting up island produce	Nil
Bees, beehives and beekeeping apparatus	Nil
Books, printed	Nil
Glucose	Nil
Hoops and shooks of iron and steel	Nil
Hoops and shooks of cardboard or paper	Nil
Insecticides and vermin killers	Nil
Plants, seeds and bulbs (for propagation or cultivation)	Nil
Tobacco, unmanufactured	Nil
Wire screen cloth	Nil

## TURKS AND CAICOS ISLANDS

Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air

5 per cent. ad valorem

Meats:	
Fresh	Present Margin
Beef, pork and tongues, pickled or salted	Present Margin
Smoked, dried or cured, including bacon and hams	Present Margin
Lard, animal	Present Margin
Lumber, undressed and dressed	Present Margin

Tobacco, unmanufactured

Nil

## CAYMAN ISLANDS

Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air

5 per cent. ad valorem

Bacon, hams and shoulders and beef and pork, pickled or salted	Nil
Lard, animal	Nil
Tobacco, leaf and plug	Nil
Lumber, undressed and dressed	Nil

ANTIGUA <sup>22</sup>

Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air

5 per cent. ad valorem

Lumber, pitch pine, white pine, spruce, fir and hemlock

8s. per thousand feet, sup. measurement, of one inch thick

Mules	Present Margin
Bags and sacks:	
For the exportation of produce	Present Margin
Other	Present Margin
Biscuits, bread and cakes, other than unsweetened	Present Margin
Boots and shoes of leather	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omnibuses, including tyres and tubes	Present Margin

<sup>22</sup> [Notice that the concessions in respect of Antigua had been put into force was given by the British Embassy in Washington to the Secretary of State February 7, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Linseed oilcake and cakemeal	Present Margin
Chemicals:	
Calcium carbide	Present Margin
Other kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Dried	Present Margin
Canned and bottled	Present Margin
Cornmeal	Present Margin
Farinaceous preparations (except arrowroot)	Present Margin
Grease	Present Margin
Haberdashery and millinery (except hosiery)	Present Margin
Hardware	Present Margin
Implements and tools:	
Agricultural	Present Margin
Other kinds	Present Margin
India rubber and gutta percha manufactures (except tyres and tubes)	Present Margin
Lard, animal	Present Margin
Lime, building	Present Margin
Meats:	
Smoked or cured, including bacon and hams	Present Margin
Beef and pork, pickled or salted	Present Margin
Canned	Present Margin
Musical instruments	Present Margin
Oil, lubricating	Present Margin
Oilcloth and linoleum	Present Margin
Paints and colours	Present Margin
Turpentine	Present Margin
Perfumery and toilet preparations, not containing perfumed spirits	Present Margin
Spirits, whisky	Present Margin
Cigarettes	Present Margin
Vegetables:	
Potatoes, other than sweet	Present Margin
Canned	Present Margin
<hr/>	
Fruit, fresh (except apples)	Nil
Manures	Nil
Tobacco, unmanufactured	Nil
<hr/>	
ST. CHRISTOPHER-NEVIS	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
<hr/>	
Mules	Present Margin
Bags and sacks:	
For the exportation of produce	Present Margin
Other	Present Margin
Biscuits, bread and cakes, other than unsweetened	Present Margin
Boots and shoes of leather	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omnibuses including tyres and tubes	Present Margin
Linseed oilcake and cakemeal	Present Margin
Chemicals:	
Calcium carbide	Present Margin
Other kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Canned and bottled	Present Margin
Dried	Present Margin
Cornmeal	Present Margin
Farinaceous preparations (except arrowroot)	Present Margin

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Grease	Present Margin
Haberdashery and millinery (except hosiery)	Present Margin
Hardware	Present Margin
Implements and tools:	
Agricultural	Present Margin
Other kinds	Present Margin
India rubber and gutta percha manufactures (except tyres and tubes)	Present Margin
Lard, animal	Present Margin
Lime, building	Present Margin
Meats:	
Beef and pork, pickled or salted	Present Margin
Canned	Present Margin
Smoked or cured, including bacon and hams	Present Margin
Musical instruments	Present Margin
Oil, lubricating	Present Margin
Oilcloth and linoleum	Present Margin
Paints and colours	Present Margin
Turpentine	Present Margin
Perfumery and toilet preparations, not containing per- fumed spirits	Present Margin
Spirits, whisky	Present Margin
Cigarettes	Present Margin
Vegetables:	
Potatoes, other than sweet	Present Margin
Canned	Present Margin
Wood and timber, unmanufactured:	
Lumber, white pine, spruce, fir and hemlock	Present Margin
Lumber, pitch pine	Present Margin
_____	
Fruit, fresh (except apples)	Nil
Manures	Nil
Tobacco, unmanufactured	Nil
DOMINICA <sup>24</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Lumber, pitch pine, white pine, spruce, fir and hemlock	8s. per thousand feet, sup. measurement, of one inch thick
_____	
Mules	Present Margin
Bags and sacks, other than for the exportation of produce	Present Margin
Biscuits, bread and cakes, other than unsweetened	Present Margin
Boots and shoes of leather:	
Where the price per pair does not exceed 2s.6d.	Present Margin
Where the price per pair exceeds 2s.6d. but not 5s.0d.	Present Margin
Where the price per pair exceeds 5s.0d.	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omni- buses, including tyres and tubes	Present Margin
Linseed oilcake and cakemeal	Present Margin
Chemicals:	
Calcium carbide	Present Margin
Other kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Canned and bottled	Present Margin
Dried	Present Margin
Fresh (except apples)	Present Margin
Cornmeal	Present Margin

<sup>24</sup> [Notice that the concessions in respect of Dominica had been put into force was given by the British Embassy in Washington to the Secretary of State February 23, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Farinaceous preparations (except arrowroot)	Present Margin
Grease	Present Margin
Haberdashery and millinery (except hosiery)	Present Margin
Hardware	Present Margin
Implements and tools, other than agricultural	Present Margin
India rubber and gutta percha manufactures (except tyres and tubes)	Present Margin
Lard, animal	Present Margin
Lime, building	Present Margin
Meats:	
Beef and pork, pickled or salted	Present Margin
Canned	Present Margin
Smoked or cured, including bacon and hams	Present Margin
Musical instruments	Present Margin
Oil, lubricating	Present Margin
Oilcloth and linoleum	Present Margin
Paints and colours	Present Margin
Turpentine	Present Margin
Perfumery and toilet preparations, not containing per- fumed spirits	Present Margin
Spirits, whisky	Present Margin
Cigarettes	Present Margin
Vegetables:	
Canned	Present Margin
Potatoes, other than sweet	Present Margin
-----	
Bags and sacks for the exportation of produce	Nil
Implements and tools, agricultural	Nil
Manures	Nil
Tobacco, unmanufactured:	
In packets of less than 200 lbs.	Nil
In other packets	Nil
MONTSERRAT <sup>25</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
-----	
Mules	Present Margin
Bags and sacks:	
For the exportation of produce	Present Margin
Other	Present Margin
Biscuits, bread and cakes, other than unsweetened	Present Margin
Boots and shoes of leather	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omni- buses, including tyres and tubes	Present Margin
Linseed oilcake and cakemeal	Present Margin
Chemicals:	
Calcium carbide	Present Margin
Other kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Canned and bottled	Present Margin
Dried	Present Margin
Corneal	Present Margin
Farinaceous preparations (except arrowroot)	Present Margin
Grease	Present Margin
Haberdashery and millinery (except hosiery)	Present Margin
Hardware	Present Margin
Implements and tools:	
Agricultural	Present Margin
Other kinds	Present Margin

<sup>25</sup> [Notice that the concessions in respect of Montserrat had been put into force was given by the British Embassy in Washington to the Secretary of State May 27, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
India rubber and gutta percha manufactures (except tyres and tubes)	Present Margin
Lard, animal	Present Margin
Lime, building	Present Margin
Meats:	
Beef and pork, pickled or salted	Present Margin
Canned	Present Margin
Smoked or cured, including bacon and hams	Present Margin
Musical instruments	Present Margin
Oil, lubricating	Present Margin
Oilcloth and linoleum	Present Margin
Paints and colours	Present Margin
Turpentine	Present Margin
Perfumery and toilet preparations, not containing per- fumed spirits	Present Margin
Spirits, whisky	Present Margin
Cigarettes	Present Margin
Vegetables:	
Canned	Present Margin
Potatoes, other than sweet	Present Margin
Wood and timber, unmanufactured:	
Lumber, white pine, spruce, fir and hemlock	Present Margin
Lumber, pitch pine	Present Margin
_____	
Fruit, fresh (except apples)	Nil
Manures	Nil
Tobacco, unmanufactured	Nil
VIRGIN ISLANDS	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
_____	
Mules	Present Margin
Bags and sacks:	
For the exportation of produce	Present Margin
Other	Present Margin
Biscuits, bread and cakes, other than unsweetened	Present Margin
Boots and shoes of leather	Present Margin
Motor cars, trucks and omnibuses	Present Margin
Parts and accessories for motor cars, trucks and omni- buses, including tyres and tubes	Present Margin
Linseed oilcake and cakemeal	Present Margin
Chemicals:	
Calcium carbide	Present Margin
Other kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Canned and bottled	Present Margin
Dried	Present Margin
Cornmeal	Present Margin
Farinaceous preparations (except arrowroot)	Present Margin
Grease	Present Margin
Haberdashery and millinery (except hosiery)	Present Margin
Hardware	Present Margin
Implements and tools, other than agricultural	Present Margin
India rubber and gutta percha manufactures (except tyres and tubes)	Present Margin
Lard, animal	Present Margin
Meats:	
Beef and pork, pickled or salted	Present Margin
Canned	Present Margin
Smoked or cured, including bacon and hams	Present Margin
Musical instruments	Present Margin

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Oil, lubricating	Present Margin
Oilcloth and linoleum	Present Margin
Paints and colours	Present Margin
Turpentine	Present Margin
Perfumery and toilet preparations, not containing perfumed spirits	Present Margin
Spirits, whisky	Present Margin
Cigarettes	Present Margin
Vegetables:	
Canned	Present Margin
Potatoes, other than sweet	Present Margin
Lumber, pitch pine, white pine, spruce, fir and hemlock	Present Margin

Fruit, fresh (except apples)	Nil
Implements and tools, agricultural	Nil
Lime, building	Nil
Manures	Nil
Tobacco, unmanufactured	Nil

TRINIDAD AND TOBAGO <sup>22</sup>

Telegraph and telephone apparatus	10 per cent. ad valorem
Wireless goods and apparatus	10 per cent. ad valorem
Fish:	
Pilchards, canned	\$1.20 per hundred lbs.
Fruit, fresh (except apples and limes)	5 per cent. ad valorem
Hosiery of silk	The equivalent of 9d. per pair
Hosiery of artificial silk	The equivalent of 6d. per pair
Lard, animal	8¢ per lb.
Cigarettes	35¢ per lb.

NOTE: The maximum margin of preference set forth above relates to the margin between the duties and other charges applicable on importation to cigarettes the produce or manufacture of the United States of America and the duties and other charges applicable on importation to cigarettes the produce or manufacture of any territory of the British Empire other than cigarettes made wholly or in part of British Empire grown tobacco.

Lumber, sawn or hewn:	
Undressed	\$2.00 per thousand feet
Wholly or partly dressed	\$2.00 per thousand feet

Motor cars exceeding 3000 lbs. in weight [Tariff Item No. 21 (d) (II)]	Present Margin
Motor lorries and vans [Tariff Item No. 21 (e)]	Present Margin
Chassis with or without engines, or fitted tyres, constructed solely for commercial use	Present Margin
Parts and accessories for vehicles shown in Tariff Item Nos. 21 (d) (II) and (e)	Present Margin
Tyres and tubes for motor cars, lorries and vans	Present Margin
Linsed cake and meal	Present Margin
Clocks and watches (except electric clocks)	Present Margin
Confectionery	Present Margin
Electrical goods and apparatus (except wires and cables, telegraph and telephone apparatus, electric lighting appliances, accessories, fittings and parts thereof, batteries and accumulators)	Present Margin
Cinematograph and projection apparatus, electrically operated	Present Margin

<sup>22</sup> [Notice that the concessions in respect of Trinidad came into force on December 2, 1938, was given by the British Embassy in Washington to the Secretary of State January 10, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Photographic and cinematograph appliances and accessories, n. e. s. (except photographic chemicals)	Present Margin
Films, cinematograph:	
Blank films	Present Margin
Exposed films:	
Positives:	
News films admitted as such by the Collector of Customs and Excise	Present Margin
Other	Present Margin
Fireclay	Present Margin
Fruit:	
Apples, fresh	Present Margin
Canned or bottled, in syrup	Present Margin
Dried	Present Margin
Fruit juice (except lime juice), unfermented, not containing added spirit and not liable to duty as table water	Present Margin
Wheat flour	Present Margin
Farinaceous preparations (except arrowroot)	Present Margin
Grease, lubricating	Present Margin
Hardware, other than hollow-ware, n. e. s.	Present Margin
Implements and tools:	
Artisans' tools	Present Margin
Other kinds [Tariff Item No. 53 (b)]	Present Margin
Machinery and parts and accessories thereof (except marine machinery)	Present Margin
Pork, pickled or salted	Present Margin
Iron and steel and manufactures thereof (except pigiron; ingots, blooms, billets and slabs; bars and rods; hoop and strip; plates and sheets, coated, not coated and tinned; railway rails and other railway material; fencing wire; wire nails and staples; and hollow-ware, n. e. s.)	Present Margin
Non-ferrous metals and manufactures thereof (except aluminium, other than hollow-ware; brass and alloys of copper unwrought in blocks, ingots, etc. and lead and manufactures thereof)	Present Margin
Oil, lubricating	Present Margin
Scientific instruments and appliances and parts thereof	Present Margin
Syrup	Present Margin
Wood and timber, unmanufactured:	
Shooks, staves and headings, oak, white	Present Margin
-----	
Implements and tools:	
Agricultural and horticultural (except secateurs)	Nil
Tobacco, unmanufactured:	
Leaf, containing less than 25 per cent. moisture	Nil
<b>GRENADA</b> <sup>27</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
-----	
Cattle and other animal foods	Present Margin
Confectionery, including chocolate creams and sweetmeats of all kinds	Present Margin
Electrical apparatus (including radio receiving sets and parts thereof)	Present Margin
Fruit:	
Canned and bottled	Present Margin
Dried	Present Margin
Cornmeal	Present Margin
Grease	Present Margin
Hardware	Present Margin

<sup>27</sup> [Notice that the concessions in respect of Grenada had been put into force was given by the British Embassy in Washington to the Secretary of State April 12, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Lard, animal	Present Margin
Meats, smoked or cured, including bacon and hams	Present Margin
Beef and pork, pickled or salted	Present Margin
Oil, lubricating	Present Margin
Paper, other than newsprint and playing cards	Present Margin
Perfumery, not including perfumed spirits	Present Margin
Soap, common, including laundry, polishing and soft soap	Present Margin
Lumber, sawn or hewn:	
Undressed	Present Margin
Wholly or partly dressed	Present Margin
_____	
Books, printed	Nil
Tobacco, unmanufactured	Nil
ST. LUCIA <sup>28</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
_____	
Flour bags	Present Margin
Electrical apparatus:	
Wireless sets and components	Present Margin
Batteries and accumulators	Present Margin
Other kinds	Present Margin
Fruit:	
Canned or bottled	Present Margin
Dried	Present Margin
Cornmeal	Present Margin
Lard, animal	Present Margin
Meats, salted or pickled	Present Margin
Oil, lubricating	Present Margin
Perfumery, not including perfumed spirits	Present Margin
Shooks, staves and headings:	
If imported for the exportation of agricultural produce	Present Margin
Other	Present Margin
Lumber, sawn or hewn:	
Undressed	Present Margin
Wholly or partly dressed	Present Margin
_____	
Tobacco, unmanufactured	Nil
ST. VINCENT <sup>29</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
_____	
Cattle and other animal foods (except bran and pollard)	Present Margin
Electrical apparatus:	
Radio receiving sets and parts thereof	Present Margin
Other electrical apparatus (except wires and cables)	Present Margin
Fruit, dried	Present Margin
Cornmeal	Present Margin
Grease	Present Margin
Hardware (except enamelled ware)	Present Margin
Lard, animal	Present Margin
Beef and pork, pickled or salted	Present Margin
House, office cabinet or store furniture of iron and steel	Present Margin
Oil, lubricating	Present Margin
Paper (except newsprint and playing cards)	Present Margin
Perfumery, not including perfumed spirits	Present Margin
Barrels and puncheons, empty:	
New, for exporting molasses	Present Margin
For exporting other produce	Present Margin

<sup>28</sup> [Notice that the concessions in respect of St. Lucia had been put into force was given by the British Embassy in Washington to the Secretary of State May 27, 1939.]

<sup>29</sup> [Notice that the concessions in respect of St. Vincent had been put into force was given by the British Embassy in Washington to the Secretary of State March 14, 1939.]

## SCHEDULE III—Continued

Article	Maximum Margin of Preference
Yeast	Present Margin
Lumber, sawn or hewn:	
Undressed	Present Margin
Wholly or partly dressed	Present Margin
Books, printed	Nil
Tobacco, unmanufactured	Nil
FIJI <sup>30</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Fish	10 per cent. ad valorem
Fruit:	
Fresh	10 per cent. ad valorem
Dried	10 per cent. ad valorem
Preserved	10 per cent. ad valorem
Vegetables:	
Fresh (except potatoes)	10 per cent. ad valorem
Preserved	10 per cent. ad valorem
Grease, lubricating	10 per cent. ad valorem
Implements, agricultural	10 per cent. ad valorem
Machinery, mining	10 per cent. ad valorem
Tractors and parts thereof (other than road tractors)	10 per cent. ad valorem
Motor vehicles (except motor tractors and motor cycles and sidecars), component parts and accessories thereof, other than tyres and tubes (except motor trucks declared to be imported solely for use in the transportation of ore and waste in mines and mine treatment works) [ex Tariff Item No. 103]	15 per cent. ad valorem
Oil, lubricating, in containers of not less than one gallon	3d. per gallon
Turpentine	3d. per gallon
BRITISH SOLOMON ISLANDS <sup>31</sup>	
Self-contained air conditioning machines comprising elements for cooling, control of humidity, cleaning and circulating of air	5 per cent. ad valorem
Motor cars, trucks and omnibuses	7½ per cent. ad valorem
Parts and accessories for motor cars, trucks and omnibuses (except tyres and tubes)	7½ per cent. ad valorem
Oil, lubricating (other than of mineral origin)	1½d. per gallon
Tobacco, manufactured:	
Cut	1s. 3d. per lb.
Plug	4½d. per lb.
Stick	4½d. per lb.
Enamel and tinware	Present Margin
Machinery, electric, oil and steam	Present Margin
Oil, lubricating (of mineral origin)	Nil

<sup>30</sup> [Notice that the concessions in respect of Fiji had been put into force was given by the British Embassy in Washington to the Secretary of State February 7, 1939.]

<sup>31</sup> [Notice that the concessions in respect of the British Solomon Islands had been put into force was given by the British Embassy in Washington to the Secretary of State March 24, 1939.]

## SCHEDULE IV

NOTE: The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

In the case of any article provided for in this Schedule, with respect to which a lower rate of United States duty than is specified herein is provided for pursuant to any trade agreement concluded under section 350 of the Tariff Act of 1930, as amended, such lower rate shall not be deemed to be rendered ineffective by reason of any provision of this Schedule.

In the event that any reduction shall be made in the rate of duty of 34 cents per pound of clean content applicable to wools, not specially provided for, in the grease or washed, under paragraph 1102 (b) of the Tariff Act of 1930, the specific part of any rate of duty provided for in items 1106, 1107 (except as to articles valued at not more than \$1 per pound), 1108, 1109 (a) (except as to articles valued at not more than 80 cents per pound), 1109 (b), 1110, 1112, 1113, 1114 (b), (c), and (d), 1115 (a) (except as to articles valued at not more than \$4 per pound), 1115 (b), and 1119 (except as to articles valued at not more than 80 cents per pound) shall, insofar as it applies to articles wholly or in chief value of wool of sheep, be reduced (calculated to the nearest cent per pound) by the same ratio as such rate of 34 cents per pound of clean content is reduced, and the reduced rates thus calculated with respect to such articles shall be effective ninety days after the said date on which such reduced rate applicable to wools, not specially provided for, in the grease or washed, is effective, and shall remain in effect during the remainder of the period during which such reduced rate is in effect.

48 Stat. 943.  
19 U. S. C. § 1351.

48 Stat. 647.  
19 U. S. C. § 1001,  
par. 1102 (b).

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1	Carbon dioxide, weighing with immediate containers and carton, one pound or less per carton	1¢ per lb. on contents, immediate containers, and carton
1	Stearic acid, valued at more than 8 cents per pound	15% ad val.
5	Sodium alginate	20% ad val.
7	Ammonium carbonate and bicarbonate	1¢ per lb.
13	Blackings, powders, liquids, and creams for cleaning or polishing, not specially provided for, and not containing alcohol	12½% ad val.
20	Chalk or whiting or Paris white, precipitated	15% ad val.
27 (a) (2) and (5)	Metacresol, orthocresol, and paracresol, all the foregoing having a purity of 75 per centum or more, but less than 90 per centum, and metaparcresol having a purity of 75 per centum or more	20% ad val. and 3¼¢ per lb.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
27 (b)	Orthocresol having a purity of 90 per centum or more	10% ad val. and 1¼¢ per lb.
27 (b)	Metacresol and paracresol, having a purity of 90 per centum or more	15% ad val. and 3½¢ per lb.
31 (a) (1)	Cellulose acetate, and compounds, combinations, or mixtures containing cellulose acetate: In blocks, sheets, rods, tubes, powder, flakes, briquets, or other forms, whether or not colloided, and waste wholly or in chief value of cellulose acetate, all the foregoing not made into finished or partly finished articles	25¢ per lb.
31 (b) (2)	All compounds of cellulose (except cellulose acetate, but including pyroxylin and other cellulose esters and ethers), and all compounds, combinations, or mixtures of which any such compound is the component material of chief value: Finished or partly finished articles not specially provided for, made in chief value from transparent sheets, bands, or strips not exceeding three one-thousandths of one inch in thickness	50% ad val.
34	Dried pawpaw juice or papain, natural and un-compounded, not edible, and not specially provided for, but advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol	5% ad val.
38	Extracts, dyeing and tanning, not containing alcohol:	
	Sumac	15% ad val.
	Myrobalan	10% ad val.
	Mangrove	7½% ad val.
39	Flavoring extracts and natural or synthetic fruit flavors, fruit esters, oils, and essences, all the foregoing not containing alcohol, and not specially provided for	15% ad val.
41	Isinglass	25% ad val.
43	Writing and copying ink	10% ad val.
49	Magnesium carbonate, precipitated	1¢ per lb.
49	Magnesium oxide or calcined magnesia	5¢ per lb.
52	Sod oil	3¢ per gal.
52	Sperm oil, refined or otherwise processed	7¢ per gal.
52	Spermaceti wax	2¼¢ per lb.
52	Wool grease:	
	Containing more than 2 per centum of free fatty acids	¼¢ per lb.
	Containing 2 per centum or less of free fatty acids and not suitable for medicinal use	1¢ per lb.
	Suitable for medicinal use, including adeps lanae, hydrous or anhydrous	2¢ per lb.
54	Palm-kernel oil	½¢ per lb.

NOTE: No Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602½ of the Revenue Act of 1934, as amended, shall be imposed in the United States in respect of palm-kernel oil. In the event that the United States shall cease to impose an internal tax with respect to palm-kernel oil, the provisions of this Schedule with respect to the tariff treatment of such oil shall cease to be in effect but no tariff rate in excess of 1 cent per pound shall be imposed on such oil.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
58	Patchouli oil, not containing alcohol	12½% ad val.
61	Bath salts, if perfumed (whether or not having medicinal properties)	37½% ad val.
65 (a)	Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors:	
	(2) In tubes, jars, cakes, pans, or other forms, not exceeding one and one-half pounds net weight each, and valued at 20 cents or more per dozen pieces, and not assembled in paint sets, kits, or color outfits:	
	In tubes or jars	2¢ per tube or jar and 25% ad val.
	In cakes, pans, or other forms	1¼¢ per cake, pan, or other form and 25% ad val.
	(4) In bulk, or in any form exceeding one and one-half pounds net weight each	5¢ per oz.
66	Enamel paints, consisting of pigments or colors ground in or mixed with varnish, not specially provided for	15% ad val.
68	Ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine, if valued at more than 10 cents per pound	3¢ per lb.
72	Lead pigments:	
	Litharge and red lead	2¼¢ per lb.
	All pigments containing lead, dry or in pulp, or ground in or mixed with oil or water, not specially provided for, and not in chief value of suboxide of lead	20% ad val.
73	Umbers, crude or not ground	½¢ per lb.
73	Synthetic iron-oxide and iron-hydroxide pigments, not specially provided for	15% ad val.
75	Spirit varnishes, containing 5 per centum or more of methyl alcohol	15% ad val.
75	Varnishes, including so-called gold size or japan, not specially provided for	15% ad val.
80	Toilet soap valued at more than 20 cents per pound	20% ad val.
80	Leather soap, including saddle soap, not specially provided for	10% ad val.
81	Sodium chloride or salt, in bulk	4¢ per 100 lbs
82	Sodium hydrosulphite, hydrosulphite compounds, and all combinations and mixtures of the foregoing	35% ad val.
201 (a)	Bath brick, not specially provided for	15% ad val.
202 (a)	Clay floor and wall tiles, glazed, however provided for in paragraph 202 (a) of the Tariff Act of 1930, valued at more than 40 cents per square foot (except ceramic mosaic tiles and except quarries or quarry tiles)	26¢ per sq. ft., but not less than 30 nor more than 60% ad val.
202 (a)	Quarries or quarry tiles not less than five-eighths inch in thickness: Valued at not more than 40 cents per square foot	5¢ per sq. ft., but not less than 25 nor more than 70% ad val.
205 (a)	Valued at more than 40 cents per square foot Plaster rock or gypsum, ground or calcined	30% ad val. \$1.40 per ton

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
207	Clays or earths, including common blue clay and Cross-Almerode glass pot clay, not specially provided for:	
	Unwrought and unmanufactured	\$1 per ton
	Wrought or manufactured	\$2 per ton
207	China clay or kaolin	\$1.75 per ton
207	Fuller's earth:	
	Unwrought and unmanufactured	\$1 per ton
	Wrought or manufactured	\$2 per ton
207	Fluorspar containing more than 97 per centum of calcium fluoride	\$4.20 per ton
210	Rockingham earthenware, valued at not less than \$1.50 per dozen articles	12½% ad val.
211	Earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware; any of the foregoing which is tableware, kitchenware, or table or kitchen utensils, painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner:	
	Plates not exceeding six and five-eighths inches in diameter, and valued at not less than 60 cents per dozen; plates exceeding six and five-eighths inches, but not exceeding eight and one-eighth inches in diameter, and valued at not less than 70 cents per dozen; plates exceeding eight and one-eighth inches, but not exceeding nine and one-eighth inches in diameter, and valued at not less than \$1.05 per dozen; plates exceeding nine and one-eighth inches in diameter, and valued at not less than \$1.25 per dozen; cups and their saucers, valued at not less than \$1.25 per dozen cups and dozen saucers; cups valued at not less than 80 cents per dozen; saucers valued at not less than 45 cents per dozen; all the foregoing, not specially provided for	10¢ per dozen pieces and 30% ad val.
212	China, porcelain, and other vitrified wares, including chemical porcelain ware, composed of a vitrified nonabsorbent body which when broken shows a vitrified or vitreous, or semivitrified or semivitreous fracture, and all bisque and parian wares, including clock cases with or without movements, plaques, pill tiles, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware (except sanitary ware and parts and fittings therefor); any of the foregoing containing 25 per centum or more of calcined bone:	
	Plain white, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware, not specially provided for:	
	Tableware, kitchenware, and table and kitchen utensils	40% ad val., but not less than 5¢ per doz. separate pieces and 30% ad val.
	Other	40% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
	Painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, and manufactures in chief value of such ware, not specially provided for:	
	Tableware, kitchenware, and table and kitchen utensils	45% ad val., but not less than 5¢ per doz. separate pieces and 35% ad val.
	Other	45% ad val.
213	Graphite or plumbago, crude or refined:	
	Amorphous	5% ad val.
	Crystalline lump, chip, or dust	15% ad val.
214	Ground Cornwall stone	20% ad val.
216	Brushes, of whatever material composed, and wholly or partly manufactured, for electric motors, generators, or other electrical machines or appliances; plates, rods, and other forms, of whatever material composed, and wholly or partly manufactured, for manufacturing into the aforesaid brushes	25% ad val.
216	Articles or wares composed wholly or in part of carbon or graphite, wholly or partly manufactured, not specially provided for	30% ad val.
218 (a)	Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles, and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing (except articles provided for in paragraph 217 or in subparagraph (e) of paragraph 218 of the Tariff Act of 1930), finished or unfinished, wholly or in chief value of fused quartz or fused silica	40% ad val.
218 (b)	Tubes (except gauge glass tubes), rods, canes, and tubing, with ends finished or unfinished, for whatever purpose used, wholly or in chief value of fused quartz or fused silica	30% ad val.
218 (b)	Gauge glass tubes, wholly or in chief value of glass	35% ad val.
218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, if cut or engraved, however provided for in paragraph 218 (f) of the Tariff Act of 1930, and valued at not less than \$1 each (except articles primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than \$8 each)	45% ad val.
226	Spectacle and eyeglass lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquille glasses, wholly or partly manufactured, with the edges unground, valued at \$10 or more per dozen pairs	25% ad val.
228 (b)	Photographic lenses, finished or unfinished, not specially provided for, valued at \$5 or more each	30% ad val.
	<i>Provided</i> , That cameras shall not be accorded a reduction in duty by virtue of this item	
231	Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing, ground or pulverized	15% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
301	Iron in pigs and iron kentledge, not containing more than four-hundredths of 1 per centum of phosphorus	75¢ per ton
302 (k)	Chrome metal or chromium metal	25% ad val.
312	Sashes and frames of iron or steel	15% ad val.
316 (a)	Wire rope	2½¢ per lb., but not less than 17½¢ nor more than 35¢ ad val.
319 (a)	Iron or steel anchors and parts thereof	15% ad val.
321	Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, whether finished or unfinished, for whatever use intended	8¢ per lb. and 25% ad val.
327	Castings of malleable iron for heel and other plates for boots and shoes	10% ad val.
329	Chains of iron or steel, used for the transmission of power, of not more than two-inch pitch and containing more than three parts per pitch, and parts thereof, finished or unfinished, all the foregoing if valued at not less than 40 cents per pound	25% ad val.
329	Chains used for the transmission of power, and parts thereof, not specially provided for	25% ad val.
335	Grit, shot, and sand of iron or steel, in any form	¾¢ per lb.
337	Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation:	
	When manufactured with round iron or untempered round steel wire	15% ad val.
	When manufactured with tempered round steel wire, or with plated wire, or other than round iron or steel wire, or with felt face, wool face, or rubber-face cloth containing wool	35% ad val.
339	Carbonated water siphons which are table, household, kitchen, or hospital utensils, composed wholly or in chief value of copper, brass, steel, or other base metal (other than aluminum), not plated with platinum, gold, or silver, and not specially provided for	25% ad val.
339	Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for:	
	Plated with silver on nickel silver or copper	35% ad val.
	Composed wholly or in chief value of copper (including copper in alloys other than brass), not plated with platinum, gold, or silver, and not specially provided for	35% ad val.
	Composed wholly or in chief value of pewter, not plated with platinum, gold, or silver, and not specially provided for	25% ad val.
343	Tape, knitting, and all other needles, not specially provided for, and bodkins of metal	30% ad val.
343	Needle cases or needle books, furnished with assortments of needles only, and valued at not less than \$1.25 per dozen cases or books	30% ad val.
345	Saddlery and harness hardware:	
	Buckles, rings, snaps, bits, swivels, and all other articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as harness hardware	20% ad val.
	All articles of iron, steel, brass, composition, or other metal, not plated with gold or silver, commonly or commercially known as saddlery or riding bridle hardware	25% ad val.
	All the foregoing, if plated with gold or silver	30% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
346	Belt buckles, trouser buckles, and waistcoat buckles, shoe or slipper buckles, and parts thereof, made wholly or partly of iron, steel, or other base metal: Valued at more than 20 and not more than 50 cents per hundred	7¢ per 100 and 10% ad val.
	Valued at more than 50 cents and not more than \$1.66½ per hundred	10¢ per 100 and 10% ad val.
349	Buttons of metal, not specially provided for	½¢ per line per gross and 10% ad val.
350	Pins with solid heads, without ornamentation, not plated with gold or silver, and not commonly known as jewelry:	
	Hair pins and dressmakers' or common pins	30% ad val.
351	Pens, not specially provided for:	
	Of plain or carbon steel	12¢ per gross
	Wholly or in part of other metal	14¢ per gross
	Any of the foregoing with nib and barrel in one piece	15¢ per gross
353	Electrical telegraph (including printing and type-writing) apparatus, instruments (other than laboratory), and devices, finished or unfinished, wholly or in chief value of metal	17½% ad val.
353	Cordage machines having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	20% ad val.
353	Tobacco cutting machines and industrial cigarette making machines, having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	22½% ad val.
353	Machines for packaging pipe tobacco, machines for wrapping cigarette packages, and machines for wrapping candy; combination candy cutting and wrapping machines; all the foregoing having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for	17½% ad val.
353	Internal-combustion engines having as an essential feature an electrical element or device, finished or unfinished, wholly or in chief value of metal, and not specially provided for:	
	Carburetor type	17½% ad val.
	Other than carburetor type:	
	Horizontal type, weighing not over five thousand pounds each	17½% ad val.
	Other than horizontal type, weighing not over two thousand five hundred pounds each	17½% ad val.
353	Electrical signaling, radio, welding, and ignition apparatus, instruments (other than laboratory), and devices; electrical generators, transformers, converters, double current and motor generators, dynamotors, and all other articles suitable for producing, rectifying, modifying, controlling, or distributing electrical energy, and articles having as an essential feature an electrical element or device, such as electric motors, locomotives, portable tools, furnaces, heaters, ovens, refrigerators, and signs (except telephone, wiring, diagnostic, and therapeutic apparatus, instruments, and devices, primary cells, flashlights, switches, switch gear, fans, blowers, washing machines, and machines not herein provided for by name which would be dutiable under para-	

## SCHEDULE IV—Continued

United  
States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
	graph 372 of the Tariff Act of 1930 if of a kind which could be designed to operate without such electrical element or device, and except articles of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any Agreement heretofore concluded under section 350 of such Act, as amended); all the foregoing, not specially provided for, finished or unfinished, wholly or in chief value of metal, and not provided for heretofore in any item numbered 353 in this Schedule	25% ad val.
353	Machines having as an essential feature an electrical element or device and which would be dutiable under paragraph 372 of the Tariff Act of 1930 if of a kind which could be designed to operate without such electrical element or device (except articles of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any Agreement heretofore concluded under section 350 of such Act, as amended); all the foregoing, not specially provided for, finished or unfinished, wholly or in chief value of metal, and not provided for heretofore in any item numbered 353 in this Schedule	25% ad val.
353	Parts, not specially provided for, finished or unfinished, wholly or in chief value of metal, of any articles provided for in any item numbered 353 in this Schedule, shall be dutiable at the same rate of duty as the articles of which they are parts.	27½% ad val.
355	Table, butchers', carving, cooks', hunting, kitchen, bread, cake, pie, slicing, cigar, butter, vegetable, fruit, cheese, canning, fish, carpenters' bench, carriers', drawing, farriers', fleshing, hay, sugar-beet, beet-topping, tanners', plumbers', painters', palette, artists', shoe, and similar knives, forks, and steels, and cleavers, all the foregoing, finished or unfinished, not specially provided for:	
	With handles of mother-of-pearl, shell, ivory, deer, or other animal horn	8¢ each and 25% ad val.
	With handles plated with and in chief value of silver	10¢ each and 25% ad val.
	With handles of silver (other than plated with silver), or other metal than aluminum, nickel silver, iron or steel	16¢ each and 35% ad val.
	With handles of hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material:	
	Table, carving, cake, pie, butter, fruit, cheese, and fish	4¢ each and 25% ad val.
	Other	8¢ each and 35% ad val.
	With handles of wood or wood and steel if specially designed for other than household, kitchen, or butchers' use, or with handles of nickel silver or steel other than austenitic:	
	If less than four inches in length, exclusive of handle	2¢ each and 25% ad val.
	If four inches in length or over, exclusive of handle (except hay forks and four-tined manure forks)	4¢ each and 25% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
	With handles of any other material, including those with handles of wood or wood and steel not specially designed for other than household, kitchen, or butchers' use: If less than four inches in length, exclusive of handle	2¢ each and 35% ad val.
	If four inches in length or over, exclusive of handle (except hay forks and four-tined manure forks)	8¢ each and 35% ad val.
	Any of the foregoing without handles: With blades less than six inches in length	2¢ each and 25% ad val.
	With blades six inches or more in length (except hay forks and four-tined manure forks)	4¢ each and 25% ad val.
355	Hay forks and four-tined manure forks, all the foregoing, finished or unfinished, not specially provided for, with handles of any material other than those specifically mentioned in paragraph 355 of the Tariff Act of 1930, if four inches in length or over, exclusive of handle	2¢ each and 12% ad val.
355	Hay forks and four-tined manure forks, finished or unfinished, not specially provided for, any of the foregoing without handles, with blades six inches or more in length	2¢ each and 12% ad val.
356	Planing-machine knives, tannery and leather knives, tobacco knives, paper and pulp mill knives, shear blades, circular cloth cutters, circular cork cutters, circular cigarette cutters, and all other cutting knives and blades used in power or hand machines (except knives and blades for meat-cutting, meat-slicing, or meat-chopping machines)	20% ad val.
357	Pruning and sheep shears, and blades for the same, finished or unfinished, valued at more than \$1.75 per dozen	10¢ each and 22½% ad val.
358	Safety razors, and safety-razor handles and frames	5¢ each and 15% ad val.
358	Blades for safety razors: In strips	½¢ each and 15% ad val.
	All other, finished or unfinished	½¢ each and 15% ad val.
360	Pyrometers and moisture testers which are scientific or laboratory instruments, apparatus, utensils, or appliances, and parts thereof, wholly or in chief value of metal, and not plated with gold, silver, or platinum, finished or unfinished, and not specially provided for	25% ad val.
365	Shotguns and rifles valued at more than \$50 each	32½% ad val.
368 (a)	Ships' logs, standard marine chronometers having spring-detent escapements, and depth-sounding mechanisms, devices, and instruments; all the foregoing intended or suitable for measuring time, distance, or speed, whether or not in cases, containers, or housings:	
	(1) Valued at more than \$10 each	\$2.25 each
	(2) Any of the foregoing shall be subject to an additional duty of	32½% ad val.
	(3) Any of the foregoing containing jewels shall be subject to an additional cumulative duty of	12½¢ for each such jewel

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
368 (c)	Parts specified hereunder for any of the articles specified in item 368 (a) of this Schedule shall be dutiable as follows:	
	(1) Parts (except plates provided for in clause (2) of subparagraph 368 (c) of the Tariff Act of 1930, and jewels) imported in the same shipment with complete movements, mechanisms, devices, or instruments, provided for in item 368 (a) of this Schedule (whether or not suitable for use in such movements, mechanisms, devices, or instruments) but this clause of this item shall not be applicable to that portion of all the parts in the shipment which exceeds in value 1½ per centum of the value of such complete movements, mechanisms, devices, or instruments	22½% ad val.
	(6) All other parts (except jewels and except those provided for in subparagraph 368 (c) (2), (3), (4), and (5) of the Tariff Act of 1930)	32½% ad val.
369 (b)	Motor cycles, whether finished or unfinished	10% ad val.
369 (c)	Parts (except tires and except parts wholly or in chief value of glass) for motor cycles, finished or unfinished, not specially provided for	15% ad val.
370	Internal-combustion motor-boat engines:	
	Carburetor type	17½% ad val.
	Other than carburetor type, weighing not more than two thousand five hundred pounds each	17½% ad val.
371	Bicycles with or without tires, having wheels in diameter (measured to the outer circumference of the tire):	
	Over twenty-five inches	\$2.50 each, but not less than 15 nor more than 30% ad val.
	Over nineteen but not over twenty-five inches	\$2 each, but not less than 15 nor more than 30% ad val.
	Not over nineteen inches	\$1.25 each, but not less than 15 nor more than 30% ad val.
371	Frames for bicycles	\$1.25 each, but not less than 15 nor more than 30% ad val.
372	Reciprocating steam engines (except locomotives)	10% ad val.
372	Sewing machines, not specially provided for:	
	Valued at not more than \$75 each	15% ad val.
	Valued at more than \$75 each	15% ad val.
372	Steam turbines	20% ad val.
372	Lace-making machines, and machines for making lace curtains, nets, and nettings (except Levers or go-through lace machines)	15% ad val.
372	Circular knitting machines, finished or unfinished	20% ad val.
372	Braiding, lace braiding, and insulating machines, and all other similar textile machinery, finished or unfinished, not specially provided for	20% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
372	Textile machinery, finished or unfinished, not specially provided for, for textile manufacturing or processing prior to the making of fabrics or woven, knit, crocheted, or felt articles not made from fabrics (except worsted combs, bleaching, printing, dyeing, or finishing machinery, and machinery for making synthetic textile filaments, bands, strips, or sheets)	20% ad val.
372	Textile machinery, finished or unfinished, not specially provided for, and not provided for heretofore in any item numbered 372 in this Schedule (except worsted combs, machinery for making synthetic textile filaments, bands, strips, or sheets, looms, or bleaching, printing, dyeing, and finishing machinery, and not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended)	25% ad val.
372	Cordage machines, finished or unfinished, not specially provided for	20% ad val.
372	Combination cases and sharpening mechanisms for safety razors	22½% ad val.
372	Tobacco cutting machines and industrial cigarette making machines, finished or unfinished, not specially provided for	22½% ad val.
372	Machines for packaging pipe tobacco, machines for wrapping cigarette packages, and machines for wrapping candy; combination candy cutting and wrapping machines; all the foregoing, finished or unfinished, not specially provided for	17¼% ad val.
372	Internal-combustion engines, finished or unfinished, not specially provided for:	
	Carburetor type	17½% ad val.
	Other than carburetor type:	
	Horizontal type, weighing not over five thousand pounds each	17¼% ad val.
	Other than horizontal type, weighing not over two thousand five hundred pounds each	17¼% ad val.
372	Parts, not specially provided for, wholly or in chief value of metal or porcelain, of any articles provided for in any item numbered 372 in this Schedule, shall be dutiable at the same rate of duty as the articles of which they are parts.	
373	Shovels, spades, scoops, and drainage tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured	15% ad val.
373	Forks, hoes, and rakes, all the foregoing if agricultural hand tools, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured	7½% ad val.
374	Aluminum, and alloys (except those provided for in paragraph 302 of the Tariff Act of 1930) in which aluminum is the component material of chief value, in coils, plates, sheets, bars, rods, circles, disks, blanks, strips, rectangles, and squares	
381	Seamless brass tubes and tubing	6¢ per lb.
381	Bronze tubes	4¢ per lb.
		4¢ per lb.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
389	Nickel, and alloys (except those provided for in paragraph 302 or 380 of the Tariff Act of 1930) in which nickel is the component material of chief value:	
	Tubes and tubing and in addition, if cold rolled, cold drawn, or cold worked	12½% ad val. 5% ad val.
390	Bottle caps of metal, collapsible tubes, and sprinkler tops:	
	If not decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color	25% ad val.
	If decorated, colored, waxed, lacquered, enameled, lithographed, electroplated, or embossed in color	35% ad val.
395	Used print blocks, of whatever material composed, used for printing, stamping, or cutting designs	40% ad val.
397	Articles or wares not specially provided for, if composed wholly or in chief value of silver	50% ad val.
397	Articles or wares not specially provided for, if plated with silver on nickel silver or copper	35% ad val.
397	Containers, not specially provided for, wholly or in chief value of tin plate, but not plated with platinum, gold, or silver, or colored with gold lacquer	22½% ad val.
397	Articles or wares not specially provided for, composed wholly or in chief value of iron, steel, or other base metal (except lead), but not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured:	
	Luggage hardware	30% ad val.
	Typewriter spools and parts of carbonated water siphons	25% ad val.
	Cases and sharpening devices for safety razors; tricycles, including velocipedes, valued at \$2.75 or more each; baby carriage fittings; styluses; and golf club heads	22½% ad val.
397	Articles or wares not specially provided for, if composed wholly or in chief value of lead, but not plated with platinum, gold, or silver, or colored with gold lacquer, whether wholly or partly manufactured	3¢ per lb., but not less than 22½ nor more than 45% ad val.
412	Furniture (other than chairs), wholly or partly finished, wholly or in chief value of wood, and not specially provided for	25% ad val.
412	Tennis-racket and badminton-racket frames, wholly or in chief value of wood, valued at \$1.75 or more each	20% ad val.
502	Molasses and sugar sirups, not specially provided for, which contain soluble nonsugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids:	
	Testing not above 48 per centum total sugars	¼¢ per gal.
	Testing above 48 per centum total sugars	1¼¢ additional for each per centum of total sugars and fractions of a per centum in proportion

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
	<i>Provided, That such molasses and sugar sirups entered, or withdrawn from warehouse, for consumption in any calendar year in excess of an aggregate quantity of one million five hundred thousand gallons per annum shall not be entitled to a reduction in duty by virtue of this item. Such molasses and sugar sirups in excess of one million five hundred thousand gallons per annum shall not be subject to higher rates of customs duties than are in effect on the day of the signature of this Agreement.</i>	
505	Salicin	35% ad val.
506	Sugar candy and all confectionery not specially provided for, valued at 6 cents or more per pound	20% ad val.
603	Manufactured or unmanufactured tobacco, not specially provided for	35¢ per lb.
605	Cigarettes	\$2.25 per lb. and 12½% ad val.
704	Venison, fresh, chilled, or frozen, not specially provided for	3¢ per lb.
705	Extract of meat, including fluid	15¢ per lb.
706	Meat pastes (other than liver pastes), prepared or preserved, not specially provided for, packed in air-tight containers weighing with their contents not more than three ounces each	6¢ per lb., but not less than 10% ad val.
712	Birds, dead, dressed or undressed, fresh, chilled, or frozen (except chickens, ducks, geese, guineas, and turkeys)	5¢ per lb.
714	Horses, unless imported for immediate slaughter, valued at more than \$150 per head	17½% ad val.
718 (b)	Fish, prepared or preserved in any manner, when packed in air-tight containers weighing with their contents not more than fifteen pounds each (except fish packed in oil or in oil and other substances): Herring, smoked or kippered or in tomato sauce, packed in immediate containers weighing with their contents more than one pound each	15% ad val.
719	Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in air-tight containers weighing with their contents not more than fifteen pounds each):	
	(2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed), when containing more than 43 per centum of moisture by weight	¾¢ per lb.
	(4) Herring, whether or not boned, in immediate containers weighing with their contents more than fifteen pounds each and containing each more than ten pounds of herring, net weight: If known commercially as full herring, when imported and entered for consumption during the period from December 15 to the following January 31, inclusive, in any year; or if valued at 6 cents or more per pound	¾¢ per lb. net wt.
720(a)(3)	Herring, smoked or kippered (except herring packed in oil or in oil and other substances and except herring packed in air-tight containers weighing with their contents not more than fifteen pounds each), eviscerated, split, skinned, or divided into portions (but not boned)	2¢ per lb. 20% ad val.
721(c)	Fish paste and fish sauce	

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
722	Patent barley and barley flour	2¢ per lb.
726	Oatmeal, rolled oats, oat grits, and similar oat products	10% ad val., but not less than 40 nor more than 80 cents per hundred pounds
733	Biscuits, wafers, cake, cakes, and similar baked articles, and puddings, all the foregoing by whatever name known, whether or not containing chocolate, nuts, fruits, or confectionery of any kind	15% ad val.
736	Lingon or partridge berries, in their natural condition or in brine	5¢ per lb.
736	Berries (including blueberries), edible, frozen, and not specially provided for	17½% ad val.
738	Malt vinegar	4¢ per proof gal.
743	Limes, in their natural state, or in brine	1½¢ per lb.
747	Pineapples not in bulk	35¢ per crate of 2.45 cubic ft.
747	Pineapples, prepared or preserved, and not specially provided for	1½¢ per lb.
751	All jellies, jams, marmalades, and fruit butters	20% ad val.
753	Cut flowers, fresh, dried, prepared, or preserved	25% ad val.
754	Orchid plants	15% ad val.
758	Coconuts	¼¢ each
763	Clover seed, not specially provided for	2¢ per lb.
763	Rye grass seed	1½¢ per lb.
764	Turnip and rutabaga seeds	3¢ per lb.
774	Celery in its natural state, when imported and entered for consumption during the period from April 15 to the following July 31, inclusive, in any year	1¢ per lb.
781	Mustard seeds (whole)	1¾¢ per lb.
781	Mustard, ground or prepared in bottles or otherwise	7½¢ per lb.
781	Curry and curry powder	2½¢ per lb.
802	Whiskey of all types and classes, not consisting in any part of distilled spirits which have not been aged in wooden containers at least four years prior to the date the whiskey is entered, or withdrawn from warehouse, for consumption	\$2.50 per proof gal.
802	Rum, in containers holding each one gallon or less	\$2.50 per proof gal.
802	Gin	\$2.50 per proof gal.
802	Bitters of all kinds containing spirits	\$2.50 per proof gal.
806 (a)	Cherry juice, prune juice, or prune wine, and all other fruit juices and fruit sirups, not specially provided for, containing less than one-half of 1 per centum of alcohol	35¢ per gal.
806 (b)	Concentrated lime juice, fit for beverage purposes, whether in liquid, powdered, or solid form	35¢ per gal. on the quantity of unconcentrated natural fruit juice contained therein as shown by chemical analysis
808	Ginger ale, ginger beer, lemonade, soda water, and similar beverages containing no alcohol, and beverages containing less than one-half of 1 per centum of alcohol, not specially provided for	10¢ per gal.
901 (a)	Cotton yarn, including warps, in any form, not bleached, dyed, colored, combed, or plied: Of numbers exceeding number 60 but not exceeding number 80	23% ad val. and, in addition thereto, for each number above number 60, ¼ of 1% ad val.
	Of numbers exceeding number 80	25% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
901 (b)	Cotton yarn, including warps, in any form, bleached, dyed, colored, combed, or plied: Of numbers exceeding number 60 but not exceeding number 80	28% ad val. and, in addition thereto, for each number above number 60, $\frac{1}{10}$ of 1% ad val. 30% ad val.
904 (a)	Of numbers exceeding number 80 Cotton cloth, not bleached, printed, dyed, or colored, containing yarns the average number of which— Does not exceed number 102, if valued at more than 70 cents per pound	7½% ad val. and, in addition thereto, for each number, $\frac{1}{4}$ of 1% ad val. 33% ad val.
904 (a)	Exceeds number 102 The minimum rate of duty on any cotton cloth, not bleached, printed, dyed, or colored, to be imposed under paragraph 904 (a) of the Tariff Act of 1930 shall be	$\frac{1}{10}$ ¢ per average number per lb.
904 (b)	Cotton cloth, bleached (but not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended), containing yarns the average number of which— Does not exceed number 60, if valued at more than 80 cents per pound; or exceeds number 60 but does not exceed number 90, if valued at more than \$1.20 per pound	10% ad val. and, in addition thereto, for each number, $\frac{1}{4}$ of 1% ad val. 36% ad val.
904 (c)	Exceeds number 90 Cotton cloth, printed, dyed, or colored (but not including any article of a class or kind with respect to which United States import duties have been reduced or bound against increase pursuant to any trade agreement heretofore concluded under section 350 of the Tariff Act of 1930, as amended), containing yarns the average number of which— Does not exceed number 60, if valued at more than 90 cents per pound; or exceeds number 60 but does not exceed number 90, if valued at more than \$1.40 per pound	12% ad val. and, in addition thereto, for each number, $\frac{1}{4}$ of 1% ad val. 39% ad val.
904 (d)	Exceeds number 90 The additional duty to be levied, collected, and paid under paragraph 904 (d) of the Tariff Act of 1930 on cotton cloth woven with 8 or more harnesses, or with Jacquard, lappet, or swivel attachments, or with two or more colors or kinds of filling shall be	5% ad val. 40% ad val. 20% ad val. 20% ad val.
906	Cloth, in chief value of cotton, containing wool	40% ad val.
907	Tracing cloth	20% ad val.
907	Cotton window holland	20% ad val.

## SCHEDULE IV—Continued

United  
States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
907	Oilcloths (except silk oilcloths and oilcloths for floors)	15% ad val.
907	Filled or coated cotton cloths not specially provided for	20% ad val.
907	Waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, whether or not in part of India rubber	25% ad val.
909	Pile fabrics, cut or uncut, whether or not the pile covers the entire surface, wholly or in chief value of cotton:	
	Corduroys, fifty-two inches or more in width, valued at 50 cents or more per square yard	30% ad val.
	Plushes and chenilles, fifty-two inches or more in width, valued at \$1 or more per square yard	30% ad val.
	Twill-back velveteens, valued at 65 cents or more per square yard	37½% ad val.
909	Velveteen polishing cloths, wholly or in chief value of cotton, valued at 60 cents or more per square yard	31¼% ad val.
912	Spindle banding, and lamp and stove wicking, wholly or in chief value of cotton or other vegetable fiber	20% ad val.
913 (a)	Belts and belting, for machinery, wholly or in chief value of cotton or other vegetable fiber or of cotton or other vegetable fiber and India rubber (except belts and belting in part of India rubber and valued at less than 40 cents per pound)	20% ad val.
913 (b)	Rope used as belting for textile machinery, wholly or in chief value of cotton	25% ad val.
918	Handkerchiefs and woven mufflers, wholly or in chief value of cotton, finished or unfinished, not hemmed, shall be subject to duty as cloth; and, in addition, if hemmed or hemstitched	10% ad val.
919	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of cotton, and not specially provided for:	
	Coats valued at \$4 or more each; vests valued at \$24 or more per dozen; dressing gowns, including bathrobes and beach robes, valued at \$2.50 or more each; underwear valued at \$9 or more per dozen separate pieces; and pajamas valued at \$18 or more per dozen suits	20% ad val.
919	Shirt collars and cuffs, of cotton, not specially provided for	15¢ per doz. pieces and 5% ad val.
920	Lace window curtains, nets, nettings, pillow shams, and bed sets, and all other fabrics and articles, by whatever name known, plain or Jacquard-figured, finished or unfinished, wholly or partly manufactured, for any use whatsoever, made on the Nottingham lace-curtain machine, wholly or in chief value of cotton or other vegetable fiber	50% ad val.
923	Manufactures, wholly or in chief value of cotton, not specially provided for:	
	Terry-woven towels valued at 45 cents or more each; printers' rubberized blanketing; molded cotton and rubber packing; fishing nets valued at 50 cents or more per pound; ladder tapes; badminton nets; and yarns in chief value of cotton containing wool	30% ad val.
1001	Flax, not hackled	¾¢ per lb.
1001	Flax, hackled, including "dressed line"	1½¢ per lb.
1001	Flax tow and flax noils	¾¢ per lb.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1003	Twist, twine, and cordage, bleached, dyed, or otherwise treated, composed of two or more jute yarns or rovings twisted together, the size of the single yarn or roving of which is— Coarser than twenty-pound Twenty-pound up to but not including ten-pound Ten-pound up to but not including five-pound Five-pound and finer <i>Provided, That no article assessed with duty under this item shall be subject to any separate additional duty under paragraph 1003 of the Tariff Act of 1930</i>	4½¢ per lb. 6¢ per lb. 7½¢ per lb. 10¢ per lb.
1004 (a)	Single yarns, of flax: Not finer than sixty lea Finer than sixty lea	25% ad val. 15% ad val.
1004 (b)	Threads, twines, and cords, composed of two or more yarns of flax twisted together	30% ad val.
1006	Gill nettings, nets, webs, and seines, and other nets for fishing, not specially provided for: Wholly or in chief value of flax and valued at more than \$1 per pound Wholly or in chief value of hemp and valued at more than 60 cents per pound	30% ad val. 30% ad val.
1008	Woven fabrics, wholly of jute, not specially provided for: Not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable Bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable	1¢ per lb. 1¢ per lb. and 10% ad val.
1009 (a)	Woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax (except such as are commonly used as paddings or interlinings in clothing), exceeding thirty and not exceeding one hundred threads to the square inch, counting the warp and filling, weighing not less than four and not more than twelve ounces per square yard, and exceeding twelve inches but not exceeding thirty-six inches in width	50% ad val.
1009 (b)	Woven fabrics, such as are commonly used for paddings or interlinings in clothing: Wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material of chief value, exceeding thirty and not exceeding one hundred and twenty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half and not more than twelve ounces per square yard Wholly or in chief value of jute, exceeding thirty threads to the square inch, counting the warp and filling, and weighing not less than four and one-half ounces and not more than twelve ounces per square yard	30% ad val. 30% ad val.
1010	Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for	20% ad val.
1011	Plain-woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than four ounces per square yard	20% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1013	Table damask, wholly or in chief value of flax, and all articles, finished or unfinished, made or cut from such damask:	
	Not exceeding one hundred and thirty threads to the square inch, counting the warp and filling	30% ad val.
	Exceeding one hundred and thirty threads to the square inch, counting the warp and filling	25% ad val.
1014	Towels, finished or unfinished, wholly or in chief value of flax:	
	Not exceeding one hundred and twenty threads to the square inch, counting the warp and filling	50% ad val.
	Exceeding one hundred and twenty threads to the square inch, counting the warp and filling	20% ad val.
1014	Napkins, finished or unfinished, wholly or in chief value of flax:	
	Not exceeding one hundred and thirty threads to the square inch, counting the warp and filling	30% ad val.
	Exceeding one hundred and thirty threads to the square inch, counting the warp and filling	25% ad val.
1014	Sheets and pillowcases, wholly or in chief value of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value	25% ad val.
1016	Handkerchiefs, wholly or in chief value of vegetable fiber, except cotton, finished or unfinished:	
	Not hemmed Hemmed or hemstitched, or unfinished having drawn threads (but not including handkerchiefs made with hand rolled or hand made hems)	35% ad val.
1017	Shirt collars and cuffs, wholly or in part of flax	20¢ per doz. and 5% ad val.
1019	Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing more than thirty-two ounces per square yard	¼¢ per lb.
1020	Linoleum, including mats and rugs:	
	Inlaid	32% ad val.
	Other, including corticine and cork carpet	25% ad val.
1021	Felt-base floor coverings, not specially provided for	25% ad val.
1105 (a) and (b)	Wool and hair wastes: Top waste, slubbing waste, roving waste, and ring waste Garnetted waste Noils, carbonized Noils, not carbonized Thread or yarn waste Card or burr waste, carbonized Card or burr waste, not carbonized Wool wastes not specially provided for Shoddy, and wool extract Mungo Wool rags Flocks	34¢ per lb. 18¢ per lb. 21¢ per lb. 16¢ per lb. 15¢ per lb. 18¢ per lb. 14¢ per lb. 14¢ per lb. 14¢ per lb. 9¢ per lb. 9¢ per lb. 5¢ per lb.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1106	Wool, and hair of the kinds provided for in Schedule 11 of the Tariff Act of 1930, if carbonized, or advanced in any manner or by any process of manufacture beyond the washed or scoured condition, including tops, but not further advanced than roving	37¢ per lb. and 12½% ad val.
1107	Yarn, wholly or in chief value of wool, other than Angora rabbit hair: Valued at not more than 60 cents per pound Valued at more than 60 cents but not more than \$1 per pound Valued at more than \$1 but not more than \$1.50 per pound Valued at more than \$1.50 per pound	30¢ per lb. and 30% ad val. 36¢ per lb. and 30% ad val. 40¢ per lb. and 30% ad val. 40¢ per lb. and 30% ad val.
1108	Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, except fabrics having the warp wholly of cotton or other vegetable fiber: Valued at not more than \$1.25 per pound Valued at more than \$1.25 but not more than \$2 per pound Valued at more than \$2 per pound	50¢ per lb. and 37½% ad val. 50¢ per lb. and 37½% ad val. 50¢ per lb. and 37½% ad val.
1108	Woven fabrics, weighing not more than four ounces per square yard, wholly or in chief value of wool, and having the warp wholly of cotton or other vegetable fiber: Valued at not more than \$1 per pound Valued at more than \$1 but not more than \$1.50 per pound Valued at more than \$1.50 per pound	40¢ per lb. and 37½% ad val. 40¢ per lb. and 37½% ad val. 40¢ per lb. and 37½% ad val.
1109 (a)	Woven fabrics, weighing more than four ounces per square yard, wholly or in chief value of wool (except woven green billiard cloths, in the piece, weighing more than eleven ounces but not more than fifteen ounces per square yard, wholly of wool): Valued at not more than 80 cents per pound Valued at more than 80 cents but not more than \$1.25 per pound Valued at more than \$1.25 but not more than \$2 per pound Valued at more than \$2 per pound	40¢ per lb. and 45% ad val. 50¢ per lb. and 40% ad val. 50¢ per lb. and 40% ad val. 50¢ per lb. and 35% ad val.
1109 (b)	Felts, belts, blankets, jackets, or other articles of machine clothing, for papermaking, printing, or other machines, when woven, wholly or in chief value of wool, as units or in the piece, finished or unfinished: Valued at not more than \$1.25 per pound Valued at more than \$1.25 but not more than \$2 per pound Valued at more than \$2 per pound	50¢ per lb. and 25% ad val. 50¢ per lb. and 27½% ad val. 50¢ per lb. and 30% ad val.

## SCHEDULE IV—Continued

United  
States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

1110	Pile fabrics, whether or not the pile covers the entire surface, wholly or in chief value of wool, and all articles, finished or unfinished, made or cut from such pile fabrics:	
	If the pile is wholly cut or wholly uncut	44¢ per lb. and 40% ad val.
	If the pile is partly cut	44¢ per lb. and 40% ad val.
1111	Blankets, and similar articles (including carriage and automobile robes and steamer rugs), made as units or in the piece, finished or unfinished, wholly or in chief value of wool, not exceeding three yards in length:	
	Valued at not more than \$1 per pound	30¢ per lb. and 36% ad val.
	Valued at more than \$1 but not more than \$1.50 per pound	33¢ per lb. and 36% ad val.
	Valued at more than \$1.50 per pound	40¢ per lb. and 36% ad val.
1112	Felts, not woven, wholly or in chief value of wool:	
	Valued at not more than \$1.50 per pound	30¢ per lb. and 30% ad val.
	Valued at more than \$1.50 per pound	40¢ per lb. and 35% ad val.
1113	Fabrics, with fast edges, not exceeding twelve inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, and cords and tassels; all the foregoing, wholly or in chief value of wool	50¢ per lb. and 40% ad val.
1114 (b)	Hose and half-hose, finished or unfinished, wholly or in chief value of wool:	
	Valued at more than \$1.75 but not more than \$3 per dozen pairs	50¢ per lb. and 35% ad val.
	Valued at more than \$3 per dozen pairs	50¢ per lb. and 25% ad val.
1114 (b)	Gloves and mittens, finished or unfinished, wholly or in chief value of wool, valued at more than \$3.50 per dozen pairs	50¢ per lb. and 40% ad val.
1114 (c)	Knit underwear, finished or unfinished, wholly or in chief value of wool:	
	Valued at not more than \$1.75 per pound	40¢ per lb. and 30% ad val.
	Valued at more than \$1.75 per pound	50¢ per lb. and 30% ad val.
1114 (d)	Outerwear and articles of all kinds, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for (except hats, bonnets, caps, berets, and similar articles):	
	Infants' outerwear valued at more than \$2 per pound:	
	Made or cut from Jersey fabric knit in plain stitch on a circular machine	50¢ per lb. and 25% ad val.
	Other	50¢ per lb. and 50% ad val.
	Other than infants' outerwear:	
	Valued at more than \$2 but not more than \$5 per pound	50¢ per lb. and 40% ad val.
	Valued at more than \$5 per pound	50¢ per lb. and 30% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1115 (a)	Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, wholly or in chief value of wool (except hats, bonnets, caps, berets, and similar articles, and except bodies, hoods, forms, and shapes for hats, bonnets, caps, berets, and similar articles):	33¢ per lb. and 30% ad val.
	Valued at not more than \$4 per pound	50¢ per lb. and 30% ad val.
	Valued at more than \$4 per pound	33¢ per lb. and 30% ad val.
1115 (b)	Bodies, hoods, forms, and shapes, for hats, bonnets, caps, berets, and similar articles, wholly or in chief value of wool but not knit or crocheted nor made in chief value of knit, crocheted, or woven material, if blocked or trimmed (including finished hats, bonnets, caps, berets, and similar articles), and valued at more than \$12 per dozen	40¢ per lb. and 40% ad val. and in addition 8¢ per article
1116 (b)	Carpets, rugs, and mats, of oriental weave or weaves, made on a power-driven loom; chenille Axminster carpets, rugs, and mats; all the foregoing, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width	40% ad val.
1117 (a)	Axminster carpets, rugs, and mats, not specially provided for; Wilton carpets, rugs, and mats; Brussels carpets, rugs, and mats; velvet or tapestry carpets, rugs, and mats; and carpets, rugs, and mats, of like character or description; all the foregoing, if valued at more than 40 cents per square foot	40% ad val.
1117 (c)	Floor coverings, including mats and druggets, wholly or in chief value of hair of the Angora goat, not specially provided for:	30% ad val.
	Valued at not more than 40 cents per square foot	40% ad val.
	Valued at more than 40 cents per square foot	Subject to applicable rates of duty imposed upon woven fabrics of wool in item 1108 or 1109 (a) of this Schedule
1119	Tapestries and upholstery goods (not including pile fabrics), in the piece or otherwise, wholly or in chief value of wool	Subject to applicable rates of duty imposed upon woven fabrics of wool in item 1108 or 1109 (a) of this Schedule
1120	Cloth samples measuring not more than one hundred and four square inches in area, wholly or in chief value of wool, not specially provided for	25% ad val.
1207	Garters, suspenders, and braces, wholly or in chief value of silk or of silk and India rubber, and not specially provided for, whether or not Jacquard-figured	35% ad val.
1209	Handkerchiefs and woven mufflers, wholly or in chief value of silk, finished or unfinished, valued at more than \$5 per dozen:	30% ad val.
	Not hemmed:	40% ad val.
	If block-printed by hand	35% ad val.
	Other	45% ad val.
	Hemmed or hemstitched:	35% ad val.
	If block-printed by hand	45% ad val.
	Other	45% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1402	Sheathing paper, roofing paper, deadening felt, sheathing felt, roofing felt or felt roofing, whether or not saturated or coated	10% ad val.
1404	Papers commonly or commercially known as stereotype paper, carbon paper, coated or uncoated, and pottery paper; any of the foregoing, colored or uncolored, white or printed:	
	Weighing not over six pounds to the ream, and whether in sheets or any other form, valued at more than 15 cents per pound	4¢ per lb. and 15% ad val.
	Weighing over six pounds and less than ten pounds to the ream, valued at more than 15 cents per pound	4¢ per lb. and 10% ad val.
1404	India and bible paper weighing ten pounds or more and less than twenty and one-half pounds to the ream	2¢ per lb. and 10% ad val.
1405	Simplex decalcomania paper not printed	2½¢ per lb. and 10% ad val.
1405	All boxes of paper or papier-mâché or wood covered or lined with paper and provided for in paragraph 1405 of the Tariff Act of 1930, but not including boxes covered or lined with cotton or other vegetable fiber	5¢ per lb. and 10% ad val.
1405	Unsensitized basic paper, to be sensitized for use in photography	5% ad val.
1406	Pictures, calendars, cards, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specially provided for in paragraph 1406 or elsewhere in the Tariff Act of 1930, exceeding twenty one-thousandths of one inch in thickness, and valued at more than 35 cents per pound	6¢ per lb.
1407 (a)	Handmade paper, and paper commonly or commercially known as handmade or machine handmade paper, all the above weighing 8 pounds or over per ream, and valued at 50 cents or more per pound	2¢ per lb. and 10% ad val.
1407 (a)	Drawing paper, whether made by hand or machine, weighing 8 pounds or over per ream, and valued at 40 cents or more per pound	2¢ per lb. and 10% ad val.
1408	Paper envelopes, filled or unfilled, whether the contents are dutiable or free, not specially provided for	The same rate of duty as the paper from which made and in addition thereto:
	If plain	2¼% ad val.
	If bordered, embossed, printed, tinted, decorated, or lined	5% ad val.
	If lithographed	15% ad val.
1409	Hanging paper, printed, lithographed, dyed, or colored	1¢ per lb. and 10% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1409	Blotting paper	15% ad val.
1409	Filtering paper, valued at 75 cents or more per pound	2½¢ per lb. and 7½% ad val.
1410	Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for (except unbound or bound prayer books and sheets or printed pages of prayer books; except tourist literature containing historical, geographic, time table, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States; and except diaries):	
	If of bona fide foreign authorship	7½% ad val.
	All other	20% ad val.
1410	Blank books, slate books, engravings, maps, and charts, not specially provided for (except diaries, notebooks, and address books)	20% ad val.
1410	Book bindings wholly or in part of leather, not specially provided for	15% ad val.
1412	Playing cards	10¢ per pack and 10% ad val.
1501 (a)	Yarn, slivers, rovings, wick, rope, cord, cloth, tape, and tubing, of asbestos, or of asbestos and any other spinnable fiber, with or without wire, and all manufactures of any of the foregoing	20% ad val.
1501 (b)	Molded, pressed, or formed articles, in part of asbestos, containing any binding agent, coating, or filler, other than hydraulic cement or synthetic resin	20% ad val.
1502	Lawn-tennis and table-tennis balls and golf balls	20% ad val.
1502	Footballs and other balls, finished or unfinished, not specially provided for, primarily designed for use in physical exercise (whether or not such exercise involves the element of sport), except balls wholly or in chief value of rubber	20% ad val.
1502	Field-hockey sticks and guards, polo mallets, table-tennis bats, croquet mallets, golf clubs, soccer guards, and tennis nets	20% ad val.
1502	Golf tees	15% ad val.
1504 (b) (4)	Hats, bonnets, and hoods, composed wholly or in chief value of straw, if sewed and blocked or trimmed, and valued at \$15 or more per dozen	\$2 per doz. and 30% ad val.
1506	Toilet brushes, ornamented, mounted, or fitted with gold, silver, or platinum, or wholly or partly plated with gold, silver, or platinum, whether or not enameled	30% ad val.
1506	Brushes, the handles or backs of which are composed wholly or in chief value of products other than those provided for in paragraph 31 of the Tariff Act of 1930:	
	Tooth brushes valued at more than 12 cents each	1¢ each and 25% ad val.
	Other toilet brushes valued at more than 40 cents each	1¢ each and 25% ad val.
1506	Hair pencils in quills or otherwise	2¢ each, but not less than 20 nor more than 40% ad val.

## SCHEDULE IV—Continued

United  
States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1510	Buttons, not specially provided for: Horn and composition horn	35% ad val.
1513	Toys, not specially provided for: Figures or images of animate objects, not having any movable member or part, wholly or in chief value of metal and valued at 21 cents or more per pound; figures or images of animate objects, having any movable member or part but not having a spring mechanism, wholly or in chief value of metal and valued at 30 cents or more per pound; model airplane construction sets, wholly or in chief value of metal, valued at 75 cents or more each; construction sets (other than model airplane construction sets), wholly or in chief value of metal, valued at 30 cents or more per pound; stuffed animal figures not having a spring mechanism, not over six inches in height and valued at 35 cents or more each, or over six inches but not over eleven inches in height and valued at \$1 or more each, or over eleven inches but not over fourteen inches in height and valued at \$2 or more each, or over fourteen inches in height and valued at \$3.50 or more each; and building blocks or bricks, valued at 8 cents or more per pound	45% ad val.
1514	Emery wheels, emery files, and manufactures of which emery, corundum, garnet or artificial abrasive is the component material of chief value, not specially provided for (except wheels in chief value of corundum or silicon carbide)	10% ad val.
1518	Boas, boutonnières, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the feathers mentioned in the duty provisions of paragraph 1518 of the Tariff Act of 1930	40% ad val.
1519 (a)	Dressed furs and dressed fur skins (except silver or black fox, coney, rabbit, hare, dog, goat, kid, and fur sealskins, and not including plates, mats, linings, strips, and crosses of dressed dog, goat, or kid skins) All the foregoing, if dyed	15% ad val. 20% ad val.
1523	Human hair tops, roving, and yarns, of which human hair is the component material of chief value	3¢ per lb. and 12¼% ad val.
1523	Press cloth, of which human hair is the component material of chief value	4¢ per lb. and 30% ad val.
1523	Press cloth, of which camel's hair is the component material of chief value	20% ad val., but not less than 15¢ per lb. 30% ad val.
1523	Hair press cloth, not specially provided for	30% ad val.
1526 (a)	Hats, caps, bonnets, and hoods, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals: For men's or boys' wear, valued at more than \$48 per dozen	\$16 per doz. and 15% ad val.
	For women's or girls' wear, valued at more than \$18 and not more than \$48 per dozen	50% ad val.
1526 (b)	Men's silk or opera hats, in chief value of silk	\$1 each and 40% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1527(c)(2)	Cigar and cigarette lighters, designed to be worn on apparel or carried on or about or attached to the person, finished or unfinished, composed wholly or in chief value of metal other than gold or platinum (whether or not enameled, washed, covered, or plated, including rolled gold plate), or (if not composed in chief value of metal and if not dutiable under clause (1) of subparagraph (c) of paragraph 1527 of the Tariff Act of 1930) set with and in chief value of precious or semiprecious stones, pearls, cameos, coral, amber, imitation precious or semiprecious stones, or imitation pearls, and valued above \$5 per dozen	$\frac{1}{4}\phi$ each and $\frac{3}{10}\phi$ per doz. for each $1\phi$ the value exceeds 20¢ per doz., and 25% ad val.
1529 (a)	Nets and nettings made on the bobbinet machine, not embroidered: Wholly or in chief value of cotton and having two hundred and twenty-five or more holes per square inch Wholly or in chief value of silk Wholly or in chief value of rayon or other synthetic textile	45% ad val. 60% ad val. 65% ad val.
1529 (a)	Hose and half-hose wholly or in chief value of wool, embroidered in any manner: Valued at not more than \$3.50 per dozen pairs	65% ad val.
1530 (b)	Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), made from hides or skins of cattle of the bovine species: (1) Sole or belting leather (including offal), rough, partly finished, finished, curried, or cut or wholly or partly manufactured into outer or inner soles, blocks, strips, counters, taps, box toes, or any forms or shapes suitable for conversion into boots, shoes, footwear, or belting (2) leather welting (3) leather to be used in the manufacture of harness or saddlery (4) side upper leather (including grains and splits), and lining leather made from calf or kip skins, rough, partly finished, or finished, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear (not including patent leather or calf or kip leather other than lining leather): Side upper splits, wax or rough, not cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear Other (5) collar, bag, case, glove, garment, or strap leather, in the rough, in the white, crust, or russet, partly finished, or finished (6) leather to be used in the manufacture of footballs, basket balls, soccer balls, or medicine balls (7) all other, rough, partly finished, finished, or curried, not specially provided for	50% ad val. 10% ad val. 10% ad val. 10% ad val. 10% ad val. 12½% ad val. 15% ad val. 15% ad val. 10% ad val.

## SCHEDULE IV—Continued

United  
States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

1530 (c)	Leather (except leather provided for in subparagraph (d) of paragraph 1530 of the Tariff Act of 1930), in the rough, in the white, crust, or russet, partly finished, or finished:	
	If made from sheep or lamb skins:	
	Imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	10% ad val.
	Other, not including chamois	20% ad val.
	If made from goat or kid skins, and not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	20% ad val.
	If made from reptile skins or shark skins, and imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	10% ad val.
	Pigskin leather:	
	If imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	10% ad val.
	Other	12½% ad val.
	Glove and garment leather made from hides or skins of animals (including fish, reptiles, and birds, but not including sheep, lambs, goats, kids, pigs, hogs, or cattle of the bovine species), not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	15% ad val.
	Rough-tanned walrus leather, not imported to be used in the manufacture of boots, shoes, or footwear, or cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear	15% ad val.
1530 (c)	Vegetable-tanned rough leather made from goat or sheep skins (including those commercially known as India-tanned goat or sheep skins)	10% ad val.
1530 (d)	Leather made from hides or skins of cattle of the bovine species, grained, printed, embossed, ornamented, or decorated, in any manner or to any extent (including leather finished in gold, silver, aluminum, or like effects), or by any other process (in addition to tanning) made into fancy leather, and any of the foregoing cut or wholly or partly manufactured into uppers, vamps, or any forms or shapes suitable for conversion into boots, shoes, or footwear, all the foregoing by whatever name known, and to whatever use applied	20% ad val.
1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather by the process or method known as welt, and not specially provided for	50¢ per pair, but not less than 10 nor more than 20% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1530 (f)	Harness valued at more than \$70 per set, single harness valued at more than \$40, saddles valued at more than \$40 each, saddlery, and parts (except metal parts) for any of the foregoing	20% ad val.
1530 (f)	Saddles made wholly or in part of pigskin or imitation pigskin	20% ad val.
1530 (f)	Saddles and harness, not specially provided for, and parts thereof, except metal parts, finished or unfinished	15% ad val.
1531	Bags, baskets, belts, satchels, cardcases, pocket-books, jewel boxes, portfolios, and other boxes and cases, not jewelry, wholly or in chief value of leather or parchment, and manufactures of leather, rawhide, or parchment, or of which leather, rawhide, or parchment is the component material of chief value, not specially provided for (not including coin purses, change purses, billfolds, bill cases, bill rolls, bill purses, bank-note cases, currency cases, money cases, card-cases, license cases, pass cases, passport cases, letter cases, and similar flat leather goods): Leads, leashes, collars, muzzles, and similar dog equipment Belts and buckles designed to be worn on the person Other articles Any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon, sewing, manicure, or similar sets	20% ad val. 17½% ad val. 25% ad val. 35% ad val.
1532 (a)	Men's gloves, wholly or in chief value of leather, whether wholly or partly manufactured, and not over twelve inches in length For each inch or fraction thereof in excess of twelve inches <i>Provided, That, in addition thereto, on all the foregoing there shall be paid each of the following cumulative duties:</i> When machine seamed, otherwise than overseamed When seamed by hand When lined with cotton, wool, silk, or other fabrics When trimmed with fur When lined with leather or fur <i>Provided further, That all the foregoing shall be dutiable at not less than</i>	\$4.50 per doz. prs. 25¢ per doz. prs. 50¢ per doz. prs. \$2.50 per doz. prs. \$1.75 per doz. prs. \$2.00 per doz. prs. \$2.50 per doz. prs. 30% ad val.
1532 (a)	Women's and children's gloves, wholly or in chief value of leather, lined, or trimmed with fur, and not over twelve inches in length: When seamed by hand When not seamed by hand For each inch or fraction thereof in excess of twelve inches <i>Provided, That, in addition thereto, on all the foregoing there shall be paid each of the following cumulative duties:</i> When machine seamed, otherwise than overseamed When seamed by hand When lined with cotton, wool, silk, or other fabrics When trimmed with fur When lined with leather or fur <i>Provided further, That all the foregoing shall be dutiable at not less than</i>	\$4 per doz. prs. \$5 per doz. prs. 25¢ per doz. prs. \$1 per doz. prs. \$3.50 per doz. prs. \$2 per doz. prs. \$2 per doz. prs. \$2.50 per doz. prs. 35% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1532 (b)	Gloves wholly or in chief value of leather made from horsehides or cowhides (except calfskins), whether wholly or partly manufactured	15% ad val.
1535	Artificial flies and snelled hooks, finished or unfinished	45% ad val.
1535	Leaders or casts, finished or unfinished, valued at \$2 or more per dozen	35% ad val.
1535	Fishing rods valued at \$10 or more each, and reels valued at \$3.50 or more each, finished or unfinished, not specially provided for	30% ad val.
1537 (a)	Manufactures wholly or in chief value of whalebone, not specially provided for	12½% ad val.
1537 (b)	Golf-ball centers or cores, wound or unwound, wholly or in chief value of India rubber or gutta-percha	15% ad val.
1537 (b)	Manufactures composed wholly or in chief value of India rubber known as "hard rubber" (except syringes), not specially provided for, finished or unfinished	25% ad val.
1541 (a)	Musical instruments not specially provided for: Sets of tuned bells of the types known as chimes or peals, and parts of any of the foregoing	30% ad val.
1541 (c)	Carillons containing not more than thirty-four bells, and parts thereof	20% ad val.
	Carillons containing more than thirty-four bells, and parts thereof	10% ad val.
1542	Phonograph, gramophone, or graphophone records, not specially provided for	15% ad val.
1545	Sponges: Commercially known as yellow, grass, or velvet	15% ad val.
	Hardhead or reef	7½% ad val.
1547 (a)	Paintings in oil or water colors, pastels, pen and ink drawings, and copies, replicas, or reproductions of any of the same, all the foregoing which are works of art, not specially provided for	15% ad val.
1552	Common tobacco pipes and pipe bowls made wholly of clay, valued at more than 40 cents per gross	22½% ad val.
1552	Tobacco pipe bowls, wholly or in chief value of brier or other wood or root, in whatever condition of manufacture, whether bored or unbored, and tobacco pipes having such bowls (except tobacco pipes, wholly finished, having bowls wholly or in chief value of brier-wood, valued at less than \$1.20 per dozen):	
	Valued at less than \$1.20 per dozen	2½¢ each and 40% ad val.
	Valued at \$1.20 or more but not more than \$5 per dozen	5¢ each and 50% ad val.
	Valued at more than \$5 per dozen	2½¢ each and 40% ad val.
1552	Cigar and cigarette holders, not specially provided for, in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored	5¢ each and 30% ad val.
1552	Mouthpieces for pipes, or for cigar and cigarette holders, of whatever material composed, and in whatever condition of manufacture, whether wholly or partly finished, or whether bored or unbored	2½¢ each and 30% ad val.

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1552	Pouches for chewing or smoking tobacco, finished or partly finished, wholly or in chief value of leather	35% ad val.
1552	Cases suitable for pipes, or for cigar or cigarette holders, finished or partly finished	30% ad val.
1552	Cigar and cigarette cases and parts thereof, finished or unfinished, not specially provided for, wholly or in chief value of leather	35% ad val.
1554	Walking canes, valued at \$5 or more per dozen, finished or unfinished	25% ad val.
1555	Waste, not specially provided for	7½% ad val.
1606 (a) and (b)	Dogs and horses imported by a citizen of the United States specially for breeding purposes	Free, subject to the provisions of paragraph 1606 (a) and (b), Tariff Act of 1930
1609	Annatto and extracts thereof, not containing alcohol	Free
1612	Arrowroot, crude or manufactured, and arrowroot starch and flour	Free
1616	Chrysotile asbestos, unmanufactured: Crudes	Free
1617	Waste bagging, and waste sugar sack cloth	Free
1621	Bibles, comprising the books of the Old or New Testament, or both, bound or unbound	Free
1628	Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress	Free
1629	Hydrographic charts and publications issued for their subscribers or exchanges by scientific or literary associations or academies, and publications of individuals for gratuitous private circulation, not advertising matter, and public documents issued by foreign Governments; books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts, which have been printed more than twenty years at the time of importation <i>Provided, That where any such books have been rebound wholly or in part in leather within such period, the binding so placed upon such books shall be dutiable as book bindings wholly or in part of leather, not specially provided for</i>	Free
1631	Any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or any college, academy, school, or seminary of learning in the United States, or any State or public library, may import free of duty any book, map, music, engraving, photograph, etching, lithographic print, or chart, for its own use or for the encouragement of the fine arts, and not for sale, under such rules and regulations as the Secretary of the Treasury may prescribe	Free
1645	Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured	Free
1647	Chromite or chrome ore	Free

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1651	Coal-tar products: Acenaphthene, anthracene having a purity of less than 30 per centum, benzene, carbazole having a purity of less than 65 per centum, cumene, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene which after the removal of all the water present has a solidifying point less than seventy-nine degrees centigrade, pyridine, toluene, xylene, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below one hundred and ninety degrees centigrade a quantity of tar acids less than 5 per centum of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other materials or products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not specially provided for in paragraph 27 or 28 of Title I of the Tariff Act of 1930	Free
1653	Cocoa or cacao beans, and shells thereof	Free
1656	Coir fiber	Free
1665	Curling stones	Free
1668	Diamonds, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, whether in their natural form or broken, glaziers' and engravers' diamonds, any of the foregoing not set, miners' diamonds, and diamond dust	Free
1669	Patchouli leaves and dried pawpaw juice or papain, which are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol	Free
1670	Dyeing or tanning materials: Logwood, and mangrove bark, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, and not containing alcohol	Free
1681	Furs and fur skins, not specially provided for, undressed: Caracul, ermine, fitch, fox (other than silver or black fox), lamb, kid, sheep, goat, marten, monkey, pony, sable, skunk, and squirrel	Free
1683	Goldbeaters' molds and goldbeaters' skins	Free
1684	Sisal, not dressed or manufactured in any manner	Free
1685	Prepared fertilizer mixtures, castor-bean pomace, and nitrogenous materials, all the foregoing used chiefly for fertilizers or chiefly as an ingredient in the manufacture of fertilizers	Free
1686	Gums and resins: Damar, dragon's blood, and myrrh	Free
1691	Hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles	Free
1692	Hones, whetstones, and grindstones	Free
1697	India rubber and gutta-percha, crude, including jelutong or pontianak, and gutta siak	Free

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1699	Iridium, osmium, palladium, rhodium, and ruthenium, and native combinations thereof with one another or with platinum	Free
1701	Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact	Free
1710	Asphaltum and bitumen	Free
1714	Manuscripts, not specially provided for	Free
1719	Cornwall stone, unmanufactured	Free
1719	Columbium ores or concentrates, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for	Free
1722	Derris root, and tuba or tube root, crude or unmanufactured, not specially provided for	Free
1724	Needles, hand sewing or darning	Free
1725	Nets or finished sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila	Free
1726	Newspapers and periodicals, unbound	Free
1727	Copra, palm nuts, and palm-nut kernels	Free
1731	Oils, distilled or essential: Cinnamon, citronella, and lime, all the foregoing not containing alcohol	Free
1732	Expressed or extracted palm-kernel oil, rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him NOTE: No Federal internal tax in excess of the rate of 3 cents per pound now provided for in section 602½ of the Revenue Act of 1934, as amended, shall be imposed in the United States in respect of palm-kernel oil.	Free
1735	Duplex decalcomania paper not printed	Free
1736	Parchment and vellum	Free
1744	Platinum, unmanufactured or in ingots, bars, sheets, or plates not less than one-eighth of one inch in thickness, sponge, or scrap	Free
1750	Rag pulp; paper stock, crude, of every description, including all grasses, fibers, rags, waste (including jute, hemp, and flax waste), shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for, including old gunny cloth, and old gunny bags, used chiefly for paper making, and no longer suitable for bags	Free
1759	Sheep dip	Free
1765	Seal skins (not fur seal skins), raw	Free
1768 (1)	Spices and spice seeds: Cloves; cinnamon and cinnamon chips; ginger root, not preserved or candied; nutmegs; and pimento (allspice); all of the foregoing, if unground	Free
1771	Stamps: Postage or revenue stamps, canceled or uncanceled, and government stamped envelopes or post cards bearing no other printing than the official imprint thereon	Free
1776	Strontianite or mineral strontium carbonate and celestite or mineral strontium sulphate	Free
1777	Sulphur in any form	Free
1782	Locust or carob beans, and pods and seeds thereof	Free
1783 (b)	Tea not specially provided for	Free
1786	Tin in bars, blocks or pigs, alloys in chief value of tin not specially provided for, and grain or granulated and scrap tin, including scrap tin plate	Free, subject to the provisions of paragraph 1785, Tariff Act of 1930

## SCHEDULE IV—Continued

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
	<i>Provided</i> , That the Government of the United States of America reserves the right to withdraw the concession hereby granted if at any time after January 1, 1939, an export tax is charged in Nigeria on tin ore and concentrates exported to the United States of America other than or different from any export tax which may at the same time be charged on tin ore and concentrates exported to any part of the British Empire. <sup>22</sup>	
1787	Tobacco stems not cut, ground, or pulverized	Free
1790	Turtles	Free
1801	Witherite, crude, unground	Free
1803 (2)	Mahogany and satinwood, in the log	Free
1807	Original paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches in pen, ink, pencil, or water colors, artists' proof etchings unbound, and engravings and woodcuts unbound, original sculptures or statuary, including not more than two replicas or reproductions of the same	Free
1810	Stained or painted window glass and stained or painted glass windows which are works of art imported to be used in houses of worship, valued at \$15 or more per square foot, when imported expressly for presentation to an incorporated religious society	Free
1811	Works of art (except rugs and carpets made after the year 1700), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced prior to the year 1830, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe. Violins, violas, violoncellos, and double basses, of all sizes, made in the year 1800 or prior year	Free
Revenue Act of 1932, as amended Section	601 (c) (4) Fuel oil derived from petroleum, gas oil derived from petroleum, and all liquid derivatives of crude petroleum; and lubricating oil; and gasoline or other motor fuel; and paraffin and other petroleum wax products; any of the foregoing sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, or vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, under regulations prescribed with the approval of the Secretary of the Treasury	Exempt from taxes imposed in Sec. 601 (c) (4) of the Revenue Act of 1932, as amended

<sup>22</sup> [Notice that the necessary action had been taken in Nigeria to remove, as from January 1, 1939, the theretofore existing differential export duty on tin ore was given by the British Embassy in Washington to the Secretary of State January 3, 1939.]

WHEREAS such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said Agreement and the four Schedules thereunto annexed are required and appropriate to carry out the said Agreement;

*Ante*, p. 1906.

WHEREAS it is provided in Article XXIII of the said Agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and that it shall enter definitively into force thirty days after the exchange of the instrument of ratification and a copy of the proclamation;

*Ante*, p. 1906.

WHEREAS it is provided in Article XXIV of the said Agreement that, pending the definitive coming into force of the Agreement, the provisions thereof other than those of Article XI and of Schedule III shall be applied provisionally on and after January 1, 1939, subject to a right to terminate the provisional application of the Agreement pursuant to the provisions of paragraph 3 of Article XV and of Article XVIII, and that the provisional application of Article XI and of Schedule III shall be effected as to the several provisions thereof as soon as may be possible;<sup>33</sup>

*Ante*, pp. 1902, 1924.

*Ante*, pp. 1903, 1904.

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said Agreement, including the said Schedules, to the end that the provisions thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, as provided for in Article XXIV, provisionally on and after January 1, 1939, pending the definitive coming into force of the Agreement, and definitively thirty days after the exchange of a copy of this my proclamation for the ratification of His Majesty, as provided for in Article XXIII of the said Agreement.

48 Stat. 943; 50 Stat.  
24. 19 U. S. C. §§ 1351-  
1364; Supp. V, § 1352.  
*Ante*, p. 107.

*Ante*, p. 1906.

*Ante*, p. 1906.

48 Stat. 943; 50 Stat.  
24. 19 U. S. C. § 1351.  
*Ante*, p. 107.

PURSUANT to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-fifth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty-eight and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

<sup>33</sup> [See footnotes to the respective territories included in Schedule III.]

## [SUPPLEMENTARY PROCLAMATION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS, by my proclamation of November 25, 1938 I did make public the Trade Agreement, including four Schedules annexed thereto, which, pursuant to Section 350 (a) of the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), as extended by Joint Resolution of Congress approved March 1, 1937 (50 Stat. 24), I entered into on November 17, 1938, through my duly empowered plenipotentiary, with His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in respect of Great Britain and Northern Ireland, through his duly empowered plenipotentiary, in order that the said Agreement, including the said Schedules, should be observed and fulfilled with good faith by the United States of America and the citizens thereof provisionally, as provided for in Article XXIV of the Agreement on and after January 1, 1939, and definitively thirty days after the day of the exchange of the aforesaid proclamation of the President of the United States of America for the ratification of His Majesty as provided for in Article XXIII of the said Agreement;

19 U. S. C. §§ 1351-1354; Supp. V, § 1352.  
*Ante*, p. 107.

*Ante*, p. 1906.

AND WHEREAS the aforesaid proclamation of the said Agreement by the President of the United States of America and the ratification of the said Agreement by His Majesty in respect of Great Britain and Northern Ireland were exchanged at London on the twenty-fourth day of November, one thousand nine hundred and thirty-nine;

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, supplementing my said proclamation of November 25, 1938, do hereby make known and proclaim that the said Trade Agreement, including the four Schedules annexed thereto, will come into force definitively on December 24, 1939, the thirtieth day after the exchange of my proclamation and His Majesty's ratification as aforesaid, and I do hereby call upon the United States of America and the citizens thereof to observe and fulfill the same and every article and part thereof definitively with good faith on and from that day.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixth day of December, 1938,  
[SEAL] the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

## EXCHANGES OF NOTES

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

I have the honor to propose that, in view of the importance of maintaining conditions favorable to the international exchange of goods, and in order to supplement those provisions of the Trade Agreement signed this day which relate to import and export duties and regulations, each of the High Contracting Parties to the Agreement shall give sympathetic consideration to any representations which the other may make with respect to questions concerning access to raw materials.

I have the honor to suggest that this note and Your Excellency's reply thereto accepting the above proposal shall be regarded as constituting an agreement in this sense.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Note of today's date proposing that, in view of the importance of maintaining conditions favourable to the international exchange of goods, and in order to supplement those provisions of the Trade Agreement signed this day which relate to import and export duties and regulations, each of the High Contracting Parties to the Agreement shall give sympathetic consideration to any representations which the other may make with respect to questions concerning access to raw materials.

I have the honour in accepting this proposal, to confirm that Your Excellency's Note together with this Note in reply shall be regarded as constituting an agreement in the above sense.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

I have the honor to make the following statement of my understanding of the agreement reached, with reference to certain special

duties, between the United States and United Kingdom Delegations in connection with the Trade Agreement signed this day.

These conversations have disclosed a mutual understanding that no anti-dumping duty, or new or additional duty to countervail the payment or bestowal of a bounty or grant, will be imposed on articles the growth, produce or manufacture of any of the territories to which the Trade Agreement applies, without the Government of the United Kingdom or the Government of the United States of America, as the case may be, first having given the other Government, through an informal notice, an opportunity to make representations with respect to the proposed duty. No decision to impose any such duty will be made within thirty days after the date of the informal notice, unless an earlier decision is required by law. Any representations submitted by either Government in response to such a notice will be carefully considered by the other Government.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

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*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
*Washington, D. C., November 17th, 1938.*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Note of to-day's date containing a statement of Your Excellency's understanding of the agreement reached, with reference to certain special duties, between the United States and United Kingdom Delegations in connection with the Trade Agreement signed this day.

These conversations have disclosed a mutual understanding that no anti-dumping duty, or new or additional duty to countervail the payment or bestowal of a bounty or grant, will be imposed on articles the growth, produce or manufacture of any of the territories to which the Trade Agreement applies, without the Government of the United States of America or the Government of the United Kingdom, as the case may be, first having given the other Government, through an informal notice, an opportunity to make representations with respect to the proposed duty. No decision to impose any such duty will be made within thirty days after the date of the informal notice, unless an earlier decision is required by law. Any representations submitted by either Government in response to such a notice will be carefully considered by the other Government.

I have the honour to confirm Your Excellency's understanding of the agreement thus reached.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

I have the honor to inform you, with reference to the Trade Agreement signed this day, that the United States of America will, in the special circumstances, refrain from claiming under the provisions of the Agreement other than Article III or the Schedules any advantages now accorded or which may hereafter be accorded by any territories under the sovereignty of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, or under His Majesty's protection or suzerainty, to which the Trade Agreement applies, to any territory under His Majesty's mandate which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

If any territories under His Majesty's sovereignty, protection or suzerainty to which the Agreement applies should become free, except in relation to the United States of America, to grant preferential tariff treatment to Palestine or Trans-Jordan, the Government of the United States will give sympathetic consideration to any requests addressed to it for consent to the granting of preferential tariff treatment to particular articles of Palestine or Trans-Jordan origin.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Note of today's date informing me, with reference to the Trade Agreement signed this day, that the United States of America will, in the special circumstances, refrain from claiming under the provisions of the Agreement other than Article III or the Schedules any advantages now accorded or which may hereafter be accorded by any territories under the sovereignty of His Majesty the King or under His Majesty's protection or suzerainty, to which the Trade Agreement applies, to any territory under His Majesty's mandate which is administered as an integral portion of territory under His Majesty's sovereignty or protection or which is joined in a customs union with a territory under His Majesty's sovereignty or protection.

Your Excellency's Note further states that if any territories under His Majesty's sovereignty, protection or suzerainty to which the Agreement applies should become free, except in relation to the United States of America, to grant preferential tariff treatment to Palestine or Trans-Jordan, the Government of the United States will give sympathetic consideration to any requests addressed to it for consent

to the granting of preferential tariff treatment to particular articles of Palestine or Trans-Jordan origin.

I have taken note with pleasure of Your Excellency's communication in the above sense.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
*Washington, D. C., November 17th, 1938.*

YOUR EXCELLENCY,

I have the honour to refer to Article XI and Schedule III of the Trade Agreement signed this day, relative to the tariff concessions to be accorded to the United States of America by the territories listed in that Schedule; and, in order that the position regarding trade and commerce between the United States of America and certain territories under His Majesty's sovereignty, suzerainty, protection or mandate may be made clear, I have the honour to invite attention to the fact that the United States of America have, by virtue of various conventions and treaties, for many years enjoyed equality of tariff treatment with all other countries, including the United Kingdom, in the following territories among others:

*Ante, pp. 1902, 1924.*

Kenya  
Uganda  
Zanzibar  
Nyasaland  
Tanganyika Territory  
The Cameroons under British Mandate  
Togoland under British Mandate  
Palestine and Trans-Jordan.

The United States of America have for many years also enjoyed equality of tariff treatment with the United Kingdom and other countries in Aden, Gibraltar, the Straits Settlements and Hong Kong, with the exception that in Gibraltar, the Straits Settlements and Hong Kong preferential tariff treatment is given to tobacco, liquors and wines and spirits. I am instructed to inform you that there is no present intention to extend preferential tariff treatment to additional products in these territories.

Imports from the United States of America into the territories mentioned in the above two paragraphs have amounted in recent years to more than a quarter of the total import trade of the United States of America into the colonies and into territories under His Majesty's suzerainty, protection or mandate.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date setting out the position with regard to the tariff treatment which is accorded to goods of United States origin in certain territories under His Majesty's sovereignty, suzerainty, protection or mandate.

I note with pleasure Your Excellency's statement that there is no present intention of extending preferential tariff treatment to products in Aden, Gibraltar, the Straits Settlements and Hong Kong in addition to those mentioned in your note.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

I have the honour to inform you that, as the result of conversations which have taken place in the course of the negotiation of the Trade Agreement signed this day, the Government of the United Kingdom will consult the parties to the International Rubber Regulation Agreement as to the possibility, subject to the main objects of the Agreement as set out in the Preamble thereto not being prejudiced, of amending the Agreement so as to permit the exportation of rubber planting material to countries not parties to it.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date informing me that, as the result of conversations which have taken place in the course of the negotiation of the Trade Agreement signed this day, the Government of the United Kingdom will consult the parties to the International Rubber Regulation Agreement as to the possibility, subject to the main objects of the Agreement as set out in the Preamble thereto not being prejudiced, of amending the Agreement so as to permit the exportation of rubber planting material to countries not parties to it.

I have taken note with pleasure of Your Excellency's communication in the above sense.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
*Washington, November 17, 1938.*

EXCELLENCY:

During the course of the negotiation of the Trade Agreement signed this day, it has been explained that the fruit growers of certain parts of the British Commonwealth of Nations, together with the United Kingdom producers, have for some time past cooperated in an organization called the Empire Fruits Council, which has made arrangements concerning the shipment of apples to the United Kingdom market from overseas, with the object of maintaining a stable and remunerative market in the interests of all concerned and of avoiding, so far as possible, temporary periods either of oversupply or of shortage. It is understood that British Empire producers of citrus fruits are also represented on this Council.

It has been represented to me that the cooperation of the exporting interests in the United States, which is the only other major apple-exporting country, would be of great assistance in securing the orderly marketing of the apple crop and would be of no less benefit to them than to the other suppliers. I have the honor to inform you that the Government of the United States of America inclines to the view that it is in the general interest that the shipment of apples to the United Kingdom market should be so planned as to avoid excessive variations in supplies and prices, and that it will call the attention of United States exporting interests to the desirability of their cooperating with the Empire Fruits Council in such arrangements as may be feasible to assure the orderly supply of apples to the United Kingdom market.

In the foregoing connection, your attention is invited to legislation in effect (Public No. 39, 73d Congress, approved June 10, 1933) which provides for the regulation of exports of apples (and pears) from the United States on the basis of grade or quality. Under this Act, the Department of Agriculture has issued regulations which require that all apples (and pears) shipped to foreign countries meet certain export standards. The effect of these regulations is to make large shipments of low-quality fruit to British or other foreign markets impossible.

I understand that up to the present no similar arrangements have been made for planning the shipment of citrus fruits to the United Kingdom market, but that certain British Empire producers have expressed a desire for some form of arrangement for the orderly marketing of citrus fruits in the United Kingdom, with a view to avoiding disturbances resulting from sudden fluctuations in supplies. I have the honor to inform you that, if the principal supplying countries (including foreign countries) should agree to cooperate in arrangements for the orderly supply of citrus fruits to the United Kingdom market, the Government of the United States of America would call the attention of United States exporters to the desirability of cooperating in any feasible arrangements to this end.

48 Stat. 123.  
7 U. S. C. §§ 581-  
589.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

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*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Note of to-day's date concerning the marketing of apples and citrus fruits, and to confirm Your Excellency's understanding of the position as therein set out.

I have taken note with pleasure of the information and assurances conveyed to me in Your Excellency's communication.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

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*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
Washington, November 17, 1938.

EXCELLENCY:

*Ante, p. 1900.*

I have the honor to state, with reference to Article IV of the Trade Agreement signed this day, that in the event of the Government of the United Kingdom deciding to regulate, in connection with a recommendation of the International Beef Conference, imports of any type of beef or veal, including offals thereof, imported from the United States of America, the Government of the United States of America would not claim for such products any freedom from quantitative regulation to which a right would otherwise exist by virtue of the provisions of the said Article IV.

It is my understanding that the Government of the United Kingdom would not impose any regulation of imports in the circumstances described in the foregoing paragraph unless exports from the countries represented on the Conference were being regulated by the countries concerned in accordance with plans approved by the Government of the United Kingdom, and that before imposing such quantitative regulation the Government of the United Kingdom would consult with the Government of the United States of America regarding the proposed action.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Note of to-day's date informing me, with reference to Article IV of the Trade Agreement signed this day, that in the event of the Government of the United Kingdom deciding to regulate, in connexion with a recommendation of the International Beef Conference, imports of any type of beef or veal, including offals thereof, imported from the United States of America, the Government of the United States of America would not claim for such products any freedom from quantitative regulation to which a right would otherwise exist by virtue of the provisions of the said Article IV.

*Ante, p. 1900.*

I have taken note with pleasure of Your Excellency's communication in the above sense, and have the honour to confirm your understanding that the Government of the United Kingdom would not impose any regulation of imports in the circumstances described in the foregoing paragraph unless exports from the countries represented on the Conference were being regulated by the countries concerned in accordance with plans approved by the Government of the United Kingdom, and that before imposing such quantitative regulation the Government of the United Kingdom would consult with the Government of the United States of America regarding the proposed action.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
Washington, D. C.

*The British Ambassador (Lindsay) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
Washington, D. C., November 17th, 1938.

YOUR EXCELLENCY,

With reference to the discussions which have taken place in connexion with the negotiation of the Trade Agreement signed this day concerning the bases and methods of determining dutiable value in the United Kingdom and the United States of America and the desirability of removing, in so far as possible, any uncertainties in respect of these matters, I have to assure you that the Government of the United Kingdom will be ready to afford full opportunity to the Government of the United States for consultation between representatives of the two Governments concerning general problems of valuation as well as specific difficulties of application which may arise from time to time.

I should much appreciate hearing from you that the Government of the United States will likewise be ready to afford opportunity for such consultation.

I have the honour to be, with the highest consideration, Sir,  
Your Excellency's most obedient, humble servant,

R. C. LINDSAY

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
Washington, D. C.

*The Secretary of State (Hull) to the British Ambassador (Lindsay)*

DEPARTMENT OF STATE,  
*Washington, November 17, 1938.*

EXCELLENCY:

I have the honor to acknowledge the receipt of your note of today's date in which reference is made to the discussions which have taken place in connection with the negotiation of the Trade Agreement signed this day concerning the bases and methods of determining dutiable value in the United Kingdom and the United States of America and the desirability of removing, in so far as possible, any uncertainties in respect of these matters.

You state that your Government will be ready to afford full opportunity for consultation between representatives of the two Governments concerning general problems of valuation as well as specific difficulties of application which may arise from time to time.

I have the honor to assure you that the Government of the United States will likewise be ready to afford full opportunity for consultation between representatives of the two Governments concerning these matters.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Honorable SIR RONALD LINDSAY,  
P. C., G. C. M. G., K. C. B., C. V. O.,  
*British Ambassador.*

*Supplementary agreement and an accompanying protocol between the United States of America and Cuba respecting reciprocal trade. Signed at Washington December 18, 1939; proclaimed by the President of the United States December 19, 1939; proclaimed by the President of the Republic of Cuba December 22, 1939; proclamations exchanged at Habana December 22, 1939; supplementary proclamation by the President of the United States December 22, 1939; effective December 23, 1939. And exchange of notes.*

December 18, 1939  
[E. A. S. No. 165]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Preamble.

19 U. S. C. §§ 1351-1354; Supp. V, § 1352  
*Ante*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out

any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part.

"(b) Nothing in this section shall be construed to prevent the application, with respect to rates of duty established under this section pursuant to agreements with countries other than Cuba, of the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or to preclude giving effect to an exclusive agreement with Cuba concluded under this section, modifying the existing preferential customs treatment of any article the growth, produce, or manufacture of Cuba: *Provided*, That the duties payable on such an article shall in no case be increased or decreased by more than 50 per centum of the duties now payable thereon."

33 Stat. 2136.

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, an exclusive and preferential Trade Agreement was entered into between the United States of America and the Republic of Cuba on August 24, 1934, which Agreement I did make public by my proclamation of August 24, 1934, and which Agreement is now in force between the two countries;

49 Stat. 3559.

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the Republic of Cuba are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a trade agreement to supplement and amend the exclusive and preferential Trade Agreement entered into between the United States of America and the Republic of Cuba on August 24, 1934;

48 Stat. 943; 50 Stat.  
24.  
19 U. S. C. §§ 1351-  
1354; Supp. V. § 1352.  
*Ante*, p. 107.

WHEREAS, reasonable public notice of the intention to negotiate such supplementary trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered.

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into an exclusive and preferential Trade Agreement on December 18, 1939, through my duly empowered Plenipotentiary, with the President of the Republic of Cuba, through his duly empowered Plenipotentiary, to supplement and amend the exclusive and preferential Trade Agreement entered into between the two countries on August 24, 1934, which supplementary Agreement, including an accompanying Protocol, in the English and Spanish languages, is in words and figures as follows:

Text.

The President of the United States of America and the President of the Republic of Cuba, being desirous of strengthening still further the traditional bonds of friendship and commerce between their respective countries by maintaining the basis of reciprocal preferential treatment in their commercial relations, and of making certain changes in the provisions of the trade agreement between the United States of America and the Republic of Cuba signed at Washington on August 24, 1934, have resolved to conclude a supplementary agreement for that purpose and have, through their respective Plenipotentiaries, agreed on the following Articles:

49 Stat. 3559.

## ARTICLE I

1. Items 58-C, 98-B, 165-C, 225, 256-D and 270-G of Schedule I of the Agreement of August 24, 1934, are amended to read as follows:

Items amended.  
49 Stat. 3576, 3582,  
3608, 3616, 3622, 3628.

Tariff Item	Description of Articles	Column 1 Minimum preferential reduction to the United States	Column 2 Maximum rates of duty. Specific rates in Cuban pesos
58-C	In articles of all kinds not specifically classified, including refrigerators which use ice, T----- 100 Kgs.	45%	3. 30
98-B	Chemical products not specifically classified, when in small containers, including baking powder or artificial leavening, G. W. T -----Kg.	40%	0. 042
165-C	Other ordinary wood, including spruce ( <i>Picea</i> sp.), regardless of size or form, in logs, or rough sawn or unplaned, but excluding strips, G. W -- 100 Kgs.	20%	0. 20
225	Mechanical combination refrigerators and other machines and apparatus not for industrial use and not specifically classified:		
225-A	Mechanical combination refrigerators of all kinds, Ad valorem	30%	11. 9%
225-B	Other machinery and apparatus not for industrial use and not specifically classified, including loose parts and accessories for the same,--Ad valorem	30%	15. 96%
256-D	Of oats, including oats prepared for food (rolled oats), G. W----- 100 Kgs.	20%	1. 30
270-G	Salmon, T-----Kg.	35%	0. 039

El Presidente de los Estados Unidos de América y el Presidente de la República de Cuba, deseosos de estrechar aun más los lazos tradicionales de amistad y comercio entre sus respectivos países mediante el mantenimiento de la base del trato preferencial recíproco en sus relaciones comerciales, y de efectuar ciertas modificaciones en las estipulaciones del convenio comercial entre los Estados Unidos de América y la República de Cuba, firmado en Washington el 24 de agosto de 1934, han resuelto concluir un convenio suplementario a ese objeto y han acordado por medio de sus respectivos Plenipotenciarios los siguientes artículos:

## ARTICULO I

1.—Las Partidas 58-C, 98-B, 165-C, 225, 256-D y 270-G, de la Lista I del Convenio de 24 de agosto de 1934, quedan modificadas y redactadas de la siguiente manera:

Partida	Descripción de los Artículos	Columna 1 Reducción preferencial mínima a los Estados Unidos	Columna 2 Derechos máximos de aduana. Derechos específicos en pesos cubanos
58-C	En artículos de todas clases no tarifados especialmente, incluyendo las neveras para uso de hielo, T.....100 Kgs.	45%	3. 30
98-B	Productos químicos no tarifados especialmente, cuando vengan en envases menores, inclusive el baking powder o levadura artificial, P. B. T.....100 Kgs.	40%	0. 042
165-C	Las demás maderas ordinarias, incluyendo el abeto (Picea sp.), en cualquier tamaño o forma, en troncos o aserrada en bruto o sin cepillar pero excluyendo las cintas, P. B.....100 Kgs.	20%	0. 20
225	Refrigeradores de combinación mecánica y las demás máquinas y aparatos que no sean para uso industrial y no tarifados especialmente:		
225-A	Refrigeradores de combinación mecánica de todas clases,.....Ad valorem	30%	11. 9%
225-B	Las demás máquinas y aparatos que no sean para uso industrial y no tarifados especialmente, incluyendo las piezas sueltas y accesorios para los mismos,.....Ad valorem	30%	15. 96%
256-D	De avena, inclusive la avena preparada para alimento (rolled oats), P. B.....100 Kgs.	20%	1. 30
270-G	Salmón, T.....Kg.	35%	0. 039

Additional items.  
49 Stat. 3576.

2. Item 64-B of Schedule I of the Agreement of August 24, 1934, shall be designated item 64-C and the following additional items shall be inserted in the said Schedule in the proper numerical order:

Tariff Item	Description of Articles	Column 1 Minimum preferential reduction to the United States	Column 2 Maximum rates of duty. Specific rates in Cuban pesos
64-B	Submarine cables of all kinds, not elsewhere specified, T.....100 Kgs.	50%	1.50
78	Resins and gums:		
78-D	Reclaimed rubber in lumps or sheets, T.....100 Kgs.	30%	0.70
	NOTE: There shall be classified as reclaimed rubber that which is obtained by the melting or purifying of scrap vulcanized rubber and which contains a quantity of combined sulphur and other properties characteristic of reclaimed rubber, provided that the corresponding chemical analysis shows that it is reclaimed and not natural rubber directly vulcanized.		
78-E	Vulcanized rubber or gutta-percha, smooth, corrugated or grooved, in rolls or sheets, imported as raw material for the manufacture of articles, T. Kg.	35%	0.0715
102-G	The residue products of the refining of animal fats which contain more than 60 percent of free fatty acids, provided they are imported by the industrialists themselves to be employed exclusively in mining and that their employment is guaranteed under oath in the usual manner established or which may be established by the Treasury Department, G. W.....100 Kgs.	20%	0.20
147-E	Fabrics of the hair or fleece of the angora goat (mohair) mixed with cotton, rayon or both, in the piece or not made up.....Ad valorem	40%	16.25%
244-D	Peanut butter in containers of not over one pound, T.....Kg.	20%	0.144
270-I	Mackerel, T.....Kg.	30%	0.028

Note inserted.  
49 Stat. 3622.

3. Schedule I of the Agreement of August 24, 1934 is hereby amended by inserting after item 253-B the following:

NOTE: The tariff treatment of rice of United States origin imported into Cuba may be modified by the Government of the Republic of Cuba with the consent of the Government of the United States of America notwithstanding the provisions of Article II of this Agreement and of items 253-A and 253-B of this Schedule.

49 Stat. 3560.

#### ARTICLE II

1. Item 501 of Schedule II of the Agreement of August 24, 1934, is amended by adding the following additional paragraphs to the note to the said item:

If, at any time after the issuance of a public notice pursuant to the provisions of the preceding paragraph, the President of the United States of America gives public notice that the suspension of title II of the Sugar Act of 1937, which he proclaimed on September 11, 1939, has been or will be terminated, the rates of duty on articles enumerated and described in item 501 of this Schedule, entered, or withdrawn from warehouse, for consumption on or after the day following the filing of such public notice with the Division of Federal Register of the United States National

Addition to note.  
49 Stat. 3636.

50 Stat. 904.  
7 U. S. C., Supp. V.  
§§ 1111-1122.  
Foot., pp. 2654, 2676.

2.—La Partida 64-B de la Lista I del Convenio de 24 de agosto de 1934, será designada Partida 64-C, y las siguientes Partidas adicionales serán insertadas en dicha Lista en el orden numérico correspondiente:

Partida	Descripción de los Artículos	Columna 1 Reducción preferencial mínima a los Estados Unidos	Columna 2 Derechos máximos de aduana. Derechos específicos en pesos cubanos
64-B	Cables submarinos de todas clases, para los cuales no se provee en otra parte, T.....100 Kgs.	50%	1. 50
78	Resinas y gomas:		
78-D	Cauchú regenerado en masas o planchas, T. 100 Kgs.	30%	0. 70
	NOTA: Se clasificará como cauchú regenerado, el obtenido por la fusión o purificación de desperdicios de manufactura de cauchú vulcanizado, y que contenga una cantidad de azufre combinado y otras propiedades características del cauchú regenerado, siempre y cuando que mediante el análisis químico correspondiente se determine que es regenerado y no cauchú natural directamente vulcanizado.		
78-E	Cauchú o gutapercha vulcanizados, lisos, corrugados o estriados, en rollos o planchas, importados como materia prima para la manufactura de artículos, T.....Kg.	35%	0. 0715
102-G	Los residuos producto de la refinación de grasas animales, que contengan más del 60% de ácidos grasos libres, siempre que se importen por los propios industriales para ser empleados exclusivamente en la minería y que su empleo se garantice bajo juramento en la forma usual establecida o que se establezca por la Secretaría de Hacienda, P. B.....100 Kgs.	20%	0. 20
147-E	Tejidos de pelo o lana de cabra de angora (mohair) mezclados con algodón o rayón o ambos, en piezas o sin confeccionar,..... Ad valorem	40%	16. 25%
244-D	Mantequilla de maní en envases no mayores de una libra, T.....Kg.	20%	0. 144
270-I	Escombro (mackerel), T.....Kg.	30%	0. 028

3.—La Lista I del Convenio de 24 de agosto de 1934 queda enmendada añadiendo después de la Partida 253-B lo siguiente:

NOTA: El trato arancelario aplicable al arroz originario de los Estados Unidos a su importación en Cuba, podrá ser modificado por el Gobierno de la República de Cuba con el consentimiento del Gobierno de los Estados Unidos de América, no obstante lo estipulado en el Artículo II de este Convenio y en las Partidas 253-A y 253-B de esta Lista.

## ARTICULO II

1.—La Partida 501 de la Lista II del Convenio de 24 de agosto de 1934, queda modificada mediante la inclusión de los siguientes párrafos adicionales a la Nota a dicha Partida:

Si, en cualquier momento posterior a la notificación pública prevista en las estipulaciones del párrafo precedente, el Presidente de los Estados Unidos de América diera aviso público de que la suspensión del Título II de la Ley Azucarera de 1937, por él proclamada el 11 de septiembre de 1939, ha sido o será terminada, los adeudos aplicables a los artículos enumerados y descritos en la Partida 501 de esta Lista, importados o extraídos de almacén y admitidos a consumo en o después del día siguiente al registro de tal aviso público en la División de Registro Federal de los

Archives, shall be determined without regard to the provisions of the preceding paragraph which shall thereafter cease to have any force or effect.

Notwithstanding the provisions of the preceding paragraph, if the powers vested in the Secretary of Agriculture of the United States of America under title II of the Sugar Act of 1937 expire and the President of the United States of America gives public notice that no limitation equivalent to that provided for in title II of the Sugar Act of 1937 on the importation into, or the marketing in, the United States of America of sugar originating in the Republic of Cuba has been imposed or provided for by law, the rates of duty on articles enumerated and described in item 501 of this Schedule entered, or withdrawn from warehouse, for consumption on or after the day following the filing of such public notice with the aforesaid Division of Federal Register, shall be determined without regard to the provisions of Column 2 of this Schedule but such rates of duty shall not exceed those in effect on August 24, 1934. If, however, at any time after the issuance of any such public notice, an equivalent limitation is imposed on the importation into, or the marketing in, the United States of America of sugar originating in the Republic of Cuba, the President of the United States of America shall give public notice of such fact and the maximum rates of duty on such articles, entered, or withdrawn from warehouse, for consumption on or after the day following the filing of such public notice with the aforesaid Division of Federal Register, shall again be those set forth in Column 2 of this Schedule, subject to the provisions of this paragraph.

50 Stat. 904.  
7 U. S. C., Supp. V,  
§§ 1111-1122.

The term "sugar" as used in the two preceding paragraphs shall mean "sugar" as defined in Section 101(c) of the Sugar Act of 1937.

50 Stat. 903.  
7 U. S. C., Supp. V,  
§ 1101.

2. Items 601, 603, 605, the note following item 605, and items 771 and 802 of Schedule II of the Agreement of August 24, 1934, are amended to read as follows:

Items amended.  
49 Stat. 3638, 3642,  
3644.

Tariff Act of 1930 Paragraph	Description of Articles	Column 1 Minimum preferential reduction to Cuba	Column 2 Maximum rates of duty. Specific rates in United States dollars
601	Wrapper tobacco, and filler tobacco when mixed or packed with more than 35 per centum of wrapper tobacco, if unstemmed	20%	1. 20 per lb.
601	Filler tobacco, not specially provided for, other than cigarette leaf tobacco:		
	If stemmed	20%	0. 25 per lb.
	If unstemmed	20%	0. 175 per lb.
603	Scrap tobacco	20%	0.175 per lb.
	NOTE: Filler tobacco, not specially provided for, unstemmed or stemmed (other than cigarette leaf tobacco), and scrap tobacco, the growth, produce or manufacture of the Republic of Cuba, entered, or withdrawn from warehouse, for consumption in excess of a total quantity (unstemmed equivalent) of 22,000,000 pounds in any calendar year after 1939, shall be subject to duty as though such articles were not enumerated and described in this Schedule, but the rates of duty thereon shall not exceed		

Archivos Nacionales de los Estados Unidos, serán determinados sin tomar en consideración las estipulaciones del párrafo precedente que en lo sucesivo dejará de tener validez o surtir efecto alguno.

No obstante lo estipulado en los dos párrafos precedentes, si expiraran las facultades de que se halla investido el Secretario de Agricultura de los Estados Unidos de América de acuerdo con el Título II de la Ley Azucarera de 1937, y el Presidente de los Estados Unidos de América diera aviso público de que no ha sido impuesta o estipulada por una ley ninguna limitación equivalente a la estipulada en el Título II de la Ley Azucarera de 1937 sobre la importación o venta en los Estados Unidos de América de azúcar originario de la República de Cuba, los tipos de derecho aplicables a los artículos enumerados y descritos en la Partida 501 de esta Lista importados o extraídos de almacén y admitidos a consumo en o después del día siguiente al registro de tal aviso público en la antes mencionada División de Registro Federal, serán determinados sin tomar en consideración las estipulaciones de la Columna 2 de esta Lista, pero tales tipos de derecho no excederán de los aplicables el 24 de agosto de 1934. Sin embargo, si en cualquier momento después de la publicación de tal notificación, una limitación equivalente fuera impuesta sobre la importación o venta en los Estados Unidos de América de azúcar originario de la República de Cuba, el Presidente de los Estados Unidos de América dará aviso público de tal hecho y los tipos máximos de derecho aplicables a tales artículos importados o extraídos de almacén y admitidos a consumo en o después del día siguiente al registro de tal aviso público en la antes mencionada División de Registro Federal, serán otra vez aquellos establecidos en la Columna 2 de esta Lista, con sujeción a las estipulaciones de este párrafo.

La palabra "azúcar" según se emplea en los párrafos precedentes significará "azúcar" tal como se halla definida en la Sección 101 (c) de la Ley Azucarera de 1937.

2.—Las Partidas 601, 603, 605, la Nota al pie de la Partida 605, y las Partidas 771 y 802 de la Lista II del Convenio de 24 de agosto de 1934, quedan modificadas y redactadas de la siguiente manera:

Ley de Arancel de Aduana de los E. U. de 1930 Párrafo	Descripción de los Artículos	Columna 1 Reducción preferencial mínima a Cuba	Columna 2 Derechos máximos de aduana. Derechos específicos en dólares de los Estados Unidos
601	Tabaco de capa, y de tripa cuando ésta esté mezclada o envasada con más del 35% de capa, sin despalillar	20%	1.20 por lb.
601	Tabaco de tripa, para el que no se provea especialmente, con excepción del tabaco en rama para cigarros:	20%	0.25 por lb.
	Despalillado	20%	0.175 por lb.
	Sin despalillar	20%	0.175 por lb.
603	Picadura		
	NOTA: Se estipula que el tabaco de tripa para el que no se provea especialmente, sin despalillar o despalillado (con excepción del tabaco para cigarros) y la picadura, cosechados, producidos o manufacturados en la República de Cuba, e importados o extraídos de almacén y admitidos a consumo en una cantidad superior a 22,000,000 de libras en cualquier año natural después de 1939 (en su equivalente en tabaco sin despalillar) quedarán sujetos al pago de derechos como si tales artículos no se hallaren enumerados y descritos		

Tariff Act of 1930 Paragraph	Description of Articles	Column 1 Minimum preferential reduction to Cuba	Column 2 Maximum rates of duty. Specific rates in United States dollars
	those in effect on August 24, 1934. For the purposes of this note, the quantity (unstemmed equivalent) of unstemmed filler tobacco shall be its actual net weight as determined for the assessment of duties or taxes in the United States, and the quantity (unstemmed equivalent) of stemmed filler and scrap tobacco shall be 133 per centum of the actual net weight as determined for the assessment of duties or taxes in the United States.		
605	Cigars and cheroots of all kinds	20%	2.25 per lb. and 12½% ad valorem
771	White or Irish potatoes (other than certified seed potatoes) when imported and entered for consumption during the period from December 1 in any year to the last day of the following February, inclusive	50%	0.30 per 100 lbs.
802	Rum, in containers holding each one gallon or less	20%	2.00 per proof gallon

## ARTICLE III

Equal treatment of imports.  
49 Stat. 3564.

Article VIII of the Agreement of August 24, 1934, is amended to read as follows:

Articles the growth, produce or manufacture of the United States of America or the Republic of Cuba shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national or any other foreign origin, subject, in the case of the United States of America, to the constitutional limitations on the authority of the Federal Government.

49 Stat. 3570.

Articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I annexed to this Agreement, with respect to which a rate of duty is specified in Column 2 of the said Schedule, shall be exempt from all other duties, taxes, fees, charges or exactions, in excess of those imposed on September 3, 1934, or required to be imposed thereafter by laws of the Republic of Cuba in force on September 3, 1934. The provisions of this paragraph shall not apply, however, to the tax of 1½ percent on gross sales and incomes referred to in Decree-Law No. 393 of November 8, 1935, or to any increase which may be made in the general rate of such tax.

49 Stat. 3636.

Articles the growth, produce or manufacture of the Republic of Cuba enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from all duties other than ordinary customs duties and all taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on September 3, 1934, or required to be imposed thereafter by laws of the United States of America in force on September 3, 1934.

Ley de Arancel de Aduana de los E. U. de 1930  
Párrafo

Descripción de los Artículos

Columna 1 Reducción preferencial mínima a Cuba	Columna 2 Derechos máximos de aduana. Derechos específicos en dólares de los Estados Unidos
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	en esta Lista, pero los tipos de derechos aplicables no serán mayores que los vigentes en 24 de agosto de 1934. A los fines de esta estipulación, la cantidad de tabaco de tripa sin despalillar (en su equivalente sin despalillar) será la de su peso neto real según éste se determina para la fijación de derechos o impuestos en los Estados Unidos, y la cantidad (en su equivalente sin despalillar) de tabaco de tripa despalillado y picadura será la del 133% del peso neto real según éste se determina para la fijación de derechos o impuestos en los Estados Unidos.		
605	Tabacos y cherutos de todas clases	20%	2.25 por lb. y 12-½% ad valorem
771	Papas blancas o irlandesas (con excepción de las certificadas para semilla) cuando sean importadas y admitidas a consumo dentro del período comprendido entre el 1° de diciembre de cualquier año y el último día de febrero siguiente, ambos inclusive	50%	0.30 por 100 lbs.
802	Ron, en recipientes con capacidad de un galón o menos cada uno	20%	2.00 por galón de prueba

### ARTICULO III

El Artículo VIII del Convenio de 24 de agosto de 1934, queda modificado y redactado de la siguiente manera:

Los artículos cosechados, producidos o fabricados en los Estados Unidos de América o en la República de Cuba estarán exentos después de su importación en el otro país, de todos los impuestos, derechos, cargas o exacciones interiores distintos o mayores que los pagaderos sobre análogos artículos de origen nacional o de otro país extranjero, con sujeción, en el caso de los Estados Unidos de América, a las limitaciones constitucionales de las facultades del Gobierno Federal.

Los artículos cosechados, producidos o fabricados en los Estados Unidos de América, enumerados y descritos en la Lista I anexa a este Convenio, con respecto a los cuales se especifica un tipo de derecho en la Columna 2 de dicha Lista, quedarán exentos de todos los demás impuestos, derechos, cargas o exacciones, en exceso de los establecidos el 3 de septiembre de 1934 o cuya imposición posterior fuese exigida por leyes de la República de Cuba vigentes el 3 de septiembre de 1934. Las estipulaciones de este párrafo no serán aplicables, sin embargo, al impuesto del 1-½% sobre la venta bruta y sobre las entradas mencionado en el Decreto-Ley No. 393, de 8 de noviembre de 1935, ni a cualquier aumento que pueda efectuarse en el tipo general de tal impuesto.

Los artículos cosechados, producidos o fabricados en la República de Cuba, enumerados y descritos en la Lista II anexa a este Convenio, quedarán exentos a su importación en los Estados Unidos, de todos los derechos con excepción de los derechos ordinarios de aduana y de todos los impuestos, derechos, cargas o exacciones establecidos sobre o en relación con la importación, en exceso de aquellos vigentes el 3 de septiembre de 1934, o cuya imposición posterior fuese exigida por leyes de los Estados Unidos de América vigentes el 3 de septiembre de 1934.

No internal Federal taxes shall be imposed on articles the growth, produce or manufacture of the Republic of Cuba enumerated and described in item 501 of Schedule II annexed to this Agreement in excess of those imposed on September 3, 1937, or required to be imposed thereafter by laws of the United States of America in effect on September 3, 1937.

49 Stat. 3636.

49 Stat. 3559, 3561.

The provisions of Article I and Article III of this Agreement and of the third paragraph of this Article shall not prevent the Government of the United States of America from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been manufactured or produced in whole or in part.

## ARTICLE IV

Duration of Agreement.  
49 Stat. 3568.

1. The second paragraph of Article XVII of the Agreement of August 24, 1934, is amended by changing the period at the end thereof to a comma and adding the following:

49 Stat. 3566.

subject to the provisions of Article XI and the third and fourth paragraphs of this Article.

Duty on sugar, etc.  
49 Stat. 3569.

2. The third paragraph of Article XVII of the Agreement of August 24, 1934, is amended to read as follows:

49 Stat. 3636.

Notwithstanding the foregoing provisions, if the rates of duty specified in Column 2 of Schedule II annexed to this Agreement in respect of item 501 of the said Schedule should be increased in accordance with the provisions set forth in the note to the said item 501, the Government of the Republic of Cuba may propose negotiations for the modification of this Agreement. If agreement with respect to such proposal is not reached within thirty days following receipt thereof by the Government of the United States of America, the Government of the Republic of Cuba shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on thirty days' written notice.

Termination of Agreement.

Measures considered as nullifying, etc.

3. Article XVII of the Agreement of August 24, 1934, is amended by adding the following new paragraph after the third paragraph of the said Article:

Termination of Agreement.

It is further agreed that, in the event that the Government of either country adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such written representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter; if no agreement is reached with respect to such representations or proposals within thirty days after they are received, the Government which made them shall be free, within fifteen days after the expiration of the aforesaid period of thirty days, to terminate this Agreement in its entirety on thirty days' written notice.

No se establecerán impuestos internos federales sobre los artículos cosechados, producidos o fabricados en la República de Cuba, enumerados y descritos en la Partida 501 de la Lista II anexa a este Convenio, mayores que los vigentes en 3 de septiembre de 1937 o cuya imposición posterior fuese exigida por leyes de los Estados Unidos de América vigentes el 3 de septiembre de 1937.

Las estipulaciones del Artículo I y del Artículo III de este Convenio y del tercer párrafo de este Artículo no impedirán que el Gobierno de los Estados Unidos de América pueda imponer en cualquier momento sobre la importación de cualquier artículo una carga equivalente a un impuesto interno establecido con respecto a un artículo doméstico semejante o con respecto a una materia de la cual el artículo importado haya sido fabricado o producido en todo o en parte.

#### ARTICULO IV

1.—El párrafo segundo del Artículo XVII del Convenio de 24 de agosto de 1934, queda enmendado cambiando el punto que aparece al final del mismo por una coma y añadiendo lo siguiente:

con sujeción a las estipulaciones del Artículo XI, y a los párrafos tercero y cuarto de este Artículo.

2.—El tercer párrafo del Artículo XVII del Convenio de 24 de agosto de 1934, queda modificado y redactado de la siguiente manera:

No obstante lo establecido en las estipulaciones que anteceden, si los tipos de derecho especificados en la Columna 2 de la Lista II anexa a este Convenio con respecto a la Partida 501 de dicha Lista fueran aumentados de acuerdo con las estipulaciones fijadas en la Nota a dicha Partida 501, el Gobierno de la República de Cuba podrá proponer negociaciones para la modificación de este Convenio. Si no se llegare a un acuerdo con respecto a tal proposición dentro de los treinta días siguientes al recibo de la misma por el Gobierno de los Estados Unidos de América, el Gobierno de la República de Cuba quedará en libertad, dentro de los quince días siguientes a la terminación del plazo de treinta días antes mencionado, de terminar este Convenio en su totalidad con treinta días de aviso por escrito.

3.—El Artículo XVII del Convenio de 24 de agosto de 1934, queda modificado mediante la adición del siguiente párrafo nuevo después del tercer párrafo de dicho Artículo:

Se estipula además que, en el caso de que el Gobierno de cualquiera de los dos países adoptase cualquiera medida que aunque no estuviera en conflicto con las estipulaciones de este Convenio, el Gobierno del otro país considerara que produce el efecto de anular o alterar un objetivo cualquiera de este Convenio, el Gobierno que haya adoptado una medida tal, tomará en consideración las proposiciones y representaciones escritas que el otro Gobierno pudiera hacer con el objeto de llegar a un arreglo mutuamente satisfactorio de la cuestión; si no se llegare a un acuerdo con respecto a tales representaciones o proposiciones dentro de los treinta días siguientes a su recibo, el Gobierno que las hubiere hecho quedará en libertad dentro de los quince días siguientes a la terminación del plazo de treinta días antes mencionado, de terminar este Convenio en su totalidad con treinta días de aviso por escrito.

## ARTICLE V

## ARTICULO V

Present instruments deemed integral part of prior Agreement.

The present Agreement and the accompanying Protocol shall constitute an integral part of the Agreement of August 24, 1934.

El presente Convenio y el Protocolo anexo constituirán parte integral del Convenio de 24 de agosto de 1934.

49 Stat. 3559.

## ARTICLE VI

## ARTICULO VI

Proclamation in U. S. and Cuba.

The present Agreement shall be proclaimed by the President of the United States of America and by the President of the Republic of Cuba in conformity with the laws of their respective countries. It shall enter into force on the day following the exchange of the proclamation of the President of the United States of America and the proclamation of the President of the Republic of Cuba, which shall take place in Habana as soon as possible.

El presente Convenio será promulgado por el Presidente de los Estados Unidos de América y por el Presidente de la República de Cuba, de conformidad con las leyes de sus respectivos países. Entrará en vigor el día siguiente del canje de las proclamas respectivas del Presidente de los Estados Unidos de América y del Presidente de la República de Cuba, el cual se efectuará en la ciudad de la Habana tan pronto como sea posible.

Entry into force.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

En fe de lo cual los respectivos Plenipotenciarios han firmado este Convenio y le han fijado sus sellos.

Authenticity of texts.

Done in duplicate, in the English and Spanish languages, both authentic, at the city of Washington, this eighteenth day of December, 1939.

Hecho en duplicado, en los idiomas inglés y español, ambos auténticos, en la ciudad de Washington, a los dieciocho días del mes de diciembre de 1939.

For the President of the United States of America:

[SEAL] CORDELL HULL

*Secretary of State  
of the United States of America*

For the President of the Republic of Cuba:

[SEAL] PEDRO MARTÍNEZ FRAGA

*Ambassador Extraordinary and Plenipotentiary of the Republic of Cuba*

## PROTOCOL

The undersigned, the duly empowered Plenipotentiaries of their respective Governments, have agreed on the following Articles with regard to the interpretation of the trade agreement between the United States of America and the Republic of Cuba, signed August 24, 1934, as amended by the supplementary agreement which they have signed this day:

### ARTICLE I

The term "duty" as used in Article I of the Agreement of August 24, 1934, in relation to the undertakings of the United States of America and in Article III of that Agreement shall be understood to continue to refer to ordinary customs duties.

### ARTICLE II

The provisions of Article I of the Agreement of August 24, 1934, shall not be construed to be in conflict with Section 3424 of the Internal Revenue Code of the United States of America.

### ARTICLE III

The term "duties" as used in the first sentence of Article XIII of the Agreement of August 24, 1934, shall be understood to refer to rates of duty.

## PROTOCOLO

Los infrascritos, Plenipotenciarios debidamente acreditados de sus respectivos Gobiernos, han acordado los siguientes Artículos en relación con la interpretación del Convenio Comercial entre los Estados Unidos de América y la República de Cuba, firmado el 24 de agosto de 1934, tal y como ha sido modificado por el Convenio Suplementario que han firmado hoy:

### ARTICULO I

La palabra "derecho", tal y como se emplea en el Artículo I del Convenio de 24 de agosto de 1934, en relación con los compromisos asumidos por los Estados Unidos de América y en el Artículo III de ese Convenio, se entenderá que continúa refiriéndose a los derechos ordinarios de aduana.

### ARTICULO II

Las disposiciones del Artículo I del Convenio de 24 de agosto de 1934, no serán interpretadas como opuestas a la Sección 3424 del Código de Impuestos Internos de los Estados Unidos de América.

### ARTICULO III

La palabra "derechos" tal y como se emplea en la primera frase del Artículo XIII del Convenio de 24 de agosto de 1934, se entenderá que se refiere a los tipos de derecho o adeudos.

Interpretation of trade agreement.

49 Stat. 3559.

"Duty" construed.  
49 Stat. 3559.

49 Stat. 3561.

Lumber.  
49 Stat. 3569.

53 Stat. 415.  
26 U. S. C., Supp.  
V. § 3424.

"Duties" construed.  
49 Stat. 3567.

## ARTICLE IV

## ARTICULO IV

"Become inoperative."

49 Stat. 3638.

Signatures.

Authenticity of texts.

It is agreed that the words, "become inoperative", which appear in the English text of the Note to Item 501 of Schedule II of the Agreement of August 24, 1934, express the meaning intended by the Governments of the two countries, and that the corresponding Spanish text should read "quedaran sin efecto" in place of "fuesen derogadas".

Se conviene en que las palabras "become inoperative", que aparecen en el texto inglés de la Nota a la Partida 501 de la Lista II del Convenio de 24 de agosto de 1934, expresan el significado deseado por los Gobiernos de los dos países y que el texto español correspondiente deberá de decir "quedaran sin efecto" en lugar de "fuesen derogadas".

In witness whereof, the respective Plenipotentiaries have signed this Protocol and have affixed their seals hereto.

En fe de lo cual, los respectivos Plenipotenciarios han firmado este Protocolo y le han fijado sus sellos.

Done in duplicate, in the English and Spanish languages, both authentic, at the city of Washington, this eighteenth day of December, 1939.

Hecho en duplicado, en los idiomas inglés y español, ambos auténticos, en la ciudad de Washington, a los dieciocho días del mes de diciembre de 1939.

For the President of the United States of America:

[SEAL] CORDELL HULL

*Secretary of State*

*of the United States of America*

For the President of the Republic of Cuba:

[SEAL] PEDRO MARTÍNEZ FRAGA

*Ambassador Extraordinary and Pleni-*

*potentiary of the Republic of Cuba*

WHEREAS, such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said supplementary Agreement, including the accompanying Protocol, are required and appropriate to carry out the said supplementary Agreement, including the accompanying Protocol;

*Ante*, p. 2010.

AND WHEREAS, it is provided in Article VI of the said supplementary Agreement that it shall be proclaimed by the President of the United States of America and by the President of the Republic of Cuba in conformity with the laws of the respective countries, and that it shall enter into force on the day following the exchange of the proclamation of the President of the United States of America and the proclamation of the President of the Republic of Cuba:

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said supplementary Agreement, including the said Protocol, to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after the day following the exchange of the proclamation of the President of the United States of America and the proclamation of the President of the Republic of Cuba, as provided for in Article VI of the said supplementary Agreement.

Proclamation.

48 Stat. 943; 50 Stat.  
24. 19 U. S. C. §§ 1351-  
1354; Supp. V, § 1352.  
*Ante*, p. 107.

Effective date.

*Ante*, p. 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this nineteenth day of December,  
in the year of our Lord one thousand nine hundred  
[SEAL] and thirty-nine, and of the Independence of the  
United States of America the one hundred and sixty-  
fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## [SUPPLEMENTARY PROCLAMATION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

Preamble.

WHEREAS, by my proclamation of December 19, 1939, I did make public the exclusive and preferential supplementary Trade Agreement, including an accompanying Protocol, which, pursuant to Section 350 of the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), as extended by Joint Resolution of Congress approved March 1, 1937 (50 Stat. 24), I entered into on December 18, 1939 with the President of the Republic of Cuba, to the end that the said Agreement, including the said Protocol, should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after the day following the exchange of the aforesaid proclamation of the President of the United States of America and the proclamation of the President of the Republic of Cuba, as provided for in Article VI of the said Agreement;

19 U. S. C. §§ 1351-1354; Supp. V, § 1352.  
*Ante*, p. 107.

*Ante*, p. 2010.

Exchange of proclamations, date.

AND WHEREAS the proclamation of the President of the United States of America and the proclamation of the President of the Republic of Cuba were exchanged at Habana on December 22, 1939;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, supplementing my said proclamation of December 19, 1939, do hereby make known and proclaim that the said supplementary Trade Agreement, including the said Protocol, signed on December 18, 1939, will come into force on December 23, 1939, wherefore, I do hereby call upon the United States of America and the citizens thereof to observe and fulfill the same and every article and part thereof with good faith on and from December 23, 1939.

Coming into force of Agreement.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-second day of December, in the year of our Lord one thousand nine hundred and thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

**EXCHANGE OF NOTES BETWEEN THE SECRETARY OF  
STATE OF THE UNITED STATES OF AMERICA AND  
THE CUBAN AMBASSADOR**

*The Cuban Ambassador (Martínez Fraga) to the Secretary of State (Hull)*

EMBAJADA DE CUBA

WASHINGTON, D. C.

*18 de diciembre de 1939.*

**EXCELENCIA:**

Tengo el honor de referirme a la nota que ha sido insertada al final de la Partida 253 de la Lista I del Convenio Comercial concluído entre la República de Cuba y los Estados Unidos de América el 24 de agosto de 1934, por una estipulación del Convenio Comercial Suplementario entre la República de Cuba y los Estados Unidos de América, firmado en Washington en el día de hoy.

Como he informado a Vuestra Excelencia, es la intención de mi Gobierno prestar ulterior consideración a la posibilidad de mejorar el trato arancelario otorgado al arroz americano importado en Cuba, mejora que se mantendría en vigor mientras la participación en las necesidades del consumo de azúcar de los Estados Unidos que pueda ser abastecida por azúcar originario de la República de Cuba, no sea modificada en perjuicio de Cuba en relación con la establecida en las estipulaciones relativas a cuota de la Ley Azucarera de los Estados Unidos de 1937.

Entiendo que en el caso de que mi Gobierno formule un arreglo a este objeto y tal arreglo resulte aceptable al Gobierno de Vuestra Excelencia, podrá ser aplicado al arroz americano importado en Cuba no obstante lo estipulado en el Artículo II y en las Partidas 253-A y 253-B de la Lista I del Convenio de 24 de agosto de 1934, a condición, sin embargo, de que en el caso de que mi Gobierno ponga término a este trato más favorable, las estipulaciones relativas al arroz, de las Partidas 253-A y 253-B de la Lista I antes mencionada del Convenio firmado el 24 de agosto de 1934, entrarán de nuevo en pleno vigor.

Aprovecho esta oportunidad para reiterar a Vuestra Excelencia las seguridades de mi más alta consideración,

MARTÍNEZ FRAGA

A Su Excelencia

Mr. CORDELL HULL,

*Secretario de Estado,*

*Washington.*

[Translation]

EMBASSY OF CUBA,  
WASHINGTON, D. C.  
December 18, 1939.

EXCELLENCY:

I have the honor to refer to the note which has been inserted after Item 253 of Schedule I of the trade agreement entered into between the United States and Cuba on August 24, 1934, by a provision of the supplementary trade agreement between the United States and Cuba signed at Washington on this day.

*Ante*, p. 2002.

It is, as I have informed you, the intention of my Government to give further consideration to the possibility of arranging an improvement in the tariff treatment of American rice imported into Cuba, such improvement to remain in effect so long as the share of United States consumption requirements of sugar which may be supplied by sugar originating in the Republic of Cuba is not altered to Cuba's disadvantage as compared with that established in the quota provisions of the United States Sugar Act of 1937.

50 Stat. 904.  
7 U. S. C., Supp. V,  
§§ 1111-1122.

It is my understanding that in the event that my Government devises an arrangement for this purpose and such arrangement is found acceptable to your Government it may be applied to American rice imported into Cuba notwithstanding the provisions of Article II and Items 253-A and 253-B of Schedule I of the agreement of August 24, 1934, provided, however, that in the event such improved treatment is terminated by my Government, the provisions relating to rice in the aforesaid Items 253-A and 253-B of Schedule I of the trade agreement signed on August 24, 1934, shall again come into full effect.

49 Stat. 3560, 3622;  
*ante*, p. 2002.

I avail myself of this opportunity to renew to Your Excellency the assurances of my very high consideration.

MARTÍNEZ FRAGA

His Excellency

Mr. CORDELL HULL,  
*Secretary of State,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the Cuban Ambassador (Martínez Fraga)*

DEPARTMENT OF STATE,  
WASHINGTON,  
December 18, 1939.

EXCELLENCY:

I have the honor to acknowledge your note of this date, in which you state that it is the intention of your Government to give further consideration to the possibility of improving the customs treatment of American rice imported into Cuba, such improvement to remain in effect so long as the share of United States consumption requirements of sugar which may be supplied by sugar originating in the Republic

of Cuba is not altered to Cuba's disadvantage as compared with that established in the quota provisions of the United States Sugar Act of 1937.

50 Stat. 904.  
7 U. S. C., Supp. V,  
§§ 1111-1122.

I further have the honor to confirm your understanding that the note which has been inserted, by a provision of the supplementary trade agreement between the United States and Cuba signed at Washington on this day, after Item 253 of Schedule I of the trade agreement entered into between the United States and Cuba on August 24, 1934, will make possible the application of such an arrangement in the event it is desired by your Government and is found acceptable by my Government, notwithstanding the provisions of Article II and items 253-A and 253-B of Schedule I of the agreement of August 24, 1934.

*Ante*, p. 2002.

49 Stat. 3560, 3622;  
*ante*, p. 2002.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

PEDRO MARTÍNEZ FRAGA,

*Ambassador of the Republic of Cuba.*

June 14, 1939  
[E. A. S. No. 166]

*Arrangement between the United States of America and Liberia respecting air navigation. Effected by exchange of notes signed June 14, 1939; effective June 15, 1939.*

*The American Minister (Walton) to the Liberian Secretary of State (Simpson)*

No. 190a LEGATION OF THE UNITED STATES OF AMERICA

MONROVIA, LIBERIA

June 14, 1939

EXCELLENCY:

Air navigation  
agreement with Li-  
beria.

I have the honor to set forth below the terms of the Air Navigation Agreement between the United States and Liberia as understood by me to have been approved in the course of the negotiations recently conducted by the Legation with your Department of State:

AIR NAVIGATION AGREEMENT BETWEEN THE UNITED STATES AND LIBERIA

ARTICLE 1

Application.

(a) The present arrangement shall apply to continental United States of America, exclusive of Alaska, and to Liberia, including their territorial waters.

(b) Subject to the conditions hereinafter set forth, civil aircraft registered by either Party to this arrangement and not engaged in regular scheduled services, shall be accorded liberty of passage above and of landing upon the territory of the other Party.

ARTICLE 2

Safety require-  
ments.

(a) Aircraft of either Party operating in the territory of the other Party must be airworthy. The members of the operating personnel must have the necessary qualifications, and also possess airman certificates issued by the competent authorities of the country of registration.

(b) The aircraft of each Party, their crews, passengers and goods carried thereon shall, while within the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air navigation applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning immigration, quarantine, customs, and clearance.

ARTICLE 3

Most-favored-na-  
tion treatment.

In respect to the establishment and operation of air routes and air transport services and all matters pertaining thereto, the nationals and aircraft of the United States of America shall receive most-favored-

nation treatment in Liberia. However, the United States of America may not claim any rights in respect of such routes and air transport services if it should be unwilling to accord similar rights to the Government or nationals of Liberia.

## ARTICLE 4

The present arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.

Termination.

I should be pleased if you would inform me whether your Government accepts the foregoing text as the text which was agreed to in the course of the recent negotiations. If so, my Government suggests that the agreement become effective on June 15, 1939.

Effective date.

Accept, Excellency, the renewed assurances of my highest consideration.

LESTER A. WALTON  
*American Minister*

His Excellency CLARENCE L. SIMPSON,  
*Secretary of State of the Republic of Liberia*  
*Monrovia*

---

*The Liberian Secretary of State (Simpson) to the American Minister  
(Walton)*

580a/D.F.

DEPARTMENT OF STATE  
MONROVIA, LIBERIA.  
*June 14, 1939.*

SIR:

I have the honor to acknowledge the receipt of your note of June 14, 1939 requesting to be informed whether my Government accepts the text set forth in the note under acknowledgment as the text of the Air Navigation Agreement between Liberia and the United States which was agreed to in the course of the negotiations recently conducted by the Department of State with the Legation. The text as set forth in the Legation's note is as follows:

Agreement by Liberia.

## AIR NAVIGATION AGREEMENT BETWEEN THE UNITED STATES AND LIBERIA

## ARTICLE I

(a) The present arrangement shall apply to continental United States of America, exclusive of Alaska, and to Liberia, including their territorial waters.

(b) Subject to the conditions hereinafter set forth, civil aircraft registered by either Party to this arrangement and not engaged in regular scheduled services, shall be accorded liberty of passage above and of landing upon the territory of the other Party.

## ARTICLE II

(a) Aircraft of either Party operating in the territory of the other Party must be airworthy. The members of the operating personnel must have the necessary qualifications, and also possess airman certificates issued by the competent authorities of the country of registration.

(b) The aircraft of each Party, their crews, passengers and goods carried thereon shall, while within the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air navigation applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning immigration, quarantine, customs, and clearance.

## ARTICLE III

In respect of the establishment and operation of air routes and air transport services and all matters pertaining thereto, the nationals and aircraft of the United States of America shall receive most-favored-nation treatment in Liberia. However, the United States of America may not claim any rights in respect of such routes and air transport services if it should be unwilling to accord similar rights to the Government or nationals of Liberia.

## ARTICLE IV

The present arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.

I am glad to assure you that my Government accepts the foregoing text as the text which was agreed to by it in the course of the recent negotiations. My Government also accepts your Government's suggestion that the agreement become effective on June 15, 1939 and will accordingly regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

C. L. SIMPSON  
*Secretary of State.*

Honorable LESTER A. WALTON,  
*Minister of the United States of America,*  
*Monrovia.*

*Agreement between the United States of America and Lithuania for the exchange of parcel post; signed at Kaunas December 4, 1939, and at Washington December 28, 1939; approved and ratified by the President of the United States January 5, 1940.*

December 4, 1939  
December 28, 1939

PARCEL POST AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LITHUANIA

PAŠTO SIUNTINIŲ SUTARTIS TARP LIETUVOS IR JUNGTINIŲ AMERIKOS VALSTYBIŲ

For the purpose of concluding an arrangement for the exchange of parcel-post packages between the United States of America (including Alaska, Hawaii, Puerto Rico, Guam, Samoa, and the Virgin Islands of the United States) and Lithuania, the Postmaster General of the United States of America and the Director General of Posts and Telegraphs of Lithuania, by virtue of authority vested in them, have agreed upon the following articles:

Tikslu sudaryti sutartį pašto siuntiniams apsimainyti tarp Lietuvos ir Jungtinių Amerikos Valstybių (su Alaska, Avaju, Portorikos, Gvamos, Samuvos ir Jungtinių Valstybių Virginų Salomis), Vyriausias Lietuvos Pašto ir Telegrafo Direktorius ir Vyriausias Jungtinių Amerikos Valstybių Pašto Direktorius, pasiremdami jiems suteikta teise, susitarė šitaip:

Purpose declared.

ARTICLE 1.

1 STRAIPSNIS.

*Object of the Agreement.*

*Sutarties dalykas.*

Ordinary, insured, and collect-on-delivery parcels are admitted in the reciprocal relations under the conditions set forth below. Such parcels may also be sent in transit through either country under the conditions prescribed from time to time by the intermediate Administration.

Tarpusavio apsimainyme priimami žemiau nustatytomis sąlygomis paprasti, įvertinti ir išperkamojo mokesčio siuntiniai. Tokie siuntiniai, taip pat, gali būti siunčiami tranzitu per bet kurią šių dviejų šalių, tarpininkaujanties Valdybos laikas nuo laiko nustatytomis sąlygomis.

Types of parcels.

Administrations as intermediaries.

A. ORDINARY AND INSURED PARCELS.

A. PAPRASTI IR ĮVERTINTI SIUNTINIAI.

ARTICLE 2.

2 STRAIPSNIS.

*Limits of weight and size.*

*Svorio ir dydžio ribos.*

1. No parcel shall exceed 44 pounds (20 kilograms) in weight nor the following dimensions:

1. Siuntinys neturi viršyti 44 svarų (20 kilogramų) svorio nei šių išmiurų:

Weight.

Length, 4 feet (120 centimeters); provided that parcels over 42 inches (105 centimeters) but not over 44 inches (110 centimeters) long do not exceed 24 inches (60 centimeters) in girth; that parcels

Ilgis, 4 pėdos (120 centimetrų) su sąlyga, kad siuntiniai virš 42 colių (105 centimetrų) bet ne daugiau kaip 44 colių (110 centimetrų) ilgio neviršytų 24 colių (60 centimetrų) apimties; kad siun-

Dimensions.

over 44 inches (110 centimeters) but not over 46 inches (115 centimeters) long do not exceed 20 inches (50 centimeters) in girth; and that parcels over 46 inches (115 centimeters) but not over 4 feet (120 centimeters) long do not exceed 16 inches (40 centimeters) in girth. Parcels which are three and one-half feet (105 centimeters) or less in length may not exceed 6 feet (180 centimeters) in length and girth combined.

2. As regards the exact calculation of the weight and dimensions of parcels, the view of the dispatching office shall be accepted, except in cases of obvious error.

#### ARTICLE 3.

##### *Postage and fees.*

Postage and fees.

1. The Administration of origin is entitled to collect from the sender of each parcel such postage and fees for requests for information as to the disposal of a parcel made after it has been posted, and also, in the case of insured parcels, such insurance fees and fees for return receipts as may from time to time be prescribed by its regulations.

Prepayment.

2. Except in the case of returned or redirected parcels, the postage and such of the fees mentioned in the preceding section as are applicable must be prepaid.

#### ARTICLE 4.

##### *Preparation of parcels.*

Addresses.

1. The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and, in the case of parcels addressed by tag only because of their shape or size, must also be written on a separate slip which slip must be enclosed in the parcel. It is recommended that such address slips be enclosed in all parcels.

tiniai virš 44 colių (110 centimetrų) bet ne daugiau kaip 46 colių (115 centimetrų) ilgio neviršytų (115 centimetrų) apimties 20 colių (50 centimetrų) apimties ir kad siuntiniai virš 46 colių (115 centimetrų) bet ne daugiau kaip 4 pėdų (120 centimetrų) ilgio neviršytų 16 colių (40 centimetrų) apimties.

Siuntiniai, kurių ilgis yra trys su puse pėdos (105 centimetrai) arba mažiau, neturi viršyti 6 pėdų (180 centimetrų), ilgį ir apimtį kartu paėmus.

2. Kas liečia tikslų siuntinių svorio ir dydžio apskaičiavimą, tai išsiuntimo įstaigos nurodomi duomenys bus laikomi teisingi, išskyrus atsitikimus, kur klaida yra aiški.

#### 3 STRAIPSNIS.

##### *Pašto mokestis ir rinkliavos.*

1. Išsiuntimo Valdyba turi teisę imti iš kiekvieno siuntinio siuntėjo tokį pašto mokestį ir rinkliavas už prašymus suteikti žinių, kaip pasielgta su siuntiniu, jį įdavus paštan, o paduodant įvertintus siuntinius, tokias draudimo rinkliavas ir įtekimo pranešimų rinkliavas, kokios laikas nuo laiko bus jos vidaus taisyklėmis austatytos.

2. Pašto mokestis ir aukštesnėje pastraipoje nurodytos rinkliavos, kurias galima pritaikyti, turi būti sumokamos iš anksto, išskyrus atsitikimus, kai siuntiniai gražinami arba dasiunčiami.

#### 4 STRAIPSNIS.

##### *Siuntinių paruošimas.*

1. Siuntėjo ir gavėjo pavadinimai ir adresai visada turi būti aiškiai ir teisingai užrašomi, kai galima, ant paties siuntinio arba ant prilipintos prie jo žymelės, o kai dėl siuntinio formos ar dydžio siuntinio adresas būna užrašomas tik ant pririštos prie siuntinio kortelės, tai siuntėjo ir gavėjo pavadinimai ir adresai turi būti, taip pat, užrašomi ant atskiros kortelės, kuri įdedama į siuntinį. Patariama tokias adreso korteles dėti į visus siuntinius.

Parcels will not be accepted when sent by or addressed to initials, unless the initials are the adopted trade name of the senders or addressees.

Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used.

2. The sender shall prepare one customs declaration for each parcel sent from Lithuania and two customs declarations for each parcel sent from the United States of America, upon a special form provided for the purpose, which customs declarations shall give a general description of the parcel, an accurate statement in detail of its contents and value, date of mailing, the weight, the sender's name and address, and the name and address of the addressee; and shall be securely tied to the parcel. The customs declarations of insured parcels must be marked or labeled or stamped "Insured".

3. The Administrations accept no responsibility for the correctness of the customs declarations.

4. Parcels must be packed in boxes of wood or other strong material adequate for the length of the journey and for the protection of the contents. Ordinary parcels may be closed by means of wax, lead seals, or otherwise.

Insured parcels must be closed and securely sealed with wax or otherwise, but the country of destination shall have the right to open them as well as ordinary parcels (including the right to break the seals) in order to inspect the contents. Parcels which have been so opened shall be closed again and officially sealed, except that in the case of ordinary parcels they need not be sealed if they were not sealed by the sender in the first instance.

Either Administration may require a special impress or mark of the sender in the sealing of insured parcels mailed in its service, as a means of protection.

Siuntiniai, kurių siuntėjai arba gavėjai pažymėti inicialais, jei tie inicialai nėra siuntėjų arba gavėjų prisimtas firmos pavadinimas, paštan neprimumami.

Adresus rašyti paprastu pieštuku neleidžiama, bet kimiškus arba neištrinamus pieštukus galima var-toti ant pirmiau sudrėkinto pavirš-šiaus.

2. Siuntėjas surašo po vieną muitinės deklaraciją kiekvienam siunčiamam iš Lietuvos siuntiniui ir po dvi muitinės deklaracijas kiekvienam siunčiamam iš Jungtinių Amerikos Valstybių siuntiniui, specialiai tam tikslui skirtuose blankuose. Šiose muitinės deklaracijose duodama bendras siuntinio aprašymas, tiksliai nusakoma smulkus siuntinio indėlis ir vertė, išsiuntimo laikas, svoris, siuntėjo pavadinimas ir adresas, gavėjo pavadinimas ir adresas ir jos tvirtai pririšamos prie siuntinio. Įvertintų siuntinių muitinės deklaracijos turi būti atžymėtos ranka arba žymele arba spaudu "Insured" (Įvertintas).

3. Valdybos neatsako už muitinės deklaracijų surašymo teisingumą.

4. Siuntiniai turi būti užtaisyti medžio dėžėse arba kitoj kokioj tvirtoj medžiagoj atitinkamoj kelio ilgį ir indėlio apsaugą. Paprasti siuntiniai gali būti uždaromi antspauduojant, plombuojant arba kitaip.

Įvertinti siuntiniai turi būti uždaryti ir saugiai užantspauduoti laku ar kitaip, bet paskyrimo šalis turi teisę juos, kaip ir paprastus siuntinius, atidaryti (su teise nu-plėšti ir antspaudas), jų indėliui patikrinti. Taip atidaryti siuntiniai vėl užtaisomi ir oficialiai užantspauduojami išskyrus pa-prastus siuntinius, kuriuos nėra reikalo antspauduoti, jei jie nebuvo siuntėjo antspauduoti, juos paduodant paštan.

Kiekviena Valdyba gali siuntinio apsaugojimo tikslu reikalauti įduotų jos žinybos paštan įvertintų siuntinių antspaudavime specialaus siuntėjo įspaudu ar ženkle.

Customs declarations.

Packing.

Ordinary parcels. Sealing, etc.

Insured parcels. Sealing, etc.

Labels, stamps, etc.

5. On the address side, each insured parcel must bear a label with the word "Insured", or be stamped or marked with the same word in close proximity to the number given the parcel, and it must also bear an indication of the amount of the insured value, mentioned fully and legibly in the currency of the country of origin and in roman letters. This amount must be converted into gold francs by the sender or by the office of origin, and the result of the conversion is added below the original description.

6. The labels or stamps on insured parcels must be so placed that they cannot serve to conceal injuries to the covers. They must not be folded over two sides of the cover so as to hide the edge.

Liquids, etc.

7. Any liquid or any substance which easily liquefies must be packed in a double receptacle. Between the inner receptacle (bottle, flask, pot, box, etc.) and the outer (box of metal, strong wood, strong corrugated cardboard, or strong fibreboard, or receptacle of equal strength) shall be left a space which shall be filled with sawdust, bran, or some other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage.

Powders, etc.

8. Powders and dyes in powder form must be packed in metal containers which containers must be enclosed in substantial outer covers so as to afford the utmost protection to the accompanying mail matter.

5. Kiekvieno įvertinto siuntinio adreso pusėje arti siuntinio numerio turi būti žymelė su žodžiu "Insured" (Įvertintas), arba uždėtas spaudas ar pažymėjimas su tuo pat žodžiu. Taip pat, ir įvertinimo suma turi būti pilnai ir aiškiai užrašyta siuntinio adreso pusėje išsiuntimo šalies valiuta ir lotynų raidėmis. Siuntėjas arba išsiuntimo įstaiga turi išversti šią sumą į aukso frankus. Išvertimo daviniai įrašomi žemiau išsiuntimo šalies valiutoje išreikštos sumos.

6. Žymelės ir spaudai ant įvertintų siuntinių turi būti uždedami taip, kad jie negalėtų paslėpti apdaro sužalojimų. Jos neturi būti užlenkiamos per dvi apdaro puses, kad nepaslėptų siuntinio briaunos.

7. Bet kokie skysčiai arba lengvai skystančios medžiagos turi būti užtaisomos dvigubuose apdaruose. Tarp vidurinio apdaro (butelio, flakono, puodo, dėžės ir t. t.) ir viršutinio (metalo, tvirtu medžio, tvirtu banguoto kartono arba tvirtų fibro lentelių dėžės arba panašaus tvirtumo apdaro) paliekama tuščia vieta, kuri užpildoma pakankamu kiekiu piuvėnų, sėlenų arba kitos skysti sugeriančios medžiagos, kad indui sudužus susigertų visas skystimas.

8. Milteliai arba miltelių formos dažai turi būti užtaisomi metalinėse dėžutėse, kurios turi būti įdedamos į tvirtus išorinius apdarus, kad kuo labiausiai apsaugojus kitas drauge siunčiamas pašto siuntas.

## ARTICLE 5.

*Prohibitions.*

Articles prohibited transmission.

1. The following articles are prohibited transmission by parcel post:

(a) A letter or a communication having the nature of an actual and personal correspondence. Nevertheless, it is permitted to enclose in a parcel an open invoice confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, that of the sender being added.

## 5 STRAIPSNIS.

*Draudimai.*

1. Pašto siuntiniais draudžiama siųsti šie daiktai:

(a) Laiškai arba raštai turi asmeniško arba aktualaus susirašinėjimo pobūdį. Tačiau į siuntinį leidžiama įdėti atvirą, apribotą daiktaraščio privalumais, daiktaraštį ir, taip pat, paprastą siuntinio adreso nuorašą, pridėtant ir siuntėjo adresą.

(b) An enclosure which bears an address other than that of the addressee of the parcel or that of a person living with him.

(c) Any live animals (except leeches).

(d) Any article of which the admission is not authorized by the customs or other laws or regulations in force in either country.

(e) Any explosive or inflammable article and, in general, any article of which the conveyance is dangerous.

2. When a parcel contravening any of these prohibitions is handed over by one Administration to the other, the latter shall proceed in accordance with its laws and its inland regulations.

3. The two Postal Administrations shall furnish each other with a list of prohibited articles; but they will not thereby undertake any responsibility whatever towards the police, the Customs Authorities, or the senders of parcels.

#### ARTICLE 6.

##### *Customs duties.*

The parcels shall be subject in the country of destination to all customs duties and all customs regulations in force in that country for the protection of its customs revenue, and the customs duties properly chargeable thereon shall be collected on delivery, in accordance with the customs regulations of the country of destination.

#### ARTICLE 7.

##### *Method of exchange of parcels.*

1. The parcels shall be exchanged in sacks duly fastened and sealed, by the offices appointed by agreement between the two Administrations, and shall be dispatched to the country of destination by the country of origin at its cost and by such means as it provides.

2. Insured parcels shall be enclosed in separate sacks from those in which ordinary parcels are contained and the labels of sacks

(b) Indėlis, ant kurio bŭtų pažymėta kitas adresas negu siuntinio gavėjo arba su juo gyvenančio asmens.

(c) Visokie gyvi gyvuliai (išskyrus siurbėles).

(d) Bet kokie daiktai, kurių įvežimas yra uždraustas vienos ar kitos šalies veikiančiais muitinių arba kitais įstatymais bei taisyklėmis.

(e) Bet kokie sprogstą arba lengvai užsidegą daiktai ir bendrai bet kokie daiktai, kurių pervežimas sudaro pavojaus.

2. Atsitikimuose, kada siuntinys, prieštaraujantis bet kuriems iš šių draudimų, yra vienos Valdybos perduotas kitai, ši pastaroji elgiasi su juo pagal savo įstatymus ir savo vidaus taisykles.

3. Abi Pašto Valdybos patiekia viena kitai uždraustų įvežti daiktų sąrašus, bet tuo jos neprisiima jokios atsakomybės nei policijos nei muitinės organų, nei siuntinių siuntėjų atžvilgiu.

#### 6 STRAIPSNIS.

##### *Muito rinkliavos*

Paskyrimo šalyje siuntiniams taikoma visos muito rinkliavos ir visos veikiančios toj šaly, apsaugojimui jos muito įplaukų, muito taisyklės. Tinkamai uždėtos muito rinkliavos išieškamos, siuntinius išduodant, prisilaikant paskyrimo šalies muito taisyklių.

Procedure if parcel contravenes prohibitions.

Customs duties and regulations.

#### 7 STRAIPSNIS.

##### *Siuntinių apsimainymo būdas.*

1. Siuntiniais apsimaino abiejų Valdybų susitarimu paskirtos įstaigos tinkamai uždarytuose ir užantspauduotuose maišuose ir išsiuntimo šalis juos siunčia į paskyrimo šalį savo lėšomis ir tokiomis priemonėmis, kokias ji gali patiekti.

2. Įvertinti siuntiniai užtaisomi atskiruose nuo paprastų siuntinių maišuose ir maišų su įvertintais siuntiniais žymelės atžymimos

Exchange of parcels.

containing insured parcels shall be marked with such distinctive symbols as may from time to time be agreed upon.

tokiais išskiriamais ženklais, kokius laikas nuo laiko bus susitarta vartoti.

## ARTICLE 8.

## 8 STRAIPSNIS.

*Billing of parcels.**Siuntinių įrašymas į lakštus.*

Billing of parcels.

1. The insured parcels and the ordinary parcels are entered in separate parcel bills. The parcel bills are prepared in duplicate. The original is sent in the regular mails, while the duplicate is inserted in one of the parcel sacks. The sack containing the parcel bill is designated by the letter "F" conspicuously marked on the label.

2. The ordinary parcels included in each dispatch sent to Lithuania are to be entered in bulk on the parcel bills, but by classes of parcels (a) up to 1 kilogram in weight, (b) from 1 to 5 kilograms, (c) from 5 to 10 kilograms, (d) from 10 to 15 kilograms, and (e) from 15 to 20 kilograms.

The ordinary parcels included in each dispatch sent to the United States of America are to be entered on the parcel bills to show the total number of parcels and the total net weight thereof.

Insured parcels shall be entered individually on the parcel bills to show the insurance number and the name of the office of origin.

In the case of insured parcels for Lithuania, the parcel bills must also show the indication of the division of weight to which the parcel belongs.

In the case of insured parcels for the United States of America, the parcel bills must also show the total net weight of the parcels.

3. Returned or redirected parcels must be entered individually on the parcel bills and must be followed by the word "Returned" or "Redirected", as the case may be. A statement of the charges which may be due on these parcels should be shown in the "Observations" column.

1. Įvertinti siuntiniai ir paprasti siuntiniai įrašomi į atskirus siuntinių lakštus. Siuntinių lakštai surašomi dviejuose egzemplioriuose. Originalas siunčiamas paprastu paštu, o dublikatas įdedamas į vieną siuntinių maišą. Maišas, kuriame įdėtas siuntinių lakštas atžymimas raide "F", aiškiai ją įrašant žymelėje.

2. Paprasti siunčiami kiekvienu paštu į Lietuvą siuntiniai įrašomi į siuntinių lakštus bendru skaičiumi, bet paskirstyti kategorijomis: (a) iki 1 kilogramo svorio, (b) nuo 1 iki 5 kilogramų, (c) nuo 5 iki 10 kilogramų, (d) nuo 10 iki 15 kilogramų ir (e) nuo 15 iki 20 kilogramų.

Paprasti siuntiniai, siunčiami kiekvienu paštu į Jungtines Amerikos Valstybes, įrašomi siuntinių lakštuose nurodant bendrą siuntinių skaičių ir bendrą jų neto svorį.

Įvertinti siuntiniai įrašomi į siuntinių lakštus kiekvienas atskirai, nurodant įvertinimo numerį ir padavimo įstaigos pavadinimą.

Įvertintų siuntinių siunčiamų į Lietuvą siuntinių lakštuose turi, taip pat, būti nurodyta svorio kategorija, kuriai siuntinys priklauso.

Įvertintų siuntinių, siunčiamų į Jungtines Amerikos Valstybes, siuntinių lakštuose, turi, taip pat, būti nurodyta bendras siuntinių neto svoris.

3. Gražinamieji arba dasiunčiamieji siuntiniai turi būti įrašyti siuntinių lakštuose skyrium, ties kiekvienu pažymint ir žodį "Returned" (Gražinamas) arba "Redirected" (Dasiunčiamas) žiūrint reikalo. Nustatytas už šiuos siuntinius mokestis turi būti nurodytas "Observations" (Pastabų) skylyje.

Returned or redirected parcels.

4. The total number of sacks comprising each dispatch must also be shown on the parcel bills.

5. Parcels sent à découvert must be entered separately on the parcel bills.

6. Each dispatching office of exchange shall number the parcel bills in the upper left-hand corner, commencing each year a fresh series for each office of exchange of destination. The last number of the year shall be shown on the parcel bill of the first dispatch of the following year.

7. The exact method of advising parcels or the receptacles containing them sent by one Administration in transit through the other, together with any details of procedure in connection with the advice of such parcels or receptacles for which provision is not made in this Agreement, shall be settled by mutual agreement through correspondence between the two Administrations.

4. Bendras skaičius maišų sudarančių kiekvieną paštą irgi turi būti nurodytas siuntinių lakštuose.

5. Palaidai (à découvert) siunčiamieji siuntiniai turi būti įrašomi į siuntinių lakštus atskirai.

6. Kiekviena išsiuntimo apsimainymo įstaiga numeruoja siuntinių lakštus viršutiniame kairiajame kampe, pradedant kiekvienais metais naują numeraciją kiekvienai paskyrimo apsimainymo įstaigai atskirai. Paskutinis metų numeris nurodomas pirmojo kitų metų pašto siuntinių lakšte.

7. Dėl tikslaus būdo, kaip, būtent, įrašyti į siuntinių lakštus vienos Valdybos siunčiamus tranzitu per antrąją siuntinius ar maišus su tokiais siuntiniais, kaip ir dėl bet kokių vykdymo smulkmenų, susijusių su tokių siuntinių ar maišų su tokiais siuntiniais įrašymu, kurios šioje sutartyje nenustatytos, abi Valdybos susitaria tarpusavyje susirašinėdamos.

Parcels in transit.

#### ARTICLE 9.

##### *Insurance.*

1. The sender of a parcel may have the same insured up to a sum not exceeding two hundred dollars, when mailed in the United States of America, or 1200 litas, when mailed in Lithuania.

Both Administrations reserve the right to arrange by mutual agreement through correspondence for a higher or lower limit of insurance than that mentioned in this Agreement.

2. The insurance of all parcels containing coin, bank notes, paper money, bullion, jewelry, or any other precious article exchanged between the two Administrations is obligatory.

If a parcel containing coin, bank notes, paper money, bullion, jewelry, or any other precious article, is mailed uninsured, it shall be placed under insurance by the post office which first observes the fact of its having been mailed uninsured and treated in accord-

#### 9 STRAIPSNIS.

##### *Siuntinių įvertinimas.*

1. Siuntinio siuntėjas gali siuntinį įvertinti iki 1200 Litų, kai siuntinys paduodamas paštan Lietuvoje arba iki 200 dolerių sumos, kai siuntinys paduodamas paštan Jungtinėse Amerikos Valstybėse.

Abi Valdybos pasilieka sau teisę tarpusavyje susirašinėjimo būdu susitarusios nustatyti didesnę ar mažesnę, negu šioje sutartyje nustatyta, įvertinimo maksimumą.

2. Visi tarp abiejų Valdybų apsimainomi siuntiniai, kurių indėlių sudaro metaliniai pinigai, banknotai, popieriniai pinigai, aukso ar sidabro lydiniai, brangenybės arba kiti brangūs daiktai turi būti būtinai įvertinami.

Jei siuntinys su metaliniais pinigais, banknotais, popieriniais pinigais, aukso ar sidabro lydiniais, brangenybėmis ar kokiais kitais brangiais daiktais buvo paduotas paštan kaip neįvertintas siuntinys, tai pašto įstaiga, kuri pirmoji pastebi tokį siuntinį, priskiria jį

Maximum amount.

Obligatory insurance.

ance with the regulations of the country placing the matter under insurance.

prie įvertintų siuntinių ir pasielgia su juo pagal vidaus taisyklės šalies priskyrusios jį prie įvertintų siuntinių.

## ARTICLE 10.

## 10 STRAIPSNIS.

*Return receipts and inquiries.**Iteikimo pranešimai ir paieškojimai.*

Advice of delivery.

1. The sender of an insured parcel may obtain an advice of delivery upon payment of such additional charge, if any, as the country of origin of the parcel shall stipulate.

1. Įvertinto siuntinio siuntėjas gali gauti įteikimo pranešimą, sumokėdamas už tai siuntinio išsiuntimo šalies nustatytą papildomąjį mokestį, jei toks mokestis yra.

Inquiries.

2. A fee may be charged, at the option of the country of origin, on a request for information as to the disposal of an ordinary parcel and also of an insured parcel made after it has been posted if the sender has not already paid the special fee to obtain an advice of delivery.

2. Išsiuntimo šalis gali imti iš siuntėjo savo nuožiūra nustatytą rinkliavą patenkinimui siuntėjo prašymo pranešti jam kas padaryta su paprastu siuntiniu arba ir su įvertintu siuntiniu, kuris jau paduotas paštan, bet kurio siuntėjas nebuvo dar sumokėjęs specialaus įteikimo pranešimo mokesčio.

Complaints.

A fee may also be charged, at the option of the country of origin, in connection with any complaint of any irregularity which *prima facie* was not due to the fault of the Postal Service.

Išsiuntimo šalis gali, taip pat, savo nuožiūra imti mokestį sąryšy su bet kokiais nusiskundimais dėl bet kokių netikslumų įvykusių, aiškiai, ne dėl pašto tarnybos kaltės.

Marking of parcels, etc.

3. When an advice of delivery is desired, the sender or office of origin shall write or stamp on the parcel and the customs declaration in a conspicuous manner, the words "Return receipt requested", "Advice of delivery requested", or the letters "A. R."

3. Kai norima gauti įteikimo pranešimą, siuntėjas arba išsiuntimo įstaiga aiškiai pastebimai užrašo arba uždeda spaudą ant siuntinio ir ant muitinės deklaracijos su žodžiais "Return receipt requested", "advice of delivery requested" (Prašoma atsiųsti įteikimo pranešimą) arba raidėmis "A. R."

## ARTICLE 11.

## 11 STRAIPSNIS.

*Indemnity.**Atlyginimas.*

Ordinary parcels.

1. Neither the sender nor the addressee of an ordinary (uninsured) parcel shall be entitled to compensation for the loss of the parcel or for the abstraction of or damage to its contents.

1. Paprasto (neįvertinto) siuntinio nei siuntėjas, nei adresatas neturi teisės gauti atlyginimą už siuntinio dingimą arba jo turinio išplėšimą ar sugadinimą.

Insured parcels.

2. Except in cases of loss or damage through force majeure as that term is defined by the legal decisions or rulings of the country in the service of which the loss or damage occurs, when an insured parcel has been lost, rifled, or damaged, the sender or other

2. Išskyrus atsitikimus, kai siuntinys dingsta arba yra sugadinamas per "*force majeure*" (dėl nenugalimų gamtos kliūčių), taip kaip tas terminas suprantamas teisėtais nutarimais ar taisyklėmis tos šalies, kurios tarnyboje dingimas ar sugadinimas įvyko, din-

rightful claimant is entitled to an indemnity corresponding to the actual amount of loss, rifling, or damage, based on the actual value at the time and place of mailing of the lost, rifled, or damaged article; unless the loss, rifling, or damage has arisen from the fault or negligence of the sender or the addressee, or of the representative of either, or from the nature of the article; provided that the indemnity shall not exceed the sum for which the required insurance fee was paid in the country of origin.

While, as stated in the preceding paragraph, the Administrations are not obligated to pay indemnity in the case of loss or damage due to force majeure, either Administration may, at its option and without recourse to the other Administration, pay indemnity for loss or damage due to force majeure even in the cases where the Administration of the country in the service of which the loss or damage occurred recognizes that the damage was due to force majeure.

3. In the absence of special agreement to the contrary between the countries involved (which agreement may be made through correspondence) no indemnity will be paid by either country for the loss, rifling, or damage of transit insured parcels originating in one of the two contracting countries addressed for delivery in some other country not a party to this Agreement or originating in a third country addressed for delivery to one of the two contracting countries.

4. In case an insured parcel originating in one country and addressed for delivery in the other country is forwarded or returned from the country of original address to a third country, the rightful claimant shall be entitled to

gusio, apiplėšto ar sugadinto įvertinto siuntinio siuntėjas, ar kitas kuris teisėtas ieškovas turi teisę gauti atlyginimą atitinkanti tikrąją dingimo, apiplėšimo ar sugadinimo vertę, kuri apskaičiuojama pasiremiant tikrąja dingusio, apiplėšto ar sugadinto daikto vertę tuo laiku ir toj vietoj, kurioj jis buvo paduotas paštan, jei tik dingimas, apiplėšimas arba sugadinimas neįvyko dėl siuntėjo, adresato arba vieno bet kurio iš jų igaliojinio kaltės ar apsileidimo arba dėl pačios daikto prigimties ir su sąlyga, kad atlyginimas neviršytų tos sumos, atitinkamai už kurią išsiuntimo šaliai buvo sumokėta įvertinimo mokestis.

Nors, kaip aukščiau esančioj pastraipoj nustatyta, Valdybos neprivalo mokėti atlyginimą tais atvejais, kai dingimas arba sugadinimas įvyksta dėl nenugalimų gamtos jėgų (force majeure), tačiau kiekviena Valdyba gali, savo nuožiūra ir ne atsiklausdama antrosios Valdybos, mokėti atlyginimą už dingimą arba sugadinimą įvykusį dėl nenugalimų gamtos jėgų (force majeure), net ir tokiais atvejais, kada Valdyba tos šalies, kurios tarnyboje dingimas arba sugadinimas įvyko, pripažįsta, kad žala įvyko dėl nenugalimų gamtos jėgų (force majeure).

3. Nesant tarp abiejų suinteresuotų šalių atskiro, tam priešingo, susitarimo (tokį susitarimą galima sudaryti susirašinėjimų keliu), nė viena iš šių dviejų šalių nemoka atlyginimo už dingimą, apiplėšimą arba sugadinimą įvertintų tranzito siuntinių, paduotų paštan bet kurioje iš sudarančių šią sutartį šalių ir adresuotų įteikimui kurioj kitoj šaly, kuri nėra dalyvė šios sutarties, arba paduotų paštan kurioj nors trečioj šaly ir adresuotų įteikti kurioj nors iš sudarančių šią sutartį šalių.

4. Tais atvejais, kada paduotas paštan vienoj šaly ir adresuotas įteikti antroj šaly įvertintas siuntinys yra dasiunčiamas arba gražinamas iš šalies, kuriai jis buvo tiesioginiai adresuotas, į kurią nors trečią šalį, tai teisėtas ieško-

Loss due to force majeure.

Transit insured parcels.

Forwarded or returned parcels.

only such indemnity, if any, for any loss, rifling, or damage which occurs subsequent to the redispach of the parcel in the country of original address, as the country in which the loss, rifling, or damage occurred is willing or obligated to pay under any agreement in force between the countries directly involved in the forwarding or return. Either country adhering to this Agreement which improperly forwards an insured parcel to a third country, shall be responsible therefor to the extent of liability of the country of origin to the sender within the limit of indemnity fixed by this Agreement.

vas už bet koki dingimą, apiplėšimą ar sugadinimą, įvykusį po siuntinio pasiuntimo pakeistu adresu iš šalies, kuriai jis buvo tiesioginiai adresuotas, turi teisę gauti tik tokį atlyginimą, jei jis jį gauna, koki, einant bet kokia sutartimi veikiančia tarp tiesioginiai gražinime arba dasiuntime suinteresuotų šalių, sutinka arba privalo mokėti ta šalis, kurioj dingimas, apiplėšimas ar sugadinimas įvyko. Bet kuri iš surištų šia sutartimi šalių, netinkamai pasiuntusi įvertintą siuntinį į kokią nors trečią šalį, yra atsakinga už tai siuntėjui išsiuntimo šaliai nustatytais atsakomungumo sąlygomis, šios sutarties nustatytose atlyginimui ribose.

## Time limitation.

5. No application for indemnity will be entertained unless a claim or an initial inquiry, oral or written, shall be filed by claimant or his representative within a year commencing with the day following the posting of the insured parcel.

5. Joks prašymas atlyginimui gauti nesvarstomas, jeigu ieškovas arba jo įgaliojtinis neįteikia pareikalavimo atlyginimui gauti arba nepadarė pirmojo paieškojimo žodžiu ar raštu per vienu metų laikotarpį, skaitant nuo dienos sekančios po įvertinto siuntinio įdavimo paštan.

## Indirect, etc., damages.

6. No compensation shall be given for loss, injury, or damage consequential upon, i. e., indirectly arising from, the loss, nondelivery, damage, misdelivery, or delay of any insured parcel transmitted under this Agreement, nor for parcels seized by the Customs because of false declaration of contents.

6. Jokio atlyginimo nemokama už nuostolius, žalą ar išlaidas, kurios buvo išdava, t. y., kilo netiesioginiai iš bet kokio siūsto pagal šią sutartį įvertinto siuntinio dingimo, neįteikimo, sugadinimo, klaidingo įteikimo arba pavėlavimo jį įteikti, nei už siuntinius, kurie buvo muitinėje sukonfiskuoti dėl neteisingo indėlio nurodymo deklaracijoje.

## Losses not indemnifiable.

7. No indemnity will be paid for insured parcels which contain matter of no intrinsic value nor for perishable matter or matter prohibited transmission in the parcel-post mails exchanged between the contracting Administrations, or which did not conform to the stipulations of this Agreement, or which were not posted in the manner prescribed; but the country responsible for the loss, rifling, or damage may pay indemnity in respect of such parcels without recourse to the other Administration.

7. Jokio atlyginimo nemokama už įvertintus siuntinius, kurių indėlių sudaro neturį jokios tikros vertės daiktai, greit gendą daiktai, arba daiktai, kurie yra uždrausti siūsti siuntinių paštais, apsimainomais tarp šia sutartimi surištų Valdybų arba kurie nesiderina su šios sutarties nuostatais arba kurie nebuvo paduoti paštan pagal nustatytą tvarką, tačiau šalis, kuri yra atsakinga už dingimą, apiplėšimą arba sugadinimą, gali mokėti atlyginimą už tokius siuntinius neatsiklausdama antrosios Valdybos.

## Exception.

8. Either of the Administrations may at its option reimburse the rightful claimant in the event

8. Kiekviena šių Valdybų gali savo nuožiūra siuntinio visiško dingimo, viso jo indėlio nepatai-

## Reimbursement for postage, etc.

of complete loss, irreparable damage of entire contents, or rifling of entire contents for the amount of postage or special charges borne by an insured parcel, if claimed. The insurance fees are not returned in any case.

9. No responsibility will be admitted for insured parcels which cannot be accounted for in consequence of the destruction of official documents through causes beyond control.

10. In case the sender, addressee, or owner of an insured parcel, or his representative shall at any time knowingly allege the contents to be above their real value, or whenever any false, fictitious, or fraudulent evidence is knowingly and wilfully introduced, the Administration responsible for the indemnity reserves the right without any refund of fee or postage to decline to pay indemnity or to pay such indemnity as may in its discretion be considered equitable in the light of the evidence produced. The enforcement of this rule shall not prejudice any legal proceedings to which such fraudulent evidence may have rendered the claimant liable.

11. When an insured article has been lost, rifled, or damaged, the Administration of origin shall pay indemnity to the rightful claimant as soon as possible and at the latest within a period of one year counting with the day following that on which the application is made, which payment shall be made on account of the Administration of destination, if that Administration is responsible for the loss, rifling, or damage, and has been duly notified.

12. However, the Administration of origin may, in the cases indicated in the foregoing section, exceptionally defer payment of indemnity for a longer period than that stipulated if, at the expiration of that period, it has not been able to determine the disposition made of the article in question or the responsibility incurred.

13. Except in cases where payment is exceptionally deferred as

somo sugadinimo arba viso indėlio išplėšimo atvejais gražinti teisėtam ieškovui, jeigu jis to reikalauja, sumokėtus už įvertintą siuntinį pašto ar specialius mokesčius. Draudimo rinkliava jokių atveju negražinama.

9. Jokios atsakomybės neprisiimama už įvertintus siuntinius, kurių negalima išaiškinti dėl tokių siuntinių oficialių dokumentų dingimo per nenugalimas gamtos jėgas.

10. Įvertinto siuntinio siuntėjui, gavėjui, savininkui ar savininko įgaliotiniui bet kuriuo laiku sąmoningai nurodžius indėlį esant didesnės vertės negu jis tikrai yra arba sąmoningai ir laisvu noru patiekus bet kokius neteisingus, prasimanytus ar apgaulingus parodymus, atsakingoji už atlyginimą Valdyba pasilieka sau teisę, negražindama jokių rinkliavų ar pašto mokesčio, atsakyti mokėti atlyginimą arba mokėti tokį atlyginimą, kokį ji savo nuožiūra randa esant tinkamų, patiektųjų įrodymų šviesoje. Šios taisyklės vykdymas nesukliudys jokių teisinių veiksmų, kokių ieškovas būtų užsitarnavęs tokiais apgaulingais parodymais.

11. Įvertintam siuntiniui dingus, esant apiplėštam arba sugadintam, išsiuntimo Valdyba išmoka atlyginimą teisėtam ieškovui kaip galima greičiau ir ne vėliau kaip per vienų metų laikotarpį, skaitant nuo kitos po pareiškimo padavimo dienos; šis išmokėjimas atliekamas paskyrimo šalies Valdybos sąskaiton, jei ši Valdyba atsakinga už dingimą, apiplėšimą arba sugadinimą ir jeigu apie tai buvo tinkamai informuota.

12. Tačiau išsiuntimo Valdyba, aukštesniame paragrafe nurodytais atvejais, gali, išimtiniais atsitikimais, atidėti atlyginimo išmokėjimą ilgesniam negu nustatyta laikotarpiui, jei ji šiam terminui praėjus, negalėjo nustatyti, kas su rūpimuoju siuntiniu atsitiko arba kas turi už jį atsakyti.

13. Išskyrus atsitikimus, kai mokėjimas išimties keliu atideda-

False, etc., claims.

Payment of indemnity.

provided in the foregoing section, the country of origin is authorized to pay indemnity on behalf of the country of destination if that country has, after being duly informed of the application for indemnity, let nine months pass without settling the matter.

14. The obligation of paying the indemnity shall rest with the country to which the mailing office is subordinate. That country can make a claim on the country responsible, that is to say, against the Administration on the territory or in the service of which the loss, rifling, or damage took place.

Repayment.

15. The country responsible for the loss, rifling, or damage and on whose account payment is made is bound to repay to the country making payment on its behalf, without delay and within not more than nine months after receiving notice of payment, the amount of indemnity paid.

16. Repayments are to be made free of cost to the creditor country by means of either a money order or a draft, or in money valid in the creditor country, or by such other means as may be mutually agreed upon by correspondence.

Administration responsible.

17. Until the contrary is proved, responsibility for an insured parcel rests with the country which, having received the parcel without making any observation and being furnished all necessary particulars for inquiry, is unable to show its proper disposition.

If the loss, abstraction, or damage has occurred in the course of conveyance without its being possible to ascertain in which service the irregularity took place, the Postal Administrations concerned bear the loss in equal shares.

18. Responsibility for loss, rifling, or damage of an insured parcel discovered by the receiving office of exchange at the time of opening the receptacles and duly notified to the dispatching office of exchange by bulletin of verification, shall fall upon the Adminis-

mas kaip nurodyta ankstesniame skirsnyje, išsiuntimo šalis igaliojama išmokėti atlyginimą paskyrimo šalies sąskaiton, jei ta šalis būdama tinkamai informuota apie reikalavimą, atlyginti už siuntinį, to reikalo nesutvarkė per devynis mėnesius.

14. Prievolė mokėti atlyginimą palieka šaliai, kuriai priklauso išsiuntimo įstaiga. Šioji šalis gali reikalauti atlyginimo iš atsakingos šalies, t. y. iš Valdybos, kurios teritorijoje arba tarnyboje dingimas, apiplėšimas arba sugadinimas įvyko.

15. Atsakomingoji už dingimą, apiplėšimą arba sugadinimą šalis, kurios sąskaiton išmokėta atlyginimas, turi neatidėliodama ir ne vėliau kaip per devynių mėnesių laikotarpį po gavimo pranešimo apie atlyginimo išmokėjimą grąžinti išmokėto atlyginimo sumą šaliai, kuri išmokėjo atlyginimą jos vardan.

16. Atlyginimas grąžinamas kreditoriai šaliai nemokamai pašto perlaidomis, čekiais arba esančiais apyvartoje kreditorėje šalyje pinigais ar bet kuriuo kitu savitarpiai susitartu per susirašinėjimus būdu.

17. Kol neįrodyta kitaip, atsakomybė už įvertintą siuntinį tenka šaliai, kuri, priėmusi siuntinį be jokių pastabų ir gavusi visas paieškojimui reikalingas žinias, negali įrodyti, kad su siuntiniu buvo tinkamai pasielgta.

Jei dingimas, apiplėšimas arba sugadinimas įvyko kelyje ir negalima nustatyti kurioje tarnyboje tas atsitiko, tai suinteresuotos Pašto Valdybos atsako lygiomis dalimis.

18. Už įvertinto siuntinio dingimą, apiplėšimą arba sugadinimą, gavimo apsomainymo įstaigos pastebėtą atidarant maišus ir tinkamai patikrinimo pranešimu praneštą išsiuntimo apsomainymo įstaigai, atsako Valdyba, kuriai priklauso išsiuntimo apsomainymo

tration to which the dispatching office of exchange is subordinate unless it be proved that the loss, rifling, or damage occurred in the service of the receiving Administration.

19. The responsibility of properly enclosing, packing, and sealing insured parcels rests upon the sender, and the postal service of neither country will assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of posting.

## ARTICLE 12.

*Transit parcels.*

1. Each Administration guarantees the right of transit over its territory to or from any country with which it has parcel-post communication, of parcels originating in or addressed for delivery in the territory of the other contracting Administration.

2. Each Administration shall inform the other to which countries and under what conditions parcels may be sent through it as intermediary.

3. To be accepted for onward transmission, parcels sent by one of the contracting Administrations through the service of the other Administration must comply with the conditions prescribed from time to time by the intermediary Administration.

## ARTICLE 13.

*Check by office of exchange.*

1. On the receipt of a parcel mail, the receiving office of exchange shall check it. The insured parcels must be carefully compared with the accompanying bills. Any discrepancies or irregularities noted shall be immediately reported to the dispatching office of exchange by means of a bulletin of verification. If report is not made promptly, it will be assumed that the mail and the accompanying bills were in every respect in proper order.

įstaiga, jei neirodyta, kad dingimas, apiplėšimas arba sugadinimas įvyko gavimo Valdybos tarnyboje.

19. Už įvertintų siuntinių indėlio tinkamą įdėjimą, įpakavimą ir antspaudavimą atsako siuntėjas ir nė vienos šalies pašto tarnyba neatsako už dingimą, apiplėšimą arba sugadinimą įvykusį dėl trūkumų, kurie galėjo būti nepastebėti įduodant siuntinį.

## 12 STRAIPSNIS.

*Tranzito siuntiniai.*

1. Kiekviena Valdyba laiduoja tranzito teisę per savo teritoriją į arba iš šalies, su kuria ji turi pašto siuntinių apsimainymą, siuntiniams išsiųstiems iš arba adresuotiems į antrosios susitarusios Valdybos teritoriją.

2. Kiekviena Valdyba praneša antrajai į kurias šalis ir kokiomis sąlygomis siuntinius galima siųsti per ją kaip tarpininkę.

3. Kad vienos iš susitarusių Valdybų siunčiamieji per antrosios Valdybos tarnybą siuntiniai būtų priimti tolimesniam pasiuntimui, jie turi atitikti tarpininkaujančios Valdybos laikas nuo laiko nustatytas sąlygas.

## 13 STRAIPSNIS.

*Siuntinių tikrinimas apsimainymo įstaigoje.*

1. Gavus siuntinių paštą, gavimo apsimainymo įstaiga jį tikrina. Įvertinti siuntiniai turi būti rūpestingai tikrinami pagal lydimočius dokumentus. Kiekvienas pastebėtasis skirtumas arba netikslumas turi būti tuojau praneštas išsiuntimo apsimainymo įstaigai patikrinimo pranešimu. Jei pranešimas nebus tuojau pasiūstas, tai bus laikoma, kad paštas ir lydymieji dokumentai buvo tvarkoje visais atžvilgiais.

Defective packing, etc.

Right of transit.

Administrations as intermediaries.

Check by office of exchange.

2. In the case of any discrepancies or irregularities in a mail, such record shall be kept as will permit of the furnishing of information regarding the matter in connection with any subsequent investigation or claim for indemnity which may be made.

3. If a parcel bill is missing a duplicate shall be made out and a copy sent to the dispatching office of exchange from which the dispatch was received.

4. Insured parcels bearing evidence of violation or damage must have the facts noted on them and be marked with the stamp of the office making the note, or a document drawing attention to the violation or damage must be forwarded with the parcels.

2. Randamiems siuntinių pašte bet kokiems skirtumams arba netikslumams, turi būti vedamų netikslumų tokia registracija, kad sąryšy su galinčiais iškilti vėliau paieškojimais arba reikalavimais atlyginti, galima būtų tuo reikalu suteikti žinių.

3. Jei siuntinių lakštas negautas, turi būti surašyta jo dublikatas ir jo nuorašas turi būti pasiųstas išsiuntimo apsimainymo įstaigai, iš kurios paštas buvo gautas.

4. Ant įvertintų siuntinių turinčių plėšimo ar apgadinimo žymių, turi būti padaryta apie tai pastaba, kuri turi būti patvirtinta spaudu tos įstaigos, kuri pastabą daro, arba kartu su siuntiniais turi būti siunčiama dokumentas aprašantis plėšimą ar apgadinimą.

## ARTICLE 14.

## 14 STRAIPSNIS.

*Fees for customs formalities and for delivery. Demurrage charges.*

*Muito formalumų atlikimo ir pristatymo rinkliavos. Saugojimo mokesčiai.*

Charges collectible from addressee.

1. The Administration of the country of destination may collect from the addressee for the fulfilment of customs formalities a charge not exceeding 15 cents or 1 litas for each parcel.

2. The Administration of delivery may collect from the addressee for delivery a fee not exceeding 25 cents or 1 litas 50 centas for each parcel and an additional delivery charge of like amount for each time a parcel is presented at the residence of the addressee after one unsuccessful presentation.

3. Each Administration may impose reasonable storage or demurrage charges in case the addressee fails to accept delivery of any parcel within such reasonable time as is prescribed by the Administration of the country of destination.

1. Paskyrimo šalies Valdyba gali išieškoti iš adresato už muito formalumų atlikimą mokestį, ne didesnį kaip 1 litas arba 15 amer. centų už kiekvieną siuntinį.

2. Įteikimo Valdyba gali išieškoti iš adresato už siuntinio pristatymą rinkliavą ne didesnę kaip 1 litas 50 centų arba 25 amer. centai už kiekvieną siuntinį ir papildomąjį pristatymo mokestį tokio pat didumo už kiekvieną mėginimą siuntinį pristatyti adresatui į namus po nepavykusio pirmojo pristatymo.

3. Kiekviena Valdyba tais atvejais, kai adresatas siuntinio neatsiima per tam tikrą paskyrimo šalies Valdybos nustatytą laiką, gali uždėti atitinkamą sandėlio arba saugojimo mokestį.

## ARTICLE 15.

## 15 STRAIPSNIS.

*Redirection.*

*Dasiuntimas.*

Redirection.

1. Any parcel redirected within the country of destination or delivered to an alternate addressee at the original office of address

1. Už kiekvieną siuntinį darsių paskyrimo šalies viduje arba įteiktą pirmąkartį adresu įstaigoje pagal pakeistą adresą gali

shall be liable to such additional charges as may be prescribed by the Administration of that country.

2. When a parcel is redirected to either country, new postage as well as new insurance fees, in the case of insured parcels (which, when redirected, must be dispatched in the same kind of mails as received) may, if not prepaid, be collected upon delivery and retained by the Administration making the collection. The Administration making delivery shall fix the amount of such fees and postage when not prepaid.

3. Insured parcels shall not be forwarded or returned to another country unless they are forwarded or returned as insured mail. Senders may indorse insured parcels "Do not forward to a third country", in which event the parcels shall not be forwarded to any other country. Unless such parcels are indorsed to indicate that the senders do not wish them forwarded to any country other than that of mailing or within the country of original address, they may be forwarded to a third country if they are forwarded as insured mail. Insured parcels may be returned to the sender in a third country in accordance with a return address on the parcels, if they can be returned as insured mail. In the case of loss, rifling, or damage of an insured parcel forwarded or returned to a third country, indemnity will be paid only in accordance with the stipulations of Article 11, Section 4, of this Agreement.

#### ARTICLE 16.

*Postal charges other than those prescribed not to be collected.*

The parcels to which this Agreement applies shall not be subjected to any postal charges other than those contemplated by the different articles hereof.

būti imama tos šalies Valdybos nustatytas papildomas mokesčiai.

2. Dasiunčiant siuntinį į bet kurią šių dviejų šalių, naujas pašto mokesčiai ir, kai siunčiama įvertintas siuntinys (toks, dasiunčiant, turi būti pasiūstas tokios pat rūšies paštu, kokiu jis buvo gautas), nauja draudimo rinkliava, jei nepaimta iš anksto, gali būti išieškomi siuntinį įteikiant ir pasilaikomi tos Valdybos, kuri juos išreikalavo. Kai tokios rinkliavos ir pašto mokesčiai nebūvo iš anksto sumokėti, jų dydį nustato siuntinį įtsikianti Valdyba.

3. Įvertinti siuntiniai dasiunčiami arba gražinami į kitą šalį tiksliai su sąlyga, kad jie dasiunčiami arba gražinami įvertintu būdu. Siuntėjas gali ant įvertinto siuntinio atžymėti: "Do not forward to a third country" (Ne dasiųsti į trečią šalį), ir tuo atveju siuntinys nedasiunčiamas į jokią kitą šalį. Jei ant įvertinto siuntinio nėra siuntėjo atžymėjimo nurodančio siuntėjo pageidavimą, kad siuntinys nebūtų dasiūstas į jokią kitą šalį, išskyrus siuntinio padavimo šalį arba į kurią jis buvo tiesioginiai adresuotas, tai įvertintas siuntinys gali būti dasiunčiamas į trečią šalį, bet su sąlyga, kad jis bus dasiunčiamas įvertintu būdu. Įvertintas siuntinys gali būti sugražintas siuntėjui į trečią šalį pagal pažymėtą ant siuntinio gražinimo adresą, jei jį galima gražinti įvertintu būdu. Dasiūstam arba gražintam į trečią šalį įvertintam siuntiniui dingus, esant apipleštam arba sugadintam, atlyginimas išmokamas tik pagal šios sutarties vienuolikto straipsnio, ketvirtos pastraipos nuostatus.

#### 16 STRAIPSNIS.

*Kiti pašto mokesčiai, kurie šia sutartimi nenustatyti, neturi būti imami.*

Siuntiniams, kuriems taikoma ši sutartis, neturi būti taikoma jokie kiti pašto mokesčiai kaip tie, kurie jos įvairiais straipsniais numatyti.

Insured parcels.

Ante, p. 2029.

Restriction on postal charges.

ARTICLE 17.

17 STRAIPSNIS.

*Recall and change of address.*

*Siuntinio atšaukimas ir adreso pakeitimas.*

Recall and change of address.

So long as a parcel has not been delivered to the addressee, the sender may recall it or cause its address to be altered. The requests for return or change of address, which must conform to the rules laid down by the domestic regulations of the contracting Administrations, are to be addressed to the Central Administration at Washington when they relate to parcels sent to the United States of America, and to the exchange offices when they relate to parcels sent to Lithuania.

Kol siuntinys nėra įteiktas adresatui, siuntėjas gali pareikalauti jį atgal gražinti arba pakeisti jo adresą. Pareiškimai siuntinį gražinti arba adresą pakeisti, kurie turi atitikti susitarusių Valdybų vidaus taisyklių reikalavimus, adresuojami siuntinių apsimainymo įstaigoms, kai jie liečia siuntinius pasiūstus į Lietuvą ir Centralinei Valdybai Vašingtone (Central Administration at Washington), kai tie pareiškimai liečia siuntinius pasiūstus į Jungtines Amerikos Valstybes.

ARTICLE 18.

18 STRAIPSNIS.

*Nondelivery.*

*Neįteikimas.*

Nondelivery.

1. In the absence of a request by the sender to the contrary, a parcel which cannot be delivered shall be returned to the sender without previous notification. New postage as well as new insurance fees, in the case of insured parcels (which must be returned in the same kind of mail as received), may be collected from the sender and retained by the Administration making the collection.

1. Nesant siuntėjo pareiškimo priešingai pasielgti, siuntinys, kurio negalima įteikti, gražinamas siuntėjui be atskiro pranešimo. Naujas pašto persiuntimo mokestis, taip pat, nauja draudimo rinkliava už įvertintus siuntinius (kurie turi būti gražinti tuo pat būdu, kaip jie buvo gauti), gali būti išieškomi iš siuntėjo ir pasi- laikomi tos Valdybos, kuri juos išieškojo.

2. The sender of a parcel may request, at the time of mailing, that if the parcel cannot be delivered as addressed, it shall be either (a) treated as abandoned or (b) tendered for delivery at a second address in the country of destination. No other alternative is admissible. If the sender avails himself of this facility, his request must appear on the parcel and on the customs declaration tied to the parcel and must be in conformity with or analogous to one of the following forms.

2. Siuntinio siuntėjas paduodamas siuntinį, gali reikalauti, kad, jei siuntinio nebus galima įteikti pagal duotą adresą, jis būtų arba (a) laikomas atsisakytiniu, arba (b) kad jis būtų įteiktas pa-skyrimo šalyje pagal kitą adresą. Joks kitas pasirinkimas nelei-džiamas. Jei siuntėjas pasinaudo-ja šia longvata, jo pageidavimas turi būti pažymėtas ant siuntinio ir ant muitinės deklaracijos, kuri pritvirtinama prie siuntinio. Pa-geidavimas turi atitikti arba būti panašus į vieną šių formų:

"If not deliverable as addressed . . . . . Abandon."

"If not deliverable as addressed . . . . . Abandon". (Neįteikus pagal adresą . . . . . laikyti atsisakytiniu).

"If not deliverable as addressed . . . . . Deliver to . . . . ."

"If not deliverable as addressed . . . . . Deliver to . . . . .". (Neįteikus pagal adresą . . . . . įteikti . . . . .).

3. Except as otherwise provided, undeliverable parcels in both countries will be returned to the senders at the expiration of thirty days from the date of receipt at the post office of destination, while refused parcels will be returned at once, the parcels in each case to be marked to show the reason for nondelivery.

4. Articles liable to deterioration or corruption, and these only, may, however, be sold immediately even on the outward or return journey, without previous notice or judicial formality, for the benefit of the right party.

If for any reason a sale is impossible, the spoilt or worthless articles shall be destroyed. The sale or destruction shall be recorded and report made to the Administration of origin.

5. Undeliverable parcels which the sender has marked "Abandon" may be sold at auction at the expiration of thirty days; but in case such disposition is made of insured parcels, proper record will be made and the Administration of origin notified as to the disposition made of the parcels. The Administration of origin shall also be notified when for any reason an insured parcel which is not delivered is not returned to the country of origin.

#### ARTICLE 19.

##### *Customs charges to be canceled.*

Provided the formalities prescribed by the customs authorities concerned are fulfilled, the customs charges, properly so-called, on parcels sent back to the country of origin, or redirected to another country shall be canceled, both in the United States of America and in Lithuania.

#### ARTICLE 20.

##### *Retransmission.*

1. Missent ordinary parcels shall be forwarded to their destination by the most direct route at the disposal of the reforwarding Administration, but must not be marked with customs or other

3. Jeigu nenustatyta kitaip, abiejų šalių neįteikti siuntiniai gražinami siuntėjams trisdešimčiai dienų praslinkus nuo siuntinio gavimo paskyrimo pašto įstaigoje dienos, tuo tarpu siuntiniai, kuriuos atsisakyta priimti, gražinami tuojau. Ant siuntinių kiekvienu atveju daroma pažymėjimai, nurodant jų neįteikimo priežastį.

4. Tačiau greit geną arba greit puvą daiktai, ir tikrai tokie, gali būti tuojau parduodami kelyje juos siunčiant arba gražinant, be jokio iš anksto pranešimo ar juridinių formalumų teisėtos pusės naudai.

Jei dėl bet kurių priežasčių jų pardavimas negalimas, tai sugedę ar nustoję vertės daiktai sunaikinami. Apie pardavimą ar sunaikinimą surašoma aktas ir pranešama išsiuntimo Valdybai.

5. Neįteikti siuntiniai, ant kurių siuntėjas padarė pažymėjimą "Abandon" (Laikyti atsisakytiniu), gali būti parduoti iš varžytinių praslinkus trisdešimčiai dienų, bet atvejuose, kai taip daroma su įvertintais siuntiniais, tai surašoma atskiras aktas ir pranešama išsiuntimo Valdybai apie siuntinių likimą. Išsiuntimo Valdybai, taip pat, pranešama, jei dėl bet kurios priežasties neįteiktas įvertintas siuntinys nebuvo gražintas išsiuntimo šaliai.

#### 19 STRAIPSNIS.

##### *Muito rinkliavų panaikinimas.*

Jei atitinkamų muitinių nustatyti muito formalumai buvo atlikti, tai tikraja žodžio prasmu muito rinkliavos, gražinant siuntinį į išsiuntimo šalį arba jį dasiunčiant į kitą šalį, panaikinamos tiek Lietuvoje, tiek Jungtinėse Amerikos Valstybėse.

Cancellation of customs charges.

#### 20 STRAIPSNIS.

##### *Užsiųstų siuntinių dasiuntimas.*

1. Užsiųsti paprasti siuntiniai dasiunčiami į jų paskyrimo vietą trumpiausiu dasiunčiančios Valdybos žinioje esančiu keliu, bet dasiunčiančioji Valdyba neturi juos apdėti muito ar kitais moke-

Retransmission.

charges by the reforwarding Administration. Missent insured parcels shall not be reforwarded to their destination unless they can be forwarded as insured mail. If they cannot be forwarded as insured mail, they shall be returned to the country of origin.

2. When this retransmission involves the return of the parcels to the office of origin, the retransmitting office of exchange shall credit that office with the allowances received after having called attention to the error by means of a verification note.

In the contrary case and if the amount allowed by the dispatching office to the retransmitting office is insufficient to cover the expenses of retransmission which it had to defray, it shall recover the difference by making a suitable amendment to the parcel bill of the dispatching office of exchange. The reason for this amendment shall be notified to the said office by means of a verification note.

3. When a parcel has been wrongly allowed to be dispatched in consequence of an error on the part of the postal service and has for this reason to be returned to the country of origin, the procedure followed shall be the same as if the parcel had to be sent back to the dispatching office in consequence of missending.

4. A redirected parcel shall be accompanied by the customs declaration prepared at the office of origin. In case the parcel, for any reason whatsoever, has to be repacked or the original customs declaration replaced by a substitute declaration, it is essential that the name of the office of origin of the parcel and the original serial number appear on the parcel and that the name of the office of origin of the parcel appear on the customs declaration.

šciais. Užsiusti įvertinti siuntiniai dasiunčiami į paskyrimo vietą, tiktai tada, kada juos galima dasiusti įvertintu būdu. Jeigu jų negalima dasiusti įvertintu būdu, tai jie gražinami į išsiuntimo šalį.

2. Jei tokį dasiuntimą sudaro siuntinio gražinimas į išsiuntimo įstaigą, tai dasiunčianti apsimainymo įstaiga, paaiškinusi klaidą patikrinimo pranešimu, perveda išsiuntimo šaliai gautus kreditus.

Priešingu atveju ir jei išsiuntimo įstaigos dasiuntimo įstaigai duotos sumos nepakanka dasiuntimo išlaidoms padengti, kurias jai teko sumokėti, tai skirtumas išieškomas padarant išsiuntimo apsimainymo įstaigos siuntinių lakšte atitinkamą ištaisymą. Šio ištaisymo priežastis turi būti pranešta minimai įstaigai patikrinimo pranešimu.

3. Kai siuntinys klaidingai pasiunčiamas dėl pašto tarnybos padarytos klaidos ir dėl tos priežasties turi būti gražintas išsiuntimo šaliai, tai gražinimo eiga yra ta pati, kaip siuntinį gražinant išsiuntimo įstaigon dėl užsiuntimo.

4. Prie dasiunčiamo siuntinio turi būti pridėta išsiuntimo įstaigoje parašyta muitinės deklaracija. Atveju, kai siuntinys dėl bet kurių priežasčių turi būti iš naujo užtaisytas arba jei pirmą kartą muitinės deklaracija turi būti pakeista kita deklaracija, tai būtina, kad siuntinio išsiuntimo įstaigos pavadinimas ir pirmą kartą jo eilės numeris būtų pažymėtas ant siuntinio ir kad siuntinio išsiuntimo įstaigos pavadinimas būtų pažymėtas muitinės deklaracijoje.

#### ARTICLE 21.

##### *Receptacles.*

1. Each Administration shall provide the bags necessary for the dispatch of its parcels. The bags

#### 21 STRAIPSNIS.

##### *Maišai.*

1. Kiekviena Valdyba parūpina reikalingus maišus savo siuntinių siuntimui. Tušti maišai gražina-

Customs declaration.

Bags.

shall be returned empty to the country of origin by the next mail. Empty bags shall be made up in bundles of ten (nine bags enclosed in one) and the total number of such bags shall be advised on the parcel bill.

2. It is necessary to indicate in the parcel bill, both the number of sacks used for the preparation of the dispatch and the number of empty sacks returned. With the aid of these indications, each Administration exercises a control over the return of the receptacles belonging to it. In case that this control shows that 10 per cent of the total number of sacks used during a year have not been returned, the value of the missing sacks must be prepaid to the dispatching office.

#### ARTICLE 22.

##### *Charges.*

1. For parcels dispatched by one country to the other, the dispatching Administration shall pay to the receiving Administration a terminal credit as follows:

(a) For parcels originating in Lithuania addressed to the United States of America:

70 centimes per kilogram, based on the bulk net weight of each dispatch.

(b) For parcels originating in the United States of America addressed to Lithuania:

85 centimes gold for each parcel not over 1 kilogram in weight.

125 centimes gold for each parcel over 1 up to 5 kilograms in weight.

225 centimes gold for each parcel over 5 up to 10 kilograms in weight.

350 centimes gold for each parcel over 10 up to 15 kilograms in weight.

500 centimes gold for each parcel over 15 up to 20 kilograms in weight.

These terminal credits may be reduced or increased on three months' previous notice given by one country to the other. These reductions or increases shall hold good for at least one year.

mi išsiuntimo šaliai artimiausiu paštu. Tušti maišai užtaisomi ryšuliais po dešimt maišų (devyni maišai sudėti į vieną) ir šių maišų bendras skaičius nurodomas siuntinių lakšte.

2. Siuntinių lakšte reikalinga nurodyti tiek skaičius maišų, pavartotų paštui užtaisyti, tiek skaičius gražinamų tuščių maišų. Šių nurodymų pagalba, kiekviena Valdyba kontroliuoja jai priklausančių maišų gražinimą. Jei ši kontrolė parodytų, kad 10 nuošimčių pavartotų per vienus metus bendro maišų skaičiaus nebuvo sugražinta, tai trūkstamų maišų vertė turi būti atlyginta išsiuntimo įstaigai.

#### 22 STRAIPSNIS.

##### *Mokesčiai.*

1. Už siuntinius, pasiųstus iš vienos šalies į kitą, išsiuntimo Valdyba moka gavimo Valdybai šį galinį mokestį:

(a) Už siuntinius pasiųstus iš Lietuvos į Jungtines Amerikos Valstybes:

70 santimų už kilogramą pagal kiekvieno pašto bendrą neto svorį.

(b) Už siuntinius pasiųstus iš Jungtinių Amerikos Valstybių į Lietuvą:

85 aukso sant. už kiekv. siuntinį iki 1 kg svorio

125 aukso sant. už kiekv. siuntinį nuo 1 kg iki 5 kg svorio

225 aukso sant. už kiekv. siuntinį nuo 5 kg iki 10 kg svorio

350 aukso sant. už kiekv. siuntinį nuo 10 kg iki 15 kg svorio

500 aukso sant. už kiekv. siuntinį nuo 15 kg iki 20 kg svorio

Šie galiniai mokesčiai gali būti sumažinti arba padidinti, vienai šaliai pranešus apie tai antrajai tris mėnesius iš anksto. Šie sumažinimai arba padidinimai galioja mažiausiai vienerius metus.

Charges.

2. The amounts to be allowed in respect to parcels sent from one Administration to the other for onward transmission to a possession of either country or to a third country shall be fixed by the intermediate Administration.

3. On every parcel returned or redirected unpaid by one of the two Administrations to the other, the returning or retransmitting Administration shall be entitled to recover from the other Administration:

(a) The charges prescribed by Section 1 above.

(b) The charges for reforwarding or return.

(c) The customs clearance, delivery, and storage charges provided for in Article 14.

In case of reforwarding or return to a third country, the charges mentioned shall follow the parcel; but in case the third country concerned refuses to assume the charges because they cannot be collected from the addressee or sender, as the case may be, or for any other reason, they shall be charged back to the country of origin.

In the case of a parcel returned or redirected unpaid in transit through one of the two Administrations to or from the other, the intermediary office may claim also the sum due to it for any additional territorial or sea service provided, together with any amounts due to any other Administration or Administrations concerned.

#### ARTICLE 23.

##### *Accounting.*

1. *Terminal parcels.* At the end of each quarter the creditor country shall prepare an account of the amount due to it in respect of the parcels received in excess of those dispatched.

2. *Transit parcels.* Each Administration shall also prepare quarterly an account showing the sums due for parcels sent by the other Administration for onward transmission.

2. Sumas, kurias reikia atlyginti už siuntinius, siunčiamus iš vienos Valdybos į kitą tolimesniam persiuntimui į bet kurios šių dviejų šalių kolonijas arba į trečią šalį, nustato tarpininkaujanti Valdyba.

3. Už kiekvieną siuntinį neapmokėtai gražintą arba dasiustą iš vienos šių dviejų Valdybų į antrą, gražinančioji arba dasiunčiančioji Valdyba turi teisę išieškoti iš antrosios Valdybos:

(a) Mokesčius, nustatytus šio straipsnio 1 skirsnyje,

(b) Mokesčius už dasiuntimą arba gražinimą,

(c) Muito formalumų atlikimo, pristatymo ir saugojimo mokesčius, numatytus 14 straipsnyje.

Dasiunčiant arba gražinant siuntinį į trečią šalį, minėti mokesčiai seka siuntinį, bet jei trečioji šalis, negalėdama jų išieškoti iš adresato arba, žiūrint atsitikimo, siuntėjo arba dėl bet kurios kitos priežasties atsisako priimti šiuos mokesčius, tai jie uždedami išsiuntimo šaliai.

Gražinant arba dasiunčiant siuntinį neapmokėtai tranzitu per vieną iš šių dviejų Valdybų į arba iš antrosios, tarpininkaujanti įstaiga gali, taip pat, reikalauti priklausančios jai sumos už bet kokį jos atliktą papildomą žemės ar jūros patarnavimą, kartu su bet kokiais mokesčiais, priklausančiais bet kuriai kitai suinteresuotai Valdybai arba Valdyboms.

#### 23 STRAIPSNIS.

##### *Atsiskaitymas.*

1. *Galiniai siuntiniai.* Kiekvieno metų ketvirčio gale kreditorė šalis sustato sąskaitą priklausančią jai sumai už siuntinius, kurie jos buvo gauti didesniame kiekyje negu jos buvo išsiusta.

2. *Tranzitiniai siuntiniai.* Kiekviena Valdyba sustato, taip pat, kas metų ketvirtį sąskaitą, nurodančią jai priklausančias sumas už antros Valdybos jai pasiustus tolimesniam persiuntimui siuntinius.

3. These accounts shall be submitted to the examination of the corresponding Administration, if possible in the course of the month which follows the quarter to which they relate. The totals should not be summarily altered but any errors which may be discovered must form the subject of statements of differences.

4. The compilation, transmission, verification, and acceptance of the accounts must be effected as early as possible, and the payment resulting from the balance must be made at the latest before the end of the following quarter.

5. Payment of the balances due on these accounts between the two Administrations shall be effected by means of drafts on New York, or in any other manner which may be agreed upon mutually by correspondence between the two Administrations, the expense attendant on the payment being at the charge of the indebted Administration.

3. Šios sąskaitos siunčiamos atitinkamai Valdybai patikrinti, jei galima, bėgyje mėnesio sekančio po ketvirčio, kuriam sąskaita priklauso. Bendrųjų sąskaitų sumos neturi būti keičiamos, bet visos rastos klaidos turi būti pranešamos skirtumų santraukomis.

4. Sąskaitų susatymas, pasiuntimas, patikrinimas ir patvirtinimas turi būti atliekama kaip galima greičiau, ir sąskaitos liekana sumokama vėliausiai prieš sekančio metų ketvirčio pabaigą.

5. Šių sąskaitų liekanų sumokėjimas tarp abiejų Valdybų atliekamas čekiais per Naujorką arba bet kuriuo kitu būdu, dėl kurio abi Valdybos savitarpiai susirašinėdamos susitartų. Mokėjimo išlaidas padengia skolingoji Valdyba.

Payment of balances due.

## B. COLLECT-ON-DELIVERY SERVICE.

### ARTICLE 24.

#### *Subject.*

1. Parcels having charges to be collected on delivery shall be accepted for mailing to any money order post office in the United States of America or in Lithuania.

2. Collect - on - delivery parcels shall be accepted only when insured.

3. The provisions of the Articles 24-35 of this Agreement do not cover transit collect-on-delivery parcels.

### ARTICLE 25.

#### *Postage and fees.*

1. Parcels bearing charges for collection on delivery shall be subject to the postage rates, fees, conditions of mailing, and other formalities applicable to insured parcels without trade charges. The Administration of origin is entitled to collect from the sender

## B. IŠPERKAMOJO MOKESČIO SIUNTINIAI.

### 24 STRAIPSNIS.

#### *Dalykas.*

1. Siuntiniai, kuriuos pristatant reikia išreikalauti mokesčius, primami pasiuntinui į kiekvieną pašto įstaigą su perlaidų operacijomis Lietuvoje arba Jungtinėse Amerikos Valstybėse.

2. Išperkamojo mokesčio siuntiniai primami tik įvertinti siuntiniai.

3. Šios sutarties 24-35 straipsnių nuostatai neapima tranzitinių išperkamojo mokesčio siuntinių.

Parcels accepted.

### 25 STRAIPSNIS.

#### *Pašto mokestis ir rinkliavos.*

1. Siuntiniams su išperkamuju mokesčiu taikoma taikomieji įvertintiems siuntiniams be išperkamojo mokesčio pašto mokesčiai, rinkliavos, priėmimo sąlygos ir kiti formalumai. Išsiuntimo Valdyba turi teisę be atitinkamo pašto mokesčio ir kitų rinkliavų išieškoti

Postage and fees.

Additional fee.

of each parcel mailed collect-on-delivery, such collect-on-delivery fee, in addition to the required postage and other fees, as may be prescribed by its regulations.

2. The postage rates and fees shall belong entirely to the country collecting them. No special account of these fees is to be made between the two Administrations except as stated in Article 22.

iš kiekvieno siunčiamo išperkamu mokesčiu siuntinio siuntėjo tokią išperkamojo mokesčio rinkliavą, kokia būtų jos vidaus taisyklėmis nustatyta.

2. Pašto mokesčiai ir rinkliavos visiškai priklauso juos išieškojusiai šaliai. Jokios specialios šių rinkliavų sąskaitos tarp abiejų Valdybų nevedamos, išskyrus kaip 22 straipsnyje numatyta.

#### ARTICLE 26.

#### 26 STRAIPSNIS.

##### *Amount of C. O. D.*

##### *Išperkamojo mokesčio suma.*

##### Maximum amount.

1. The maximum amount to be collected on delivery shall be one hundred dollars. This amount may be increased or decreased at any time by mutual agreement through correspondence between the two Administrations. The amount to be collected on delivery shall invariably be expressed in dollars and cents.

1. Išperkamojo mokesčio sumos maksimumas yra vienas šimtas dolerių. Ši suma kiekvienu metu gali būti padidinta arba sumažinta abiem Valdybom tuo reikalu savitarpiai susirašinėjimų keliu susitarus. Išperkamojo mokesčio suma visada išreiškiama doleriais ir centais.

##### Reductions, etc.

2. When the sender makes a request for any reduction or cancellation of the amount to be collected on delivery, the request shall be handled between the exchange offices which have handled the parcel, unless otherwise agreed to through correspondence.

2. Siuntėjui padavus prašymą sumažinti arba panaikinti išreikalautiną išperkamojo mokesčio sumą, tą reikalą tvarko apsimainymo įstaigos, per kurias ėjo siuntinys, ne bent būtų kitaip susitarta per susirašinėjimus.

#### ARTICLE 27.

#### 27 STRAIPSNIS.

##### *Settlement.*

##### *Atsiskaitymas.*

##### Remittance of c. o. d. charges.

1. The entire amount of the collect-on-delivery charges without any deduction for money order fee or collection charges is to be remitted to the sender by means of an international money order. The post office delivering the collect-on-delivery parcel will collect from the addressee the full amount of the collect-on-delivery charges and in addition thereto such money order fees as are required to remit the amount of the collect-on-delivery charges to the sender in the country of origin.

1. Visa išperkamojo mokesčio suma, neišskaitant iš jos jokių perlaidos pasiuntimo arba išperkamojo mokesčio išieškojimo rinkliavų, pasiunčiama siuntėjui tarptautine pašto perlaida. Įteikianti išperkamojo mokesčio siuntinį įstaiga išieško iš adresato pilną išperkamojo mokesčio sumą ir papildomai dar tokius perlaidų mokesčius, kurie reikalingi išperkamojo mokesčio sumos persiuntimui siuntėjui į išsiuntimo šalį.

##### Collection charge.

2. The country effecting delivery of a collect-on-delivery parcel may, at its option, collect a reasonable amount not in excess of five cents (30 centas) from the addressee as a collection charge; but this amount is not to be de-

2. Išduodanti išperkamojo mokesčio siuntinį šalis gali savo nuožiūra išieškoti iš adresato tam tikrą sumą, ne didesnę kaip 30 centų (penki am. centai) kaip išieškojimo mokesį, bet ši suma neturi būti atskaitoma iš išieško-

ducted from the collection charges which are remitted to the sender.

3. Examination of the contents of a collect-on-delivery parcel by the addressee is prohibited until the collect-on-delivery charges and any other charges that may be due thereon have been collected even though the sender or addressee may make request that such action be permitted.

tos išperkamojo mokesčio sumos, kuri siunčiama siuntėjui.

3. Adresatui, kol jis nesumokėjo išperkamojo mokesčio ir bet kokių kitų susidariusių mokesčių, neleidžiama tikrinti išperkamojo siuntinio indėlio, net ir tuo atveju, kai siuntėjas arba adresatas paduoda prašymą, kad toks veiksmas būtų leistas.

## ARTICLE 28.

## 28 STRAIPSNIS

*Collect-on-delivery money orders.**Išperkamojo mokesčio perlaidos.*

1. Every advice of a money order issued in either country in payment of collect-on-delivery charges on a parcel must show plainly the collect-on-delivery (insured) number of the parcel and bear the letters "C. O. D." or the word "Rembursement" in a conspicuous position.

2. The collect-on-delivery money order advice lists shall show, in addition to the usual details, the collect-on-delivery (insured) number of the parcels. No collect-on-delivery money order shall be listed unless the remitter's name and the payee's name and exact address are included.

1. Kiekvienoje išperkamojo mokesčio perlaidoje, pasiūstoje iš bet kurios šių dviejų šalių sumokėjimui siuntinio išperkamojo mokesčio sumos, turi būti aiškiai įrašyta pastebimoje vietoje siuntinio išperkamojo mokesčio (įvertinimo) numeris ir atžymėta raidės "C.O.D." arba žodis "Rembursement" (Išperkamasis mokestis).

2. Išperkamojo mokesčio perlaidų sąrašuose be paprastų žinių nurodoma siuntinio išperkamojo mokesčio (įvertinimo) numeris. Jokia išperkamojo mokesčio perlaida neįrašoma į sąrašą be siuntėjo pavadinimo ir tikslaus adresato adreso bei pavadinimo.

C. o. d. money orders.

## ARTICLE 29.

## 29 STRAIPSNIS.

*Exchange and billing of collect-on-delivery parcels.**Išperkamojo mokesčio siuntinių apsimainymas ir įrašymas į lakštus.*

1. Parcels with collect-on-delivery charges shall be exchanged through the same offices as are appointed for the exchange of insured parcels without collect-on-delivery charges. The exchanges shall be effected in direct dispatches in sacks containing nothing but collect-on-delivery parcels, the letters "C. O. D." or the word "Rembursement" being entered very conspicuously in the documents covering them, as well as on the labels of the sacks. Such parcels will be listed in separate bills to show, in respect to each parcel, the collect-on-delivery number, post office and state of origin, and the collect-on-delivery amount.

1. Išperkamojo mokesčio siuntiniais apsimainoma per tas pačias įstaigas, kurios paskirtos apsimainyti įvertintais siuntiniais be išperkamojo mokesčio. Apsimainymas vykdomas tiesioginiais paštais maišuose, į kuriuos nededama nieko daugiau, kaip tik išperkamojo mokesčio siuntinius, jų dokumentuose bei maišų žymelėse labai aiškiai atžymint raides "C.O.D." arba žodį "Rembursement" (Išperkamasis mokestis). Šie siuntiniai įrašomi į atskirus lakštus, nurodant kiekvieno siuntinio išperkamojo mokesčio numerį, išsiuntimo pašto įstaigą bei valstybę ir išperkamojo mokesčio sumą.

Exchange and billing.

2. Upon receipt of a dispatch of collect-on-delivery parcels at the exchange office of the country of destination, the dispatch must be carefully checked and otherwise treated as provided in Article 13.

*Ante*, p. 2033.

Gavus išperkamojo mokesčio siuntinių paštą paskyrimo šalies apsimainymo įstaigoje, tas paštas turi būti rūpestingai patikrintas ir visa kita turi būti atlikta, pagal 13 straipsnio nurodymus.

ARTICLE 30.

30 STRAIPSNIS.

*Lists of collect-on-delivery money orders.*

*Išperkamojo mokesčio perlaidų sąrašai.*

Separate lists.

The offices of New York and of Kaunas shall be the only ones to send lists of collect-on-delivery money orders, and such money orders shall be listed separately from the ordinary money orders and the list shall be marked "Collect-on-delivery" or "Remboursement".

Naujorko ir Kauno įstaigos yra vienintelės įstaigos, kurios siuntinėja išperkamojo mokesčio perlaidų sąrašus. Šios perlaidos įrašomos atskirai nuo paprastų perlaidų ir jų sąrašai atžymimi žodžiais "Collect-on-Delivery" arba "Remboursement" (Išperkamasis mokestis).

ARTICLE 31.

31 STRAIPSNIS.

*Unpayable money orders.*

*Neišmokėtos perlaidos.*

Unpayable money orders.

1. The collect-on-delivery money orders which have not been paid to the payee for any reason shall be subject to the disposition of the Administration of the country of origin of the parcels to which they relate.

1. Neišmokėtos adresatui dėl bet kurios priežasties išperkamojo mokesčio perlaidos tvarkomos pagal siuntinių, kuriems tos perlaidos atitinka, išsiuntimo šalies Valdybos nuožūra.

Fraud.

2. When it appears that the collect-on-delivery service was used in furtherance of a scheme to defraud, payment of the money orders in question will be withheld, if practicable, and the orders disposed of in accordance with the equities of each case under the rules and regulations of the country of origin of the collect-on-delivery parcels involved.

2. Paašškėjus, kad išperkamojo mokesčio operacija buvo panaudota vykdymui kokio apgavimo plano, minimų perlaidų išmokėjimas, jei tas galima, sulaikomas ir su perlaidomis elgiamasi pagal kiekvieno atsitikimo reikalą, einant išperkamojo mokesčio siuntinių išsiuntimo šalies nustatytais dėsniais ir vidaus taisyklėmis.

3. As for other formalities, collect-on-delivery money orders shall be subject to the provisions governing the money order exchange between the two countries.

3. Kas dėl kitų formalumų, tai išperkamojo mokesčio perlaidoms taikoma veikia tarp abiejų šalių perlaidoms apsimainyti nuostatai.

ARTICLE 32.

32 STRAIPSNIS.

*Responsibility for collect-on-delivery parcels.*

*Atsakomybė už išperkamojo mokesčio siuntinius.*

Responsibility.

1. In case an insured collect-on-delivery parcel has been lost, rifled, or damaged, the postal Administrations are responsible as for an insured parcel, in conformity with the provisions in Article 11.

1. Įvertintam išperkamojo mokesčio siuntiniui dingus, esant apiplėštam arba sugadintam, Pašto Valdybos už jį atsakingos, kaip už įvertintą siuntinį, pagal 11 straipsnio nuostatus.

2. When a collect-on-delivery parcel has been delivered to the addressee but the charges have not been remitted, the sender or other rightful claimant is entitled to an indemnity corresponding to the collect-on-delivery amount not remitted; provided that he has made his claim in due time and unless the delivery without collecting the charges has arisen from the fault or negligence of the sender or from the transmission of the contents in parcel-post mails being prohibited.

This stipulation also applies to the case when a lower amount than the full collect-on-delivery charge is collected from the addressee.

The indemnity provided for in this section may not in any case exceed the collect-on-delivery amount.

3. As to the fixing of the responsibility and the payment of the indemnity, the same stipulations shall be applied as are provided for insured parcels not sent collect-on-delivery.

4. When a collect-on-delivery parcel for which indemnity has been paid is recovered, the postmaster at the delivering office will deliver the parcel and collect the charges, hold such amount and request instructions from the Administration to which his office is subordinate. If the addressee, however, refuses to accept a recovered parcel and pay the charges, the postmaster will hold it and likewise seek instructions as to its disposition. In the latter case, the Administration responsible for the indemnity shall determine the disposition to be made of the parcel involved.

#### ARTICLE 33.

##### *Marking of collect-on-delivery parcels.*

1. Each collect-on-delivery parcel and the relative customs declaration must bear on the address side the conspicuous impression of a stamp or label reading "COLLECT - ON - DELIVERY" or "C. O. D." or "REMBOURSEMENT", and in close proximity

2. Kai siuntinys su išperkamoju mokesčiu buvo įteiktas adresatui, bet pinigai nebuvo pasiūsti, siuntėjas arba kitas kuris teisėtai ieškovas turi teisę į atlyginimą, lygų nepasiūstai išperkamojo mokesčio sumai, su sąlyga, kad jis įteikė nustatytu laiku savo paieškosimą ir kad siuntinio įteikimas be išperkamojo mokesčio išieškavimo įvyko ne dėl siuntėjo klaidos arba apsileidimo ir jei siuntinio indėlis nebuvo uždraustas siūsti siuntinių paštuose.

Šis dėsnis taikomas ir tais atvejais, kai iš adresato išieškota ne pilna išperkamojo mokesčio suma.

Šioje pastraipoje numatytas atlyginimas jokiai atveju negali viršyti išperkamojo mokesčio sumos.

3. Atsakomybės nustatyme ir atlyginimo išmokėjime taikoma tie patys nuostatai, kurie nustatyti įvertintiems siuntiniams be išperkamojo mokesčio.

4. Kai išperkamojo mokesčio siuntinys, už kurį atlyginimas jau sumokėtas atsiranda, įteikimo pašto įstaigos viršininkas siuntinį įteikia, išreikalaudamas mokesčius ir prašo nurodymų iš Valdybos, kuriai jo įstaiga priklauso. Tačiau, jei adresatas atsako priimti atrastą siuntinį ir sumokėti mokesčius, tai pašto viršininkas siuntinį sulaiko ir taip pat prašo nurodymų, kaip su juo pasielgti. Pastaruoju atveju atsakingoji už atlyginimą Valdyba nustato kaip pasielgti su tokiu siuntiniu.

#### 33 STRAIPSNIS.

##### *Išperkamojo mokesčio siuntinių žymėjimas.*

1. Kiekvienas išperkamojo mokesčio siuntinys ir jo atitinkama muitinės deklaracija turi turėti adreso pusėje aiškų spaudo atspaudą arba prilipintą žymelę su užrašu "COLLECT ON DELIVERY" arba "C. O. D." arba "REMBOURSEMENT" (Išpirk-

Indemnity to sender, etc.; conditions.

Maximum indemnity.

Procedure after recovery of lost, etc., parcel.

Marking.

to these words there must appear the number given the parcel which shall be the insured number (only one original number) and after it must be shown in roman letters and in arabic figures, the exact amount of the collect-on-delivery charges which should not include the additional money order fees that will be collected in the country making delivery of the parcel for making the remittance to the sender in the country of mailing.

2. In addition to being marked or labeled in the manner indicated in Section 1 above, each collect-on-delivery parcel may have a collect-on-delivery tag attached in a form mutually agreed upon.

#### ARTICLE 34.

##### *Redirection. Recall.*

Redirection; recall.

1. Unless mutually otherwise agreed, collect-on-delivery parcels shall not be reforwarded to a third country.

2. The sender of a collect-on-delivery parcel may cause it to be recalled upon complying with such requirements as may be established in this connection by the country of origin.

#### ARTICLE 35.

##### *Nondelivery.*

Nondelivery.

The sender may provide, in case his collect-on-delivery parcel is undeliverable as originally addressed, for other disposition to be made of it, the same as in the case of parcels without trade charges and as stipulated in Article 18.

*Ante, p. 2036.*

### C. FINAL PROVISIONS.

#### ARTICLE 36.

##### *Matters not provided for in the Agreement.*

1. All matters concerning requests for recall or change of address of insured parcels, the obtaining and disposition of return

Matters not herein provided for.

tinai, su išperkamuju mokesčiu). Netoli nuo tokio pažymėjimo turi būti nurodytas duotasis siuntiniui numeris, kuris yra jo įvertinimo numeris, (tiksliai vienas originalus numeris), ir po juo turi būti lotynų raidėmis ir arabų skaitmenimis parašyta tiksli išperkamojo mokesčio suma. Į išperkamojo mokesčio sumą papildomai perlaidos rinkliava, kuri bus išieškota siuntinio išdavimo šalyje sumos persiuntimui siuntėjui į siuntinio padavimo šalį, neįskaitoma.

2. Be to, kad siuntiniai turi būti atžymėti arba turėti užlipintą žymelę, pagal duotus pirmoje pastraipoje, viršuj, nurodymus, kiekvienas išperkamojo mokesčio siuntinys dar gali turėti pritvirtintą prie jo bendrai susitartos formos išperkamojo mokesčio žymelę.

#### 34 STRAIPSNIS.

##### *Dasiuntimas. Gražinimas.*

1. Jei tarpusavy kitaip nesusitarta, išperkamojo mokesčio siuntiniai į trečią šalį nedasiunčiami.

2. Išperkamojo mokesčio siuntinio siuntėjas gali siuntinį atšaukti, atlikdamas tokius formalumus, kurie yra tokiam reikalui nustatyti siuntinio padavimo šalyje.

#### 35 STRAIPSNIS.

##### *Neįteikimas.*

Siuntėjas gali pasirūpinti, kad, jeigu jo išperkamojo mokesčio siuntinio nebūtų galima įteikti pagal pirmąją adresą, su juo būtų pasielgta kaip kitaip, būtent, panašiai kaip su siuntiniais be išperkamojo mokesčio ir kaip tas nustatyta 18 straipsnyje.

### C. GALUTINIAI NUOSTATAI.

#### 36 STRAIPSNIS.

##### *Nenumatyti šioje sutartyje dalykai.*

1. Visi reikalai liečią įvertintų siuntinių atšaukimo arba adreso pakeitimo prašymus, jų įteikimo pranešimų išgavimą, jais pasi-

receipts therefor, and the adjustment of indemnity claims in connection therewith not covered by this Agreement shall be governed by the provisions of the Universal Postal Union Convention and the Detailed Regulations for its Execution, and of the Postal Money Order Convention in force between the two countries, insofar as they are applicable and not inconsistent with the provisions of this Agreement, and then, if no other arrangement has been made, the internal legislation, regulations, and rulings of the United States of America and of Lithuania, according to the country involved, shall govern.

2. The Postmaster General of the United States of America and the Director General of Posts and Telegraphs of Lithuania shall have authority jointly to make from time to time by correspondence such changes and modifications and further regulations of order and detail as may become necessary to facilitate the operation of the services contemplated by this Agreement.

3. The Administrations shall communicate to each other from time to time the provisions of their laws or regulations applicable to the conveyance of parcels by parcel post.

#### ARTICLE 37.

*Temporary suspension of service.*

Either Administration may temporarily suspend the insurance and the collect-on-delivery services, in whole or in part, when there are special reasons for doing so, or restrict them to certain offices; but on the condition that previous and opportune notice of such a measure is given to the other Administration, such notice to be given by the most rapid means, if necessary.

#### ARTICLE 38.

*Duration of Agreement.*

1. This Agreement shall take effect and operations thereunder

naudojimą ir su jais susijusių atlyginimo reikalavimų tvarkymą, kurie nenumatyti šioj sutarty, sprendžiami pagal Pasaulinės Pašto Sąjungos Konvenciją ir jos Vykdyimo taisykles ir pagal veikiančią tarp abiejų Šalių Pašto Perlaidų Sutartį, tiek kiek tai yra pritaikoma ir kiek tai neprieštaruoja šios sutarties nuostatams, o kai jokio kito susitarimo nebėra, dalyką nulemia vidaus taisyklės, dėsniai ir įstatymai Lietuvos arba Jungtinių Amerikos Valstybių, žiūrint kuri šalis yra liečiama.

2. Vyriausias Lietuvos Pašto ir Telegrafo Direktorius ir Jungtinių Amerikos Valstybių Vyriausias Pašto Direktorius turi teisę savitarpiau susirašinėjimu padaryti laikas nuo laiko tokius pakeitimus ir ištaisymus ir nustatyti tokias tolimesnes tvarkos ir smulkesnių taisykles, kokios pasirodytų esančios reikalingos palengvinti šios sutarties numatytiems patarnavimams vykdyti.

3. Valdybos laikas nuo laiko praneša viena kitai savo įstatymų ar taisyklių nuostatus, liečiančius siuntinių siuntimą siuntinių paštais.

#### 37 STRAIPSNIS.

*Laikinas operacijų sustabdymas.*

Kiekviena Valdyba, kai tam yra ypatingų priežasčių, gali įvertinimo ir išperkamojo mokesčio patarnavimus laikinai visai arba dalinai nutraukti arba jas apriboti pavedant tam tikroms įstaigoms, bet su sąlyga, kad apie tokį žygį bus pranešta antrajai Valdybai laiku ir tinkamai. Toks pranešimas, jei reikalinga, turi būti perduotas greičiausiomis susisiekimo priemonėmis.

#### 38 STRAIPSNIS.

*Sutarties galiojimo laikas.*

1. Ši sutartis įsigalioja ir jos apimtos operacijos pradeda veikti

Post, pp. 2049, 2105.

Modifications, etc., by mutual consent.

Mutual notice of postal laws, etc.

Temporary suspension of services.

Notice.

Effective date.

shall begin on a date to be mutually settled between the Administrations of the two countries.

Duration.

2. It shall remain in force until one of the two contracting Administrations has given notice to the other, six months in advance, of its intention to terminate it.

abiejų šalių Valdybų savitarpiai sutartą dieną.

2. Ji galioja iki viena iš susitarusių Valdybų praneša antrai apie sutarties nutraukimą. Nutarimas sutartį nutraukti turi būti praneštas antrai susitarusiai Valdybai šešis mėnesius prieš numatomą sutartį nutraukti dieną.

Signatures.

Done in duplicate and signed at Washington, December 28, 1939, and at Kaunas, 4. 12. 1939.

[SEAL] JAMES A FARLEY  
*Postmaster General of the United States of America.*

V BIRUTAVIČIUS  
*Director General of Posts and Telegraphs of Lithuania.*

Ši sutartis sudaryta dviejuose egzemplioriuose ir pasirašyta Kaune 1939 m. gruodžio 4d. ir Vašingtone December 28, 1939.

[SEAL] V BIRUTAVIČIUS  
*Vyriausias Lietuvos Pašto ir Telegrafo Direktorius.*

[SEAL] JAMES A FARLEY  
*Vyriausias Jungtinių Amerikos Valstybių Pašto Direktorius.*

Approval and ratification.

The foregoing Parcel Post Agreement between the United States of America and Lithuania has been negotiated and concluded with my advice and consent and is hereby approved and ratified.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President,  
CORDELL HULL  
*Secretary of State.*

WASHINGTON, *January 5, 1940.*

*Universal Postal Convention. Signed at Buenos Aires May 23, 1939; ratified and approved by the Postmaster General January 12, 1940; approved by the President January 25, 1940.*

May 23, 1939

CONVENTION POSTALE  
UNIVERSELLE<sup>1)</sup>

UNIVERSAL POSTAL  
CONVENTION \*

CONCLUE ENTRE

CONCLUDED BETWEEN

<p>L'AFGHANISTAN, L'UNION DE L'AFRIQUE DU SUD, L'ALBANIE, L'ALLEMAGNE, les ETATS-UNIS D'AMÉRIQUE, l'ensemble des POSSESSIONS des ETATS-UNIS D'AMÉRIQUE, le ROYAUME DE L'ARABIE SAOUDITE, la RÉPUBLIQUE ARGENTINE, la COMMONWEALTH DE L'Australie, la BELGIQUE, la COLONIE DU CONGO BELGE, la BOLIVIE, le BRÉSIL, la BULGARIE, le CANADA, le CHILI, la CHINE, la RÉPUBLIQUE DE COLOMBIE, la RÉPUBLIQUE DE COSTA-RICA, la RÉPUBLIQUE DE CUBA, le DANEMARK, la VILLE LIBRE DE DANZIG, la RÉPUBLIQUE DOMINICAINE, L'ÉGYPTE, la RÉPUBLIQUE DE EL SALVADOR, L'ÉQUATEUR, L'ESPAGNE, l'ensemble des COLONIES ESPAGNOLES, L'ESTONIE, la FINLANDE, la FRANCE, L'ALGÉRIE, les COLONIES ET PROTECTORATS FRANÇAIS DE L'INDOCHINE, l'ensemble des autres COLONIES FRANÇAISES, le ROYAUME-UNI DE LA GRANDE-BRETAGNE ET DE L'IRLANDE DU NORD, <i>l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat</i>, la GRÈCE, le GUATÉMALA, la RÉPUBLIQUE D'HAÏTI, la RÉPUBLIQUE DU HONDURAS, la HONGRIE, L'INDE BRITANNIQUE, L'IRAN, L'IRAQ, L'IRLANDE, L'ISLANDE, L'ITALIE, l'ensemble des COLONIES et Possessions ITALIENNES autres que <i>l'Afrique orientale italienne, l'Afrique orientale italienne</i>, le JAPON, le CHOSEN,</p>	<p>AFGHANISTAN, the UNION OF SOUTH AFRICA, ALBANIA, GERMANY, the UNITED STATES OF AMERICA, the whole of the POSSESSIONS OF THE UNITED STATES OF AMERICA, the KINGDOM OF SAUDI ARABIA, the ARGENTINE REPUBLIC, the COMMONWEALTH OF AUSTRALIA, BELGIUM, the COLONY OF THE BELGIAN CONGO, BOLIVIA, BRAZIL, BULGARIA, CANADA, CHILE, CHINA, the REPUBLIC OF COLOMBIA, the REPUBLIC OF COSTA RICA, the REPUBLIC OF CUBA, DENMARK, the FREE CITY OF DANZIG, the DOMINICAN REPUBLIC, EGYPT, the REPUBLIC OF EL SALVADOR, ECUADOR, SPAIN, the whole of the SPANISH COLONIES, ESTONIA, FINLAND, FRANCE, ALGERIA, the FRENCH COLONIES AND PROTECTORATES IN INDOCHINA, the whole of the other FRENCH COLONIES, the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, the whole of the BRITISH COLONIES, including the OVERSEA TERRITORIES, the PROTECTORATES and the TERRITORIES under SUZERAINTY OF MANDATE, GREECE, GUATEMALA, the REPUBLIC OF HAITI, the REPUBLIC OF HONDURAS, HUNGARY, BRITISH INDIA, IRAN, IRAQ, IRELAND, ICELAND, ITALY, the whole of the ITALIAN COLONIES and POSSESSIONS other than ITALIAN EAST AFRICA, ITALIAN EAST AFRICA, JAPAN, CHOSEN, the whole of the other JAPANESE DEPENDENCIES, LATVIA, the LEVANT STATES UNDER FRENCH</p>
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Contracting parties.

<sup>1)</sup> Nota.—Les dispositions nouvelles ou modifiées sont imprimées en caractères italiques.

\*[Translation by Post Office Department.]

l'ensemble des autres DÉPENDANCES JAPONAISES, la LETTONIE, les ETATS DU LEVANT SOUS MANDAT FRANÇAIS (SYRIE ET LIBAN), la RÉPUBLIQUE DE LIBÉRIA, la LITHUANIE, le LUXEMBOURG, le MAROC (à l'exclusion de la ZONE ESPAGNOLE), le MAROC (ZONE ESPAGNOLE), le MEXIQUE, le NICARAGUA, la NORVÈGE, la NOUVELLE-ZÉLANDE, la RÉPUBLIQUE DE PANAMA, le PARAGUAY, les PAYS-BAS, CURAÇAO et SURINAM, les INDES NÉERLANDAISES, le PÉROU, la COMMONWEALTH DES PHILIPPINES, la POLOGNE, le PORTUGAL, les COLONIES PORTUGAISES DE L'AFRIQUE OCCIDENTALE, les COLONIES PORTUGAISES DE L'AFRIQUE ORIENTALE, DE L'ASIE et de L'OCÉANIE, la ROUMANIE, la RÉPUBLIQUE DE SAINT-MARIN, le SIAM, la SUÈDE, la CONFÉDÉRATION SUISSE, la TCHÉCOSLOVAQUIE, la TUNISIE, la TURQUIE, L'UNION DES RÉPUBLIQUES SOVIÉTIQUES SOCIALISTES, la RÉPUBLIQUE O. DE L'URUGUAY, L'ÉTAT DE LA CITÉ DU VATICAN, les ETATS-UNIS DE VÉNÉZUELA, L'YÉMEN ET LE ROYAUME DE YOUGOSLAVIE.

Les soussignés, Plénipotentiaires des Gouvernements des Pays ci-dessus énumérés, s'étant réunis en Congrès à *Buenos Aires* en vertu de l'article 13 de la Convention postale universelle conclue au *Caire* le 20 mars 1934, ont, d'un commun accord et sous réserve de ratification, révisé ladite Convention conformément aux dispositions suivantes:

#### TITRE I.

### DE L'UNION POSTALE UNIVERSELLE.

#### CHAPITRE I.

### ORGANISATION ET RESSORT DE L'UNION.

#### ARTICLE PREMIER.

#### Constitution de l'Union.

Les Pays entre lesquels est conclue la présente Convention for-

MANDATE (SYRIA AND LEBANON), the REPUBLIC OF LIBERIA, LITHUANIA, LUXEMBURG, MOROCCO (EXCEPT THE SPANISH ZONE), MOROCCO (SPANISH ZONE), MEXICO, NICARAGUA, NORWAY, NEW ZEALAND, the REPUBLIC OF PANAMA, PARAGUAY, the NETHERLANDS, CURAÇAO AND SURINAM, the NETHERLANDS INDIES, PERU, the COMMONWEALTH OF THE PHILIPPINES, POLAND, PORTUGAL, the PORTUGUESE COLONIES IN WEST AFRICA, the PORTUGUESE COLONIES IN EAST AFRICA, IN ASIA AND OCEANIA, RUMANIA, the REPUBLIC OF SAN MARINO, SIAM, SWEDEN, the SWISS CONFEDERATION, CZECHO-SLOVAKIA, TUNISIA, TURKEY, the UNION OF SOVIET SOCIALIST REPUBLICS, the EASTERN REPUBLIC OF URUGUAY, the VATICAN CITY STATE, the UNITED STATES OF VENEZUELA, YEMEN, AND THE KINGDOM OF YUGOSLAVIA.

The undersigned, plenipotentiaries of the Governments of the countries above enumerated, being assembled in Congress at Buenos Aires by virtue of Article 13 of the Universal Postal Convention concluded at Cairo on March 20, 1934, have, by common consent and subject to ratification, revised the said Convention to read as follows:

#### TITLE I

### UNIVERSAL POSTAL UNION

#### CHAPTER I

### ORGANIZATION AND EXTENT OF THE UNION

#### ARTICLE 1

#### *Constitution of the Union*

The countries between which the present Convention is con-

ment, sous la dénomination d'Union postale universelle, un seul territoire postal pour l'échange réciproque des correspondances.

L'Union postale a également pour objet d'assurer l'organisation et le perfectionnement des divers services postaux internationaux.

cluded form, under the name of *Universal Postal Union*, a single postal territory for the reciprocal exchange of correspondence.

The purpose of the Postal Union is also to assure the organization and perfection of the various international postal services.

Purpose.

#### ARTICLE 2.

#### ARTICLE 2

Adhésions nouvelles. Procédure.

*New adhesions. Procedure*

Tout Pays est admis en tout temps à adhérer à la Convention.

Any country is permitted at any time to adhere to the Convention.

Adhesions.

L'adhésion doit être notifiée par voie diplomatique au Gouvernement de la Confédération Suisse et par celui-ci aux Gouvernements de tous les Pays de l'Union.

Notice of the adhesion shall be given through diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of all the countries of the Union.

Procedure.

#### ARTICLE 3.

#### ARTICLE 3

Convention et Arrangements de l'Union.

*Convention and Agreements of the Union*

Le service de la poste aux lettres est réglé par les dispositions de la Convention.

The regular-mail service is governed by the provisions of the Convention.

Regular-mail service.

D'autres services, tels que ceux des lettres et des boîtes avec valeur déclarée, des colis postaux, des mandats de poste, des virements postaux, des valeurs à recouvrer et des abonnements aux journaux et écrits périodiques, font l'objet d'Arrangements entre Pays de l'Union.

Other services, such as those of insured letters and boxes, parcel post, money orders, postal checks, collection orders, and subscriptions to newspapers and periodicals, form the subject of Agreements between countries of the Union.

Other services.

Ces Arrangements ne sont obligatoires que pour les Pays qui y ont adhéré.

Such Agreements are binding only upon countries which have adhered to them.

Countries bound by Agreements.

L'adhésion à un ou plusieurs de ces Arrangements est soumise aux dispositions de l'article 2.

Adhesion to one or more of those agreements is subject to the provisions of Article 2.

Adhesions.

#### ARTICLE 4.

#### ARTICLE 4

Règlements d'exécution.

*Regulations of Execution*

Les Administrations postales des Pays de l'Union arrêtent d'un commun accord, dans des Règlements d'exécution, les mesures d'ordre et de détail nécessaires à l'exécution de la Convention et des Arrangements.

The Postal Administrations of the countries of the Union draw up, by mutual agreement, in the form of Regulations of Execution, the measures of order and detail necessary for the execution of the Convention and the Agreements.

Regulations of Execution.

## ARTICLE 5.

## Unions restreintes. Arrangements spéciaux.

Restricted unions; special agreements.

*Les Pays de l'Union et, pour autant que leur législation ne s'y oppose pas, les Administrations, peuvent établir des Unions restreintes et prendre entre eux des arrangements spéciaux concernant les objets traités dans la Convention et dans son Règlement, à la condition toutefois de ne pas y introduire des dispositions moins favorables, pour le public, que celles qui sont prévues par ces Actes.*

Option to participating countries.

*La même faculté est accordée aux Pays qui participent aux Arrangements et, le cas échéant, à leurs Administrations, en ce qui concerne les objets visés par ces Actes et leurs Règlements.*

## ARTICLE 5

## Restricted Unions. Special Agreements

The countries of the Union and, insofar as their legislation is not opposed to it, the Administrations, may establish restricted Unions and make special agreements among themselves concerning the subjects dealt with in the Convention and its Regulations, on the condition, however, that they do not introduce therein any provisions less favorable, for the public, than those which are provided for by those Acts.

The same option is granted to the countries which participate in the Agreements and, as the case may be, to their Administrations, in regard to the subjects contemplated by those Acts and their Regulations.

## ARTICLE 6.

## Législation intérieure.

Domestic legislation.

Les stipulations de la Convention et des Arrangements de l'Union ne portent pas atteinte à la législation de chaque Pays dans tout ce qui n'est pas expressément prévu par ces Actes.

## ARTICLE 6

## Domestic legislation

The provisions of the Convention and Agreements of the Union do not affect the legislation of any country concerning anything which is not expressly provided for by those Acts.

## ARTICLE 7.

## Relations exceptionnelles.

Administrations as intermediaries.

Les Administrations qui desservent des territoires non compris dans l'Union sont tenues d'être les intermédiaires des autres Administrations. Les dispositions de la Convention et de son Règlement sont applicables à ces relations exceptionnelles.

## ARTICLE 7

## Exceptional relations

Administrations which serve territories not comprised in the Union are bound to act as intermediary for the other Administrations. The provisions of the Convention and its Regulations are applicable to such exceptional relations.

## ARTICLE 8.

## Colonies, Protectorats, etc.

Colonies, etc., considered as units.

Sont considérés comme formant un seul Pays ou une seule Administration de l'Union, suivant le cas, au sens de la Convention et des Arrangements en ce qui concerne, notamment, leur droit de vote aux Congrès, aux Conférences et dans l'intervalle entre les réunions ainsi que leur contribution

## ARTICLE 8

## Colonies, Protectorates, etc.

The following are considered as forming a single country or a single Administration of the Union, as the case may be, in the sense of the Convention and Agreements, particularly in regard to their right to vote in Congresses and Conferences and in the interval between meetings, as

aux dépenses du Bureau international de l'Union postale universelle:

- 1° l'ensemble des *Possessions des Etats-Unis d'Amérique comprenant* Hawaï, Porto-Rico, Guam et les Iles Vierges des Etats-Unis d'Amérique;
- 2° la Colonie du Congo belge;
- 3° l'ensemble des Colonies espagnoles;
- 4° l'Algérie;
- 5° les Colonies et Protectorats français de l'Indochine;
- 6° l'ensemble des autres Colonies françaises;
- 7° *l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat;*
- 8° l'ensemble des Colonies et *Possessions italiennes autres que l'Afrique orientale italienne;*
- 9° *l'Afrique orientale italienne;*
- 10° le Chosen;
- 11° l'ensemble des autres Dépendances japonaises;
- 12° Curaçao et Surinam;
- 13° les Indes néerlandaises;
- 14° les Colonies portugaises de l'Afrique occidentale;
- 15° les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie.

#### ARTICLE 9.

Application de la Convention aux Colonies, Protectorats, etc.

1.—Toute Partie contractante peut déclarer, soit au moment de sa signature, de sa ratification ou de son adhésion, soit ultérieurement, que l'acceptation par elle de la présente Convention comprend toutes ses Colonies, tous ses Territoires d'outre-mer, Protectorats ou Territoires sous suzeraineté ou sous mandat ou certains d'entre eux seulement. Ladite déclaration, à moins qu'elle ne soit faite au moment de la signature de la Convention, devra être adressée au Gouvernement de la Confédération Suisse.

well as their contribution to the expenses of the International Bureau of the Universal Postal Union:

- 1° The whole of the Possessions of the United States of America, comprising Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States of America;
- 2° The Colony of the Belgian Congo;
- 3° The whole of the Spanish Colonies;
- 4° Algeria;
- 5° The French Colonies and Protectorates in Indochina;
- 6° The whole of the other French Colonies;
- 7° The whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate;
- 8° The whole of the Italian Colonies and Possessions other than Italian East Africa;
- 9° Italian East Africa;
- 10° Chosen;
- 11° The whole of the other Japanese Dependencies;
- 12° Curaçao and Surinam;
- 13° The Netherlands Indies;
- 14° The Portuguese Colonies in West Africa;
- 15° The Portuguese Colonies in East Africa, Asia and Oceania.

#### ARTICLE 9

*Application of the Convention to Colonies, Protectorates, etc.*

1. Any contracting party may declare, either at the time of its signature, ratification or adhesion, or subsequently, that its acceptance of the present Convention includes all its colonies, oversea territories, protectorates and territories under suzerainty or mandate, or certain of them only. The said declaration, unless made at the time of signing the Convention, shall be addressed to the Government of the Swiss Confederation.

Application of Convention to colonies, protectorates, etc.

## Limitation.

2.—La Convention ne s'appliquera qu'aux Colonies, Territoires d'outre-mer, Protectorats ou Territoires sous suzeraineté ou sous mandat au nom desquels des déclarations auront été faites en vertu du § 1.

2. The Convention will apply only to the colonies, oversea territories, protectorates or territories under suzerainty or mandate in whose name declarations have been made by virtue of Section 1.

## Denunciation.

3.—Toute Partie contractante peut en tout temps adresser au Gouvernement de la Confédération Suisse une notification en vue de dénoncer l'application de la Convention à toute Colonie, tout Territoire d'outre-mer, Protectorat ou Territoire sous suzeraineté ou sous mandat au nom duquel cette Partie a fait une déclaration en vertu du § 1. Cette notification produira ses effets un an après la date de sa réception par le Gouvernement de la Confédération Suisse.

3. Any contracting party may at any time address to the Government of the Swiss Confederation a notification with a view to denouncing the application of the Convention to any colony, oversea territory, protectorate or territory under suzerainty or mandate in the name of which that party has made a declaration by virtue of Section 1. That notification will become effective one year after the date of its receipt by the Government of the Swiss Confederation.

## Transmission of copies of declarations, etc.

4.—Le Gouvernement de la Confédération Suisse communiquera à toutes les Parties contractantes copie de chaque déclaration ou notification reçue en vertu des §§ 1 à 3.

4. The Government of the Swiss Confederation will transmit to all the contracting parties a copy of every declaration or notification received by virtue of Sections 1 to 3.

## Territory excluded.

5.—Les dispositions du présent article ne s'appliquent à aucune Colonie, aucun Territoire d'outre-mer, aucun Protectorat ou Territoire sous suzeraineté ou sous mandat qui figure dans le préambule de la Convention.

5. The provisions of the present Article do not apply to any colony, oversea territory, protectorate or territory under suzerainty or mandate enumerated in the Preamble of the Convention.

## ARTICLE 10.

## Ressort de l'Union.

## Extent of the Union.

Sont considérés comme appartenant à l'Union postale universelle:

a) les bureaux de poste établis par des Pays de l'Union dans des territoires non compris dans l'Union;

b) la Principauté de Liechtenstein, comme relevant de l'Administration des postes suisses;

c) les Iles Féroë, comme faisant partie du Danemark, et le Groenland, comme relevant de l'Administration des postes du Danemark, en qualité de colonie danoise;

d) les Possessions espagnoles de la côte septentrionale d'Afrique, comme faisant partie de l'Espagne;

## ARTICLE 10

*Extent of the Union*

The following are considered as belonging to the Universal Postal Union:

(a) The post offices established by countries of the Union in territories not included in the Union;

(b) The Principality of Liechtenstein, as belonging to the Postal Administration of Switzerland;

(c) The Faeroe Islands as forming part of Denmark, and Greenland, as belonging to the Postal Administration of Denmark, in its capacity as a Danish colony;

(d) The Spanish possessions on the north coast of Africa, as forming part of Spain;

e) les Vallées d'Andorre, comme desservies par l'Administration des postes espagnoles et l'Administration des postes françaises;

f) la Principauté de Monaco, comme relevant de l'Administration des postes de France;

g) Walfisch-Bay, comme faisant partie de l'Union de l'Afrique du Sud; Basutoland *et Swaziland*, comme relevant de l'Administration des postes de l'Union de l'Afrique du Sud.

(e) The Valleys of Andorra, as served by the Spanish and French Postal Administrations;

(f) The Principality of Monaco, as belonging to the Postal Administration of France;

(g) Walvis Bay, as forming part of the Union of South Africa; Basutoland and Swaziland, as belonging to the Postal Administration of the Union of South Africa.

## ARTICLE 11.

## Arbitrages.

1.—En cas de dissentiment entre deux ou plusieurs membres de l'Union relativement à l'interprétation de la Convention et des Arrangements *ainsi que de leurs Règlements d'exécution* ou de la responsabilité dérivant, pour une Administration, de l'application de ces Actes, la question en litige est réglée par jugement arbitral. A cet effet, chacune des Administrations en cause choisit un autre membre de l'Union qui n'est pas directement intéressé dans l'affaire.

Au cas où l'une des Administrations en désaccord ne donne pas suite à une proposition d'arbitrage dans le délai de six mois, ou de neuf mois pour les Pays éloignés, le Bureau international, si la demande lui en est faite, provoque à son tour la désignation d'un arbitre par l'Administration défaillante ou en désigne un lui-même, d'office.

2.—La décision des arbitres est donnée à la majorité absolue des voix.

3.—En cas de partage des voix, les arbitres choisissent, pour trancher le différend, une autre Administration également désintéressée dans le litige.

A défaut d'une entente sur le choix, cette Administration est désignée par le Bureau international parmi les membres de l'Union non proposés par les arbitres.

## ARTICLE 11

## Arbitration

1. In case of disagreement between two or more members of the Union as to the interpretation of the Convention and Agreements, as well as their Regulations of Execution, or as to the responsibility imposed upon an Administration by the application of those Acts, the question in dispute is settled by arbitration. To that end, each of the Administrations concerned chooses another member of the Union which is not directly interested in the matter.

If one of the Administrations involved in the dispute does not take any action on a proposal for arbitration within a period of six months, or nine months in the case of distant countries, the International Bureau, if a request is made of it to that effect, calls upon the defaulting Administration to appoint an arbitrator, or appoints one itself officially.

2. The decision of the arbitrators is made on an absolute majority of votes.

3. In case of a tie vote, the arbitrators, for the purpose of settling the difference, choose another Administration which likewise has no interest in the dispute.

In case of disagreement as to a choice, that Administration is designated by the International Bureau from among the members of the Union not proposed by the arbitrators.

Arbitration of disputes.

Decision.

Tie vote, etc.

Disputes concerning Agreements; arbitrators.

4.—S'il s'agit d'un différend concernant l'un des Arrangements, les arbitres ne peuvent être désignés en dehors des Administrations qui exécutent cet Arrangement.

4. If it is a question of a dispute concerning one of the Agreements, only such Administrations as execute that Agreement may be designated as arbitrators.

## ARTICLE 12.

Sortie de l'Union. Cessation de participation aux Arrangements.

## ARTICLE 12

*Withdrawal from the Union. Termination of participation in the Agreements*

Withdrawals, etc.

Chaque Partie contractante a la faculté de se retirer de l'Union ou de cesser sa participation aux Arrangements moyennant avertissement donné un an à l'avance par voie diplomatique au Gouvernement de la Confédération Suisse et par celui-ci aux Gouvernements des Pays contractants.

Any contracting party has the option of withdrawing from the Union or of ceasing to participate in the Agreements by notice given one year in advance through diplomatic channels to the Government of the Swiss Confederation and by the latter to the Governments of the contracting countries.

## CHAPITRE II.

CONGRÈS. CONFÉRENCES.  
COMMISSIONS.

## CHAPTER II

CONGRESSES. CONFERENCES.  
COMMITTEES

## ARTICLE 13.

Congrès.

## ARTICLE 13

*Congresses*

Meetings.

1.—Les délégués des Pays de l'Union se réunissent en Congrès au plus tard cinq ans après la date de mise à exécution des Actes du Congrès précédent, en vue de soumettre ces Actes à revision ou de les compléter, s'il y a lieu.

1. Delegates from the countries of the Union meet in Congress not later than five years after the effective date of the Acts of the preceding Congress, with a view to revising or completing those Acts, if necessary.

Representatives.

Chaque Pays se fait représenter au Congrès par un ou plusieurs délégués plénipotentiaires munis, par leur Gouvernement, des pouvoirs nécessaires. Il peut, au besoin, se faire représenter par la délégation d'un autre Pays. Toutefois, il est entendu qu'une délégation ne peut être chargée que de la représentation de deux Pays, y compris celui qui l'a primitivement accréditée.

Each country is represented at the Congress by one or more plenipotentiary delegates, provided with the necessary credentials, by their Government. It may, if necessary, be represented by the delegation of another country. However, it is understood that a delegation may be charged with representing only two countries, including the one by which it was originally accredited.

Votes.

Dans les délibérations, chaque Pays dispose d'une seule voix.

In the deliberations, each country has but one vote.

Subsequent meeting place.

2.—Chaque Congrès fixe le lieu de réunion du Congrès suivant. Celui-ci est convoqué par les soins du Gouvernement du Pays dans lequel il doit avoir lieu, après entente avec le Bureau international. Ce Gouvernement est également chargé de la notification à tous les Gouvernements des

2. Each Congress fixes the meeting-place of the next Congress. The latter is called together by the Government of the country in which it is to be held, in consultation with the International Bureau. That Government is likewise charged with notifying all the Governments of the

Pays de l'Union des décisions prises par le Congrès. countries of the Union of the decisions made by the Congress.

ARTICLE 14.

Ratifications. Mise à exécution et durée des Actes des Congrès.

Les Actes des Congrès sont ratifiés aussitôt que possible et les ratifications sont communiquées au Gouvernement du Pays, siège du Congrès, et par ce Gouvernement aux Gouvernements des Pays contractants.

Dans le cas où une ou plusieurs des Parties contractantes ne ratifieraient pas l'un ou l'autre des Actes signés par elles, ceux-ci n'en seraient pas moins valables pour les Etats qui les auront ratifiés.

Ces Actes sont mis à exécution simultanément et ont la même durée.

Dès le jour fixé pour la mise à exécution des Actes adoptés par un Congrès, tous les Actes du Congrès précédent sont abrogés.

ARTICLE 15.

Congrès extraordinaires.

Lorsque la demande en est faite ou approuvée par les deux tiers au moins des Pays contractants, un Congrès extraordinaire est réuni après entente avec le Bureau international.

Les règles édictées aux articles 13 et 14 sont applicables aux délégations, aux délibérations et aux Actes des Congrès extraordinaires.

ARTICLE 16.

Règlement des Congrès.

Chaque Congrès arrête le règlement nécessaire à ses travaux et à ses délibérations.

ARTICLE 17.

Conférences.

Des Conférences chargées de l'examen de questions purement administratives peuvent être réunies à la demande ou avec l'assen-

ARTICLE 14

*Ratifications. Entry into force and duration of the Acts of Congresses*

The Acts of Congresses are ratified as soon as possible, and the ratifications are communicated to the Government of the country where the Congress was held, and by that Government to the Governments of the contracting countries.

In case that one or more of the contracting countries do not ratify one or another of the Acts signed by them, the latter will nevertheless be valid for the countries which have ratified them.

Those Acts are put into effect simultaneously and have the same duration.

From the date fixed for the entry into force of the Acts adopted by a Congress, all the Acts of the preceding Congress are abrogated.

ARTICLE 15

*Extraordinary Congresses*

An extraordinary Congress is called together by agreement with the International Bureau when a request to that effect is made or approved by at least two-thirds of the contracting countries.

The rules laid down by Articles 13 and 14 are applicable to the delegations, the deliberations, and the Acts of extraordinary Congresses.

ARTICLE 16

*Regulations for Congresses*

Each Congress draws up the necessary regulations for its work and deliberations.

ARTICLE 17

*Conferences*

Conferences charged with the examination of purely administrative questions may be called together at the request or with the

Ratification of Acts of Congresses.

Validity.

Effect and duration.

Abrogation of Acts of preceding Congress.

Extraordinary Congresses.

Rules applicable.

Regulations.

Conferences on administrative questions.

timent des deux tiers au moins des Administrations de l'Union.

Elles sont convoquées après entente avec le Bureau international.

Chaque Conférence arrête son règlement.

consent of at least two-thirds of the Administrations of the Union.

They are called together by agreement with the International Bureau.

Each Conference draws up its own regulations.

#### ARTICLE 18.

##### Commissions.

Les Commissions chargées par un Congrès ou une Conférence de l'étude d'une ou de plusieurs questions déterminées sont convoquées par le Bureau international après entente, le cas échéant, avec l'Administration du Pays où ces Commissions doivent se réunir.

#### ARTICLE 18

##### Committees

Committees charged by a Congress or a Conference with the study of one or more particular questions are called together by the International Bureau, in consultation, if necessary, with the Administration of the country where such Committees are to meet.

Committees.

#### CHAPITRE III.

##### PROPOSITIONS DANS L'INTERVALLE DES RÉUNIONS.

#### ARTICLE 19.

##### Introduction des propositions.

Introduction of propositions.

Dans l'intervalle des réunions, toute Administration a le droit d'adresser aux autres Administrations, par l'intermédiaire du Bureau international, des propositions concernant la Convention, son Protocole final et son Règlement.

Le même droit est accordé aux Administrations des Pays participant aux Arrangements en ce qui concerne ces Arrangements, leurs Règlements et leurs Protocoles finals.

Support necessary.

Pour être mises en délibération, toutes les propositions introduites par une Administration dans l'intervalle des réunions doivent être appuyées par au moins deux autres Administrations. Ces propositions restent sans suite lorsque le Bureau international ne reçoit pas, en même temps, le nombre nécessaire de déclarations d'appui.

#### ARTICLE 20.

##### Examen des propositions.

Examination; procedure.

Toute proposition est soumise à la procédure suivante:

Un délai de six mois est laissé aux Administrations pour examiner la proposition et, le cas éché-

#### CHAPTER III

##### PROPOSITIONS IN THE INTERVAL BETWEEN MEETINGS

#### ARTICLE 19

##### Introduction of propositions

In the interval between meetings any Administration has the right to address to the other Administrations, through the intermediary of the International Bureau, propositions concerning the Convention, its Final Protocol, and its Regulations.

The same right is accorded to the Administrations of the countries participating in the Agreements in regard to those Agreements, their Regulations, and their Final Protocols.

In order to be considered, all propositions introduced by an Administration in the interval between meetings must be supported by at least two other Administrations. Such propositions are ignored when the International Bureau does not receive, at the same time, the necessary number of declarations of support.

#### ARTICLE 20

##### Examination of propositions

Every proposition is submitted to the following procedure:

A period of six months is allowed for the Administrations to examine the propositions and

ant, pour faire parvenir leurs observations au Bureau international. Les amendements ne sont pas admis. Les réponses sont réunies par les soins du Bureau international et communiquées aux Administrations avec invitation de se prononcer pour ou contre. Celles qui n'ont pas fait parvenir leur vote dans un délai de six mois sont considérées comme s'abstenant. Les délais précités comptent à partir de la date des circulaires du Bureau international.

send in their observations, if any, to the International Bureau. Amendments are not admitted. The replies are assembled by the International Bureau and communicated to the Administrations, with an invitation to pronounce themselves for or against. Those which have not sent in their votes within a period of six months are considered as abstaining. The periods above mentioned are counted from the dates of the circulars of the International Bureau.

Si la proposition concerne un Arrangement, son Règlement ou leurs Protocoles finals, seules les Administrations ayant adhéré à cet Arrangement peuvent prendre part aux opérations indiquées ci-dessus.

If the proposition concerns an Agreement, its Regulations, or their Final Protocols, only the Administrations which have adhered to that Agreement may take part in the procedure indicated above.

#### ARTICLE 21.

##### Conditions d'approbation.

1.—Pour devenir exécutoires, les propositions doivent réunir:

a) l'unanimité des suffrages, s'il s'agit de l'addition de nouvelles dispositions ou de la modification des dispositions des Titres I et II et des articles 33 à 37, 54 à 59, 61 à 63, 65 à 68, 70 à 82 de la Convention, de tous les articles de son Protocole final et des articles 101, 105, 116, 164, 175 et 196 de son Règlement;

b) les deux tiers des suffrages, s'il s'agit de la modification des dispositions autres que celles qui sont mentionnées à l'alinéa précédent;

c) la majorité absolue, s'il s'agit de l'interprétation des dispositions de la Convention, de son Protocole final et de son Règlement, hors le cas de dissentiment à soumettre à l'arbitrage prévu à l'article 11.

2.—Les Arrangements fixent les conditions auxquelles est subordonnée l'approbation des propositions qui les concernent.

#### ARTICLE 22.

##### Notification des résolutions.

Les additions et les modifications apportées à la Convention,

#### ARTICLE 21

##### *Conditions of approval*

1. In order to become effective, the propositions must obtain:

(a) Unanimity of votes, if it is a question of adding new provisions or modifying the provisions of Titles I and II or of Articles 33 to 37, 54 to 59, 61 to 63, 65 to 68, 70 to 82 of the Convention, of any of the Articles of its Final Protocol, or of Articles 101, 105, 116, 164, 175 and 196 of its Regulations;

(b) Two-thirds of the votes, if it is a question of modifying provisions other than those mentioned in the preceding paragraph;

(c) A simple majority, if it is a question of interpreting the provisions of the Convention, its Final Protocol or its Regulations, except in the case of disagreement to be submitted to arbitration as provided for by Article 11.

2. The Agreements fix the conditions to which the approval of propositions concerning them is subject.

#### ARTICLE 22

##### *Notification of decisions*

Additions to and modifications of the Convention, the Agree-

Conditions of approval.

Unanimity of votes.

Two-thirds of votes.

Simple majority.

Determination of conditions.

Notification of changes.

aux Arrangements et aux Protocoles finals de ces Actes sont consacrées par une déclaration diplomatique que le Gouvernement de la Confédération Suisse est chargé d'établir et de transmettre, à la demande du Bureau international, aux Gouvernements des Pays contractants.

Les additions et les modifications apportées aux Règlements et à leurs Protocoles finals sont constatées et notifiées aux Administrations par le Bureau international. Il en est de même des interprétations visées à l'article 21, § 1, lettre c).

ments and the Final Protocols of those Acts are sanctioned by a diplomatic declaration which the Government of the Swiss Confederation is charged with making up and transmitting, at the request of the International Bureau, to the Governments of the contracting countries.

Additions to and modifications of the Regulations and their Final Protocols are drawn up and communicated to the Administrations by the International Bureau. The same applies to the interpretations contemplated in Article 21, Section 1, letter (c).

## ARTICLE 23.

## Exécution des résolutions.

Effective date.

Toute addition ou modification adoptée n'est exécutoire que trois mois, au moins, après sa notification.

## ARTICLE 23

*Effective date of decisions*

No addition or modification adopted is effective until at least three months after its notification.

## CHAPITRE IV.

## DU BUREAU INTERNATIONAL.

## ARTICLE 24.

## Attributions générales.

Operation.

1.—Un Office central, fonctionnant à Berne sous la dénomination de Bureau international de l'Union postale universelle, et placé sous la haute surveillance de l'Administration des postes suisses, sert d'organe de liaison, d'information et de consultation aux Pays de l'Union.

Functions, duties, etc.

Ce Bureau est chargé, notamment, de réunir, de coordonner, de publier et de distribuer les renseignements de toute nature qui intéressent le service international des postes; d'émettre, à la demande des Parties en cause, un avis sur les questions litigieuses; d'instruire les demandes en modification des Actes du Congrès; de notifier les changements adoptés et, en général, de procéder aux études et aux travaux de rédaction ou de documentation que la Convention, les Arrangements et leurs Règlements lui attribuent ou dont il serait saisi dans l'intérêt de l'Union.

## CHAPTER IV

## INTERNATIONAL BUREAU

## ARTICLE 24

*General functions*

1. A central Office, operating at Berne under the name of *International Bureau of the Universal Postal Union*, and placed under the supervision of the Swiss Postal Administration, serves as an organ of liaison, information and consultation for the countries of the Union.

That Bureau is charged, in particular, with assembling, coordinating, publishing and distributing information of all kinds concerning the international postal service; with giving, at the request of the interested parties, an opinion on questions in dispute; with making known requests for modification of the Acts of the Congress; with giving notice of the changes adopted; and, in general, with undertaking such studies and work in connection with editing and arranging material as the Convention, the Agreements and their Regulations may assign to it, or which may be entrusted to it in the interests of the Union.

2.—Il intervient, à titre d'office de compensation, dans la liquidation des comptes de toute nature relatifs au service international des postes, entre les Administrations qui réclament cette intervention.

2. It acts as a clearing-house for the settlement of accounts of all kinds relative to the international postal service, between Administrations requesting such intervention.

Settlement of postal accounts.

ARTICLE 25.

Dépenses du Bureau international.

1.—Chaque Congrès arrête le chiffre maximum que peuvent atteindre annuellement les dépenses ordinaires du Bureau international.

Ces dépenses, ainsi que les frais extraordinaires auxquels donne lieu la réunion d'un Congrès, d'une Conférence ou d'une Commission, et les frais que pourraient entraîner des travaux spéciaux confiés à ce Bureau sont supportés en commun par tous les Pays de l'Union.

2.—Ceux-ci sont divisés, à cet effet, en 7 classes dont chacune contribue au payement des dépenses dans la proportion ci-après:

1 <sup>re</sup> classe, 25 unités
2 <sup>e</sup> " 20 "
3 <sup>e</sup> " 15 "
4 <sup>e</sup> " 10 "
5 <sup>e</sup> " 5 "
6 <sup>e</sup> " 3 "
7 <sup>e</sup> " 1 unité.

3.—En cas d'adhésion nouvelle, le Gouvernement de la Confédération Suisse détermine, d'un commun accord avec le Gouvernement du Pays intéressé, la classe dans laquelle celui-ci doit être rangé au point de vue de la répartition des frais du Bureau international.

ARTICLE 25

*Expenses of the International Bureau*

1. Each Congress fixes the maximum figure for the ordinary annual expenses of the International Bureau.

Those expenses, as well as the extraordinary expenses arising from the meeting of a Congress, a Conference or a Committee, and the expenses incurred in connection with special work entrusted to that Bureau, are shared by all the countries of the Union.

2. The latter are divided, for that purpose, into 7 classes, each of which contributes to the payment of the expenses in the following proportion:

1st class, 25 units
2d " 20 "
3d " 15 "
4th " 10 "
5th " 5 "
6th " 3 "
7th " 1 unit

3. In case of a new adhesion, the Government of the Swiss Confederation determines, by mutual agreement with the Government of the country concerned, the class in which the latter is to be placed for the apportionment of the expenses of the International Bureau.

Fixing of maximum expenses.

Sharing of expenses.

Proportionate share.

New adhesions.

TITRE II.

RÈGLES D'ORDRE GÉNÉRAL.

CHAPITRE UNIQUE.

ARTICLE 26.

Liberté de transit.

1.—La liberté de transit est garantie dans le territoire entier de l'Union.

TITLE II

GENERAL REGULATIONS

SOLE CHAPTER

ARTICLE 26

*Liberty of transit*

1. Liberty of transit is guaranteed throughout the entire territory of the Union.

Liberty of transit.

## Limitation.

2.—La liberté du transit des colis postaux à acheminer par les voies terrestres et maritimes est limitée au territoire des Pays participant à ce service.

2. Liberty of transit for parcel post to be sent by the land and sea routes is limited to the territory of countries participating in that service.

## Insured articles.

Les envois avec valeur déclarée peuvent transiter en dépêches closes par le territoire des Pays qui n'assurent pas le service des envois de l'espèce ou par des services maritimes pour lesquels la responsabilité des valeurs n'est pas acceptée par les Pays, mais la responsabilité de ces Pays est limitée à celle qui est prévue pour les envois recommandés.

Insured articles may be sent in transit in closed mails through the territory of countries which do not take part in such service, or by maritime services where responsibility for insured articles is not accepted by the countries, but the responsibility of those countries is limited to that prescribed for registered articles.

## Air-mail parcels.

3.—La liberté du transit des colis-avion est garantie dans le territoire entier de l'Union. Toutefois, les Administrations qui n'ont pas adhéré à l'Arrangement concernant les colis postaux ne peuvent être obligées de participer à l'acheminement, par les voies terrestres et maritimes, des colis-avion.

3. Liberty of transit for air-mail parcels is guaranteed throughout the entire territory of the Union. However, the Administrations which have not adhered to the Agreement concerning parcel post may not be obliged to participate in the transmission of air-mail parcels by the land and sea routes.

## ARTICLE 27.

## ARTICLE 27

Interdiction de taxes non prévues.

*Prohibition against unauthorized charges*

## Prohibition against unauthorized charges.

Il est interdit de percevoir des taxes postales, de quelque nature que ce soit, autres que celles qui sont prévues par la Convention et les Arrangements.

It is forbidden to collect postal charges of any kind whatever other than those prescribed by the Convention and Agreements.

## ARTICLE 28.

## ARTICLE 28

Suspension temporaire de services.

*Temporary suspension of services*

## Temporary suspension of services.

Lorsque, par suite de circonstances extraordinaires, une Administration se voit obligée de suspendre temporairement et d'une manière générale ou partielle l'exécution de services, elle est tenue d'en donner immédiatement avis, au besoin par télégraphe, à l'Administration ou aux Administrations intéressées.

When, as a result of exceptional circumstances, an Administration finds itself obliged to suspend the execution of services temporarily, in whole or in part, it is bound to give notice thereof immediately, by telegraph if necessary, to the Administration or Administrations concerned.

## ARTICLE 29.

## ARTICLE 29

Monnaie-type.

*Monetary standard*

## Monetary standard.

Le franc pris comme unité monétaire dans les dispositions de la Convention et des Arrangements est le franc-or à 100 cen-

The franc used as the monetary unit in the provisions of the Convention and Agreements is the gold franc of 100 centimes weigh-

times d'un poids de 10/31<sup>e</sup> de gramme et d'un titre de 0,900. ing 10/31 of a gram and having a fineness of 0.900.

## ARTICLE 30.

## Equivalents.

Dans chaque Pays de l'Union, les taxes sont établies d'après une équivalence correspondant aussi exactement que possible, dans la monnaie de ce Pays, à la valeur du franc.

## ARTICLE 31.

## Formules. Langue.

1.—Les formules à l'usage des Administrations pour leurs relations réciproques doivent être rédigées en langue française, avec ou sans traduction interlinéaire dans une autre langue, à moins que les Administrations intéressées n'en disposent autrement par une entente directe.

2.—Les formules à l'usage du public doivent comporter une traduction interlinéaire en langue française, lorsqu'elles ne sont pas imprimées en cette langue.

3.—Les textes, couleurs et dimensions des formules dont il est question aux §§ 1 et 2 doivent être ceux que prescrivent les Règlements de la Convention et des Arrangements.

4.—Les Administrations peuvent s'entendre au sujet de la langue à employer pour la correspondance de service dans leurs relations réciproques.

## ARTICLE 32.

## Cartes d'identité.

1.—Chaque Administration peut délivrer, aux personnes qui en font la demande, des cartes d'identité valables comme pièces justificatives pour toutes les transactions effectuées par les bureaux de poste des Pays qui n'auraient pas notifié leur refus de les admettre.

2.—L'Administration qui fait délivrer une carte d'identité est autorisée à percevoir, de ce chef, une taxe qui ne peut être supérieure à 70 centimes.

## ARTICLE 30

*Equivalents*

In each country of the Union, the postage rates are fixed according to equivalents corresponding as exactly as possible to the value of the franc in the money of that country.

## ARTICLE 31

*Forms. Language*

1. The forms used by the Administrations in their reciprocal relations shall be drawn up in the French language, with or without an interlinear translation in another language, unless the Administrations concerned arrange otherwise by direct agreement.

2. The forms used by the public shall include an interlinear translation in the French language when they are not printed in that language.

3. The texts, colors and dimensions of the forms mentioned in Sections 1 and 2 shall be those prescribed by the Regulations of the Convention and of the Arrangements.

4. Administrations may come to agreements as to the language to be employed for official correspondence in their reciprocal relations.

## ARTICLE 32

*Identity cards*

1. Any Administration may issue, to persons who apply for them, identity cards valid as proof of identity for all post-office business in the countries which have not given notice of their refusal to admit them.

2. The Administration issuing an identity card is authorized to collect a charge therefor not exceeding 70 centimes.

Equivalents.

Forms.

Use of French language.

Texts, dimensions, etc.

Official correspondence.

Issuance of identity cards.

Charge.

Release from responsibility.

3.—Les Administrations sont dégagées de toute responsabilité lorsqu'il est établi que la livraison d'un envoi postal ou le payement d'un mandat a eu lieu sur la présentation d'une carte d'identité régulière.

Elles ne sont pas, non plus, responsables des conséquences que peuvent entraîner la perte, la soustraction ou l'emploi frauduleux d'une carte d'identité régulière.

Validity.

4.—La carte d'identité est valable pendant trois ans à partir du jour de son émission.

3. Administrations are released from all responsibility when it is proved that a mail article was delivered or a money order paid upon presentation of a valid identity card.

Neither are they responsible for the consequences of loss, theft or fraudulent use of a valid identity card.

4. The identity card is valid for three years from the date of issue.

### TITRE III.

## DISPOSITIONS CONCERNANT LES CORRESPONDANCES POSTALES.

### CHAPITRE I.

#### DISPOSITIONS GÉNÉRALES.

#### ARTICLE 33.

#### Objets de correspondance.

Articles of correspondence; definition.

La dénomination d'objets de correspondance s'applique aux lettres, aux cartes postales simples et avec réponse payée, aux papiers d'affaires, aux imprimés, aux impressions en relief à l'usage des aveugles, aux échantillons de *merchandise*, aux petits paquets et aux envois dits «*Phonopost*».

Small packets.

Le service des petits paquets est limité aux pays qui conviennent de l'assurer dans leurs relations réciproques ou dans une seule direction.

#### ARTICLE 34.

#### Taxes et conditions générales.

Postage rates. Limits of weight and dimensions.

1.—Les taxes d'affranchissement pour le transport des objets de correspondance dans toute l'étendue de l'Union, y compris leur remise au domicile des destinataires dans les pays où le service de distribution est ou sera organisé, ainsi que les limites de

### TITLE III

## PROVISIONS CONCERNING POSTAL CORRESPONDENCE

### CHAPTER I

#### GENERAL PROVISIONS

#### ARTICLE 33

#### *Articles of correspondence*

The term *articles of correspondence* applies to letters, single and reply-paid post cards, commercial papers, prints, raised print for the blind, samples of merchandise, small packets, and *Phonopost* articles.

The service of small packets is limited to the countries which agree to execute it in their reciprocal relations or in one direction only.

#### ARTICLE 34

#### *Postage rates and general conditions*

1. The postage rates for the transportation of articles of correspondence throughout the entire extent of the Union, including their delivery at the residence of the addressees in countries where the delivery service is or may be established, and the limits of

poids et de dimensions sont fixées weight and dimensions, are fixed conformément aux indications du in accordance with the indications tableau ci-après: of the following table:

Objets 1	Unités de poids 2	Taxes 3	de poids 4	Limites de dimensions 5
Lettres (1er échelon de poids... (par échelon supplémentaire	g 20	c 20 12	2 kg.	Longueur, largeur et épaisseur additionnées: 90 cm., sans que la plus grande dimension puisse dépasser 60 cm.; en rouleau: longueur et deux fois le diamètre: 100 cm., sans que la plus grande dimension puisse dépasser 80 cm. Maxima: 15X10,5 cm. Minima: 10X7 cm.
Cartes postales (simples avec réponse payée	12	12	2 kg.	
Papiers d'affaires Minimum de taxe	50	4	2 kg.	
Imprimés	50	4	2 kg (3 kg pour les volumes expédiés isolément)	
Impressions en relief pour les aveugles	1000	2	7 kg.	Comme pour les lettres.
Echantillons de marchandises	50	4	500 g.	Les imprimés expédiés à découvert sous forme de cartes pliées ou non pliées sont soumis aux mêmes limites minima que les cartes postales.
Petits paquets	50	8	1 kg.	
Minimum de taxe	20	10	500 g.	Longueur, largeur et épaisseur additionnées: 60 cm., sans que la plus grande dimension puisse dépasser 26 cm.
Envois « Phonopost » (1er échelon de poids... par échelon supplémentaire mensuel	20	10	500 g.	

Articles 1	Units of weight 2	Rates 3	Weight 4	Limits of— Dimensions 5
Letters (First unit of weight... Each additional unit	g 20	c 20 12	2 kg.	Length, breadth, and thickness combined, 90 cm.; but greatest length, 60 cm.; in rolls: length and twice the diameter, 100 cm.; but greatest length, 80 cm. Maximum 15 by 10.5 cm.; minimum 10 by 7 cm.
Post cards (Single With reply paid	12	12	2 kg.	
Commercial papers Minimum charge	50	24	2 kg.	
Prints Minimum charge	50	20	2 kg. (3 kg. for single volumes).	As for letters. Prints sent open in the form of folded or unfolded cards are subject to the same minimum limits as post cards.
Raised print for the blind Samples of merchandise Minimum charge	1,000 50	2 4	7 kg. 500 g.	
Small packets Minimum charge	50	8	1 kg.	
Phonopost articles (First unit of weight... Each additional unit	20	15 10	500 g.	Length, breadth, and thickness combined, 60 cm.; but the greatest dimension may not exceed 26 cm.

2.—Les limites de poids et de dimensions fixées au § 1 ne s'appliquent pas aux correspondances relatives au service postal, dont il est question à l'article 49, § 1, ci-après.

3.—Dans les relations avec les Administrations qui ont donné leur consentement, chaque Administration a la faculté de con-

2. The limits of weight and dimensions fixed by Section 1 do not apply to the correspondence relative to the postal service mentioned in Article 49, Section 1, hereafter.

3. In relations with Administrations which have given their consent, each Administration has the option of granting to news-

Franked matter.

Post, p. 2074.

Newspapers and periodicals.

céder aux journaux et écrits périodiques publiés dans son pays une réduction de 50% sur le tarif général des imprimés, *tout en se réservant le droit de limiter cette réduction aux journaux et écrits périodiques* expédiés directement par les éditeurs ou leurs mandataires. Sont exclus de la réduction, quelle que soit la régularité de leur publication, les imprimés commerciaux tels que catalogues, prospectus, prix courants, etc.

Catalogs, etc.

Books, sheet music, etc.

Les Administrations peuvent également, avec le consentement des Administrations destinataires, concéder la même réduction, quels que soient les expéditeurs, aux livres et brochures, aux papiers de musique et aux cartes géographiques qui ne contiennent aucune publicité ou réclame autre que celle qui figure sur la couverture ou les pages de garde de ces envois.

Minimum charge.

*D'une manière générale, les Administrations expéditrices qui ont admis en principe la réduction de 50% se réservent la faculté de fixer, pour les envois visés aux 1er et 2e alinéas ci-dessus, un minimum de perception qui, tout en restant dans les limites des 50% de réduction, ne soit pas inférieur à la taxe applicable aux mêmes objets dans leur service interne.*

Restriction on articles.

4.—Les envois autres que les lettres recommandées sous enveloppe close ne peuvent renfermer des pièces de monnaie, des billets de banque, des billets de monnaie ou des valeurs quelconques au porteur, du platine, de l'or ou de l'argent, manufacturés ou non, des pierreries, des bijoux et autres objets précieux.

Enclosures intended for other than addressee.

5.—Les Administrations des pays d'origine et de destination ont la faculté de traiter, selon leur législation interne, les lettres qui contiennent des documents ayant le caractère de correspondance actuelle et personnelle à l'adresse de personnes autres que le destinataire ou les personnes habitant avec ce dernier.

Commercial papers, etc.

6.—Sauf les exceptions prévues au Règlement, les papiers d'affaires, les imprimés, les impres-

papers and periodicals published in its country a reduction of 50 per cent in the general rate for prints, while reserving the right to limit that reduction to newspapers and periodicals sent direct by the publishers or their representatives. There are excluded from the reduction, regardless of the regularity of their publication, commercial prints such as catalogs, prospectuses, price lists, etc.

Administrations may also, with the consent of the Administrations of destination, grant the same reduction, irrespective of the senders, to books and pamphlets, sheet-music and maps which do not contain any publicity or advertising other than that appearing on the covers or fly-leaves of these articles.

In a general manner, the Administrations of origin which have accepted, in principle, the reduction of 50 per cent, reserve the right to fix, for the articles contemplated in the 1st and 2d paragraphs above, a minimum charge which, while remaining within the limits of the reduction of 50 per cent, is not lower than the charge applicable to the same articles in their domestic service.

4. Articles other than registered letters in sealed envelopes may not contain coins, banknotes, paper money or any values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

5. The Administrations of the countries of origin and destination have the option of treating, in accordance with their domestic legislation, letters which contain documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

6. With the exceptions provided for in the Regulations, commercial papers, prints, prints

sions à l'usage des aveugles, les échantillons de marchandises et les petits paquets:

a) doivent être conditionnés de manière à pouvoir être facilement vérifiés;

b) ne peuvent porter aucune annotation ni contenir aucun document ayant le caractère de correspondance actuelle et personnelle;

c) ne peuvent contenir aucun timbre-poste, aucune formule d'affranchissement, oblitérés ou non, ni aucun papier représentatif d'une valeur.

7.—Les paquets d'échantillons de marchandises ne peuvent renfermer aucun objet ayant une valeur marchande.

8.—Le service des envois "Phonopost" est limité aux Pays qui se sont déclarés d'accord pour échanger ces envois, soit dans leurs relations réciproques, soit dans un seul sens.

Les dispositions applicables aux lettres s'appliquent également aux envois "Phonopost" en tout ce qui n'est pas expressément prévu pour cette dernière catégorie d'envois.

9.—La réunion en un seul envoi d'objets de correspondance de catégories différentes (objets groupés) est autorisée dans les conditions fixées par le Règlement.

10.—Sauf les exceptions prévues par la Convention et son Règlement, il n'est pas donné cours aux envois qui ne remplissent pas les conditions requises par le présent article et par les articles correspondants du Règlement.

Les objets qui auraient été admis à tort doivent être renvoyés à l'Administration d'origine. Toutefois, l'Administration de destination est autorisée à les remettre aux destinataires. Dans ce cas, elle leur applique, s'il y a lieu, les taxes et surtaxes prévues pour la catégorie de correspondances dans laquelle les font placer leur contenu, leur poids ou leurs dimensions. En ce qui concerne les envois dépassant les limites de poids maxima fixées au § 1, ils

for the use of the blind, samples of merchandise, and small packets shall:

(a) be made up in such a way as to be able to be easily inspected;

(b) not bear any annotation or contain any document having the character of actual personal correspondence;

(c) not contain any postage stamp or form of prepayment, canceled or uncanceled, or any paper representing a value.

7. Packages of samples of merchandise may not contain any article having a salable value.

8. The service of *Phonopost* articles is limited to the countries which have agreed to exchange such articles, either in their reciprocal relations or in one direction only.

The provisions applicable to letters are likewise applicable to *Phonopost* articles, in regard to everything not expressly prescribed for the latter class of articles.

9. The inclusion in a single package of articles of correspondence of different classes (grouped articles) is authorized under the conditions fixed by the Regulations.

10. With the exceptions provided for by the Convention and its Regulations, articles which do not fulfill the conditions prescribed by the present Article and the corresponding Articles of the Regulations are not forwarded.

Articles which have been wrongly accepted shall be returned to the country of origin. However, the Administration of destination is authorized to deliver them to the addressees. In such a case, it applies to them, if need be, the rates and surcharges prescribed for the class of correspondence in which they have to be placed because of their contents, weight or dimensions. As for articles exceeding the maximum weight-limits fixed

Samples of merchandise.

"Phonopost" service limited.

Provisions applicable.

Grouped articles.

Articles not forwarded.

Wrongly accepted articles.

Articles exceeding weight limits.

peuvent être taxés d'après leur poids réel.

by Section 1, they may be rated in accordance with their actual weight.

## ARTICLE 35.

## ARTICLE 35

## Affranchissement.

*Prepayment*

Prepayment.

En règle générale, tous les envois désignés à l'article 33 doivent être complètement affranchis par l'expéditeur.

As a general rule, all the articles designated in Article 33 must be fully prepaid by the sender.

Unprepaid, etc., articles.

Il n'est pas donné cours aux envois non ou insuffisamment affranchis autres que les lettres et les cartes postales simples, ni aux cartes postales avec réponse payée dont les deux parties ne sont pas entièrement affranchies au moment du dépôt.

Articles other than letters and single post cards which are unprepaid or insufficiently prepaid, or reply post cards both halves of which are not fully prepaid at the time of mailing, are not dispatched.

## ARTICLE 36.

## ARTICLE 36

Taxe en cas d'absence ou d'insuffisance d'affranchissement.

*Charge on unprepaid or insufficiently prepaid correspondence*

Charge on unprepaid, etc., correspondence.

Post, pp. 2078, 2137, 2138.

En cas d'absence ou d'insuffisance d'affranchissement et sauf les exceptions prévues par l'article 54, § 5, pour les envois recommandés et par l'article 147, §§ 3, 4 et 5, du Règlement pour certaines catégories d'envois réexpédiés, les lettres et les cartes postales simples sont passibles, à la charge des destinataires, d'une taxe double du montant de l'affranchissement manquant, sans que cette taxe puisse être inférieure à 5 centimes.

With the exceptions provided for by Article 54, Section 5, for registered articles, and by Article 147, Sections 3, 4, and 5 of the Regulations for certain classes of redirected articles, letters and single post cards not prepaid or insufficiently prepaid are liable to a charge equal to double the amount of the missing postage, to be paid by the addressee; but that charge may not be lower than 5 centimes.

Improperly dispatched articles.

Le même traitement peut être appliqué, dans les cas précités, aux autres objets de correspondance qui auraient été transmis à tort au pays de destination.

The same treatment may be applied, in the cases above contemplated, to other articles of correspondence which have been improperly dispatched to the country of destination.

## ARTICLE 37.

## ARTICLE 37

## Surtaxes.

*Surcharges*

Extraordinary services.

Pour tout objet transporté par des services extraordinaires donnant lieu à des frais spéciaux, il peut être perçu, en sus des taxes fixées par l'article 34, une surtaxe en rapport avec ces frais.

There may be collected, in addition to the rates fixed by Article 34, for every article transported by extraordinary services involving special expenses, a surcharge proportionate to those expenses.

Reply-paid post cards.

Lorsque le tarif d'affranchissement de la carte postale simple comprend la surtaxe autorisée par l'alinéa précédent, ce même tarif

When the rate of prepayment of the single post card includes the surcharge authorized by the preceding paragraph, the same

est applicable à chacune des parties de la carte postale avec réponse payée.

rate is applicable to each half of the reply-paid post card.

## ARTICLE 38.

## Taxes spéciales.

1.—Les Administrations sont autorisées à frapper d'une taxe additionnelle, selon les dispositions de leur législation, les objets remis à leurs services d'expédition en dernière limite d'heure.

2.—Les objets adressés poste restante peuvent être frappés par les Administrations des pays de destination de la taxe spéciale qui serait prévue par leur législation pour les objets de même nature du régime interne.

3.—Les Administrations des pays de destination sont autorisées à percevoir une taxe spéciale de 40 centimes au maximum pour chaque petit paquet remis au destinataire. Cette taxe peut être augmentée de 20 centimes au maximum en cas de remise à domicile.

## ARTICLE 38

*Special charges*

1. The Administrations are authorized to charge late fees in accordance with the provisions of their own legislation for articles posted in their services for dispatch after the mails have closed.

2. Articles addressed to general delivery may be subjected by the Administrations of the countries of destination to such special charge as may be prescribed by their legislation for articles of the same kind in the domestic service.

3. The Administrations of the countries of destination are authorized to levy a special charge of 40 centimes at most for each small packet delivered to the addressee. That charge may be increased by 20 centimes at most in case of delivery at the addressee's residence.

Late fees.

General delivery charges.

Special charges.

## ARTICLE 39.

## Objets passibles de droits de douane.

Les petits paquets et les imprimés passibles de droits de douane sont admis.

Il en est de même des lettres et des échantillons de marchandises contenant des objets passibles de droits de douane lorsque le pays de destination a donné son consentement.

Les envois de sérums et de vaccins, bénéficiant de l'exception stipulée à l'article 123 du Règlement, sont admis dans tous les cas.

## ARTICLE 39

*Dutiable articles*

Small packets and prints liable to customs duty are admitted.

The same applies to letters and samples of merchandise containing dutiable articles when the country of destination has given its consent.

Shipments of serums and vaccines, benefiting by the exception stipulated by Article 123 of the Regulations, are admitted in all cases.

Dutiable articles.

Post, p. 2123.

## ARTICLE 40.

## Contrôle douanier.

L'Administration du pays destinataire est autorisée à soumettre au contrôle douanier les envois cités à l'article 39 et, le cas échéant, à les ouvrir d'office.

## ARTICLE 40

*Customs inspection*

The Administration of the country of destination is authorized to submit the articles mentioned in Article 39 to customs inspection and, if necessary, to open them officially.

Customs inspection.

## ARTICLE 41.

## Droit de dédouanement.

Customs-clearance fee.

Les envois soumis au contrôle douanier dans le pays de destination peuvent être frappés de ce chef, au titre postal, d'un droit de dédouanement de 40 centimes au maximum par envoi.

## ARTICLE 41

*Customs-clearance fee*

Articles submitted to customs inspection in the country of destination may be charged on that account, by the postal service, with a customs-clearance fee of 40 centimes at most per article.

## ARTICLE 42.

## Droits de douane et autres droits non postaux.

Customs duties, etc.

Les Administrations sont autorisées à percevoir, sur les destinataires des envois, les droits de douane et tous autres droits non postaux éventuels.

## ARTICLE 42

*Customs duties and other non-postal charges*

The Administrations are authorized to collect from the addressees of mail articles the customs duties and all other non-postal charges which may be due.

## ARTICLE 43.

## Envois francs de droits.

Payment of charges by sender.

1.—Dans les relations entre les pays qui se sont déclarés d'accord à cet égard, les expéditeurs peuvent prendre à leur charge, moyennant déclaration préalable au bureau de départ, la totalité des droits postaux et non postaux dont les envois sont grevés à la livraison.

Surety.

Dans ce cas, les expéditeurs doivent s'engager à payer les sommes qui pourraient être réclamées par le bureau destinataire et, le cas échéant, verser des arrhes suffisantes.

Commission fee.

L'Administration destinataire est autorisée à percevoir un droit de commission qui ne peut dépasser 40 centimes par envoi. Ce droit est indépendant de celui qui est prévu à l'article 41.

Limitation.

2.—Toute Administration a le droit de limiter le service des envois francs de droits aux objets recommandés.

## ARTICLE 43

*Prepayment of customs duty, etc.*

1. In relations between countries which have come to an agreement to that effect, senders may, by means of a previous declaration at the office of mailing, assume payment of the whole of the postal and non-postal charges with which the articles are assessed on delivery.

In such a case, senders must promise to pay such amounts as may be claimed by the office of destination, and, if need be, post sufficient surety.

The Administration of destination is authorized to collect a commission fee which may not exceed 40 centimes per article. This fee is independent of the one provided for by Article 41.

2. Any Administration has the right to limit this prepayment service to registered articles.

## ARTICLE 44.

## Annulation des droits de douane et autres droits non postaux.

Cancellation of non-postal charges.

Les Administrations s'engagent à intervenir auprès des services intéressés de leur pays pour que les droits de douane et autres droits non postaux soient annulés sur les envois renvoyés au pays d'origine, détruits pour cause d'a-

## ARTICLE 44

*Cancellation of customs duty and other non-postal charges*

The Administrations undertake to make representations to the interested services of their countries with a view to having the customs duties and other non-postal charges annulled on articles returned to the country of origin,

varie complète du contenu ou réexpédiés sur un tiers pays. destroyed because of complete deterioration of the contents, or forwarded to a third country.

## ARTICLE 45.

## Envois exprès.

1.—Les objets de correspondance sont, à la demande des expéditeurs, remis à domicile par porteur spécial immédiatement après l'arrivée, dans les pays dont les Administrations consentent à se charger de ce service dans leurs relations réciproques.

2.—Ces envois, qualifiés «*exprès*», sont soumis, en sus du port ordinaire, à une taxe spéciale s'élevant, au minimum, au *montant* de l'affranchissement d'une lettre ordinaire de port simple et au maximum à 60 centimes. Cette taxe doit être acquittée *complètement à l'avance*.

3.—Lorsque le domicile du destinataire se trouve en dehors du rayon de distribution locale du bureau de destination, la remise par exprès peut donner lieu à la perception d'une taxe complémentaire jusqu'à concurrence de celle qui est fixée *pour les objets de même nature du régime interne*.

La remise par exprès n'est toutefois pas obligatoire dans ce cas.

4.—Les objets exprès non complètement affranchis pour le montant total des taxes payables à l'avance sont distribués par les moyens ordinaires, à moins qu'ils n'aient été traités comme exprès par le bureau d'origine. Dans ce dernier cas, les envois sont taxés d'après les dispositions de l'article 36.

5.—Il est loisible aux Administrations de s'en tenir à un seul essai de remise par exprès. Si cet essai est infructueux, l'objet peut être traité comme un envoi ordinaire.

## ARTICLE 46.

## Interdictions.

1.—L'expédition des objets visés dans la colonne 1 du tableau ci-

## ARTICLE 45

*Special-delivery articles*

1. Articles of correspondence are, at the request of the senders, delivered to the addressees by special messenger immediately after their arrival, in countries whose Administrations agree to undertake that service in their reciprocal relations.

2. Such articles, known as *special-delivery articles*, are liable, in addition to the regular postage, to a special fee amounting at least to the postage on an ordinary single-rate letter, and at most to 60 centimes. This fee must be fully prepaid.

3. When the addressee's residence is situated outside the local delivery zone of the office of destination, delivery by special messenger may give rise to the collection of a supplementary charge not exceeding that collected in the domestic service for articles of the same kind.

However, special delivery is not obligatory in such cases.

4. Special-delivery articles upon which the total amount of the charges payable in advance has not been prepaid are delivered by the ordinary means, unless they have been treated as special-delivery articles by the office of origin. In the latter case, the articles are rated in accordance with the provisions of Article 36.

5. It is permissible for Administrations to make only one attempt to deliver by special messenger. If such attempt is unsuccessful, the article may be treated as an ordinary article.

Special-delivery articles.

Fee.

Special messenger fee.

Unprepaid articles.

Ante, p. 2068.

Unsuccessful delivery attempts.

Prohibited articles.

Treatment of wrongly accepted articles.

après est interdite. Lorsque les envois qui contiennent ces objets ont été admis à tort à l'expédition, ils doivent subir le traitement indiqué dans la colonne 2.

table below is prohibited. When mail articles containing them have been wrongly accepted for mailing, they shall undergo the treatment indicated in Column 2.

Objets	Traitement des envois admis à tort
1	2
<p>a) Les objets qui, par leur nature ou leur emballage, peuvent présenter du danger pour les agents, salir ou détériorer les correspondances;</p> <p>b) les objets passibles de droits de douane (sauf les exceptions prévues à l'article 39) ainsi que les échantillons expédiés en nombre en vue d'éviter la perception de ces droits;</p> <p>c) l'opium, la morphine, la cocaïne et autres stupéfiants;</p> <p>d) les objets dont l'admission ou la circulation est interdite dans le pays de destination;</p> <p>e) les animaux vivants, à l'exception:</p> <p>1° des abeilles, des sangsues et des vers à soie;</p> <p>2° des parasites et des destructeurs d'insectes nocifs destinés au contrôle de ces insectes et échangés entre les institutions officiellement reconnues;</p> <p>f) les matières explosibles, inflammables ou dangereuses;</p> <p>g) les objets obscènes ou immoraux;</p>	<p>à traiter selon les règlements intérieurs de l'Administration qui en constate la présence; toutefois, les objets visés sous c) ne sont en aucun cas ni acheminés à destination, ni délivrés aux destinataires, ni renvoyés à l'origine;</p> <p>à détruire sur place par l'Administration qui en constate la présence.</p>

Articles	Treatment of articles wrongly accepted
1	2
<p>(a) Articles which, by their nature or packing, may expose postal employees to danger, or soil or damage the mails;</p> <p>(b) Articles liable to customs duty (with the exceptions provided for by Article 39), as well as samples sent in quantities for the purpose of avoiding the collection of such duty;</p> <p>(c) Opium, morphine, cocaine, and other narcotics;</p> <p>(d) Articles whose admission or circulation is prohibited in the country of destination;</p> <p>(e) Live animals, with the exception of:</p> <p>1° Bees, leeches and silkworms;</p> <p>2° Parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies;</p> <p>(f) Explosive, inflammable or dangerous substances;</p> <p>(g) Obscene or immoral articles.</p>	<p>To be treated in accordance with the domestic regulations of the Administration which discovers their presence; however, the articles mentioned under (c) are in no case either forwarded to destination, delivered to the addressees or returned to origin;</p> <p>To be destroyed on the spot by the Administration which discovers their presence.</p>

Notification of disposal.

2.—Dans les cas où des envois admis à tort à l'expédition ne seraient ni renvoyés à l'origine, ni remis au destinataire, l'Administration expéditrice doit être informée, d'une manière précise, du traitement appliqué à ces envois.

2. In cases where articles wrongly accepted for mailing are neither returned to origin nor delivered to the addressee, the dispatching Administration shall be notified, in a precise manner, of the disposal made of such articles.

Reservation.

3.—Est d'ailleurs réservé le droit de tout pays de ne pas effectuer, sur son territoire, le transport en transit à découvert des objets autres que les lettres et les cartes postales, à l'égard desquels il n'a pas été satisfait aux dispositions légales qui règlent les conditions de leur publication ou de leur circulation dans ce pays.

3. Moreover, the right is reserved for any country not to convey in transit in open mail over its territory articles other than letters and post cards in regard to which the legal provisions regulating the conditions of their publication or circulation in that country have not been observed.

Ces objets doivent être renvoyés à l'Administration d'origine.

Such articles shall be returned to the country of origin.

## ARTICLE 47.

## Modalités d'affranchissement.

1. — L'affranchissement est opéré, soit au moyen de timbres-poste valables dans le pays d'origine pour la correspondance des particuliers, soit au moyen d'empreintes de machines à affranchir, officiellement adoptées et fonctionnant sous le contrôle immédiat de l'Administration ou, en ce qui concerne les imprimés, au moyen d'empreintes à la presse d'imprimerie ou par un autre procédé lorsqu'un tel système d'impression est autorisé par les règlements intérieurs de l'Administration d'origine.

2.—Sont considérés comme dûment affranchis: les cartes-réponse portant, imprimés ou collés, des timbres-poste du pays d'émission de ces cartes, les envois régulièrement affranchis pour leur premier parcours et dont le complément de taxe a été acquitté avant leur réexpédition, ainsi que les journaux ou paquets de journaux et écrits périodiques dont la suscription porte la mention "Abonnements-poste" et qui sont expédiés en vertu de l'Arrangement concernant les abonnements aux journaux et écrits périodiques.

## ARTICLE 48.

## Affranchissement des correspondances à bord des navires.

Les correspondances déposées en pleine mer dans la boîte d'un navire ou entre les mains des agents des postes embarqués ou des commandants de navires peuvent être affranchies, sauf arrangement contraire entre les Administrations intéressées, au moyen de timbres-poste et d'après le tarif du pays auquel appartient ou dont dépend ledit navire. Si le dépôt à bord a lieu pendant le stationnement aux deux points extrêmes du parcours ou dans l'une des escales intermédiaires, l'affranchissement n'est valable que s'il est effectué au moyen de

## ARTICLE 47

*Methods of prepayment*

1. Prepayment of postage is effected either by means of postage stamps valid in the country of origin for the correspondence of private individuals, or by means of impressions of stamping machines officially adopted and operating under the immediate control of the Administration; or, in the case of prints, by means of impressions, printed or otherwise obtained, when such a system of indicia is authorized by the domestic regulations of the Administration of origin.

Means of indicating prepayment.

2. The following are considered as duly prepaid: Reply post cards bearing printed or adhesive postage stamps of the country of issue of such cards; articles regularly prepaid for their first transmission on which the additional postage has been paid before their redirection; as well as newspapers or packages of newspapers and periodicals whose address bears the words *Abonnements-poste* (Subscription by mail) which are sent under the Agreement concerning subscriptions to newspapers and periodicals.

Items considered prepaid.

## ARTICLE 48

*Prepayment of correspondence on board ships*

Correspondence mailed on the high seas, in the box on board a vessel, or handed to postal agents on board or to the commanders of vessels, may be prepaid, barring contrary agreement between the Administrations concerned, by means of the postage stamps and according to the postage rates of the country to which the said vessel belongs or by which it is maintained. If the mailing on board takes place during the stay at one of the two terminal points of the voyage or at one of the ports of call, the prepayment is valid only if it is effected by

Prepayment of correspondence on board ships.

timbres-poste et d'après le tarif du pays dans les eaux duquel se trouve le navire.

means of the postage stamps and according to the postage rates of the country in whose waters the vessel happens to be.

## ARTICLE 49.

## Franchise postale.

## Franking privilege.

1.—Sont exonérées de toutes taxes postales les correspondances relatives au service postal échangées entre les Administrations des postes, entre ces Administrations et le Bureau international, entre les bureaux de poste des pays de l'Union, et entre ces bureaux et les Administrations ainsi que celles dont le transport en franchise est expressément prévu par les dispositions de la Convention, des Arrangements et de leurs Règlements.

2.—*Sauf lorsqu'ils sont grevés de remboursement, les envois destinés aux prisonniers de guerre ou expédiés par eux sont également exonérés de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.*

Il en est de même des correspondances concernant les prisonniers de guerre, expédiées ou reçues, soit directement, soit à titre d'intermédiaire, par les bureaux de renseignements qui seraient établis éventuellement pour ces personnes dans des pays belligérants ou dans les pays neutres ayant recueilli des belligérants sur leur territoire.

Les belligérants recueillis et internés dans un pays neutre sont assimilés aux prisonniers de guerre proprement dits en ce qui concerne l'application des dispositions ci-dessus.

## ARTICLE 50.

## Coupons-réponse.

## Reply coupons.

Des coupons-réponse sont mis en vente dans les pays de l'Union.

## Selling price.

Le prix de vente en est déterminé par les Administrations intéressées, mais ne peut être inférieur à 28 centimes ou à l'équivalent dans la monnaie du pays de débit.

## ARTICLE 49

## Franking privilege

1. Correspondence relating to the postal service exchanged between Postal Administrations, between those Administrations and the International Bureau, between post offices of countries of the Union, and between those offices and the Administrations, as well as that for which the franking privilege is expressly provided by the stipulations of the Convention, the Agreements and their Regulations, is exempt from all postal charges.

2. Except when they bear C. O. D. charges, mail articles addressed to prisoners of war or mailed by them are likewise exempt from all postal charges, not only in the countries of origin and destination but also in the intermediary countries.

The same is true of correspondence concerning prisoners of war, sent or received either directly or as intermediary by the information offices which may be established on behalf of such persons in belligerent countries or in neutral countries which have received belligerents on their territory.

Belligerents received and interned in a neutral country are assimilated to prisoners of war properly so called, insofar as the application of the above provisions is concerned.

## ARTICLE 50

## Reply coupons

Reply coupons are placed on sale in the countries of the Union.

Their selling-price is determined by the interested Administrations, but may not be less than 28 centimes or the equivalent in money of the country selling them.

Chaque coupon est échangeable dans tout pays contre un timbre ou des timbres représentant l'affranchissement d'une lettre ordinaire de port simple originaire de ce pays à destination de l'étranger.

Est, en outre, réservée à chaque pays la faculté d'exiger le dépôt simultané des coupons-réponse et des envois de correspondance à affranchir en échange de ces coupons.

## ARTICLE 51.

Retrait. Modification d'adresse.

1.—L'expéditeur d'un objet de correspondance peut le faire retirer du service ou en faire modifier l'adresse tant que cet objet n'a pas été livré au destinataire.

2.—La demande à formuler à cet effet est transmise, par voie postale ou par voie télégraphique, aux frais de l'expéditeur qui doit payer, pour toute demande par voie postale, la taxe applicable à une lettre recommandée de port simple et, pour toute demande par voie télégraphique, la taxe du télégramme.

Si la demande de retrait ou de modification d'adresse concerne plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire, l'expéditeur paie, pour toute demande postale, la taxe applicable à une seule lettre recommandée de port simple et, pour toute demande télégraphique, la taxe du télégramme contenant les données de tous les envois visés.

## ARTICLE 52.

Réexpédition. Rebuts.

1.—En cas de changement de résidence du destinataire, les objets de correspondance lui sont réexpédiés, à moins que l'expéditeur n'ait interdit la réexpédition par une annotation portée sur la suscription en une langue connue dans le pays de destination.

Each coupon is exchangeable in any country for a stamp or stamps representing the postage on a single-rate ordinary letter originating in that country and addressed to a foreign country.

Moreover, the right is reserved for any country to require that the reply coupons and the articles of correspondence for the prepayment of which they are to be exchanged be presented at the same time.

## ARTICLE 51

*Withdrawal. Change of address*

1. The sender of an article of correspondence may cause it to be withdrawn from the mails or have its address changed, provided that such article has not been delivered to the addressee.

2. The request to be made to that effect is sent by mail or by telegraph at the expense of the sender, who shall pay, for every request by mail, the charge applicable to a single-rate registered letter; and, for every request by telegraph, the charge for the telegram.

If the request for withdrawal or modification of address relates to several articles mailed simultaneously at the same office by the same sender addressed to the same addressee, the sender pays, for every request by mail, the charge applicable to one single-rate registered letter; and, for every request by telegraph, the charge for the telegram containing the particulars of all the articles contemplated.

## ARTICLE 52

*Forwarding. Undelivered correspondence*

1. In case of change of residence by the addressee, articles of correspondence are forwarded to him, unless the sender has forbidden the forwarding by a notation placed on the address side in a language known in the country of destination.

Exchangeability.

Right reserved.

Withdrawal; change of address.

Charge.

Forwarding.

Undeliverable correspondence.

2.—Les correspondances tombées en rebut doivent être renvoyées immédiatement au pays d'origine.

2. Correspondence which is undeliverable shall be returned immediately to the country of origin.

Retention of correspondence.

3.—Le délai de conservation des correspondances gardées en instance à la disposition des destinataires ou adressées poste restante est fixé par les règlements du pays de destination. Toutefois, ce délai ne peut dépasser, en règle générale, deux mois, sauf dans des cas particuliers où l'Administration de destination juge nécessaire de le prolonger jusqu'à quatre mois au maximum. Le renvoi au pays d'origine doit avoir lieu dans un délai plus court, si l'expéditeur l'a demandé par une annotation portée sur la suscription en une langue connue dans le pays de destination.

3. The period of retention for correspondence held at the disposal of the addressees or addressed to general delivery is fixed by the regulations of the country of destination. However, such period may not exceed two months as a general rule, except in particular cases where the Administration of destination deems it necessary to extend it to four months at most. The return to the country of origin must take place within a shorter period, if the sender has so requested by a notation placed on the address side in a language known in the country of destination.

Prints.

4.—Les imprimés dénués de valeur ne sont pas renvoyés, sauf si l'expéditeur en a demandé le retour par une annotation portée sur l'envoi. Les imprimés recommandés doivent toujours être renvoyés.

4. Prints without value are not returned, unless the sender has requested their return by a notation placed on the article. Registered prints shall always be returned.

No extra charge for forwarding, etc.; exceptions.

5.—La réexpédition d'objets de correspondance de pays à pays ou leur renvoi au pays d'origine ne donne lieu à la perception d'aucun supplément de taxe, sauf les exceptions prévues au Règlement.

5. The forwarding of articles of correspondence from country to country, or their return to the country of origin, does not give rise to the collection of any additional charge, apart from the exceptions provided for by the Regulations.

Forwarded or returned articles.

6.—Les objets de correspondance qui sont réexpédiés ou tombés en rebut sont livrés aux destinataires ou aux expéditeurs contre paiement des taxes dont ils ont été grevés au départ, à l'arrivée ou en cours de route par suite de réexpédition au-delà du premier parcours, sans préjudice du remboursement des droits de douane ou autres frais spéciaux dont le pays de destination n'accorde pas l'annulation.

6. Forwarded or returned articles of correspondence are delivered to the addressees or senders upon payment of the charges due on them on departure, on arrival or in the course of transmission, as a result of redirection after the first transmission, without prejudice to the repayment of the customs duties or other special charges which the country of destination does not agree to cancel.

General-delivery, etc., fees canceled.

7.—En cas de réexpédition sur un autre pays ou de non-remise, la taxe de poste restante, le droit de dédouanement, le droit de commission, la taxe complémentaire d'express et le droit spécial de remise aux destinataires des petits paquets sont annulés.

7. In case of forwarding to another country, or of non-delivery, the general-delivery fee, the customs-clearance fee, the commission fee, the additional special-delivery fee, and the special fee for the delivery of small packets to the addressees, are canceled.

## ARTICLE 53.

## ARTICLE 53

## Réclamations et demandes de renseignements.

## Inquiries and requests for information

1.—La réclamation ou la demande de renseignements concernant tout envoi peut donner lieu à la perception d'un droit de 40 centimes au maximum.

1. An inquiry or request for information as to the disposal made of any article may give rise to the collection of a fee of 40 centimes at most.

Inquiries and requests for information. Fee.

Ce droit n'est perçu qu'une seule fois pour les réclamations ou les demandes de renseignements concernant plusieurs envois déposés simultanément par le même expéditeur à l'adresse du même destinataire.

That fee is collected only once for inquiries or requests for information concerning several articles mailed simultaneously by the same sender addressed to the same addressee.

En ce qui concerne les envois recommandés, aucun droit n'est perçu si l'expéditeur a déjà acquitté le droit spécial pour un avis de réception.

As for registered articles, no fee is collected if the sender has already paid the special fee for a return receipt.

2.—Les réclamations ne sont admises que dans le délai d'un an à compter du lendemain du dépôt de l'envoi.

2. Inquiries are accepted only within the period of one year, counting from the day following the date of mailing of the article.

Time limit.

Chaque Administration est, toutefois, tenue de donner suite aux simples demandes de renseignements, introduites après ce délai, dont elle est saisie par une autre Administration au sujet d'envois expédiés depuis moins de deux ans.

However, every Administration is bound to comply with simple requests for information presented after that period which it receives from another Administration regarding articles mailed less than two years previously.

3.—Chaque Administration est obligée d'accepter les réclamations et les demandes de renseignements concernant des envois déposés sur le territoire d'autres Administrations.

3. Every Administration is obliged to accept inquiries and requests for information concerning articles mailed on the territory of other Administrations.

Acceptance of inquiries, etc.

4.—Lorsqu'une réclamation ou une demande de renseignements a été motivée par une faute de service, le droit perçu de ce chef est restitué.

4. When an inquiry or a request for information has been made necessary through a fault of the service, the fee collected therefor is returned.

Return of fee.

## CHAPITRE II.

## CHAPTER II

## ENVOIS RECOMMANDÉS.

## REGISTERED ARTICLES

## ARTICLE 54.

## ARTICLE 54

## Taxes.

## Charges

1.—Les objets de correspondance désignés à l'article 33 peuvent être expédiés sous recommandation.

1. The articles of correspondence designated in Article 33 may be sent under registration.

Registration charges. *Ante*, p. 2064.

2.—La taxe de tout envoi recommandé doit être acquittée à l'avance. Elle se compose:

- a) du port ordinaire de l'envoi, selon sa nature;
- b) d'un droit fixe de recommandation de 40 centimes au maximum.

Le droit fixe de recommandation afférent à la partie «Réponse» d'une carte postale ne peut être valablement acquitté que par l'expéditeur de cette partie.

3. — Un récépissé doit être délivré gratuitement, au moment du dépôt, à l'expéditeur d'un envoi recommandé.

4.—Les pays disposés à se charger des risques pouvant dériver du cas de force majeure sont autorisés à percevoir une taxe spéciale de 40 centimes au maximum pour chaque envoi recommandé.

5. — Les envois recommandés non ou insuffisamment affranchis qui auraient été transmis à tort au pays de destination sont passibles, à la charge des destinataires, d'une taxe égale au montant de l'affranchissement manquant.

2. The postage on all registered articles must be paid in advance. It consists of:

- (a) The ordinary postage on the article, according to its class;
- (b) A fixed registration fee of 40 centimes at most.

The fixed registration fee applicable to the reply half of a post card can not be legally paid by anyone but the sender of that half.

3. A receipt shall be delivered without charge to the sender of a registered article at the time of mailing.

4. Countries disposed to undertake risks arising from *force majeure* (causes beyond control) are authorized to collect a special charge of 40 centimes at most for each registered article.

5. Unprepaid or insufficiently prepaid registered articles which have been wrongly sent to the country of destination are liable, at the expense of the addressees, to a charge equal to the amount of the missing postage.

Receipt.

Special fee for certain risks.

Collection of missing postage.

#### ARTICLE 55.

##### Avis de réception.

L'expéditeur d'un envoi recommandé peut demander un avis de réception en payant, au moment du dépôt, un droit fixe de 30 centimes au maximum.

L'avis de réception peut être demandé postérieurement au dépôt de l'envoi dans le délai *d'un an* et moyennant la taxe prévue à l'article 53 pour les réclamations.

#### ARTICLE 56.

##### Etendue de la responsabilité.

1.—Sauf les cas prévus à l'article 57 ci-après, les Administrations répondent de la perte des envois recommandés.

L'expéditeur a droit, de ce chef, à une indemnité dont le montant est fixé à 50 francs par objet.

Seizure by customs.

2.—Les Administrations n'assument aucune responsabilité

#### ARTICLE 55

##### Return receipts

The sender of a registered article may request a return receipt by paying, at the time of mailing, a fixed charge of 30 centimes at most.

The return receipt may be requested after the mailing of the article, within the period of one year and upon payment of the fee prescribed by Article 53 for inquiries.

#### ARTICLE 56

##### Extent of responsibility

1. With the exceptions provided for by Article 57 following, Administrations are responsible for the loss of registered articles.

The sender is entitled, on that account, to indemnity, the amount of which is fixed at 50 francs per article.

2. Administrations assume no responsibility for articles seized

Return receipts; charge, etc.

Loss of registered articles.

pour les envois saisis par la douane par suite de fausse déclaration de leur contenu.

by the customs as a result of false declaration of their contents.

## ARTICLE 57.

Exceptions au principe de la responsabilité.

Les Administrations sont dégagées de toute responsabilité pour la perte d'envois recommandés:

a) en cas de force majeure; toutefois, la responsabilité subsiste à l'égard de l'Administration expéditrice qui a accepté de couvrir les risques de force majeure (article 54, § 4). Le pays responsable de la perte doit, suivant sa législation intérieure, décider si cette perte est due à des circonstances constituant un cas de force majeure;

b) lorsque, la preuve de leur responsabilité n'ayant pas été administrée autrement, elles ne peuvent rendre compte des envois par suite de la destruction des documents de service résultant d'un cas de force majeure;

c) lorsqu'il s'agit d'envois dont le contenu tombe sous le coup des interdictions prévues aux articles 34, §§ 4 et 6, lettre c), et 46, § 1;

d) lorsque l'expéditeur n'a formulé aucune réclamation dans le délai d'un an prévu à l'article 53.

## ARTICLE 58.

Cessation de la responsabilité.

Les Administrations cessent d'être responsables des envois recommandés dont elles ont effectué la remise dans les conditions prescrites par leur règlement intérieur pour les envois de même nature.

## ARTICLE 59.

Payement de l'indemnité.

L'obligation de payer l'indemnité incombe à l'Administration dont relève le bureau expéditeur de l'envoi, sous réserve de son droit de recours contre l'Administration responsable.

## ARTICLE 57

*Exceptions to the principle of responsibility*

Administrations are released from all responsibility for loss of registered articles:

(a) In case of *force majeure*; however, responsibility is maintained in regard to an Administration of origin which has undertaken to cover risks of *force majeure* (Article 54, Section 4). The country responsible for the loss must decide, in accordance with its domestic legislation, whether such loss is due to circumstances constituting a case of *force majeure*;

(b) When, proof of their responsibility not having been furnished otherwise, they can not account for articles as a result of destruction of service records due to a case of *force majeure*;

(c) When it is a question of articles whose contents fall within the scope of the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1;

(d) When the sender has not made any inquiry within the period of one year contemplated by Article 53.

Release from responsibility in certain cases.

*Ante*, pp. 2066, 2067, 2071.

## ARTICLE 58

*Termination of responsibility*

Administrations cease to be responsible for registered articles the delivery of which they have effected under the conditions prescribed by their domestic regulations for articles of the same nature.

Termination of responsibility.

## ARTICLE 59

*Payment of indemnity*

The obligation of paying indemnity falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

Payment of indemnity.

## ARTICLE 60.

## ARTICLE 60

Délai de paiement de l'indemnité. *Period for payment of indemnity*

Period for payment.

1.—Le paiement de l'indemnité doit avoir lieu le plus tôt possible et, au plus tard, dans le délai de six mois à compter du lendemain du jour de la réclamation. Ce délai est porté à neuf mois dans les relations avec les pays éloignés.

1. Payment of indemnity must take place as soon as possible, and at the latest within the period of six months, counting from the day following the date of the inquiry. That period is extended to nine months in relations with distant countries.

Postponement.

L'Administration expéditrice qui n'accepte pas de se charger des risques dérivant du cas de force majeure peut différer le règlement de l'indemnité au-delà du délai prévu à l'alinéa précédent lorsque la question de savoir si la perte de l'envoi est due à un cas de l'espèce n'est pas tranchée.

A dispatching Administration which does not accept risks arising from *force majeure* may postpone settlement for the indemnity beyond the period prescribed by the preceding paragraph when the question of knowing whether the loss of the article was due to a case of that kind has not yet been settled.

2.—L'Administration d'origine est autorisée à désintéresser l'expéditeur pour le compte de l'Administration intermédiaire ou destinataire qui, régulièrement saisie, a laissé s'écouler trois mois sans donner de solution à l'affaire; ce délai est porté à six mois dans les relations avec les pays éloignés.

2. The Administration of origin is authorized to settle with the sender on behalf of an Administration of intermediation or destination which, duly notified, has let three months pass without settling the matter; that period is extended to six months in relations with distant countries.

## ARTICLE 61.

## ARTICLE 61

Détermination de la responsabilité.

*Fixing of responsibility*

Responsibility for loss.

Receiving administration.

1.—Jusqu'à preuve du contraire, la responsabilité pour la perte d'un envoi recommandé incombe à l'Administration qui, ayant reçu l'objet sans faire d'observation et étant mise en possession de tous les moyens réglementaires d'investigation, ne peut établir ni la délivrance au destinataire ni, s'il y a lieu, la transmission régulière à l'Administration suivante.

1. Until the contrary is proved, responsibility for the loss of a registered article falls on the Administration which, having received the article without making any observations, and, being furnished all particulars of inquiry prescribed by the regulations, can not establish either delivery to the addressee or regular transmission to the next Administration, as the case may be.

Administration of intermediation or destination.

Une Administration intermédiaire ou destinataire est, jusqu'à preuve du contraire, déchargée de toute responsabilité:

An Administration of intermediation or destination is, until the contrary is proved, released from all responsibility:

*Post*, p. 2154.

a) lorsqu'elle a observé les dispositions de l'article 162, § 3, du Règlement;

(a) When it has observed the provisions of Article 162, Section 3, of the Regulations;

b) lorsqu'elle peut établir qu'elle n'a été saisie de la réclamation qu'après la destruction des documents de service relatifs à l'envoi recherché, le délai de garde prévu

(b) When it can establish that it did not receive the inquiry until after the destruction of the service records relating to the article sought, the retention-period pre-

à l'article 181 du Règlement étant expiré; cette réserve ne porte pas atteinte aux droits du réclamant.

Toutefois, si la perte a eu lieu en cours de transport sans qu'il soit possible d'établir sur le territoire ou dans le service de quel pays le fait s'est accompli, les Administrations en cause supportent le dommage par parts égales.

2.—Lorsqu'un objet recommandé a été perdu dans des circonstances de force majeure, l'Administration sur le territoire ou dans le service de laquelle la perte a eu lieu n'en est responsable envers l'Administration expéditrice que si les deux pays se chargent des risques dérivant du cas de force majeure.

3.—Les droits de douane et autres dont l'annulation n'a pu être obtenue tombent à la charge des Administrations responsables de la perte.

4.—L'Administration qui a effectué le paiement de l'indemnité est subrogée, jusqu'à concurrence du montant de cette indemnité, dans les droits de la personne qui l'a reçue, pour tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

5.—En cas de découverte ultérieure d'un envoi recommandé considéré comme perdu, la personne à qui l'indemnité a été payée doit être avisée qu'elle peut prendre possession de l'envoi contre restitution du montant de l'indemnité.

#### ARTICLE 62.

Remboursement de l'indemnité à l'Administration expéditrice.

1.—L'Administration responsable ou pour le compte de laquelle le paiement est effectué en conformité de l'article 60 est tenue de rembourser à l'Administration expéditrice, dans un délai de trois mois à compter de l'envoi de la notification du paiement, le montant de l'indemnité effectivement payée à l'expéditeur.

scribed by Article 181 of the Regulations having expired; this reservation does not affect the rights of the claimant.

However, if the loss has taken place in the course of transmission, without its being possible to determine on the territory or in the service of what country the loss occurred, the Administrations concerned bear the loss in equal shares.

2. When a registered article has been lost under circumstances of *force majeure*, the Administration on whose territory or in whose service the loss took place is not responsible therefor to the Administration of origin unless both countries undertake risks arising from cases of *force majeure*.

3. The customs duties and other charges whose cancelation it has been impossible to obtain are charged to the Administrations responsible for the loss.

4. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person who has received it for all eventual recourse against the addressee, the sender, or third parties.

5. In case of subsequent recovery of a registered article considered as lost, the person to whom indemnity has been paid shall be advised that he may obtain possession of the article upon repayment of the amount of the indemnity.

#### ARTICLE 62

*Repayment of the indemnity to the Administration of origin*

1. The Administration which is responsible, or on whose behalf payment is made in accordance with Article 60, is bound to reimburse the Administration of origin, within a period of three months, counted from the sending of the notification of payment, for the amount of indemnity actually paid to the sender.

*Post*, p. 2176.

Undeterminable responsibility.

Loss by force majeure.

Customs duties, etc.

Subrogation.

Recovery of lost article.

Reimbursement for indemnity paid.

Si l'indemnité doit être supportée par plusieurs Administrations en conformité de l'article 61, l'intégralité de l'indemnité due doit être versée à l'Administration expéditrice, dans le délai mentionné à l'alinéa précédent, par la première Administration qui, ayant dûment reçu l'envoi réclamé, ne peut en établir la transmission régulière au service correspondant. Il appartient à cette Administration de récupérer sur les autres Administrations responsables la quote-part éventuelle de chacune d'elles dans le dédommagement de l'ayant droit.

Method of reimbursement.

2.—Le remboursement à l'Administration créancière s'effectue sans frais pour cette Administration, soit au moyen d'un mandat de poste, d'un chèque ou d'une traite payable à vue sur la capitale ou sur une place commerciale du pays créancier, soit en espèces ayant cours dans ce pays.

Lorsque la responsabilité a été reconnue, de même que dans le cas prévu à l'article 60, § 2, le montant de l'indemnité peut également être repris d'office sur le pays responsable par la voie d'un décompte quelconque, soit directement, soit par l'intermédiaire d'une Administration qui échange régulièrement des décomptes avec l'Administration responsable.

Passé le délai de trois mois, la somme due à l'Administration expéditrice est productive d'intérêt à raison de 5% l'an à compter du jour de l'expiration dudit délai.

Time limit.

3.—L'Administration d'origine ne peut réclamer le remboursement de l'indemnité à l'Administration responsable que dans le délai *d'un an* à compter de l'envoi de la notification de la perte, ou, s'il y a lieu, du jour de l'expiration du délai prévu à l'article 60, § 2.

Delay in making payment; penalty.

4.—L'Administration dont la responsabilité est dûment établie et qui a tout d'abord décliné le paiement de l'indemnité doit prendre à sa charge tous les frais accessoires résultant du retard non justifié apporté au paiement.

If the indemnity must be paid by several Administrations in conformity with article 61, the whole of the indemnity due must be turned over to the Administration of origin, within the period mentioned in the preceding paragraph, by the first Administration which, having duly received the article inquired about, can not establish its regular transmission to the corresponding service. It is incumbent upon that Administration to recover from the other responsible Administrations any share of each of them in the indemnity paid to the rightful claimant.

2. The reimbursement of the creditor Administration is effected without expense for that Administration by means of either a money order, a check or a draft payable at sight on the capital or a commercial city of the creditor country, or in coin current in that country.

When responsibility has been acknowledged, as well as in the case contemplated by Article 60, Section 2, the amount of indemnity may likewise be recovered from the responsible country officially through any account, either directly or through the intermediary of an Administration which regularly exchanges accounts with the responsible Administration.

At the expiration of the period of three months, the sum due to the Administration of origin bears interest at the rate of 5 per cent a year, counting from the date of expiration of the said period.

3. The Administration of origin may claim repayment of the indemnity from the responsible Administration only within the period of one year, counting from the date of sending the notification of the loss; or, if occasion arises, from the date of expiration of the period contemplated by Article 60, Section 2.

4. An Administration whose responsibility is duly established and which has at first declined to pay the indemnity must bear all the additional expenses resulting from the unjustified delay in making payment.

5.—Les Administrations peuvent s'entendre pour liquider périodiquement les indemnités qu'elles ont payées aux expéditeurs et dont elles ont reconnu le bien-fondé.

5. Administrations may agree among themselves to make periodical settlements of the indemnities which they have paid to the senders and the justness of which they have recognized.

Periodical settlements.

### CHAPITRE III.

#### ENVOIS CONTRE REMBOURSEMENT.

##### ARTICLE 63.

Taxes et conditions. Liquidation.

1.—Les correspondances recommandées peuvent être expédiées contre remboursement dans les relations entre les pays dont les Administrations conviennent d'assurer ce service.

2.—Les objets expédiés contre remboursement sont soumis aux formalités et aux taxes des envois recommandés. En outre, l'expéditeur paie à l'avance:

a) une taxe fixe qui ne peut dépasser 40 centimes par envoi et un droit proportionnel de  $\frac{1}{2}\%$  au maximum du montant du remboursement, s'il désire que ce montant soit liquidé au moyen d'un mandat de remboursement émis gratuitement à son profit;

b) une taxe fixe de 20 centimes au maximum, s'il demande la liquidation au moyen d'un versement en compte courant postal dans le pays de destination de l'envoi.

3.—Le mode de liquidation prévu au § 2, lettre b), n'est admis que si les Administrations intéressées se chargent d'appliquer ce procédé de liquidation. L'Administration de destination verse en compte courant, au moyen d'un bulletin de versement du régime intérieur, le montant encaissé sur le destinataire, après déduction d'une taxe fixe de 20 centimes au maximum et de la taxe ordinaire des versements applicable dans son service intérieur.

4.—Quel que soit le mode de liquidation, le montant maximum du remboursement est égal à celui qui est fixé pour les mandats de poste à destination du pays d'origine de l'envoi.

### CHAPTER III

#### COLLECT-ON-DELIVERY ARTICLES

##### ARTICLE 63

*Rates and conditions. Settlement*

1. Registered articles may be sent C. O. D. in relations between countries whose Administrations agree to perform such service.

2. Articles sent C. O. D. are subject to the conditions and rates applicable to registered articles. Moreover, the sender pays in advance:

(a) A fixed fee which may not exceed 40 centimes per article and a proportional fee of  $\frac{1}{2}$  per cent at most of the amount of the C. O. D. charge, if he desires that such amount be settled by means of a C. O. D. money order issued free of charge in his favor;

(b) A fixed fee of 20 centimes at most, if he requests settlement by means of a transfer to a current postal-check account in the country of destination of the article.

3. The method of settlement contemplated by Section 2, letter (b), is permitted only if the Administrations concerned undertake to apply such procedure for settlement. The Administration of destination turns over to the current account, by means of a domestic transfer bulletin, the amount collected from the addressee, after deducting a fixed fee of 20 centimes at most and the ordinary transfer fee applicable in its domestic service.

4. Irrespective of the method of settlement, the maximum amount of the C. O. D. charge is equal to that fixed for money orders addressed to the country of origin of the article.

Rates and conditions.

Settlement.

Maximum charge.

Money in which charge expressed.

5.—Sauf arrangement contraire, le montant du remboursement est exprimé dans la monnaie du pays d'origine de l'envoi. Toutefois, en cas de versement en compte courant postal tenu dans le pays de destination de l'envoi, ce montant doit être indiqué dans la monnaie de ce pays.

5. In the absence of contrary agreement, the amount of the C. O. D. charge is expressed in money of the country of origin of the article. However, in case of transfer to a current postal-check account held in the country of destination of the article, such amount shall be indicated in money of that country.

Collection.

6.—Chaque Administration a la faculté d'adopter, pour la perception du droit proportionnel prévu au § 2, lettre a), l'échelle qui répond le mieux à ses convenances de service.

6. Each Administration has the option of adopting, for the collection of the proportional fee contemplated by Section 2, letter (a), the scale which is most convenient for its service.

ARTICLE 64.

ARTICLE 64

Annulation ou *modification* du montant du remboursement.

*Cancellation or modification of the amount to be collected*

Cancellation or modification of amount.

L'expéditeur d'un envoi recommandé grevé de remboursement peut demander le dégrèvement total ou partiel *ainsi que l'augmentation* du montant du remboursement. *Dans ce dernier cas, il doit payer pour le montant de la majoration le droit proportionnel fixé par l'article 63.*

The sender of a registered C. O. D. article may request total or partial cancellation of the amount to be collected, or an increase therein. In the latter case, he must pay, for the amount of the increase, the proportional fee fixed by Article 63.

Request provisions.

Les demandes de cette nature sont soumises aux mêmes dispositions que les demandes de retrait ou de modification d'adresse.

Requests of this nature are subject to the same provisions as requests for withdrawal or change of address.

Si la demande de dégrèvement total ou partiel *ou d'augmentation* du montant du remboursement doit être transmise par voie télégraphique, la taxe du télégramme est augmentée de la taxe applicable à une lettre recommandée de port simple.

If the request for total or partial cancellation of the C. O. D. charge or an increase therein must be sent by telegraph, the charge for the telegram is increased by the rate applicable to a single-rate registered letter.

ARTICLE 65.

ARTICLE 65

Responsabilité en cas de perte de l'envoi.

*Responsibility in case of loss of articles*

Responsibility for loss of articles.

La perte d'un envoi recommandé grevé de remboursement engage la responsabilité du service postal dans les conditions déterminées par les articles 56 et 57.

The loss of a registered C. O. D. article involves the responsibility of the postal service under the conditions laid down by Articles 56 and 57.

Ante, pp. 2078, 2079.

ARTICLE 66.

ARTICLE 66

Garantie des sommes encaissées régulièrement.

*Guarantee of sums regularly collected*

Guarantee of sums regularly collected.

Les sommes encaissées régulièrement du destinataire, qu'elles aient été ou non converties en

The sums regularly collected from the addressees, whether or not they have been converted

mandats de poste ou versées en compte courant postal, sont garanties à l'expéditeur dans les conditions déterminées par l'Arrangement concernant les mandats de poste ou par les prescriptions régissant le service des chèques et virements postaux.

into money orders or turned over to a current postal-check account, are guaranteed to the sender under the conditions laid down by the Agreement concerning money orders, or by the provisions governing the postal-check service.

## ARTICLE 67.

Indemnité en cas de non-encaissement du montant du remboursement, d'encaissement insuffisant ou frauduleux.

1.—Si l'envoi a été livré au destinataire sans encaissement du montant du remboursement, l'expéditeur a droit à une indemnité, pourvu qu'une réclamation ait été formulée dans le délai d'un an prévu à l'article 53 et à moins que le non-encaissement ne soit dû à une faute ou à une négligence de sa part, ou que le contenu de l'envoi ne tombe sous le coup des interdictions prévues aux articles 34, §§ 4 et 6, lettre c), et 46, § 1.

Il en est de même si la somme encaissée du destinataire est inférieure au montant du remboursement indiqué ou si l'encaissement a été effectué frauduleusement.

L'indemnité ne pourra dépasser, en aucun cas, le montant du remboursement.

2.—L'Administration qui a effectué le paiement de l'indemnité est subrogée, jusqu'à concurrence du montant de cette indemnité, dans les droits de la personne qui l'a reçue, pour tout recours éventuel, soit contre le destinataire, soit contre l'expéditeur ou contre des tiers.

## ARTICLE 68.

Sommes encaissées régulièrement. Indemnités. Paiement et recours.

L'obligation de payer les sommes encaissées régulièrement ou l'indemnité dont il est question à l'article 67 incombe à l'Administration dont relève le bureau expéditeur de l'envoi, sous réserve de son droit de recours contre l'Administration responsable.

## ARTICLE 67

*Indemnity in case of non-collection, insufficient or fraudulent collection of the C. O. D. charge*

1. If the article has been delivered to the addressee without collecting the amount of the C. O. D. charge, the sender is entitled to indemnity, provided that inquiry has been made within the period of one year prescribed by Article 53, and unless the non-collection is due to fault or negligence on his part, or unless the contents of the article come under the prohibitions laid down by Articles 34, Sections 4 and 6, letter (c), and 46, Section 1.

The same applies if the sum collected from the addressee is lower than the amount of the C. O. D. charge indicated, or if the collection has been made fraudulently.

In no case may the indemnity exceed the amount to be collected on delivery.

2. The Administration which has effected payment of the indemnity is subrogated up to the amount of such indemnity in the rights of the person who has received it for all eventual recourse against the addressee, the sender, or third parties.

Indemnity<sup>1</sup> or non-collection, etc.

*Ante*, p. 2077.

*Ante*, pp. 2066, 2067, 2071.

Deficiency or fraud.

Subrogation.

## ARTICLE 68

*Sums regularly collected. Indemnity. Payment and recourse*

The obligation of paying the sums regularly collected, or the indemnity referred to in Article 67, falls upon the Administration to which the office of origin of the article belongs, subject to its right to make a claim against the responsible Administration.

Payment of collections, etc.

## ARTICLE 69.

## Délai de paiement.

Period for indemnity payment.  
*Ante*, p. 2080.

Les dispositions de l'article 60 concernant les délais de paiement de l'indemnité pour la perte d'un envoi recommandé s'appliquent au paiement des sommes encaissées ou de l'indemnité pour les envois contre remboursement.

## ARTICLE 69

*Period for payment*

The provisions of Article 60 concerning the periods for payment of indemnity for the loss of a registered article are applicable to the payment of the sums collected or of the indemnity for C. O. D. articles.

## ARTICLE 70.

## Détermination de la responsabilité.

Fixing of responsibility.

Le paiement, par l'Administration expéditrice, des sommes encaissées régulièrement ou de l'indemnité prévue à l'article 67 se fait pour le compte de l'Administration destinataire. Celle-ci est responsable, à moins qu'elle ne puisse prouver que la faute est due à la non-observation d'une disposition réglementaire par l'Administration expéditrice.

## ARTICLE 70

*Fixing of responsibility*

The payment by the dispatching Administration of the sums regularly collected, or of the indemnity provided for by Article 67, is effected on behalf of the Administration of destination. The latter is responsible, unless it can prove that the irregularity was due to the failure of the dispatching Administration to observe a provision of the regulations.

En cas d'encaissement frauduleux à la suite de la disparition, dans le service, d'un envoi contre remboursement, la responsabilité des Administrations en cause est déterminée selon les règles prévues à l'article 61 pour la perte d'un envoi recommandé. Toutefois, la responsabilité d'une Administration intermédiaire qui ne participe pas au service des remboursements est limitée à celle qui est prévue aux articles 56 et 57 pour les envois recommandés. Les autres Administrations supportent par parts égales le montant non couvert.

In case of fraudulent collection as a result of the loss of a C. O. D. article in the service, the responsibility of the Administrations involved is determined in accordance with the rules laid down by Article 61 for the loss of a registered article. However, the responsibility of an intermediate Administration which does not participate in the C. O. D. service is limited to that prescribed by Articles 56 and 57 for registered articles. The other Administrations pay the amount not covered in equal shares.

*Ante*, p. 2080.

*Ante*, pp. 2078, 2079.

## ARTICLE 71.

## Remboursement des sommes avancées.

Repayment of advances.

L'Administration destinataire est tenue de rembourser à l'Administration expéditrice dans les conditions prévues à l'article 62 les sommes qui ont été avancées pour son compte.

## ARTICLE 71

*Repayment of sums advanced*

The Administration of destination is bound to reimburse the Administration of origin, under the conditions prescribed by Article 62, for the sums which have been advanced on its behalf.

*Ante*, p. 2081.

## ARTICLE 72.

## Mandats de remboursement et bulletins de versement.

C. O. D. money orders.

1.—Le montant d'un mandat de remboursement qui, pour un motif

## ARTICLE 72

*C. O. D. money orders and transfer bulletins*

1. The amount of a C. O. D. money order which, for any rea-

quelconque, n'a pas été payé au bénéficiaire, n'est pas remboursé à l'Administration d'émission. Il est tenu à la disposition du bénéficiaire par l'Administration expéditrice de l'envoi grevé de remboursement et revient définitivement à cette Administration après l'expiration du délai légal de prescription.

A tous les autres égards, et sous les réserves prévues au Règlement, les mandats de remboursement sont soumis aux dispositions fixées par l'Arrangement concernant les mandats de poste.

2.—Lorsque, pour une cause quelconque, un bulletin de versement émis en conformité des prescriptions de l'article 63 ne peut être porté au crédit du bénéficiaire indiqué par l'expéditeur de l'envoi contre remboursement, le montant de ce bulletin doit être mis, par l'Administration qui l'a encaissé, à la disposition de l'Administration d'origine pour être payé à l'expéditeur de l'envoi.

Si ce paiement ne peut être effectué, il est procédé comme il est prévu au § 1.

son, has not been paid to the payee, is not repaid to the Administration of issue. It is held at the disposal of the payee by the Administration or origin of the C. O. D. article, and finally reverts to that Administration, after the expiration of the period prescribed by law.

In all other respects, and apart from the exceptions laid down by the Regulations, C. O. D. money orders are subject to the provisions of the Agreement concerning money orders.

2. When, for any reason, a transfer bulletin issued in accordance with the provisions of Article 63 can not be entered to the credit of the payee indicated by the sender of the C. O. D. article, the amount of such bulletin shall be placed, by the Administration which has cashed it, at the disposal of the Administration of origin, to be paid to the sender of the article.

If this payment can not be effected, the procedure outlined in Section 1 is followed.

Transfer bulletins.

Ante, p. 2083.

#### ARTICLE 73.

Bonification de la taxe et du droit de remboursement.

L'Administration d'origine bonifie à l'Administration de destination, dans les conditions prescrites par le Règlement, une quote-part fixe de 20 centimes par remboursement, plus  $\frac{1}{4}\%$  de la somme totale des mandats de remboursement payés.

#### ARTICLE 73

*Sharing of C. O. D. charges and fees*

The Administration of origin credits the Administration of destination, under the conditions fixed by the Regulations, with a fixed quota of 20 centimes per C. O. D. article, plus  $\frac{1}{4}$  per cent of the total amount of C. O. D. money orders paid.

Sharing of C. O. D. charges and fees.

#### CHAPITRE IV.

ATTRIBUTION DES TAXES.  
FRAIS DE TRANSIT.

#### ARTICLE 74.

Attribution des taxes.

Sauf les cas expressément prévus par la Convention, chaque Administration garde en entier les taxes qu'elle a perçues.

#### CHAPTER IV

RETENTION OF POSTAGE.  
TRANSIT CHARGES

#### ARTICLE 74

*Retention of postage*

Except in cases expressly provided for by the Convention, each Administration retains the whole of the postage which it collects.

Retention of postage.

## ARTICLE 75.

## Frais de transit.

## Transit charges.

1.—Les correspondances échangées en dépêches closes entre deux Administrations, au moyen des services d'une ou de plusieurs autres Administrations (services tiers), sont soumises, au profit de chacun des pays traversés ou dont les services participent au transport, aux frais de transit indiqués dans le tableau suivant:

	Par kilogramme	
	de lettres et de cartes postales	d'autres objets
	Fr. c.	Fr. c.
<b>1° Parcours territoriaux:</b>		
Jusqu'à 1000 km.....	— 60	— 08
Au-delà de 1000 jusqu'à 2000 km.....	— 80	— 12
Au-delà de 2000 jusqu'à 3000 km.....	1. 20	— 16
Au-delà de 3000 jusqu'à 6000 km.....	2. —	— 24
Au-delà de 6000 jusqu'à 9000 km.....	2. 80	— 32
Au-delà de 9000 km.....	3. 60	— 40
<b>2° Parcours maritimes:</b>		
Jusqu'à 300 milles marins.....	— 60	— 08
Au-delà de 300 jusqu'à 1500 milles marins.....	1. 60	— 20
Entre l'Europe et l'Amérique du Nord.....	2. 40	— 32
Au-delà de 1500 jusqu'à 6000 milles marins.....	3. 20	— 40
Au-delà de 6000 milles marins.....	4. 80	— 60

## Maritime service.

2.—Les frais de transit pour le transport maritime sur un trajet n'excédant pas 300 milles marins sont fixés au tiers des sommes prévues au § 1, si l'Administration intéressée reçoit déjà, du chef des dépêches transportées, la rémunération afférente au transit territorial.

## Transit by two or more Administrations.

3.—En cas de transport maritime effectué par deux ou plusieurs Administrations, les frais du parcours maritime total ne peuvent pas dépasser 4 francs 80 par kilogramme de lettres et de cartes postales et 60 centimes par kilogramme d'autres objets. Le cas échéant, ces montants maxima sont répartis entre les Administrations participant au transport, au prorata des distances parcourues.

## ARTICLE 75

## Transit charges

1. Articles of correspondence exchanged in closed mails between two Administrations, by means of the services of one or more other Administrations (third services), are liable, for the benefit of each of the countries traversed or whose services participate in the conveyance, to the transit charges indicated in the following table:

	Per kilogram	
	of letters and post cards	of other articles
	Fr. c.	Fr. c.
<b>1° Territorial transit:</b>		
Up to 1,000 km.....	0. 60	0. 08
From 1,000 to 2,000 km.....	0. 80	0. 12
From 2,000 to 3,000 km.....	1. 20	0. 16
From 3,000 to 6,000 km.....	2. 00	0. 24
From 6,000 to 9,000 km.....	2. 80	0. 32
Over 9,000 km.....	3. 60	0. 40
<b>2° Maritime transit:</b>		
Up to 300 nautical miles.....	0. 60	0. 08
From 300 to 1,500 nautical miles.....	1. 60	0. 20
Between Europe and North America.....	2. 40	0. 32
From 1,500 to 6,000 nautical miles.....	3. 20	0. 40
Over 6,000 nautical miles.....	4. 80	0. 60

2. The transit charges for maritime conveyance on a route not exceeding 300 nautical miles are fixed at one-third the amounts set forth in Section 1, if the Administration concerned already receives, on account of the mails transported, compensation for territorial transit.

3. In the case of maritime transit effected by two or more Administrations, the total maritime transit charges may not exceed 4 francs 80 centimes per kilogram of letters and post cards or 60 centimes per kilogram of other articles. When occasion arises, those maximum amounts are divided between the Administrations taking part in the transportation in proportion to the distances traversed.

4.—Sont considérés comme services tiers, à moins d'arrangement contraire, les transports maritimes effectués directement entre deux pays au moyen de navires de l'un d'eux ainsi que les transports effectués entre deux bureaux d'un même pays par l'intermédiaire de services d'un autre pays.

5.—Sont considérés comme autres objets, en ce qui concerne le transit, les petits paquets, les journaux ou paquets de journaux et écrits périodiques expédiés en vertu de l'Arrangement concernant les abonnements aux journaux et écrits périodiques ainsi que les boîtes avec valeur déclarée expédiées en vertu de l'Arrangement concernant les lettres et les boîtes avec valeur déclarée.

6.—Les dépêches mal dirigées sont considérées, en ce qui concerne le paiement des frais de transit, comme si elles avaient suivi leur voie normale.

## ARTICLE 76.

## Exemption de frais de transit.

Sont exempts de tous frais de transit territorial ou maritime, les correspondances en franchise postale mentionnées à l'article 49, les cartes postales-réponse renvoyées au pays d'origine, les envois réexpédiés, les rebuts, les avis de réception, les mandats de poste et tous autres documents relatifs au service postal, notamment les plis concernant les virements postaux.

## ARTICLE 77.

## Services extraordinaires.

Les frais de transit spécifiés à l'article 75 ne s'appliquent pas au transport au moyen de services extraordinaires spécialement créés ou entretenus par une Administration sur la demande d'une ou de plusieurs autres Administrations. Les conditions de cette catégorie de transports sont réglées de gré à gré entre les Administrations intéressées.

4. Barring contrary agreement, maritime transportation effected directly between two countries by means of ships of one of them, as well as conveyance effected between two offices of one and the same country through the intermediary of services of another country, is considered as a third service.

5. Small packets, newspapers or packages of newspapers and periodicals sent by virtue of the Agreement concerning subscriptions to newspapers and periodicals, as well as insured boxes sent by virtue of the Agreement concerning insured letters and boxes, are considered as *other articles* in regard to transit.

6. Missent dispatches are considered, in regard to the payment of transit charges, as if they had followed their normal route.

## ARTICLE 76

*Freedom from transit charges*

The following are exempt from all territorial or maritime transit charges: The correspondence sent free of postage mentioned in Article 49; reply post cards returned to the country of origin; redirected articles; returned undeliverable articles; return receipts; money orders; and all other documents relating to the postal service, particularly correspondence relative to postal checks.

## ARTICLE 77

*Extraordinary services*

The transit charges specified in Article 75 do not apply to transportation by means of extraordinary services specially created or maintained by one Administration at the request of one or more other Administrations. The conditions for that class of conveyance are fixed by mutual agreement between the Administrations concerned.

Third service.

Newspapers, etc.

Missent dispatches.

Transit charges.  
Matter exempt.

Ante, p. 2074.

Extraordinary  
services.

## ARTICLE 78.

## Payements et décomptes.

## ARTICLE 78

*Payments and accounts*

Transit cost.

1.—Les frais de transit sont à la charge de l'Administration du pays d'origine.

1. The cost of transit is borne by the Administration of the country of origin.

Basis for charges.

2.—Le décompte général de ces frais a lieu d'après les données de relevés statistiques établis, une fois tous les trois ans, pendant une période de quatorze jours. Cette période est portée à vingt-huit jours pour les dépêches échangées moins de six fois par semaine par les services d'un pays quelconque.

2. The general accounting for such charges is effected on the basis of statistics taken once every three years, during a period of fourteen days. That period is extended to twenty-eight days for dispatches exchanged less than six times a week through the services of any country.

Le Règlement détermine la période et la durée d'application des statistiques.

The Regulations determine the period and length of application of the statistics.

Arbitration.

3.—Toute Administration est autorisée à soumettre à l'appréciation d'une Commission d'arbitres les résultats d'une statistique qui, d'après elle, différerait trop de la réalité. Cet arbitrage est constitué ainsi qu'il est prévu à l'article 11.

3. Any Administration is authorized to submit to a board of arbiters for consideration the results of statistics which, in its opinion, differ too greatly from reality. Such arbitration is effected in accordance with the provisions of Article 11.

Anst., p. 2065.

Les arbitres ont le droit de fixer en bonne justice le montant des frais de transit à payer.

The arbitrators are authorized to determine the proper amount of transit charges to be paid.

## ARTICLE 79.

## Echange de dépêches closes avec des bâtiments de guerre.

## ARTICLE 79

*Exchange of closed mails with warships*

Exchange of closed mails with warships.

1.—Des dépêches closes peuvent être échangées entre les bureaux de poste de l'un des pays contractants et les commandants de divisions navales ou bâtiments de guerre de ce même pays en station à l'étranger, ou entre le commandant d'une de ces divisions navales ou d'un de ces bâtiments de guerre et le commandant d'une autre division ou d'un autre bâtiment du même pays, par l'intermédiaire des services territoriaux ou maritimes d'autres pays.

1. Closed mails may be exchanged between the post offices of any one of the contracting countries and the commanding officers of naval divisions or warships of the same country stationed abroad, or between the commanding officer of one of those naval divisions or warships and the commanding officer of another division or ship of the same country, through the intermediary of land or sea services of other countries.

2.—Les correspondances de toute nature comprises dans ces dépêches doivent être exclusivement à l'adresse ou en provenance des états-majors et des équipages des bâtiments destinataires ou expéditeurs des dépêches; les tarifs et conditions d'envoi qui leur sont applicables sont déterminés,

2. Correspondence of all kinds comprised in such dispatches shall be exclusively addressed to or sent by the officers and crews of the ships of destination or origin of the mails; the rates and conditions of dispatch applicable to them are determined, according to its domestic regulations, by the

d'après ses règlements intérieurs, Postal Administration of the country to which the ships belong. par l'Administration des postes du pays auquel appartiennent les bâtiments.

3.—Sauf arrangement contraire entre les Administrations intéressées, l'Administration postale expéditrice ou destinataire des dépêches dont il s'agit est redevable, envers les Administrations intermédiaires, de frais de transit calculés conformément aux dispositions de l'article 75.

3. Barring contrary agreement between the Administrations concerned, the Postal Administration dispatching or receiving the mails in question is indebted to the intermediate Administrations for transit charges calculated in accordance with the provisions of Article 75.

## DISPOSITIONS DIVERSES.

## VARIOUS PROVISIONS

## ARTICLE 80.

## ARTICLE 80

Inobservation de la liberté de transit. *Failure to observe liberty of transit*

Lorsqu'un pays n'observe pas les dispositions de l'article 26 concernant la liberté de transit, les Administrations ont le droit de supprimer le service postal avec ce pays. Elles doivent donner préalablement avis de cette mesure par télégramme aux Administrations intéressées.

When a country does not observe the provisions of Article 26 concerning liberty of transit, Administrations have the right to discontinue postal service with that country. They must give advance notice of that measure by telegraph to the Administrations concerned.

Failure to observe liberty of transit. *Ante*, p. 2061.

## ARTICLE 81.

## ARTICLE 81

Engagements relatifs aux mesures pénales.

*Obligations relative to penal measures*

Les Pays contractants s'engagent à prendre, ou à proposer à leurs pouvoirs législatifs respectifs, les mesures nécessaires:

The contracting countries undertake to adopt, or to propose to their respective legislative bodies, the necessary measures:

a) pour punir la contrefaçon des timbres-poste, des coupons-réponse internationaux et des cartes d'identité postales;

(a) For punishing the counterfeiting of postage stamps, international reply coupons, and postal identity cards;

b) pour punir l'usage ou la mise en circulation:

(b) For punishing the use or placing in circulation of

- 1<sup>o</sup> de timbres-poste contrefaits ou ayant déjà servi, ainsi que d'empreintes contrefaites ou ayant déjà servi de machines à affranchir ou de presses d'imprimerie;
- 2<sup>o</sup> de coupons - réponse internationaux contrefaits;
- 3<sup>o</sup> de cartes d'identité postales contrefaites;

- (1) counterfeit or used postage stamps, as well as counterfeit or used impressions of stamping machines or printed indicia;
- (2) counterfeit international reply coupons;
- (3) counterfeit postal identity cards;

Obligations relative to penal measures.

Counterfeiting.

Fraudulent use of identity cards.

Fraudulent manufacture, etc., of stamps.

Unlawful mailing of narcotics.

c) pour punir *l'emploi frauduleux* de cartes d'identité régulières;

d) pour interdire et réprimer toutes opérations frauduleuses de fabrication et de mise en circulation de vignettes et timbres en usage dans le service postal, contrefaits ou imités de telle manière qu'ils pourraient être confondus avec les vignettes et timbres émis par l'Administration d'un des Pays contractants;

e) pour empêcher et, le cas échéant, punir l'insertion d'opium, de morphine, de cocaïne ou d'autres stupéfiants dans des envois postaux en faveur desquels cette insertion ne serait pas expressément autorisée par la Convention et les Arrangements.

(c) For punishing the fraudulent use of regular identity cards;

(d) For prohibiting and suppressing all fraudulent operations of manufacture and placing in circulation of embossed or adhesive stamps in use in the postal service, which are counterfeited or imitated in such a way that they could be confused with embossed or adhesive stamps issued by one of the contracting countries;

(e) For preventing, and, if occasion arises, punishing the insertion of opium, morphine, cocaine or other narcotics in mail articles in favor of which such insertion is not expressly authorized by the Convention and Agreements.

#### DISPOSITIONS FINALES.

##### ARTICLE 82.

Mise à exécution et durée de la Convention.

La présente Convention sera mise à exécution le *1er juillet 1940* et demeurera en vigueur pendant un temps indéterminé.

En foi de quoi, les Plénipotentiaires des Gouvernements des Pays ci-dessus énumérés ont signé la présente Convention en un exemplaire qui restera déposé aux Archives du Gouvernement de la *République Argentine* et dont une copie sera remise à chaque Partie.

Fait à *Buenos Aires*, le *23 mai 1939*.

#### FINAL PROVISIONS

##### ARTICLE 82

*Effective date and duration of the Convention*

The present Convention will become effective on July 1, 1940, and will remain in force for an indefinite period.

In faith of which, the plenipotentiaries of the Governments of the countries above enumerated have signed the present Convention in one copy, which will be filed in the Archives of the Government of the Argentine Republic, and a copy of which will be delivered to each party.

Done at Buenos Aires, May 23, 1939.

Effective date and duration.

Signatures.

- Pour l'Afghanistan:*
- Pour l'Union de l'Afrique du Sud:*  
J. N. REDELINGHUYTS.  
H. C. WAIN.
- Pour l'Albanie:*
- Pour l'Allemagne:*
- Pour les Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour l'ensemble des Possessions des Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour le Royaume de l'Arabie Saoudite:*
- Pour la République Argentine:*  
A. C. ESCOBAR.  
A. FUNES LASTRA.  
R. R. TULA.  
F. VÁZQUEZ.  
M. SÁENZ BRIONES.  
RAÚL C. MIGONE.  
CARLOS H. SAL.  
R. A. PAN.  
G. A. GARCÍA.  
I. RUÍZ MORENO.  
A. T. COSENTINO.
- Pour la Commonwealth de l'Australie:*  
M. B. HARRY.  
A. SLADDIN.
- Pour la Belgique:*  
O. SCHOCKAERT.
- Pour la Colonie du Congo belge:*  
E. MONS.
- Pour la Bolivie:*  
PÉREZ ABASTO.  
J. GMO. CANEDO.  
J. LIEVANA.
- Pour le Brésil:*  
RAÚL CAMARATE.  
JOAQUÍM VIANNA.  
*Pour Confucio Augusto Pamplona:*  
RAÚL CAMARATE.
- Pour la Bulgarie:*  
M. GHÉORGHIEW.
- Pour le Canada:*  
JOHN A. SULLIVAN.  
H. BEAULIEU.  
R. H. MAC NABB.
- Pour le Chili:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la Chine:*  
H. K. CHANG CHIEN.
- Pour la République de Colombie:*  
*Pour R. Uribe Escobar:*  
E. CARRIZOSA.  
E. CARRIZOSA.
- Pour la République de Costa-Rica:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la République de Cuba:*  
J. A. MONTALVO.  
A. TORRADEMÉ.  
JESÚS LAGO LUNAR.
- Pour le Danemark:*  
ARNE KROG.
- Pour la Ville libre de Danzig:*  
RENÉ MACHALSKI.
- Pour la République Dominicaine:*  
TULIO M. CESTERO.  
M. ALVAREZ ARÁNGUIZ.
- Pour l'Égypte:*  
M. WAGUIH.
- Pour la République de El Salvador:*  
JOSÉ VILLEGAS MUÑOZ.
- Pour l'Équateur:*  
F. GUARDERAS.  
L. G. DILLON.
- Pour l'Espagne:*
- Pour l'ensemble des Colonies espagnoles:*
- Pour l'Estonie:*  
G. JALLAJAS.
- Pour la Finlande:*  
NIILLO ORASMAA.
- Pour la France:*  
ED. QUENOT.  
L. GENTHON.  
P. GRANDSIMON.  
F. NAVECH.
- Pour l'Algérie:*  
PAOLI.

- Pour les Colonies et Protectorats français de l'Indochine:*  
*Pour l'ensemble des autres Colonies françaises:*  
 R. BOURGOIN.
- Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:*  
 D. J. LIDBURY.  
 D. O. LUMLEY.  
 E. P. BELL.  
 A. L. WILLIAMS.
- Pour l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat:*
- Pour la Grèce:*  
 V. DENDRAMIS.  
 S. CAMILIÉRIS.
- Pour le Guatemala:*  
 M. ARROYO.
- Pour la République d'Haïti:*  
 FAUSTIN G. TRONGÉ.
- Pour la République du Honduras:*  
 ARTURO MEJÍA NIETO.
- Pour la Hongrie:*
- Pour l'Inde britannique:*  
 MOHD. AL HASAN.  
 H. L. JERATH.  
 N. CHANDRA.
- Pour l'Iran:*  
 DR. A. A. DAFTARY.
- Pour l'Iraq:*  
 D. J. LIDBURY.  
 D. O. LUMLEY.  
 E. P. BELL.  
 A. L. WILLIAMS.
- Pour l'Irlande:*  
 P. DE BLÁCA.  
 S. S. PUIRSEAL.
- Pour l'Islande:*  
 ARNE KROG.
- Pour l'Italie:*
- Pour l'ensemble des Colonies et Possessions italiennes autres que l'Afrique orientale italienne:*
- Pour l'Afrique orientale italienne:*
- Pour le Japon:*  
 IWATARO UCHIYAMA.  
 SEIITI OKAZAKI.  
 JIRO NAKAYAMA.  
 TOSIO YAMATO.
- Pour le Chosen:*  
 SEIITI OKAZAKI.  
 KEISI FUKUDA.
- Pour l'ensemble des autres Dépendances japonaises:*  
 IWATARO UCHIYAMA.  
 KANJI ITO.
- Pour la Lettonie:*  
 DR J. BUSER.  
 L. ROULET.
- Pour les Etats du Levant sous Mandat français (Syrie et Liban):*  
 M. USCLAT.
- Pour la République de Libéria:*  
 DIXON BROWN.
- Pour la Lithuanie:*  
 J. AUKSTUOLIS.  
 B. BLAVESCIUNAS.
- Pour le Luxembourg:*  
 O. SCHOCKAERT.
- Pour le Maroc (à l'exclusion de la Zone espagnole):*  
 H. F. DUSSOL.
- Pour le Maroc (Zone espagnole):*
- Pour le Mexique:*  
 ALFONSO GÓMEZ MORENTÍN.  
 ALMADA BECERRA.  
 E. VALDÉS GENES.
- Pour le Nicaragua:*  
 RUBÉN DARÍO.
- Pour la Norvège:*  
 STEN HAUG.  
 OSKAR HOMME.
- Pour la Nouvelle-Zélande:*  
 J. MADDEN.
- Pour la République de Panama:*  
 VIAL.
- Pour le Paraguay:*  
 HIGINIO ARBO.  
 RAMÓN LARA CASTRO.  
 J. F. PÉREZ ACOSTA.
- Pour les Pays-Bas:*  
 DUYNSTEE.  
 VAN GOOR.
- Pour Curaçao et Surinam:*  
 HOOGWOONING.

*Pour les Indes néerlandaises:*

VAN DOOREN.  
HAJENIUS  
P. J. LEEMEYER.  
HOOGWOONING.

*Pour le Siam:*

LUANG KOVID APAIVONGSE.

*Pour la Suède:*

GUNNAR LAGER.  
THURE NYLUND.  
ALLAN HULTMAN

*Pour le Pérou:*

ERNESTO CÁCERES.  
POUR JORGE CHAMOT.  
ERNESTO CÁCERES.

*Pour la Confédération Suisse:*

DR J. BUSER.  
L. ROULET

*Pour la Commonwealth des Philippines:*

F. CUADERNO.

*Pour la Tchéco-Slovaquie:*

*Pour la Tunisie:*  
ED. QUENOT

*Pour la Pologne:*

RENÉ MACHALSKI.  
M. HERWICH.  
T. JARON.

*Pour la Turquie:*

APTULAHAT AKSIN  
ad referendum

*Pour le Portugal:*

DUARTE CALHEIROS.  
A. BASTOS GAVIÃO.  
J. QUADRIO MORÃO.

*Pour l'Union des Républiques Soviétiques Socialistes:*

P. GLINKINE  
V. IVANOV

*Pour les Colonies portugaises de l'Afrique occidentale:*

ARNALDO DE PAIVA  
CARVALHO.

*Pour la République O. de l'Uruguay:*

F. A. COSTANZO  
ADOLFO AGORIO

*Pour les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie:*

MARIO MONTEIRO DE MACEDO

*Pour l'Etat de la Cité du Vatican:*

RÓMULO ETCHEVERRY  
BONEO.

*Pour la Roumanie:*

C. STEFANESCO.  
N. M. GEORGESCO.

*Pour les Etats-Unis de Venezuela:*

E. GANTEAUME-TOVAR  
F. VÉLEZ-SALAS

*Pour la République de Saint-Marin:**Pour l'Yémen:**Pour le Royaume de Yougoslavie:*

SVET. M. DRAGICEVIC  
MILOMIR LJ. MICIC.

Having examined and considered the provisions of the foregoing Convention, signed at Buenos Aires on the 23rd day of May, 1939, revising the Universal Postal Convention which was concluded at Cairo on the 20th day of March, 1934; the same is by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

Ratification and approval by Postmaster General.

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone.

Art. p. 2053.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 12th day of January, 1940.

[SEAL]

JAMES A FARLEY  
Postmaster General.

I hereby approve the above-mentioned Convention, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

Approval by the President.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
Secretary of State.

Washington January 25, 1940.

PROTOCOLE FINAL DE  
LA CONVENTION.

FINAL PROTOCOL OF  
THE CONVENTION

Final protocol.

Au moment de procéder à la signature de la Convention postale universelle conclue à la date de ce jour, les Plénipotentiaires sous-signés sont convenus de ce qui suit:

At the moment of proceeding to sign the Universal Postal Convention concluded on the present date, the undersigned plenipotentiaries have agreed as follows:

I.

I

Retrait. Modification d'adresse.

*Withdrawal. Change of address*

Provisions not applicable to Great Britain, etc.  
*Ante, p. 2075.*

Les dispositions de l'article 51 ne s'appliquent pas à la Grande-Bretagne, ni à ceux des Dominions, Colonies et Protectorats britanniques dont la législation intérieure ne permet pas le retrait ou la modification d'adresse de correspondances à la demande de l'expéditeur.

The provisions of Article 51 do not apply to Great Britain, nor to those of the British Dominions, Colonies and Protectorates, whose domestic legislation does not permit the withdrawal or change of address of correspondence at the request of the sender.

II.

II

Equivalentes. Limites maxima et minima.

*Equivalents. Maximum and minimum limits*

Equivalentes; maximum and minimum limits.

1.—Chaque pays a la faculté de majorer de 40% ou de réduire de 20% au maximum les taxes prévues à l'article 34, § 1, conformément aux indications du tableau ci-après:

1. Each country has the option of increasing by 40 per cent, or of decreasing by 20 per cent, at most, the postage rates fixed by Article 34, Section 1, in accordance with the indications of the following table:

*Ante, p. 2064.*

	Limites inférieures	Limites supérieures
	Centimes	Centimes
premier échelon.....	10	20
Lettres par échelon supplémentaire.....	0,6	10,8
simples.....	0,6	10,8
Cartes postales avec réponse payée.....	10,8	33,6
Papiers d'affaires, par 50 grammes.....	3,2	5,6
minimum de taxe.....	10	28
Imprimés, par 50 grammes.....	3,2	5,6
Impressions en relief pour les aveugles, par 1000 grammes.....	1,6	2,8
Echantillons de marchandises, par 50 grammes.....	3,2	5,6
minimum de taxe.....	6,4	11,8
Petits paquets, par 50 grammes.....	6,4	11,8
minimum de taxe.....	32	66
Envois "Phonopost": premier échelon.....	12	21
par échelon supplémentaire.....	8	14

	Minimum limits	Maximum limits
	Centimes	Centimes
Letters: First unit.....	10	20
Each additional unit.....	0.6	10.8
Post cards: Single.....	0.6	10.8
With reply paid.....	10.2	33.6
Commercial papers: Each 50 grams.....	3.2	5.6
Minimum charge.....	10	28
Prints: Each 50 grams.....	3.2	5.6
Raised print for the blind: Each 1,000 grams.....	1.6	2.8
Samples of merchandise: Each 50 grams.....	3.2	5.6
Minimum charge.....	6.4	11.2
Small packets: Each 50 grams.....	6.4	11.2
Minimum charge.....	32	66
"Phonopost" articles: First unit.....	12	21
Each additional unit.....	8	14

Basis of rates chosen.

Les taxes choisies doivent, autant que possible, être entre elles dans les mêmes proportions que les taxes de base, chaque Administration ayant la faculté d'arrondir

The rates chosen shall, as far as possible, be in the same proportion among themselves, as the basic rates, each Administration having the option of rounding off

ses taxes *en plus ou en moins selon le cas et suivant les convenances de son système monétaire.*

2.—Le tarif adopté par un pays s'applique aux taxes à percevoir à l'arrivée par suite d'absence ou d'insuffisance d'affranchissement.

its rates higher or lower as the case may be, in order to suit the convenience of its monetary system.

2. The rates adopted by a country are applicable to the charges to be collected upon arrival as a result of absence or insufficiency of prepayment.

Unpaid or insufficient postage.

### III.

Once avoirdupois.

Il est admis, par mesure d'exception, que les pays qui, à cause de leur régime intérieur, ne peuvent adopter le type de poids métrique décimal, ont la faculté d'y substituer l'once avoirdupois (28,3465 grammes) en assimilant 1 once à 20 grammes pour les lettres et les envois dits "Phonopost" et 2 onces à 50 grammes pour les papiers d'affaires, imprimés, impressions en relief à l'usage des aveugles, échantillons et petits paquets.

### III

*Avoirdupois ounce*

It is agreed, as an exceptional measure, that countries which, on account of their domestic legislation, can not adopt the decimal metric system of weights, have the option of substituting therefor the avoirdupois ounce (28.3465 grams), assimilating one ounce to 20 grams for letters and *Phonopost* articles, and 2 ounces to 50 grams for commercial papers, prints, raised print for the use of the blind, samples and small packets.

Avoirdupois ounce.

### IV.

Dépôt de correspondances à l'étranger.

Aucun pays n'est tenu d'acheminer, ni de distribuer aux destinataires, les envois que des expéditeurs quelconques domiciliés sur son territoire déposent ou font déposer dans un pays étranger en vue de bénéficier des taxes plus basses qui y sont établies. La règle s'applique sans distinction, soit aux envois préparés dans le pays habité par l'expéditeur et transportés ensuite à travers la frontière, soit aux envois confectionnés dans un pays étranger. L'Administration intéressée a le droit, ou de renvoyer les objets en question à l'origine, ou de les frapper de ses taxes intérieures. Les modalités de la perception des taxes sont laissées à son choix.

### IV

*Mailing of correspondence in another country*

No country is bound to forward or deliver to addressees articles which any senders domiciled on its territory mail or cause to be mailed in a foreign country with a view to profiting by lower rates which are established there. The rule applies, without distinction, either to articles prepared in the country inhabited by the sender and subsequently transported across the border, or to articles prepared in a foreign country. The Administration concerned has the right either to return the articles in question to origin or to charge them with its domestic postage rates. The methods of collecting the charges are left to its discretion.

Mailing of correspondence in another country.

### V.

Coupons-réponse.

Les Administrations ont la faculté de ne pas se charger du débit des coupons-réponse.

### V

*Reply coupons*

Administrations have the option of not undertaking the sale of reply coupons.

Reply coupons.

## VI.

## Droit de recommandation.

Registration fee.

*Ante*, p. 2078.

Les pays qui ne peuvent pas fixer à 40 centimes le droit de recommandation prévu à l'article 54, § 2, sont autorisés à percevoir un droit pouvant s'élever jusqu'à 50 centimes ou éventuellement jusqu'au taux fixé pour leur service intérieur.

## VII.

## Services aériens.

Provisions considered part of Convention, etc.

Les dispositions concernant le transport de la poste aux lettres par voie aérienne sont annexées à la Convention postale universelle et sont considérées comme faisant partie intégrante de celle-ci et de son Règlement.

Modifications.

Toutefois, par dérogation aux dispositions générales de la Convention, la modification de ces dispositions peut être envisagée de temps à autre par une Conférence comprenant les représentants des Administrations directement intéressées.

Calling of Conference.

Cette Conférence peut être convoquée par l'intermédiaire du Bureau international à la demande de trois au moins de ces Administrations.

Submission of proposals.

L'ensemble des dispositions proposées par cette Conférence devra être soumis, par l'intermédiaire du Bureau international, au vote des Pays de l'Union. La décision sera prise à la majorité des voix exprimées.

## VIII.

*Exception à la liberté du transit des petits paquets.*

Union of Soviet Socialist Republics.  
Exception to liberty of transit for small packets.  
*Ante*, p. 2061.

*Par dérogation aux dispositions de l'article 26 de la Convention, l'Administration des postes de l'Union des Républiques Socialistes est autorisée à ne pas admettre les petits paquets en transit par ses territoires, étant entendu que cette restriction s'appliquera indistinctement à tous les pays de l'Union.*

## VI

*Registration fee*

Countries which can not fix at 40 centimes the registration fee contemplated by Article 54, Section 2, are authorized to collect a fee which may amount to as much as 50 centimes, or their domestic registration fee if this is higher.

## VII

*Air services*

The provisions concerning the transportation of regular mails by air are appended to the Universal Postal Convention and are considered as forming an integral part of it and its Regulations.

However, by exception to the general provisions of the Convention, the modification of those provisions may be undertaken from time to time by a Conference comprising the representatives of the Administrations directly interested.

That Conference may be called together through the intermediary of the International Bureau, at the request of at least three of those Administrations.

All the provisions proposed by that Conference shall be submitted, through the medium of the International Bureau, to the other countries of the Union, to be voted upon. The decision will be made on a majority of the votes cast.

## VIII

*Exception to liberty of transit for small packets*

By exception to the provisions of Article 26 of the Convention, the Postal Administration of the Union of Soviet Socialist Republics is authorized to refuse the transit of small packets over its territories, with the understanding that this restriction will apply indiscriminately to all the countries of the Union.

## IX.

## IX

Frais spéciaux de transit par le Transsibérien et le Transandin. *Special transit charges for the Trans-Siberian and Trans-Andean routes*

Par dérogation aux dispositions de l'article 75, § 1 (Tableau), l'Administration postale de l'Union des Républiques Soviétiques Socialistes est autorisée à percevoir les frais de transit par la voie du Transsibérien pour les deux directions (Mandchourie ou Vladivostok), à raison de 4 francs 50 par kilogramme de lettres et de cartes postales et de 50 centimes par kilogramme d'autres objets, pour les distances dépassant 6000 kilomètres.

By exception to the provisions of Article 75, Section 1 (Table), the Postal Administration of the Union of Soviet Socialist Republics is authorized to collect transit charges for the Trans-Siberian Railway for both routes (Manchuria or Vladivostok) at the rate of 4 francs 50 centimes per kilogram of letters and post cards and 50 centimes per kilogram of other articles, for distances exceeding 6,000 kilometers.

Special transit charges. Trans-Siberian Railway.

L'Administration de la République Argentine est autorisée à percevoir un supplément de 30 centimes sur les frais de transit mentionnés à l'article 75, § 1, chiffre 1<sup>o</sup>, de la Convention, pour chaque kilogramme de correspondance de toute nature transportée en transit par la section argentine du «Ferrocaril Transandin».

The Administration of the Argentine Republic is authorized to collect a charge of 30 centimes in addition to the transit charges mentioned in Article 75, Section 1, Figure 1<sup>o</sup>, of the Convention, for each kilogram of correspondence of any kind carried in transit by the Argentine section of the Trans-Andean Railway.

Trans-Andean Railway.

## X.

## X

Frais d'entrepôt spéciaux à Aden. *Special warehousing charges at Aden*

A titre exceptionnel, l'Administration d'Aden est autorisée à percevoir une taxe de 40 centimes par sac pour toutes les dépêches entreposées à Aden, pourvu que cette Administration ne reçoive aucun droit de transit territorial ou maritime pour ces dépêches.

As an exceptional measure, the Administration of Aden is authorized to collect a charge of 40 centimes per sack for all dispatches warehoused at Aden, provided that the said Administration does not receive any territorial or maritime transit charges for such dispatches.

Special warehousing charges at Aden.

## XI.

## XI

Frais spéciaux de transbordement *Special charges for transshipment*

Exceptionnellement, l'Administration portugaise est autorisée à percevoir 40 centimes par sac pour toutes les dépêches transbordées au port de Lisbonne.

As an exceptional measure, the Portuguese Administration is authorized to collect 40 centimes per sack for all mails transhipped at the port of Lisbon.

Transshipment at Lisbon.

## XII.

Protocole laissé ouvert aux Pays non représentés.

Protocol left open to countries not represented.

*Le Protocole reste ouvert aux Pays de l'Union, non représentés au Congrès, pour leur permettre d'adhérer à la Convention et aux Arrangements qui y ont été conclus, ou seulement à l'un ou à l'autre d'entre eux.*

## XIII.

Protocole laissé ouvert aux Pays représentés pour signatures et adhésions.

Signatures and adhesions of countries represented.

Le Protocole demeure ouvert en faveur des Pays dont les représentants n'ont signé aujourd'hui que la Convention ou un certain nombre seulement des Arrangements arrêtés par le Congrès, à l'effet de leur permettre d'adhérer aux autres Arrangements signés ce jour, ou à l'un ou à l'autre d'entre eux.

## XIV.

Délai pour la notification des adhésions.

Period for notification of adhesions.

Les adhésions prévues aux articles XII et XIII devront être notifiées, en la forme diplomatique, par les Gouvernements intéressés au Gouvernement de la *République Argentine* et par celui-ci aux autres États de l'Union. Le délai accordé auxdits Gouvernements pour cette notification expirera le 1er juillet 1940.

Signatures.

En foi de quoi, les Plénipotentiaires ci-dessous ont dressé le présent Protocole, qui aura la même force et la même valeur que si ses dispositions étaient insérées dans le texte même de la *Convention* et ils l'ont signé en un exemplaire qui restera déposé aux Archives du Gouvernement de la *République Argentine* et dont une copie sera remise à chaque Partie.

Fait à *Buenos Aires*, le 23 mai 1939.

## XII

*Protocol left open to the countries not represented*

The Protocol remains open to the countries of the Union which were not represented at the Congress, in order to permit them to adhere to the Convention and Agreements concluded there, or merely to one or another of them.

## XIII

*Protocol left open to the countries represented for signatures and adhesions*

The Protocol remains open to those countries whose representatives have today signed only the Convention or only a certain number of the Agreements drawn up by the Congress, for the purpose of permitting them to adhere to the other Agreements signed on this date, or to one or another of them.

## XIV

*Period for notification of adhesions*

The adhesions contemplated in Articles XII and XIII shall be communicated by the respective Governments, through diplomatic channels, to the Government of the Argentine Republic, and by the latter to the other States of the Union. The period which is allowed to the said Governments to make such notification will expire on July 1, 1940.

In faith of which, the undersigned plenipotentiaries have drawn up the present Protocol, which will have the same force and validity as if its provisions were included in the text of the Convention itself, and they have signed it in one copy, which will be filed in the Archives of the Government of the Argentine Republic, and a copy of which will be delivered to each party.

Done at *Buenos Aires*, May 23, 1939.

- Pour l'Afghanistan:*
- Pour l'Union de l'Afrique du Sud:*  
J. N. REDELINGHUY.  
H. C. WAIN.
- Pour l'Albanie:*
- Pour l'Allemagne:*
- Pour les Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour l'ensemble des Possessions des Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour le Royaume de l'Arabie Saoudite:*
- Pour la République Argentine:*  
A. C. ESCOBAR.  
A. FUNES LASTRA.  
R. R. TULA.  
M. SÁENZ BRIONES.  
RAÚL C. MIGONE.  
CARLOS H. SAL.  
R. A. PAN.  
G. A. GARCÍA.  
I. RUÍZ MORENO.  
A. T. COSENTINO.
- Pour la Commonwealth de l'Australie:*  
M. B. HARRY.  
A. SLADDIN.
- Pour la Belgique:*  
O. SCHOCKAERT.
- Pour la Colonie du Congo belge:*  
E. MONS.
- Pour la Bolivie:*  
PÉREZ ABASTO.  
J. G. MO. CANEDO.  
J. LIEVANA.
- Pour le Brésil:*  
RAÚL CAMARATE.  
JOAQUÍM VIANNA.  
*Pour Confucio Augusto Pamplona:*  
RAÚL CAMARATE.
- Pour la Bulgarie:*  
M. GHÉORGHIEW.
- Pour le Canada:*  
JOHN A. SULLIVAN.  
H. BEAULIEU.  
R. H. MAC NABB.
- Pour le Chili:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la Chine:*  
H. K. CHANG CHIEN.
- Pour la République de Colombie:*  
*Pour R. Uribe Escobar:*  
E. CARRIZOSA.  
E. CARRIZOSA.
- Pour la République de Costa-Rica:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la République de Cuba:*  
J. A. MONTALVO.  
A. TORRADEMÉ.  
JESÚS LAGO LUNAR.
- Pour le Danemark:*  
ARNE KROG.
- Pour la Ville libre de Danzig:*  
RENÉ MACHALSKI.
- Pour la République Dominicaine:*  
TULIO M. CESTERO.  
M. ALVAREZ ARÁNGUIZ.
- Pour l'Égypte:*  
M. WAGUIH.
- Pour la République de El Salvador:*  
JOSÉ VILLEGAS MUÑOZ.
- Pour l'Équateur:*  
F. GUARDERAS.  
L. G. DILLON.
- Pour l'Espagne:*

*Pour l'ensemble des Colonies espagnoles:*

*Pour l'Estonie:*  
G. JALLAJAS.

*Pour la Finlande:*  
NIIL O RASMAA.

*Pour la France:*  
ED. QUENOT.  
L. GENTHON.  
P. GRANDSIMON.  
F. NAVECH.

*Pour l'Algérie:*  
PAOLI.

*Pour les Colonies et Protectorats français de l'Indochine:*

*Pour l'ensemble des autres Colonies françaises:*  
R. BOURGOIN.

*Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.

*Pour l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat:*

*Pour la Grèce:*  
V. DENDRAMIS.  
S. CAMILIÉRIS.

*Pour le Guatemala:*  
M. ARROYO.

*Pour la République d'Haïti:*  
FAUSTIN G. TRONGÉ.

*Pour la République du Honduras:*  
ARTURO MEJÍA NIETO.

*Pour la Hongrie:*

*Pour l'Inde britannique:*  
MOHD. AL HABAN.  
H. L. JERATH.  
N. CHANDRA.

*Pour l'Iran:*  
DR. A. A. DAFTARY.

*Pour l'Iraq:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.

*Pour l'Irlande:*  
P. DE BLÁCA.  
S. S. PURSEAL.

*Pour l'Islande:*  
ARNE KROG.

*Pour l'Italie:*

*Pour l'ensemble des Colonies et Possessions italiennes autres que l'Afrique orientale italienne:*

*Pour l'Afrique orientale italienne:*

*Pour le Japon:*  
IWATARO UCHIYAMA.  
SEIITI OKAZAKI.  
JIRO NAKAYAMA.  
TOSIO YAMATO.

*Pour le Chosen:*  
SEIITI OKAZAKI.  
KEISI FUKUDA.

*Pour l'ensemble des autres Dépendances japonaises:*  
IWATARO UCHIYAMA.  
KANJI ITO.

*Pour la Lettonie:*  
DR J. BUSER.  
L. ROULET.

*Pour les Etats du Levant sous Mandat français (Syrie et Liban):*  
M. USCLAT.

*Pour la République de Libéria:*  
DIXON BROWN.

*Pour la Lithuanie:*  
J. AUKSTUOLIS.  
B. BLAVESCUNAS.

*Pour le Luxembourg:*  
O. SCHOCKAERT.

- Pour le Maroc (à l'exclusion de la Zone espagnole):*  
H. F. DUSSOL.
- Pour le Maroc (Zone espagnole):*
- Pour le Mexique:*  
ALFONSO GÓMEZ MORENTÍN.  
ALMADA BECERRA.  
E. VALDÉS GENES.
- Pour le Nicaragua:*  
RUBÉN DARÍO.
- Pour la Norvège:*  
STEN HAUG.  
OSKAR HOMME.
- Pour la Nouvelle-Zélande:*  
J. MADDEN.
- Pour la République de Panama:*  
VIAL.
- Pour le Paraguay:*  
HIGINIO ARBO.  
RAMÓN LARA CASTRO.  
J. F. PÉREZ ACOSTA.
- Pour les Pays-Bas:*  
DUYNSTEE.  
VAN GOOR.
- Pour Curaçao et Surinam:*  
HOOGWOONING.
- Pour les Indes néerlandaises:*  
VAN DOOREN.  
HAJENIUS  
P. J. LEEMEYER.  
HOOGWOONING.
- Pour le Pérou:*  
ERNESTO CÁCERES.  
POUR JORGE CHAMOT.  
ERNESTO CÁCERES.
- Pour la Commonwealth des Philippines:*  
F. CUADERNO.
- Pour la Pologne:*  
RENÉ MACHALSKI.  
M. HERWICH.  
T. JARON.
- Pour le Portugal:*  
DUARTE CALHEIROS.  
A. BASTOS GAVIÃO.  
J. QUADRIO MORÃO.
- Pour les Colonies portugaises de l'Afrique occidentale:*  
ARNALDO DE PAIVA CARVALHO.
- Pour les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie:*  
MARIO MONTEIRO DE MACEDO
- Pour la Roumanie:*  
C. STEFANESCO.  
N. M. GEORGESCO.
- Pour la République de Saint-Marin:*
- Pour le Siam:*  
LUANG KOVID APAIVONGSE.
- Pour la Suède:*  
GUNNAR LAGER.  
THURE NYLUND.  
ALLAN HULTMAN
- Pour la Confédération Suisse:*  
DR J. BUSER.  
L. ROULET
- Pour la Tchéco-Slovaquie:*
- Pour la Tunisie:*  
ED. QUENOT
- Pour la Turquie:*  
APTULAHAT AKSIN  
ad referendum
- Pour l'Union des Républiques Soviétiques Socialistes:*  
P. GLINKINE  
V. IVANOV
- Pour la République O. de l'Uruguay:*  
F. A. COSTANZO  
ADOLFO AGORIO

*Pour l'Etat de la Cité du Vatican: Pour l'Yémen:*  
RÓMULO ETCHEVERRY BONEO.

*Pour les Etats-Unis de Vénézuéla: Pour le Royaume de Yougoslavie:*  
E. GANTEAUME-TOVAR SVET. M. DRAGICEVIC  
F. VÉLEZ-SALAS MILOMIR LJ. MICIC.

La délégation de l'Union de l'Afrique du Sud déclare que l'acceptation par elle de la présente Convention comprend le Territoire sous mandat de l'Afrique du Sud-Ouest.

*Buenos Aires, le 23 mai 1939.*

J. N. REDELINGHUYLS.  
H. C. WAIN.

The delegation of the Union of South Africa declares that the acceptance by it of the present Convention comprises the Mandated Territory of Southwest Africa.

*Buenos Aires, May 23, 1939.*

Ratification and approval by Postmaster General.

Having examined and considered the provisions of the foregoing Final Protocol, signed at Buenos Aires on the 23rd day of May, 1939, relative to the Universal Postal Convention of Buenos Aires, signed the same day; the same is by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

*Ante, p. 2053.*

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 12th day of January, 1940.

[SEAL]

JAMES A FARLEY  
*Postmaster General.*

Approval by the President.

I hereby approve the above-mentioned Final Protocol, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

Washington January 25, 1940.

RÈGLEMENT D'EXÉCUTION DE LA CONVENTION POSTALE UNIVERSELLE. REGULATIONS OF EXECUTION OF THE UNIVERSAL POSTAL CONVENTION

Les soussignés, vu l'article 4 de la Convention postale universelle conclue à Buenos Aires, le 23 mai 1939, ont, au nom de leurs Administrations respectives, arrêté, d'un commun accord, les mesures suivantes pour assurer l'exécution de ladite Convention:

The undersigned, in view of Article 4 of the Universal Postal Convention concluded at Buenos Aires on May 23, 1939, have, in the name of their respective Administrations, drawn up, by common consent, the following measures to assure the execution of the said Convention:

Measures adopted.  
Ante, p. 2051.

## TITRE I.

## TITLE I

## DISPOSITIONS GÉNÉRALES.

## GENERAL PROVISIONS

## CHAPITRE UNIQUE.

## SOLE CHAPTER

## ARTICLE 101.

## ARTICLE 101

Transit en dépêches closes et transit à découvert.

*Transit in closed mails and transit in open mail*

1.—Les Administrations peuvent s'expédier réciproquement, par l'intermédiaire d'une ou de plusieurs d'entre elles, tant des dépêches closes que des correspondances à découvert, suivant les besoins du trafic et les convenances du service.

1. Administrations may send reciprocally, through the intermediary of one or more of them, both closed mails and correspondence in open mail, in accordance with the needs of the traffic and the requirements of the service.

Use of closed and open mails.

2.—La transmission des correspondances à découvert à une Administration intermédiaire doit se limiter strictement aux cas où la confection de dépêches closes, soit pour le pays de destination même, soit pour un pays plus proche de ce dernier, ne se justifie pas.

2. The transmission of correspondence in open mail to an intermediate Administration must be limited strictly to cases where the preparation of closed mails, either for the country of destination itself or for a country nearer the latter, is not justified.

Open mail to intermediate Administration, limitation.

## ARTICLE 102.

## ARTICLE 102

Echange en dépêches closes.

*Exchange in closed mails*

1.—L'échange des correspondances en dépêches closes est réglé d'un commun accord entre les Administrations intéressées.

1. The exchange of correspondence in closed mails is governed by mutual agreement between the Administrations concerned.

Exchange in closed mails.

Il est obligatoire de former des dépêches closes toutes les fois qu'une des Administrations intermédiaires en fait la demande, se basant sur le fait que le nombre de correspondances à découvert est de nature à entraver ses opérations.

It is obligatory to make up closed mails whenever one of the intermediate Administrations so requests, basing its request on the fact that the number of articles in open mail is such as to hinder its operations.

## Notification.

2.—Les Administrations par l'intermédiaire desquelles des dépêches closes sont à expédier doivent être prévenues en temps opportun.

2. The Administrations through whose intermediary closed mails are to be exchanged shall be duly notified in advance.

## Alteration in exchange, etc.

3.—En cas de changement dans un service d'échange en dépêches closes établi entre deux Administrations par l'intermédiaire d'un ou de plusieurs pays tiers, l'Administration d'origine de la dépêche en donne connaissance aux Administrations de ces pays.

3. In case of alteration in an exchange of closed mails established between two Administrations through the intermediary of one or more third countries, the Administration of origin of the dispatch gives notice thereof to the Administrations of those countries.

*S'il s'agit d'une modification dans la voie d'acheminement des dépêches, la nouvelle voie à suivre doit être indiquée aux Administrations qui effectuaient précédemment le transit, tandis que l'ancienne voie est signalée, pour mémoire, aux Administrations qui assureront désormais ce transit.*

If it is a question of a change in the routing of the dispatches, the new route to be followed should be indicated to the Administrations which have previously effected the transit, while the former route is indicated, as information, to the Administrations which will subsequently perform such transit.

## ARTICLE 103.

## Acheminement des correspondances.

## ARTICLE 103

*Routing of mails*

## Routing of mails.

1.—Chaque Administration est obligée d'acheminer, par les voies les plus rapides qu'elle emploie pour ses propres envois, les dépêches closes et les correspondances à découvert qui lui sont livrées par une autre Administration.

1. Each Administration is bound to forward by the most rapid routes which it employs for its own dispatches the closed mails and articles in open mail which are delivered to it by another Administration.

Lorsqu'une dépêche se compose de plusieurs sacs, ceux-ci doivent, autant que possible, rester réunis et être acheminés par le même courrier.

When a mail is composed of several sacks, they shall, as far as possible, remain together and be forwarded in the same dispatch.

## Missent articles.

Les objets de toute nature mal dirigés sont, sans aucun délai, réexpédiés sur leur destination par la voie la plus prompte.

Missent articles of all kinds are forwarded without any delay to their destination by the most rapid route.

## Optional routes.

2.—L'Administration du pays d'origine a la faculté d'indiquer la voie à suivre par les dépêches closes qu'elle expédie, pourvu que l'emploi de cette voie n'entraîne pas, pour une Administration intermédiaire, des frais spéciaux.

2. The Administration of the country of origin has the option of indicating the route to be followed by the closed mails which it dispatches, provided that the employment of that route does not involve special expenses for an intermediate Administration.

Sous la même réserve, les Administrations intervenant dans le transport doivent tenir compte de la voie à suivre portée par l'expéditeur sur les envois qui leur sont transmis à découvert.

With the same reservation, the Administrations intervening in the transportation shall take account of the route to be followed indicated by the sender on articles sent to them in open mail.

## Unpaid or insufficient postage.

3.—Les Administrations qui usent de la faculté de percevoir des taxes supplémentaires, en repré-

3. Administrations which make use of the option of collecting supplementary charges, represent-

sensation des frais extraordinaires afférents à certaines voies, sont libres de ne pas diriger par ces voies les correspondances non ou insuffisamment affranchies.

ing the extraordinary expenses pertaining to certain routes, are at liberty not to send unprepaid or insufficiently prepaid correspondence by those routes.

## ARTICLE 104.

## Pays éloignés.

1.—Sont considérés comme pays éloignés les pays entre lesquels la durée des transports par la voie de terre ou de mer la plus rapide est de plus de dix jours ainsi que ceux entre lesquels la fréquence moyenne des courriers est inférieure à deux voyages par mois.

2.—Sont assimilés aux pays éloignés, en ce qui concerne les délais prévus par la Convention et les Arrangements, les pays de très grande étendue ou dont les voies de communication intérieures sont peu développées, pour les questions où ces facteurs jouent un rôle prépondérant.

3.—Le Bureau international dresse la liste des pays visés aux §§ 1 et 2.

## ARTICLE 104

*Distant countries*

1. Countries between which the shortest transit time by land or sea is more than ten days, as well as those between which the average frequency of the mails is less than two trips a month, are considered as distant countries.

2. Countries of very great extent, or those whose internal routes of communication are but little developed, for questions where those factors play a decisive part, are assimilated to distant countries, in regard to the periods prescribed by the Convention and Agreements.

3. The International Bureau prepares a list of the countries mentioned in Sections 1 and 2.

Distant, etc., countries.

List.

## ARTICLE 105.

## Fixation des équivalents.

1.—Les Administrations fixent les équivalents des taxes et droits prévus par la Convention et les Arrangements après entente avec l'Administration des postes suisses, à laquelle il appartient de les faire notifier par l'intermédiaire du Bureau international. La même procédure est suivie en cas de changement d'équivalents.

Les équivalents ou les changements d'équivalents ne peuvent entrer en vigueur que le premier d'un mois et, au plus tôt, quinze jours après leur notification par le Bureau international.

Ce Bureau dresse un tableau indiquant, pour chaque pays, les équivalents des taxes et droits mentionnés au 1<sup>er</sup> alinéa, et renseignant, le cas échéant, sur le pourcentage de la majoration ou de la réduction de taxe appliquée en vertu de l'article II du Protocole final de la Convention.

## ARTICLE 105

*Fixing of equivalents*

1. Administrations fix the equivalents of the rates and fees contemplated by the Convention and Agreements by agreement with the Swiss Postal Administration, which latter Administration shall give notice of the equivalents through the intermediary of the International Bureau. The same procedure is followed in case of change of equivalents.

The equivalents or changes of equivalents can not enter into force except on the first of a month, and at the earliest fifteen days after their notification by the International Bureau.

That Bureau makes up a table indicating, for each country, the equivalents of the rates and fees mentioned in the first paragraph, showing the percentage of increase or reduction, if any, made in the rates by virtue of article II of the Final Protocol of the Convention.

Fixing of equivalents.

Notice.

Entry into force.

Tables.

Ante, p. 2086.

Monetary fractions.	2.—Les fractions monétaires résultant du complément de taxe applicable aux correspondances insuffisamment affranchies peuvent être arrondies par les Administrations qui en effectuent la perception. La somme à ajouter de ce chef ne peut excéder la valeur de 5 centimes.	2. Monetary fractions resulting from the additional charge applicable to shortpaid correspondence may be rounded off by the Administrations which collect such charge. The sum to be added on that account may not exceed the amount of 5 centimes.
Equivalent for indemnity.	3.—Chaque Administration notifie directement au Bureau international l'équivalent fixé par elle pour l'indemnité prévue à l'article 56 de la Convention.	3. Each Administration notifies the International Bureau directly of the equivalent fixed by it for the indemnity contemplated by Article 56 of the Convention.

*Ann.*, p. 2078.

## ARTICLE 106.

## ARTICLE 106

Timbres-poste et empreintes d'affranchissement.

*Postage stamps and postage-paid impressions*

Colors.	1.—Les timbres-poste représentant les taxes-types de l'Union ou leurs équivalents dans la monnaie de chaque pays sont confectionnés dans les couleurs suivantes:	1. The postage stamps representing the basic rates of the Union or their equivalents in the money of each country are made up in the following colors:
Letter.	en bleu, le timbre représentant la taxe d'une lettre de port simple;	The stamp representing the postage on a single-rate letter, in blue;
Post card.	en rouge, le timbre représentant la taxe d'une carte postale;	The stamp representing the rate for a post card, in red;
Single-rate print.	en vert, le timbre représentant la taxe d'un imprimé de port simple.	The stamp representing the postage on a single-rate print, in green.
Stamping-machine impressions.	Les empreintes produites par les machines à affranchir doivent être de couleur rouge vif, quelle que soit la valeur qu'elles représentent.	Impressions produced by stamping machines shall be bright red, whatever value they represent.
Lettering, etc.	2.—Les timbres-poste et les empreintes d'affranchissement doivent porter, autant que possible en caractères latins, l'indication du pays d'origine et mentionner leur valeur d'affranchissement d'après le tableau des équivalents adoptés. L'indication du nombre d'unités ou de fractions de l'unité monétaire, servant à exprimer cette valeur, est faite en chiffres arabes.	2. Postage stamps and postage-paid impressions shall bear, in Latin characters as far as possible, the indication of the country of origin, and mention their postage value in accordance with the table of equivalents adopted. The number of monetary units or fractions of the unit serving to express that value is indicated in Arabic figures.
Prepaid prints.	En ce qui concerne les imprimés affranchis au moyen d'empreintes obtenues à la presse d'imprimerie ou par un autre procédé d'impression (article 47 de la Convention), les indications du pays d'origine et de la valeur d'affranchissement peuvent être remplacées par le nom du bureau d'origine et la	As for prints prepaid by means of indicia, printed or otherwise obtained (Article 47 of the Convention), the indication of the country of origin and the postage value may be replaced by the name of the office of origin and the note <i>Taxe perçue</i> (postage collected), <i>Port payé</i> (postage paid),

*Ann.*, p. 2073.

mention «Taxe perçue», «Port payé» ou une expression analogue. Cette mention peut être libellée en français ou dans la langue du pays d'origine; elle peut aussi revêtir une forme abrégée, par exemple «T. P.» ou «P. P.». Dans tous les cas, l'indication adoptée doit être encadrée ou soulignée d'un fort trait.

3.—Les timbres-poste commémoratifs ou de charité, pour lesquels un supplément de taxe est à payer indépendamment de la valeur d'affranchissement, doivent être confectionnés de façon à éviter tout doute au sujet de cette valeur.

4.—Les timbres-poste peuvent être marqués à l'emporte-pièce de perforations distinctives selon les conditions fixées par l'Administration qui les a émis.

or a similar expression. That note may be worded in French or in the language of the country of origin; it may also be abbreviated, e. g.: *T. P.* or *P. P.* In all cases, the indication adopted shall be inclosed or underscored with a heavy line.

3. Commemorative or charity stamps, for which an additional charge is to be paid in addition to the postage value, shall be made up in such a way as to avoid any doubt as to that value.

4. Postage stamps may be marked with distinctive perforations, under the conditions fixed by the Administration which has issued them.

Commemorative, etc., stamps.

Perforations.

## TITRE II.

### CONDITIONS D'ACCEPTATION DES OBJETS DE CORRESPONDANCE.

#### CHAPITRE I.

#### DISPOSITIONS APPLICABLES À TOUTES LES CATÉGORIES D'ENVOIS.

##### ARTICLE 107.

#### Conditionnement et adresse.

1.—Les Administrations doivent recommander au public:

a) de libeller l'adresse en caractères latins et de la mettre dans le sens de la longueur de façon à ménager la place nécessaire pour les mentions ou étiquettes de service;

b) d'indiquer l'adresse d'une manière précise et complète, afin que l'acheminement de l'envoi et sa remise au destinataire puissent avoir lieu sans recherches;

c) d'appliquer les timbres-poste ou les empreintes d'affranchissement à l'angle droit supérieur du côté de la suscription;

d) d'indiquer le nom et le domicile de l'expéditeur, soit au recto et de préférence du côté gauche de

## TITLE II

### CONDITIONS FOR ACCEPTANCE OF ARTICLES OF CORRESPONDENCE

#### CHAPTER I

#### PROVISIONS APPLICABLE TO ALL CLASSES OF ARTICLES

##### ARTICLE 107

#### *Preparation and address*

1. The Administrations shall advise the public:

(a) To address mail articles in Latin characters, and to place the address lengthwise, in such a way as to leave the necessary space for the service notations or labels;

(b) To indicate the address in a precise and complete manner, so that the dispatch of the article and its delivery to the addressee may be effected without research;

(c) To place postage stamps or postage-paid impressions in the upper right-hand corner of the address side;

(d) To indicate the name and address of the sender, either on the front (preferably in the upper

Preparation and address.

façon à ne nuire ni à la clarté de l'adresse, ni à l'application des mentions ou étiquettes de service, soit au verso;

e) d'utiliser pour les envois de toute nature des enveloppes dont les dimensions ne soient pas inférieures à 10 cm. en longueur et 7 cm. en largeur;

f) de conditionner solidement leurs envois, particulièrement s'ils sont destinés à des pays éloignés;

g) d'ajouter le mot «Lettre» du côté de l'adresse des lettres qui, en raison de leur volume ou de leur conditionnement, pourraient être prises pour d'autres envois;

h) en ce qui concerne les envois expédiés à la taxe réduite, d'indiquer, par des annotations telles que «Papiers d'affaires», «Imprimés», «Echantillon», «Petit paquet», etc., la catégorie à laquelle ils appartiennent.

2.—Les envois de toute nature, dont le côté réservé à l'adresse a été divisé, en tout ou en partie, en plusieurs cases destinées à recevoir des adresses successives, ne sont pas admis.

Non - postage stamps, etc.

3.—Les timbres non postaux et les vignettes de bienfaisance ou autres susceptibles d'être confondus avec les timbres-poste, ne peuvent être appliqués du côté de la suscription. Il en est de même des empreintes de timbres qui pourraient être confondues avec les empreintes d'affranchissement.

Correspondence of postal service sent under frank, notation.

4.—Les correspondances du service postal expédiées en franchise de port doivent porter au recto l'annotation «Service des postes» ou une mention analogue.

left-hand corner, in such a way as not to affect either the clarity of the address or the application of the service notations or labels) on the back;

(e) To use, for articles of all kinds, envelopes whose dimensions are not less than 10 centimeters in length and 7 centimeters in width;

(f) To make up their articles securely, particularly if they are addressed to distant countries;

(g) To add the word *Lettre* (letter) on the address side of letters which, by reason of their volume or packing, may be mistaken for other articles.

(h) On articles sent at the reduced rate, to indicate, by annotations such as: *Papiers d'affaires* (commercial papers), *Imprimés* (prints), *Echantillon* (sample), *Petit paquet* (small packet), etc.; the class to which they belong.

2. Articles of any kind whose address side has been wholly or partly divided into several spaces intended to receive successive addresses are not admitted.

3. Non-postage stamps and charity or other stamps capable of being mistaken for postage stamps may not be affixed to the address side. The same applies to imprints of stamps which might be confused with postage-paid impressions.

4. Correspondence of the postal service sent under frank shall bear on the front the note *Service des postes* (postal service) or a similar notation.

#### ARTICLE 108.

##### Envois poste restante.

L'adresse des envois expédiés poste restante doit indiquer le nom du destinataire. L'emploi d'initiales, de chiffres, de simples prénoms, de noms supposés ou de marques conventionnelles quelconques n'est pas admis pour ces envois.

General-delivery articles.

#### ARTICLE 108

##### General-delivery articles

The address of articles sent to general delivery shall indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names, or conventional marks of any kind, is not permitted for such articles.

## ARTICLE 109.

Envois sous enveloppe à panneau.

1.—Les envois sous enveloppe à panneau transparent sont admis aux conditions suivantes:

a) le panneau doit être disposé parallèlement à la plus grande dimension, de façon que l'adresse du destinataire apparaisse dans le même sens et que l'application du timbre à date ne soit pas entravée;

b) la transparence du panneau doit assurer une parfaite lisibilité de l'adresse, même à la lumière artificielle, et ne pas empêcher l'application d'une écriture; les enveloppes à panneau dont la partie vitrifiée provoque des reflets à la lumière artificielle sont exclues;

c) seuls les nom et adresse du destinataire doivent apparaître à travers le panneau; le contenu de l'enveloppe doit être plié de façon que l'adresse ne puisse se trouver masquée, en tout ou en partie, par suite de glissement;

d) l'adresse doit être indiquée, d'une façon bien lisible, à l'encre ou à la machine à écrire; les envois dont l'adresse est écrite au crayon ou au crayon-encre ne sont pas admis.

2.—Les envois sous enveloppe entièrement transparente ou à panneau ouvert ne sont pas admis.

## ARTICLE 110.

Envois soumis au contrôle douanier.

1.—Les envois à soumettre au contrôle douanier doivent être revêtus, au recto, d'une étiquette verte, conforme au modèle C 1 ci-annexé. En ce qui concerne les petits paquets, l'apposition de cette étiquette est obligatoire dans tous les cas.

Si le pays de destination l'exige ou si l'expéditeur le préfère, les envois visés à l'alinéa précédent sont, en outre, accompagnés de déclarations en douane séparées, conformes au modèle C 2 ci-annexé et au nombre prescrit; ces déclarations sont reliées à l'envoi

## ARTICLE 109

*Articles in panel envelopes*

1. Articles in transparent-panel envelopes are admitted under the following conditions:

(a) The panel shall lie parallel to the longest dimension, so that the address of the addressee appears in the same direction and the application of the date stamp is not hindered;

(b) The transparency of the panel shall assure perfect legibility of the address, even by artificial light, and shall not interfere with the application of a written note; panel envelopes whose vitrified part allows reflection of artificial light are excluded;

(c) Only the name and address of the addressee shall appear through the panel; the contents of the envelope shall be folded in such a way that the address can not be wholly or partly covered as a result of slipping;

(d) The address shall be indicated legibly, in pen and ink or in typewriting; articles whose addresses are written in ordinary or indelible pencil are not admitted.

2. Articles in entirely transparent envelopes or open-panel envelopes are not admitted.

Articles in panel envelopes.

Entirely transparent, etc., envelopes.

## ARTICLE 110

*Articles subject to customs inspection*

1. Articles to be submitted to customs inspection shall bear on the front a green label conforming to Model C 1 hereto appended. In regard to small packets, the affixing of that label is obligatory in all cases.

If the country of destination requires it or if the sender prefers, the articles mentioned in the preceding paragraph are also accompanied by the prescribed number of separate customs declarations conforming to Model C 2 hereto appended, attached se-

Articles subject to customs inspection.

Post, p. 2190.

Appending of separate declarations.

Post, p. 2191.

extérieurement et d'une manière solide par un croisé de ficelle ou insérées dans l'envoi même. Dans ce cas, la partie supérieure de l'étiquette C 1 est seule apposée sur l'envoi.

Prints, serums, and vaccines.

*En ce qui concerne les imprimés et les envois de sérums et de vaccins, l'absence de l'étiquette C 1 ne peut entraîner le renvoi de ces objets au bureau d'origine.*

Responsibility not assumed by Administrations.

2.—Les Administrations n'assument aucune responsabilité du chef des déclarations en douane, sous quelque forme qu'elles soient faites.

curely to the outside of the article by a crossed string or inserted within the article itself. In this case, only the upper part of the label C 1 is affixed to the article.

In regard to prints, and shipments of serums and vaccines, the absence of the label C 1 can not involve the return of those articles to the office of origin.

2. The Administrations do not assume any responsibility for the customs declarations, regardless of the form in which they are made up.

#### ARTICLE 111.

##### Envois francs de droits.

Delivery free of charge.

1.—Les envois à remettre aux destinataires francs de tous droits doivent porter sur le recto l'entête très apparent «Franc de droits» ou une mention analogue dans la langue du pays d'origine. Ces envois sont pourvus, du côté de la suscription, d'une étiquette de couleur jaune portant également, en gros caractères, l'indication «Franc de droits».

Prepayment bulletin.

2.—Tout envoi expédié franc de droits est accompagné d'un bulletin d'affranchissement conforme au modèle C 3 ci-annexé, confectionné en carton de couleur jaune et dont le recto est rempli par le bureau expéditeur. Le bulletin d'affranchissement est solidement attaché à l'envoi.

Post, pp. 2192, 2193.

#### ARTICLE 111

##### *Prepayment of customs duty, etc.*

1. Articles to be delivered to the addressees free of all charges shall bear at the top of the address side the conspicuous heading *Franc de droits* (free of charges) or a similar notation in the language of the country of origin. Such articles shall bear, on the address side, a yellow label also bearing in large letters the notation *Franc de droits* (free of charges).

2. Every article sent free of charges is accompanied by a prepayment bulletin conforming to Model C 3 hereto appended, made of yellow cardboard, the front of which is filled in by the office of mailing. The prepayment bulletin is securely attached to the article.

### CHAPITRE II.

#### DISPOSITIONS SPÉCIALES APPLICABLES À CHAQUE CATÉGORIE D'ENVOIS.

#### ARTICLE 112.

##### Lettres.

Letters.

Aucune condition de forme ou de fermeture n'est exigée pour les lettres, sous réserve de l'observation des prescriptions de l'article 109. La place nécessaire au recto pour l'affranchissement, l'adresse et les mentions ou étiquettes de service doit être laissée entièrement libre.

### CHAPTER II

#### SPECIAL PROVISIONS APPLICABLE TO EACH CLASS OF ARTICLES

#### ARTICLE 112

##### *Letters*

No condition of form or sealing is prescribed for letters, provided that the stipulations of Article 109 are observed. The necessary space must be left absolutely free on the front for the prepayment, the address, and the service notes or labels.

## ARTICLE 113.

## Cartes postales simples.

1.—Les cartes postales doivent être confectionnées en carton ou en papier assez consistant pour ne pas entraver la manipulation.

*Sont assimilées aux cartes postales les feuilles de papier repliées dont les deux faces internes ont été collées complètement l'une sur l'autre, de sorte que d'autres objets ne risquent pas de s'y fourvoyer.*

Les cartes postales doivent porter, en tête du recto, le titre «Carte postale» en français ou l'équivalent de ce titre dans une autre langue. Ce titre n'est pas obligatoire pour les cartes émanant de l'industrie privée.

2.—Les cartes postales doivent être expédiées à découvert, c'est-à-dire sans bande ni enveloppe.

3.—La moitié droite au moins du recto est réservée à l'adresse du destinataire et aux mentions ou étiquettes de service; les timbres-poste ou empreintes d'affranchissement doivent être appliqués au recto et, autant que possible, sur la partie droite de la carte. L'expéditeur dispose du verso et de la partie gauche du recto, sous réserve des dispositions du § 4 ci-après.

4.—Il est interdit de joindre ou d'attacher aux cartes postales des échantillons de marchandises ou des objets analogues. Toutefois, des vignettes, des photographies, des timbres de toute espèce, des étiquettes et des coupures de toute sorte, en papier ou autre matière très mince, de même que des bandes d'adresse ou des feuilles à replier, peuvent y être collés, à condition que ces objets ne soient pas de nature à altérer le caractère des cartes postales et qu'ils soient complètement adhérents à la carte. Ces objets ne peuvent être collés que sur le verso ou sur la partie gauche du recto des cartes postales, sauf les bandes ou étiquettes d'adresse qui peuvent occuper tout le recto. Quant aux timbres de toute espèce, susceptibles d'être confondus avec les timbres d'affranchissement, ils ne sont admis qu'au verso.

## ARTICLE 113

*Single post cards*

1. Post cards shall be made of cardboard, or of paper strong enough not to hinder manipulation.

Folded sheets of paper whose two inner faces have been glued completely one over the other, so that other articles do not run the risk of slipping inside, are assimilated to post cards.

Post cards shall bear, at the top of the address side, the heading *Carte postale* (post card) in French or the equivalent of that heading in another language. That heading is not obligatory for cards of private manufacture.

2. Post cards shall be sent uninclosed, i. e., without wrapper or envelope.

3. At least the right half of the front is reserved for the address of the addressee and the service notes or labels; the postage stamps or postage-paid impressions shall be applied to the front, and, as far as possible, to the right half of the card. The sender may use the back and the left half of the front, subject to the provisions of Section 4 following.

4. It is forbidden to join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be affixed thereto, on condition that such articles are not of such a nature as to alter the character of the post cards, and that they adhere completely to the card. These articles may be placed only on the back or on the left half of the address side of the post card, except address labels or slips, which may occupy the entire front. As for stamps of any kind likely to be mistaken for postage stamps, they may be placed only on the back.

Post cards.

Sending of post cards uninclosed.

Reserved, etc., spaces.

Attachment of designated articles.

Treatment if conditions not fulfilled.

5.—Les cartes postales ne remplissant pas les conditions prescrites pour cette catégorie d'envois sont traitées comme lettres, à l'exception, toutefois, de celles dont l'irrégularité résulte seulement de l'application de l'affranchissement au verso. Ces dernières sont considérées comme non affranchies et traitées en conséquence, selon la catégorie à laquelle elles appartiennent d'après leur texte ou leurs dimensions.

5. Post cards not fulfilling the conditions laid down for that class of articles are treated as letters with the exception, however, of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly, depending upon the classification to which they belong, based on the text which they contain or their dimensions.

## ARTICLE 114.

## Cartes postales avec réponse payée.

Reply - paid post cards.

1.—Les cartes postales avec réponse payée doivent présenter au recto, en langue française, comme titre sur la première partie: «Carte postale avec réponse payée»; sur la seconde partie: «Carte postale-réponse». Les deux parties doivent d'ailleurs remplir, chacune, les autres conditions imposées à la carte postale simple; elles sont repliées l'une sur l'autre de façon que le pli forme le bord supérieur et ne peuvent être fermées d'une manière quelconque.

Addresses, etc.

2.—L'adresse de la carte-réponse doit se trouver à l'intérieur de l'envoi.

Il est loisible à l'expéditeur d'indiquer son nom et son adresse au recto de la partie «Réponse».

L'expéditeur est également autorisé à faire imprimer au verso de la carte-réponse un questionnaire destiné à être rempli par le destinataire.

Prepayment of reply.

3.—L'affranchissement de la partie «Réponse» au moyen de timbres-poste du pays qui a émis la carte n'est valable que si les deux parties de la carte postale avec réponse payée sont parvenues adhérentes du pays d'origine et si la partie «Réponse» est expédiée du pays où elle est parvenue par la poste à destination dudit pays d'origine.

Treatment if conditions not fulfilled.

Si ces conditions ne sont pas remplies, elle est traitée comme carte postale non affranchie.

## ARTICLE 114

## Post cards with reply paid

1. Post cards with reply paid shall have on the front, in the French language, as the heading of the first part: *Carte postale avec réponse payée* (post card with reply paid), and *Carte postale-réponse* (reply post card) on the second part. Each of the two halves shall, moreover, fulfill the other conditions laid down for a single post card; they are folded, one over the other, so that the fold forms the upper edge, and may not be fastened in any manner.

2. The address of the reply card shall be found on the inside of the article.

It is permissible for the sender to indicate his name and address on the front of the reply half.

The sender is also authorized to have printed on the back of the reply card a questionnaire to be filled in by the addressee.

3. The prepayment of the reply half by means of postage stamps of the country which has issued the card is valid only if both halves of the post card with reply card have arrived joined together from the country of origin and if the reply half is sent from the country where it was received by mail and is addressed to the said country of origin.

If those conditions are not fulfilled, it is treated as an unprepaid post card.

## ARTICLE 115.

## Papiers d'affaires.

1.—Sont considérés comme papiers d'affaires, à condition qu'ils n'aient pas le caractère d'une correspondance actuelle et personnelle, toutes les pièces et tous les documents écrits ou dessinés en tout ou partie, tels que les correspondances—lettres ouvertes et cartes postales—de date ancienne qui ont déjà atteint leur but primitif, et leurs copies, les pièces de procédure, les actes de tout genre dressés par les officiers ministériels, les lettres de voiture ou connaissements, les factures, certains documents des compagnies d'assurance, les copies ou extraits d'actes sous seing privé écrits sur papier timbré ou non timbré, les partitions ou feuilles de musique manuscrites, les manuscrits d'ouvrages ou de journaux expédiés isolément, les devoirs originaux et corrigés d'élèves, à l'exclusion de toute indication ne se rapportant pas directement à l'exécution du travail.

Ces documents peuvent être accompagnés de fiches de rappel ou bordereaux d'envoi portant les mentions suivantes ou des indications analogues: énumération des pièces composant l'envoi, références à une correspondance échangée entre l'expéditeur et le destinataire, telles que:

«Annexe à notre lettre du \_\_\_\_\_  
à M. \_\_\_\_\_ Notre référence \_\_\_\_\_  
Références du client \_\_\_\_\_».

Les correspondances de date ancienne peuvent être munies des timbres-poste oblitérés ou des empreintes qui ont servi à leur affranchissement primitif.

2.—Sont également considérés comme papiers d'affaires, même quand ils revêtent le caractère d'une correspondance actuelle et personnelle, tous les envois contenant des objets de correspondance échangés entre élèves d'écoles, à condition que ces envois empruntent l'intermédiaire des directeurs des écoles intéressées.

## ARTICLE 115

*Commercial papers*

1. The following are considered as commercial papers, on condition that they do not have the character of actual personal correspondence: All papers and documents, wholly or partly written or drawn; such as out-of-date articles of correspondence (opened letters and post cards) which have already reached their original destination, and copies thereof; papers of legal procedure; documents of all kinds drawn up by ministerial officers; waybills or bills of lading; invoices; certain documents of insurance companies; copies of or extracts from documents under private seal written on stamped or unstamped paper; scores or sheets of music in manuscript; manuscripts of works or newspapers sent separately; original and corrected exercises of students, but without any notes not relating directly to the execution of the work.

Such documents may be accompanied by reference slips or notes bearing the following or similar notations: Enumeration of the pieces composing the shipment, references to correspondence exchanged between the sender and the addressee, such as:

“Inclosure for our letter of \_\_\_\_\_ addressed to M. \_\_\_\_\_ Our reference \_\_\_\_\_ Customer's reference \_\_\_\_\_”

Out-of-date correspondence may bear canceled postage stamps or postage-paid impressions which have served to pay the original postage.

2. The following are also considered as commercial papers, even when they have the character of actual and personal correspondence: All articles containing correspondence exchanged between students in schools, provided that such articles are sent through the intermediary of the heads of the schools concerned.

Commercial papers.

Reference slips, notations.

Form and makeup.

3.—Les papiers d'affaires sont soumis, en ce qui concerne la forme et le conditionnement, aux dispositions prescrites à l'article 119 ci-après pour les imprimés.

3. Commercial papers are subject, in regard to form and makeup, to the provisions laid down by Article 119 hereafter for prints.

Post, p. 2120.

## ARTICLE 116.

## Imprimés.

Articles considered as prints.

1.—Sont considérés comme imprimés, les journaux et ouvrages périodiques, les livres, les brochures, les papiers de musique, les cartes de visite, les cartes-adresse, les épreuves d'imprimerie, les gravures, les photographies et les albums contenant des photographies, les images, les dessins, plans, cartes géographiques, patrons à découper, catalogues, prospectus, annonces et avis divers, imprimés, gravés, lithographiés ou autographiés, et, en général, toutes les impressions ou reproductions obtenues sur papier ou autre matière assimilable au papier, sur parchemin ou sur carton, au moyen de la typographie, de la gravure, de la lithographie et de l'autographie, ou de tout autre procédé mécanique facile à reconnaître, hormis le décalque, les timbres à caractères mobiles ou non et la machine à écrire.

1. The following are considered as prints: Newspapers and periodicals, books, pamphlets, sheet-music, visiting cards, address cards, printing proofs, engravings, photographs and albums containing photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving, lithography, autography or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

Exclusions.

2.—La taxe des imprimés n'est pas applicable aux imprimés qui portent des signes quelconques susceptibles de constituer un langage conventionnel, ni, sauf les exceptions explicitement autorisées par les articles 117 et 118 ci-après, à ceux dont le texte a été modifié après tirage.

2. The print rate does not apply to prints which bear any marks capable of constituting a conventional language, or, with the exceptions specifically authorized by Articles 117 and 118 hereafter, to those whose text has been modified after printing.

Motion-picture films, etc.

3.—Les films cinématographiques, les disques pour gramophones ainsi que les papiers perforés destinés à être adaptés à des instruments de musique automatiques ne sont pas admis au tarif des imprimés.

3. Motion-picture films, phonograph records, as well as perforated papers intended to be used on automatic musical instruments, are not admitted at the print rate.

Stationery articles.

Il en est de même des articles de papeterie proprement dits, dès l'instant où il apparaît clairement que la partie imprimée n'est pas l'essentiel de l'objet.

The same applies to articles of stationery properly so called, when it appears clearly that the printed text is not the essential part of the article.

Post cards.

4.—Les cartes portant le titre «Carte postale» ou l'équivalent de ce titre dans une langue quelconque sont admises au tarif des imprimés, pourvu qu'elles répon-

4. Cards bearing the heading *Carte postale* (post card) or the equivalent of that heading in any language are admitted at the print rate, provided that they

dent aux conditions générales applicables aux imprimés. Celles qui ne remplissent pas ces conditions sont traitées comme cartes postales ou éventuellement comme lettres, par application des dispositions de l'article 113, § 5.

fulfill the general conditions applicable to prints. Those which do not fulfill such conditions are treated as post cards, or, if occasion arises, as letters, by application of the provisions of Article 113, Section 5.

*Ante*, p. 2114.

## ARTICLE 117.

## Objets assimilés aux imprimés.

Sont assimilées aux imprimés, en tant qu'elles sont déposées dans les conditions prescrites par les règlements intérieurs de l'Administration d'origine les reproductions, par un procédé mécanique de polygraphie, chromographie, etc., d'une copie-type faite à la plume ou à la machine à écrire. Chacune de ces reproductions peut recevoir les annotations autorisées pour les imprimés.

## ARTICLE 117

*Articles assimilated to prints*

The following are assimilated to prints, provided that they are mailed under the conditions prescribed by the domestic regulations of the Administration of origin: Reproductions, by a mechanical process of polygraphy, chromography, etc., of a manuscript or typewritten original. Each such reproduction may receive the annotations authorized for prints.

Articles assimilated to prints.

## ARTICLE 118.

## Imprimés. Annotations et annexes autorisées.

1.—Il est permis, à l'extérieur et à l'intérieur de tous les envois d'imprimés:

a) d'indiquer les nom, qualité, profession, raison sociale et adresse de l'expéditeur et du destinataire, la date d'expédition, la signature, le numéro d'appel au téléphone, l'adresse et le code télégraphiques, le compte courant postal ou bancaire de l'expéditeur ainsi qu'un numéro d'ordre ou d'immatriculation se rapportant exclusivement à l'envoi;

b) de corriger les fautes d'impression;

c) de biffer, de souligner ou d'encadrer, au moyen de traits, certains mots ou certaines parties du texte imprimé, à moins que ces opérations ne soient faites dans le dessein de constituer une correspondance.

2.—Il est, en outre, permis d'indiquer ou d'ajouter:

a) sur les avis concernant les départs et les arrivées des navires: les dates et heures des départs et arrivées ainsi que les noms des navires et des ports de départ, d'escale et d'arrivée;

## ARTICLE 118

*Prints. Authorized annotations and inclosures*

1. It is permissible, on the outside and inside of all print articles:

(a) To indicate the name, title, profession, firm and address of the sender and the addressee, the date of mailing, the signature, telephone number, telegraphic address and code, and current postal-check or bank account of the sender, as well as an order or entry number relating exclusively to the article;

(b) To correct mistakes in printing;

(c) To strike out, underline or inclose by means of marks certain words or passages in the printed text, unless that is done with the intention of constituting correspondence.

2. It is also permissible to indicate or add:

(a) On notices concerning the departure and arrival of ships:

The dates and hours of such departures and arrivals, as well as the names of the ships and the ports of departure, call and arrival;

Prints; authorized annotations and inclosures.

Sender's name, etc.

Corrections.

Reference by marks, etc.

Maritime movements.

Travelers' announcements.

b) sur les avis de passage:

le nom du voyageur, la date, l'heure et le nom de la localité par laquelle il compte passer ainsi que l'endroit où il descend;

(b) On travelers' announcements:

The name of the traveler, the date, hour and name of the place through which he contemplates passing, as well as the place where he intends to stop;

Order blanks, etc.

c) sur les bulletins de *commande*, de souscription ou d'*offre*, relatifs à des ouvrages de librairie, livres, journaux, gravures, morceaux de musique:

(c) On order and subscription blanks for publications, books, newspapers, engravings and pieces of music:

les ouvrages et le nombre des exemplaires demandés ou offerts, le prix de ces ouvrages ainsi que des annotations représentant des éléments constitutifs du prix, le mode de paiement, l'édition, les noms des auteurs et des éditeurs, le numéro du catalogue et les mots «broché», «cartonné» ou «relié»;

The works and the number of copies ordered or offered, the price of such works, as well as annotations representing elements affecting the price, the method of payment, the edition, the names of the authors and publishers, the catalog number and the words *broché* (stitched or paper-bound), *cartonné* (boards), or *relié* (bound);

Library forms.

d) sur les formules utilisées par les services de prêts des bibliothèques:

(d) On forms used in connection with loans from libraries:

les titres des ouvrages, le nombre des exemplaires demandés ou envoyés, les noms des auteurs et des éditeurs, les numéros du catalogue, le nombre de jours accordé pour la lecture, le nom de la personne désirant consulter l'ouvrage ainsi que d'autres indications sommaires se référant aux ouvrages en question;

The titles of the books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of the person desiring to consult the book, as well as other brief indications relating to the works in question.

Illustrated, etc., cards.

e) sur les cartes illustrées, les cartes de visite imprimées ainsi que sur les cartes de Noël et de nouvel an:

(e) On illustrated cards, printed visiting cards, as well as on Christmas and New Year cards:

des souhaits, félicitations, remerciements, compliments de condoléance ou autres formules de politesse exprimés en cinq mots ou au moyen de cinq initiales conventionnelles, au maximum;

Good wishes, congratulations, thanks, condolences or other forms of politeness expressed in five words or by means of five conventional initials at most;

Printing proofs.

f) sur les épreuves d'imprimerie: les changements et additions qui se rapportent à la correction, à la forme et à l'impression ainsi que des mentions telles que «Bon à tirer», «Vu-Bon à tirer» ou toutes autres analogues se rapportant à la confection de l'ouvrage. En cas de manque de place, les additions peuvent être faites sur des feuilles spéciales;

(f) On printing proofs: Such changes and additions as relate to corrections, form and printing, as well as notes such as *Bon à tirer* (ready for printing), *Vu-Bon à tirer* (O. K. for printing), or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets;

Fashion plates, maps, etc.

g) sur les images de mode, les cartes géographiques, etc.: les couleurs;

(g) On fashion plates, maps, etc.: The colors;

*h)* sur les listes de prix courants, les offres d'annonces, les cotes de bourse et de marché, les circulaires de commerce et les prospectus: des chiffres; toutes autres annotations représentant des éléments constitutifs des prix;

*(h)* On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses: Figures; Any other notations representing elements affecting the prices;

Current price lists, etc.

*i)* sur les livres, brochures, journaux, photographies, gravures, papiers de musique et, en général, sur toutes les productions littéraires ou artistiques imprimées, gravées, lithographiées ou autographiées:

*(i)* On books, pamphlets, newspapers, photographs, engravings, sheet-music, and, in general, on all printed, engraved, lithographed or autographed literary or artistic productions:

Books, etc.

une dédicace consistant en un simple hommage et, sur les photographies ou gravures, une légende explicative très succincte ainsi que d'autres indications sommaires se référant à la photographie ou à la gravure elle-même;

A dedication consisting of a simple tribute; and, on photographs or engravings, a very concise explanatory legend and other summary information concerning the photograph or engraving itself;

*j)* sur les passages découpés de journaux et publications périodiques:

*(j)* On passages cut from newspapers and periodicals.

Press clippings.

le titre, la date, le numéro et l'adresse de la publication dont l'article est extrait.

The name, date, number and address of the publication from which the article is taken.

*k)* sur les avis de changement d'adresse:

*(k)* On advices of change of address:

Advices of change of address.

la nouvelle adresse de l'expéditeur et la date à laquelle le changement prend cours, ou encore l'ancienne adresse et la date à laquelle le changement a été réalisé.

The new address of the sender and the effective date thereof, or the old address and the date of the change.

3.—Les additions et les corrections prévues aux §§ 1 et 2 peuvent être faites à la main ou par un procédé mécanique quelconque.

3. The additions and corrections contemplated in Sections 1 and 2 may be made by hand or by any mechanical process.

Methods for making additions and corrections.

4.—Il est, enfin, permis de joindre:

4. Finally, it is permissible to attach:

Proofs; manuscript.

a) aux épreuves d'imprimerie corrigées ou non: le manuscrit s'y rapportant;

*(a)* To corrected or uncorrected printing proofs: The manuscript belonging thereto;

b) aux envois des catégories mentionnées sous § 2, lettre *i)*:

*(b)* To articles of the classes mentioned under Section 2, letter *(i)*:

Invoice of article sent.

la facture ouverte se rapportant à l'objet envoyé, réduite à ses énonciations constitutives;

An open invoice covering the article sent, reduced to its essential terms;

c) à tous les imprimés: une carte, une enveloppe ou une bande, munie de l'adresse de l'expéditeur de l'envoi et affranchie pour le retour au moyen de timbres-poste du pays de destination de l'envoi.

*(c)* To all prints: A card, envelope or wrapper bearing the address of the sender of the article and prepaid for the reply by means of postage stamps of the country of destination of the article.

Prepaid reply card, etc.

## ARTICLE 119.

Imprimés. Conditionnement des envois.

Prints; make-up of packets.

1.—Les imprimés doivent être, soit placés sous bande, sur rouleau, entre des cartons, dans un étui ouvert ou dans une enveloppe non fermée munie, s'il y a lieu, de fermoirs faciles à enlever et à remplacer et n'offrant aucun danger, soit entourés d'une ficelle facile à dénouer.

Prints without wrapper, etc.

2.—Les imprimés présentant la forme et la consistance d'une carte peuvent être expédiés à découvert sans bande, enveloppe ou lien. Le même mode d'expédition est admis pour les imprimés pliés de façon qu'ils ne puissent se déplier pendant le transport.

Reserved, etc., spaces.

3.—*La moitié droite au moins du recto des imprimés expédiés sous forme de cartes, y compris les cartes illustrées bénéficiant de la taxe réduite, est réservée à l'adresse du destinataire et aux mentions ou étiquettes de service. Les timbres-poste ou empreintes d'affranchissement doivent être appliqués au recto et, autant que possible, sur la partie droite de la carte.*

Make-up of packets.

4.—Dans tous les cas, les envois doivent être conditionnés de façon que d'autres objets ne risquent pas de s'y fourvoyer.

## ARTICLE 120.

*Objets assimilés aux impressions en relief à l'usage des aveugles.*

Articles for the blind.

*Les clichés portant des signes de la cécographie sont assimilés aux impressions en relief à l'usage des aveugles.*

*Il en est de même des enregistrements sonores destinés uniquement à l'usage des aveugles, à condition qu'ils soient expédiés par un institut pour aveugles officiellement reconnu ou adressés à un tel institut.*

## ARTICLE 121.

Echantillons. Annotations autorisées.

Samples; authorized annotations.

Il est permis d'indiquer à la main ou par un procédé mécanique, à l'extérieur ou à l'intérieur des

## ARTICLE 119

*Prints. Make-up of packets*

1. Prints shall be placed either under wrapper, in rolls, between boards, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which is easily untied.

2. Prints in the shape and consistency of a card may be sent open, without wrapper, envelope or fastening. The same mode of dispatch is allowed for prints folded in such a way that they can not become unfolded en route.

3. At least the right half of the front of prints sent in the form of cards, including illustrated post cards benefiting by the reduced rate, is reserved for the address of the addressee and the service notations or labels. The postage stamps or postage-paid impressions shall be applied to the front and, as far as possible, to the right half of the card.

4. In all cases, the articles shall be made up in such a way that other articles do not run the risk of becoming lost within them.

## ARTICLE 120

*Articles assimilated to raised print for the blind*

Plates bearing characters for the use of the blind are assimilated to raised prints for the blind.

The same applies to sound recordings intended only for the use of the blind, provided that they are sent by an officially recognized institution for the blind or addressed to such an institution.

## ARTICLE 121

*Samples. Authorized annotations*

It is permissible to indicate, by hand or by a mechanical process, on the outside or inside of pack-

envois d'échantillons *et, dans ce dernier cas, sur l'échantillon même ou sur une feuille spéciale y relative*, les nom, qualité, profession, raison sociale et adresse de l'expéditeur et du destinataire ainsi que la date d'expédition, la signature, le numéro d'appel au téléphone, l'adresse et le code télégraphiques, le compte courant postal ou bancaire de l'expéditeur, une marque de fabrique ou de marchand, *une indication sommaire relative au fabricant et au fournisseur de la marchandise ou concernant la personne à laquelle l'échantillon est destiné, ainsi que des numéros d'ordre ou d'immatriculation*, des prix et toutes autres annotations représentant des éléments constitutifs des prix, des indications relatives au poids, au métrage et à la dimension ainsi qu'à la quantité disponible et celles qui sont nécessaires pour préciser la provenance et la nature de la marchandise.

ages of samples, and, in the latter case, on the sample itself or on a special sheet relative thereto, the name, title, profession, firm and address of the sender and of the addressee, as well as the date of mailing, the signature, telephone number, telegraphic address and code, current postal-check or bank account of the sender, a manufacturer's mark or trade-mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing elements affecting the price, particulars relative to weight, measurements and size, as well as the quantity available, and such as are necessary to determine the origin and character of the merchandise.

## ARTICLE 122.

## Echantillons. Conditionnement des envois.

1.—Les échantillons de marchandises doivent être placés dans des sacs, des boîtes ou des enveloppes mobiles.

2.—Les objets en verre ou autres matières fragiles, les envois de liquides, huiles, corps gras, poudres sèches, colorantes ou non, ainsi que les envois *qui contiennent des abeilles vivantes des sangsues, des graines de vers à soie ou des parasites visés à l'article 46, § 1, de la Convention* sont admis au transport comme échantillons de marchandises, pourvu qu'ils soient conditionnés de la manière suivante:

a) les objets en verre ou autres matières fragiles doivent être emballés solidement (boîtes en métal, en bois ou en carton ondulé de qualité solide), de manière à prévenir tout danger pour les agents et les correspondances;

b) les liquides, huiles et corps facilement liquéfiables doivent être insérés dans des récipients hermétiquement fermés. Chaque réci-

## ARTICLE 122

*Samples. Make-up of packets*

1. Samples of merchandise shall be placed in sacks, boxes or removable envelopes.

2. Articles of glass or other fragile materials, articles containing liquids, oils, fatty substances, dry powders (whether dyes or not), as well as articles containing live bees, leeches and silkworm eggs, or the parasites mentioned in Article 46, Section 1 of the Convention, are accepted for transmission as samples of merchandise, provided that they are packed in the following manner:

(a) Articles of glass or other fragile materials shall be securely packed (in boxes of metal, wood or strong corrugated pasteboard), so as to avoid all danger to postal employees and the mails;

(b) Liquids, oils and substances which easily liquefy shall be inclosed in hermetically sealed containers. Each receptacle shall

Packing, etc.

Special directions.

Annex, p. 2071.

Glass, etc.

Liquids, etc.

piant doit être placé dans une boîte spéciale en métal, en bois résistant ou en carton ondulé de qualité solide garnie de sciure de bois, de coton ou de matière spongieuse en quantité suffisante pour absorber le liquide en cas de bris du récipient. Le couvercle de la boîte doit être fixé de manière qu'il ne puisse se détacher facilement;

Fatty substances.

c) les corps gras difficilement liquéfiables, tels que les onguents, le savon mou, les résines, etc., ainsi que les graines de vers à soie, dont le transport offre moins d'inconvénients, doivent être enfermés sous une première enveloppe (boîte, sac en toile, parchemin, etc.), placée elle-même dans une seconde boîte en bois, en métal ou en cuir fort et épais;

Dry powdered dyes,  
etc.

d) les poudres sèches colorantes, telles que le bleu d'aniline, etc., ne sont admises que dans des boîtes en fer-blanc résistant, placées à leur tour dans des boîtes en bois avec de la sciure entre les deux emballages. Les poudres sèches non colorantes doivent être placées dans des boîtes en métal, en bois ou en carton; ces boîtes doivent être elles-mêmes enfermées dans un sac en toile ou en parchemin;

Live bees, leeches,  
etc.

e) les abeilles vivantes, les sangsues et les parasites doivent être enfermés dans des boîtes disposées de façon à éviter tout danger.

Hermetically sealed  
containers.

3.—Les objets qui se gâteraient s'ils étaient emballés d'après les règles générales peuvent, exceptionnellement, être admis sous un emballage hermétiquement fermé. *Il en est de même pour les échantillons de produits industriels et végétaux mis à la poste sous un emballage fermé par la fabrique ou scellés par une autorité de vérification du pays d'origine.* Dans ces cas, les Administrations intéressées peuvent exiger que l'expéditeur ou le destinataire facilite la vérification du contenu, soit en ouvrant quelques-uns des envois désignés par elles, soit d'une autre manière satisfaisante.

Single articles.

4.—Il n'est pas exigé d'emballage pour les objets d'une seule

be placed in a separate box of metal, strong wood or strong corrugated pasteboard containing sawdust, cotton or spongy material in sufficient quantity to absorb the liquid in case of breakage of the receptacle. The lid of the box shall be fastened in such a way that it can not be easily detached;

(c) Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, shall be inclosed in an inside cover (box, bag of linen or parchment, etc.), which shall itself be placed in a second box of wood, metal or stout, thick leather;

(d) Dry powdered dyes such as aniline blue, etc., are not admitted unless inclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings. Dry non-coloring powders shall be placed in boxes of metal, wood or pasteboard; those boxes themselves shall be inclosed in a bag of linen or parchment;

(e) Live bees, leeches and parasites shall be inclosed in boxes so constructed as to avoid all danger.

3. Articles which would deteriorate if packed in accordance with the general rules may, as an exception, be admitted in a hermetically sealed container. The same applies to samples of industrial or vegetable products mailed under seal by the manufacturer or sealed by the inspection authorities of the country of origin. In such cases, the Administrations concerned may require the sender or the addressee to facilitate inspection of the contents, either by opening certain articles indicated by them, or in some other satisfactory manner.

4. No packing is required for articles consisting of a single

pièce, tels que pièces de bois, pièces métalliques, etc., qu'il n'est pas dans les usages du commerce d'emballer.

5.—L'adresse du destinataire doit être indiquée, autant que possible, sur l'emballage ou sur l'objet lui-même. Si l'emballage ou l'objet ne se prête pas à l'inscription de l'adresse et des indications de service ou à l'application des timbres-poste, il doit être fait usage d'une étiquette volante, de préférence en parchemin, attachée solidement. Il en est de même lorsque le timbrage est susceptible de provoquer la détérioration de l'envoi.

piece, such as pieces of wood, metal, etc., which it is not the custom of the trade to pack.

5. The address of the addressee shall be indicated, as far as possible, on the wrapper or on the article itself. If the packing or the article is not suitable for the inscription of the address and service information, or for the application of the postage stamps, use shall be made of a tag, preferably of parchment, to be securely attached. The same applies when stamping is likely to damage the article.

Addressing, etc.

#### ARTICLE 123.

Objets assimilés aux échantillons.

Sont admis au tarif des échantillons: les clichés d'imprimerie, les patrons découpés isolés, les clefs isolées, les fleurs fraîches coupées, les objets d'histoire naturelle (animaux et plantes séchés ou conservés, spécimens géologiques, etc.), tubes de sérum ou de vaccin et objets pathologiques rendus inoffensifs par leur mode de préparation et d'emballage. Ces objets, à l'exception des tubes de sérum et de vaccin expédiés dans un intérêt général par les laboratoires ou institutions officiellement reconnus, ne peuvent être envoyés dans un but commercial. Leur emballage doit être conforme aux prescriptions générales concernant les échantillons de marchandises.

#### ARTICLE 123

*Articles assimilated to samples*

The following are admitted at the sample rate: Electrotypes, cut out patterns sent singly, keys sent singly, fresh cut flowers, articles of natural history (dried or preserved animals and plants, geological specimens, etc.), tubes of serum or vaccine and pathological objects rendered inoffensive by their mode of preparation and packing. Those articles, with the exception of tubes of serum and vaccine sent in the general interest by laboratories or institutions officially recognized, may not be sent for commercial purposes. Their packing shall be in accordance with the general regulations concerning samples of merchandise.

Articles assimilated to samples.

#### ARTICLE 124.

Objets groupés.

1.—La réunion dans un seul envoi d'objets de correspondance de catégories différentes est limitée aux papiers d'affaires, aux imprimés, à l'exception des impressions en relief à l'usage des aveugles, et aux échantillons de marchandises sous réserve:

a) que chaque objet pris isolément ne dépasse pas les limites qui lui sont applicables quant au poids et aux dimensions;

#### ARTICLE 124

*Grouped articles*

1. The inclusion in a single packet of articles of correspondence of different classes is limited to commercial papers, to prints other than raised print for the blind, and to samples of merchandise, on condition:

(a) That each article taken singly does not exceed the limits which are applicable to it in regard to weight and dimensions;

Grouped articles.

Conditions.

b) que le poids total ne dépasse pas 2 kilogrammes par envoi;

c) que la taxe payée soit au moins la taxe minimum des papiers d'affaires si l'envoi contient des papiers d'affaires, et la taxe minimum des échantillons s'il se compose d'imprimés et d'échantillons.

2.—Ces dispositions ne sont applicables qu'aux objets soumis à la même taxe unitaire. Lorsqu'une Administration constate la réunion dans un même envoi d'objets passibles de taxes différentes, cet envoi est frappé pour son poids total de la taxe afférente à la catégorie dont le tarif est le plus élevé.

(b) That the total weight does not exceed 2 kilograms per packet;

(c) That the postage paid is at least the minimum charge for commercial papers if the packet contains commercial papers, and the minimum charge for samples if it is composed of prints and samples.

2. These provisions are applicable only to articles subject to the same rate per unit. When an Administration detects the inclusion in one and the same packet of articles liable to different rates, that packet is charged, for its total weight, with the rate applicable to the class for which the rate is highest.

Articles of different classes.

#### ARTICLE 125.

##### Petits paquets.

Small packets.

1.—Les petits paquets sont soumis aux dispositions prescrites pour les échantillons de marchandises en ce qui concerne le conditionnement et l'emballage.

Open invoices, etc.

2.—Il est permis d'y insérer une facture ouverte, réduite à ses énonciations constitutives, ainsi qu'une simple copie de la suscription de l'objet avec mention de l'adresse de l'expéditeur.

Names and addresses of senders.

3.—Les nom et adresse des expéditeurs doivent figurer à l'extérieur des envois.

#### ARTICLE 125

##### *Small packets*

1. Small packets are subject to the provisions laid down for samples of merchandise in regard to preparation and packing.

2. It is permissible to inclose therein an open invoice, reduced to its essential elements, as well as a simple copy of the address of the article with mention of the address of the sender.

3. The names and addresses of the senders shall appear on the outside of the packets.

#### ARTICLE 126.

##### *Envois "Phonopost"*.

Phonopost articles.

1.—Les envois "Phonopost" contenant des disques phonographiques doivent être protégés par une enveloppe solide non fermée.

2.—L'expéditeur doit mentionner en caractères très apparents, sur le recto de l'enveloppe, outre les indications ordinaires, le mot "Phonopost". Il est loisible d'imprimer au recto, en une ou plusieurs langues, une notice relative à la manière de reproduction sonore de l'enregistrement du disque.

3.—Il est permis d'insérer dans l'envoi, convenablement protégées, des aiguilles devant servir à obtenir la reproduction de l'enregistrement.

#### ARTICLE 126

##### *"Phonopost" articles*

1. *Phonopost* articles containing phonograph records shall be inclosed in strong unsealed envelopes.

2. The sender shall mention in conspicuous characters on the front of the envelope, in addition to the ordinary annotations, the word *Phonopost*. It is permissible to print on the front, in one or more languages, an explanatory notice concerning the manner of reproducing the record.

3. It is permitted to inclose, adequately protected, the necessary needles for the reproduction of the record.

## TITRE III.

## TITLE III

ENVOIS RECOMMANDÉS.  
AVIS DE RÉCEPTION.REGISTERED ARTICLES.  
RETURN RECEIPTS

## CHAPITRE UNIQUE.

## SOLE CHAPTER

## ARTICLE 127.

## ARTICLE 127

## Envois recommandés.

*Registered articles*

1.—Les envois recommandés doivent porter au recto l'en-tête très apparent "Recommandé" ou une mention analogue dans la langue du pays d'origine.

1. Registered articles shall bear on the address side the conspicuous notation *Recommandé* (registered), or a similar notation in the language of the country of origin.

Marking, etc.

Sauf les exceptions ci-après, aucune condition spéciale de forme, de fermeture ou de libellé de l'adresse n'est exigée pour ces envois.

With the exceptions below, no special conditions as to form, sealing or wording of the address are laid down for such articles.

2.—Les objets de correspondance qui portent une adresse écrite au crayon ou constituée par des initiales ne sont pas admis à la recommandation.

2. Articles of correspondence which bear an address written in pencil or consisting of initials are not accepted for registration.

Toutefois, l'adresse des envois autres que ceux qui sont expédiés sous enveloppe à panneau transparent peut être écrite au crayon-encre.

However, the address of articles other than those which are sent in transparent-panel envelopes may be written with indelible pencil.

3.—Les envois recommandés doivent être revêtus, à l'angle gauche de la suscription, d'une étiquette conforme au modèle C 4 ci-annexé, avec l'indication en caractères latins de la lettre «R», du nom du bureau d'origine et du numéro d'ordre de l'envoi.

3. Registered articles shall bear, on the left-hand corner of the address side, a label conforming to Model C 4 hereto appended, with indication in Latin characters of the letter *R*, the name of the office of origin and the order number of the article.

Registry requirements.

Post, p. 2104.

Toutefois, il est permis aux Administrations dont le régime intérieur s'oppose actuellement à l'emploi des étiquettes d'ajourner la mise à exécution de cette mesure et d'employer pour la désignation des envois recommandés des timbres «Recommandé» ou «R», à côté desquels doivent figurer l'indication du bureau d'origine et celle du numéro d'ordre. Ces timbres doivent être apposés également à l'angle gauche de la suscription.

However, it is permissible for Administrations whose domestic legislation at present opposes the use of labels to defer the adoption of this measure and to use, for the designation of registered articles, stamps reading *Recommandé* (registered) or *R*, beside which shall appear the indication of the office of origin and that of the order number. Those stamps shall likewise be applied in the left-hand corner of the address side.

4.—Aucun numéro d'ordre ne doit être porté au recto des objets recommandés par les Administrations intermédiaires.

4. No order number shall be placed on the front of registered articles by the intermediate Administrations.

## ARTICLE 128.

## Avis de réception.

Marking of return receipts.

1.—Les envois dont l'expéditeur demande un avis de réception doivent porter, au recto, l'annotation très apparente «Avis de réception» ou l'empreinte d'un timbre «A. R.». *L'expéditeur doit indiquer à l'extérieur de l'envoi son nom et son adresse en caractères latins.*

Prescribed form.

2.—Ils sont accompagnés d'une formule de la consistance d'une carte postale, de couleur rouge clair, conforme au modèle C 5 ci-annexé; cette formule est établie par le bureau d'origine ou par tout autre bureau à désigner par l'Administration expéditrice et réunie à l'objet extérieurement et d'une manière solide. Si elle ne parvient pas au bureau de destination, celui-ci dresse d'office un nouvel avis de réception.

Post, pp. 2195, 2196.

*Il n'est pas tenu compte du poids de la formule de l'avis de réception pour le calcul de la taxe d'affranchissement.*

Return to sender.

Post, pp. 2195, 2196.

3.—Le bureau de destination renvoie la formule C 5, dûment remplie, dans le courrier ordinaire, à découvert et en franchise de port, à l'adresse de l'expéditeur de l'objet.

Failure to return to sender.

4.—Lorsque l'expéditeur réclame un avis de réception qui ne lui est pas parvenu dans les délais voulus, il est procédé conformément aux règles tracées à l'article 129 ci-après. Dans ce cas, il n'est pas perçu une deuxième taxe et le bureau d'origine inscrit en tête de la formule C 5 la mention «*Duplicata de l'avis de réception, etc.*».

## ARTICLE 128

## Return receipts

1. Articles for which the sender requests a return receipt shall bear, on the front, the conspicuous notation: *Avis de réception* (return receipt); or the imprint of a stamp: *A. R.* The sender shall mention his name and address on the outside of the article, in Latin characters.

2. They are accompanied by a form of the consistency of a post card, light red in color, conforming to Model C 5 hereto appended; that form is made up by the office of origin or any other office to be designated by the Administration of origin, and fastened securely to the outside of the article. If it does not reach the office of destination, the latter officially makes up a new return receipt.

The weight of the return-receipt form is not considered in calculating the postage.

3. The office of destination returns the Form C 5, duly completed, in the ordinary mail, without cover and free of postage, to the address of the sender of the article.

4. When the sender makes inquiry about a return receipt which has not reached him within a reasonable period, the procedure set forth in Article 129 hereafter is followed. In such a case, a second fee is not collected, and the office of origin enters at the head of the Form C 5 the note: *Duplicata de l'avis de réception etc.* (duplicate return receipt requested, etc.).

## ARTICLE 129.

## Avis de réception demandé postérieurement au dépôt.

Prescribed form.

1.—Lorsque l'expéditeur demande un avis de réception postérieurement au dépôt de l'envoi, le bureau d'origine remplit une formule C 5.

Post, pp. 2196, 2196.

## ARTICLE 129

## Return receipts requested after mailing

1. When the sender requests a return receipt after mailing the article, the office of origin fills out a Form C 5.

La formule C 5 est attachée à une réclamation C 13 mentionnée à l'article 153 ci-après; cette réclamation, après avoir été revêtue d'un timbre-poste représentant la taxe due, est traitée selon les prescriptions dudit article 153, sauf que, en cas de distribution régulière de l'envoi, le bureau de destination retire la formule C 13 et renvoie la formule C 5 à l'origine de la manière prescrite à l'article 128, § 3.

The Form C 5 is attached to a tracer, Form C 13, mentioned in Article 153 hereafter; that tracer, after having been provided with a postage stamp representing the fee payable, is treated in accordance with the provisions of the said Article 153, except that, in case of regular delivery of the article, the office of destination removes the Form C 13 and returns the Form C 5 to origin in the manner prescribed by Article 128, Section 3.

*Post, pp. 2195, 2196, 2206, 2207, 2143.*

2.—Les dispositions particulières adoptées par les Administrations en vertu de l'article 153 ci-après, pour la transmission des réclamations d'envois recommandés, sont applicables aux demandes d'avis de réception formulées postérieurement au dépôt.

2. The special provisions adopted by the Administrations by virtue of Article 153 hereafter, for the transmission of inquiries for registered articles, are applicable to requests for return receipts made after mailing.

*Provisions applicable.*

TITRE IV.

TITLE IV

ENVOIS CONTRE REMBOURSEMENT.

COLLECT-ON-DELIVERY ARTICLES

CHAPITRE UNIQUE.

SOLE CHAPTER

ARTICLE 130.

ARTICLE 130

Indications à porter sur l'envoi.

*Notations to be made on the article*

1.—Les envois recommandés grevés de remboursement doivent porter au recto, d'une manière très apparente, l'en-tête «Remboursement», suivi de l'indication du montant du remboursement en caractères latins, en toutes lettres et en chiffres arabes, sans ratures ni surcharges, même approuvées.

1. Registered C. O. D. articles shall bear on the address side the conspicuous heading *Remboursement* (collect on delivery), followed by the amount of the trade charge, spelled out in full in Latin characters, and in Arabic figures, without erasure or correction, even if certified.

*Notations required.*

2.—L'expéditeur doit indiquer au recto de l'envoi son nom et son adresse en caractères latins. Lorsque le montant encaissé est à verser en compte courant postal dans le pays de destination ou d'origine, l'envoi doit porter, en outre, du côté de la suscription, l'annotation suivante libellée en français ou dans une autre langue connue dans le pays de destination:

2. The sender shall indicate on the front of the article his name and address in Latin characters. When the amount collected is to be turned over to a current postal-check account in the country of destination or origin, the article shall also bear, on the address side, the following notation in French or in another language known in the country of destination:

«A porter au crédit du compte courant postal N°----- de M. ----- à ----- tenu par le bureau de chèques d.-----».

“To be credited to current postal-check account No. ----- of M. ----- at -----, kept by the check office of -----”

## ARTICLE 131.

## Etiquette.

Label.

Post, p. 2194.  
Post, p. 2194; ante,  
p. 2125.

Les envois contre remboursement doivent être revêtus, au recto, d'une étiquette de couleur orange conforme au modèle C 6 ci-annexé. L'étiquette modèle C 4 prévue par l'article 127, § 3, ou l'empreinte du timbre spécial en tenant lieu doit être appliquée autant que possible à l'angle supérieur de l'étiquette modèle C 6.

Post, p. 2194.

Toutefois, il est loisible aux Administrations de faire usage, au lieu des deux étiquettes prévues à l'alinéa précédent, d'une seule étiquette conforme au modèle C 7 ci-annexé, portant en caractères latins le nom du bureau d'origine, la lettre R, le numéro d'ordre de l'envoi et un triangle de couleur orange où figure le mot «Remboursement».

## ARTICLE 131

## Label

C. O. D. articles shall bear, on the front, an orange-colored label conforming to Model C 6 hereto appended. The label, Form C 4, prescribed by Article 127, Section 3, or the imprint of the special stamp taking its place, shall be applied as far as possible in the upper corner of the label, Form C 6.

However, it is permissible for Administrations to make use, instead of the two labels mentioned in the preceding paragraph, of a single label conforming to Model C 7 hereto appended, bearing in Latin characters the name of the office of origin, the letter R, the order number of the article, and an orange-colored triangle on which appears the word *Remboursement* (C. O. D.).

## ARTICLE 132.

## Mandat de remboursement.

C. O. D. money order.

Post, pp. 2197, 2198.

Sauf le cas prévu à l'article 133 ci-après, tout envoi contre remboursement est accompagné d'une formule de mandat de remboursement en carton résistant, de couleur vert clair, conforme au modèle C 8 ci-annexé. Cette formule doit porter l'indication du montant du remboursement dans la monnaie du pays d'origine et en règle générale, indiquer l'expéditeur de l'envoi comme bénéficiaire du mandat. Lorsque le règlement de l'Administration d'origine le permet, l'expéditeur a la faculté de mentionner sur ce titre, au lieu et place de son adresse, le titulaire et le numéro d'un compte courant postal tenu dans le pays d'origine ainsi que le bureau qui tient ce compte. Chaque Administration est libre de faire adresser aux bureaux d'origine des envois ou à d'autres de ses bureaux les mandats afférents aux envois originaires de son service.

Le mandat est réuni d'une manière solide à l'objet auquel il se rapporte.

## ARTICLE 132

## C. O. D. money order

Except in the case contemplated by Article 133 following, every C. O. D. article is accompanied by a form of C. O. D. money order of strong cardboard, of light green color, conforming to Model C 8 hereto appended. That form shall indicate the amount of the C. O. D. charge in the currency of the country of origin, and, as a general rule, indicate the sender of the article as the payee of the money order. When the regulations of the Administration of origin permit, the sender has the option of mentioning on that order, instead of his address, the holder and number of a current postal-check account held in the country of origin, as well as the office where that account is kept. Any Administration is at liberty to cause money orders relating to articles originating in its service to be addressed to the offices of origin of the articles, or to others of its offices.

The money order is securely attached to the article to which it relates.

## ARTICLE 133.

Versement en compte courant postal dans le pays de destination de l'envoi.

Tout envoi dont le montant encaissé doit être versé en compte courant postal dans le pays de destination est accompagné, sauf arrangement contraire, d'un bulletin de versement conforme à la formule prescrite dans le service intérieur de ce pays. Le bulletin doit désigner le titulaire du compte à créditer et contenir toutes les autres indications que comporte le texte de la formule, à l'exception du montant à créditer qui sera inscrit par l'Administration de destination après encaissement du montant du remboursement. Si le bulletin de versement est pourvu d'un coupon, l'expéditeur y mentionne son nom et son adresse ainsi que les autres indications qu'il juge nécessaires.

Le bulletin de versement est réuni solidement à l'objet.

## ARTICLE 134.

Conversion du montant du remboursement.

Sauf entente contraire, le montant du remboursement exprimé dans la monnaie du pays d'origine de l'envoi est converti en monnaie du pays destinataire par les soins de l'Administration de ce pays, qui se sert du taux de conversion dont elle fait usage pour les mandats de poste à destination du pays d'origine des envois.

## ARTICLE 135.

Divergence entre les indications du montant du remboursement.

En cas de divergence entre les indications du montant du remboursement figurant sur l'envoi et sur le mandat, la somme la plus élevée doit être encaissée sur le destinataire.

## ARTICLE 133

*Transfer to a current postal-check account in the country of destination of the article*

Every article whose amount, when collected, is to be turned over to a current postal-check account in the country of destination is accompanied, barring contrary agreement, by a transfer bulletin conforming to the model prescribed in the domestic service of that country. The bulletin shall designate the holder of the account to be credited, and shall contain all other information called for by the text of the form, with the exception of the amount to be credited, which will be entered by the Administration of destination after collecting the amount of the C. O. D. charge. If the transfer bulletin has a coupon, the sender mentions thereon his name and address, as well as such other information as he deems necessary.

The transfer bulletin is attached securely to the article.

Transfer bulletin.

## ARTICLE 134

*Conversion of the amount collected*

Barring contrary agreement, the amount of the trade charge, expressed in money of the country of origin of the article, is converted into money of the country of destination by the Administration of that country, which makes use of the conversion rate which it employs for money orders destined for the country of origin of the articles.

Conversion of collections.

## ARTICLE 135

*Difference between indications of the amount of the C. O. D. charge*

In case of difference between the indications of the amount of the charge to be collected on delivery shown on the article and on the money order, the higher sum shall be collected from the addressee.

Settlement of delivery charges.

Refusal to pay.

Si celui-ci refuse de verser cette somme, l'envoi peut être livré, sauf l'exception prévue ci-après, contre paiement de la somme inférieure, mais sous réserve qu'un paiement complémentaire sera effectué, s'il y a lieu, dès réception des renseignements qui seront fournis par l'Administration expéditrice. Si le destinataire n'accepte pas cette condition, il est sursis à la livraison de l'envoi.

Dans tous les cas, une demande de renseignements est transmise immédiatement à l'Administration expéditrice qui doit y répondre, dans le plus court délai possible, en précisant le montant exact du remboursement et en appliquant, le cas échéant, les prescriptions de l'article 137, § 2, ci-après.

Lorsque le destinataire est de passage ou doit s'absenter, le paiement de la somme la plus élevée est toujours exigé. En cas de refus, l'envoi n'est livré qu'à la réception de la réponse à la demande de renseignements.

If the latter refuses to pay that sum, the article may be delivered, except as provided below, upon payment of the lower sum, but with the understanding that an additional payment is to be made, if necessary, upon receipt of the information to be furnished by the Administration of origin. If the addressee does not accept that condition, delivery of the article is postponed.

In all cases, a request for information is sent immediately to the Administration of origin, which shall reply thereto as soon as possible, stating the precise amount to be collected, and applying, if occasion arises, the provisions of Article 137, Section 2, hereafter.

When the addressee is traveling or must be away, payment of the higher sum is always required. In case of refusal, the article is not delivered until reply is received to the request for information.

## ARTICLE 136.

## Délai de paiement.

Period for payment.

Le montant du remboursement doit être payé dans un délai de sept jours à compter du lendemain de l'arrivée de l'envoi au bureau destinataire. Ce délai peut être porté à un mois au maximum lorsque la législation interne du pays de destination l'exige. A l'expiration du délai de garde, l'objet est renvoyé au bureau d'origine. L'expéditeur peut toutefois demander, par une annotation, le retour immédiat de l'objet au cas où le destinataire ne payerait pas le montant du remboursement lors de la première présentation. Le renvoi immédiat a également lieu si le destinataire, lors de la présentation, a formellement refusé tout paiement.

Return to sender.

## ARTICLE 136

*Period for payment*

The amount to be collected shall be paid within a period of seven days, counting from the day following the arrival of the article at the office of destination. That period may be extended to one month at most when the domestic legislation of the country of destination so requires. At the expiration of the period of retention, the article is returned to the office of origin. The sender may, however, by an annotation, request the immediate return of the article in case that the addressee does not pay the amount of the C. O. D. charge when the article is first tendered for delivery. Immediate return is also effected if the addressee, on presentation, has formally refused to make any payment.

## ARTICLE 137.

## Annulation ou modification du montant du remboursement.

## ARTICLE 137

*Cancellation or modification of the amount to be collected on delivery*

Rules governing requests.

1.—Les demandes d'annulation ou de *modification* du montant du

1. Requests for cancellation or modification of the amount to be

remboursement sont soumises aux règles et formalités prescrites par l'article 150 ci-après.

S'il s'agit d'une demande télégraphique, celle-ci doit être confirmée, par le premier courrier, par une demande postale accompagnée du facsimilé dont il est question à l'article 150, § 1, ci-après, et portant en tête l'annotation soulignée au crayon de couleur «Confirmation de la demande télégraphique du . . .».

Dans ce cas, le bureau destinataire se borne à retenir l'envoi, à la réception du télégramme, et attend la confirmation postale pour faire droit à la demande.

Toutefois, l'Administration destinataire peut, sous sa propre responsabilité, donner suite à une demande télégraphique sans attendre cette confirmation.

2.—Excepté le cas prévu à l'article 133, toute demande par voie postale de *modification* du montant du remboursement doit être accompagnée d'une nouvelle formule de mandat de remboursement indiquant le montant rectifié.

Lorsqu'il s'agit d'une demande par voie télégraphique, le mandat de remboursement doit être remplacé par le bureau destinataire dans les conditions déterminées par l'article 140 ci-après.

#### ARTICLE 138.

##### Réexpédition.

Les envois recommandés grevés de remboursement peuvent être réexpédiés si le pays de la nouvelle destination assure, avec celui d'origine, le service des envois de cette catégorie. Dans ce cas, les envois sont accompagnés des formules de mandats de remboursement établies par le service d'origine. L'Administration de la nouvelle destination procède à la liquidation des remboursements comme si les envois lui avaient été expédiés directement.

Les envois dont le montant encaissé doit être versé en compte courant postal dans le pays de destination primitif ne peuvent être réexpédiés.

collected are subject to the rules and formalities prescribed by Article 150 hereafter.

In case of a telegraphic request, it shall be confirmed, by the first mail, by a postal request accompanied by the facsimile mentioned in Article 150, Section 1, hereafter, bearing at the head the notation, underlined in colored pencil: *Confirmation de la demande télégraphique du . . . . .*" (confirmation of the telegraphic request of . . . . .).

In that case, the office of destination merely holds the article on receipt of the telegram, and waits for confirmation by mail before complying with the request.

However, the Administration of destination may, on its own responsibility, comply with a telegraphic request without awaiting such confirmation.

2. Except in the case contemplated by Article 133, every request by mail for modification of the amount to be collected on delivery shall be accompanied by a new C. O. D. money-order form indicating the correct amount.

In case of a request by telegraph, the C. O. D. money order shall be replaced by the office of destination under the conditions fixed by Article 140 hereafter.

#### ARTICLE 138

##### Forwarding

Registered C. O. D. articles may be forwarded if the country of new destination carries on the C. O. D. service with the country of origin. In such a case, the articles are accompanied by C. O. D. money-order forms made out by the service of origin. The Administration of new destination proceeds to settle for the C. O. D. charges as if the article had been sent to it direct.

Articles on which the amount collected is to be turned over to a current postal-check account in the original country of destination may not be forwarded.

Post, p. 2141.

Telegraphic requests.

Mail requests.  
Ante, p. 2129.

Forwarding of registered articles.

Exception.

## ARTICLE 139.

## ARTICLE 139

Emission du mandat de remboursement ou du bulletin de versement.

*Issuance of the C. O. D. money order or transfer bulletin*

Issuance of C. O. D. money order, etc.

Immédiatement après avoir encaissé le montant du remboursement, le bureau de destination, ou tout autre bureau désigné par l'Administration destinataire, remplit la partie «Indications de service» du mandat de remboursement et, après avoir apposé son timbre à date, le renvoie sans taxe à l'adresse indiquée.

Immediately after collecting the amount of the C. O. D. charge, the office of destination, or any other office designated by the Administration of destination, fills in the part of the C. O. D. money order entitled "Service Information", and, after placing its date stamp thereon, returns it free of postage to the address indicated.

Charge inquiry.

Lorsqu'une demande de renseignements sur le montant exact du remboursement a été adressée à l'Administration d'origine, il est sursis à l'envoi du mandat jusqu'à la réception de la réponse.

When a request for information as to the exact amount of the C. O. D. charge has been sent to the Administration of origin, the sending of the money order is postponed until the reply is received.

Transfer bulletins.

Les bulletins de versement des envois contre remboursement, dont le montant doit être porté à un compte courant postal dans le pays de destination, sont traités d'après le régime intérieur des chèques et virements postaux de ce pays.

The transfer bulletins of C. O. D. articles whose amounts are to be transferred to a current postal-check account in the country of destination are treated in accordance with the domestic regulations of that country concerning postal checks and transfers.

## ARTICLE 140.

## ARTICLE 140

Annulation ou remplacement des formules de mandats de remboursement ou de bulletins de versement.

*Cancellation or replacement of C. O. D. money-order or transfer-bulletin forms*

Cancellation, etc.

1.—Les formules de mandats de remboursement qui deviennent inutilisables pour cause de divergence entre les indications du montant du remboursement ou par suite d'annulation ou de *modification* du montant, de même que les formules de bulletins de versement devenues inutilisables en cas d'annulation du montant du remboursement, sont détruites par les soins de l'Administration destinataire des envois.

1. C. O. D. money-order forms which become useless because of difference between the indications of the amount to be collected or as a result of cancellation or modification of the amount, as well as transfer-bulletin forms which have become useless in case of cancellation of the amount of the trade charge, are destroyed by the Administration of destination of the articles.

2.—Les formules afférentes aux envois grevés de remboursement qui, pour un motif quelconque, sont renvoyés à l'origine doivent être annulées par les soins de l'Administration qui effectue le renvoi.

2. The forms relating to C. O. D. articles which are returned to origin for any reason shall be canceled by the Administration which effects the return.

Lost, etc., forms.

3.—Lorsque les formules afférentes aux envois grevés de rem-

3. When forms relating to C. O. D. articles are lost, misplaced

boursement sont égarées, perdues or destroyed before the amounts  
ou détruites avant l'encaissement of the trade charges are collected,  
du montant du remboursement, le the office of destination makes up  
bureau destinataire en établit des duplicates on Form C 8, or on the  
duplicata sur formule C 8 ou sur transfer-bulletin form, as the case  
formule de bulletin de versement, may be.  
selon le cas.

Post, pp. 2197, 2198.

## ARTICLE 141.

Mandats de remboursement non  
délivrés ou non encaissés.

Les mandats de remboursement qui n'ont pu être délivrés aux bénéficiaires sont, après avoir été éventuellement soumis à la formalité du visa pour date, quittancés par l'Administration d'origine des envois que ces titres concernent et portés en compte à l'Administration qui les a émis.

Il en est de même des mandats de remboursement qui ont été remis aux ayants droit, mais dont le montant n'a pas été encaissé. Toutefois, ces titres doivent, au préalable, être remplacés par des autorisations de paiement dressées par l'Administration d'origine des mandats.

## ARTICLE 142.

Décompte des mandats de rem-  
boursement.

1.—Sauf entente contraire, le décompte relatif aux mandats de remboursement payés est établi sur formule conforme au modèle C 9 ci-annexé et joint au compte mensuel des mandats de poste.

2.—Dans ce compte particulier, qui est accompagné des mandats de remboursement payés et quittancés, les mandats sont inscrits dans l'ordre alphabétique des bureaux d'émission et suivant l'ordre numérique de leur inscription aux registres de ces bureaux. L'Administration qui a établi le compte déduit de la somme totale de sa créance le montant des taxes et droits revenant à l'Administration correspondante, conformément à l'article 73 de la Convention.

## ARTICLE 141

*Undelivered or unpaid C. O. D. money orders*

C. O. D. money orders which it has been impossible to deliver to the payees are, after having been submitted, if necessary, to the formality of indorsement for extension of validity, receipted by the Administration of origin of the articles to which such orders relate, and debited in the account to the Administration which has issued them.

The same applies to C. O. D. money orders which have been delivered to the payees, but whose amounts have not been collected. However, such orders should first be replaced by authorizations for payment made up by the Administration of origin of the orders.

Undelivered or unpaid C. O. D. money orders.

## ARTICLE 142

*Account of C. O. D. money orders*

1. Barring contrary agreement, the account relative to C. O. D. money orders paid is made up on a form agreeing with Model C 9 hereto appended, and is attached to the monthly money-order account.

2. In this individual account, which is accompanied by the paid and receipted C. O. D. money orders, the orders are entered in the alphabetical order of the offices of issue and in the numerical order of their entry in the records of those offices. The Administration which has made up the account deducts, from the total amount of its credit balance, the amount of the charges and fees due to the corresponding Administration, in accordance with Article 73 of the Convention.

Accounting, etc.

Post, p. 2199.

Entries.

Annex, p. 2087.

Verification and settlement.  
Post, p. 2199.

3.—Le solde du compte C 9 est ajouté, autant que possible, à celui du compte mensuel des mandats de poste établi pour la même période. La vérification et la liquidation de ces comptes sont effectuées selon les règles fixées par l'Arrangement et le Règlement des mandats de poste.

3. The balance of the account C 9 is added, as far as possible, to that of the monthly money-order account made up for the same period. The verification and settlement of those accounts are effected in accordance with the rules fixed by the Agreement and Regulations concerning money orders.

## TITRE V.

## TITLE V

## OPÉRATIONS AU DÉPART ET À L'ARRIVÉE.

## OPERATIONS UPON DEPARTURE AND ARRIVAL

## CHAPITRE UNIQUE.

## SOLE CHAPTER

## ARTICLE 143.

## ARTICLE 143

## Application du timbre à date.

*Application of the date stamp*

Application of date stamp.

1.—Les correspondances sont frappées au recto par le bureau d'origine d'un timbre indiquant, autant que possible en caractères latins, le lieu d'origine et la date du dépôt à la poste.

1. Correspondence is post-marked on the front by the office of origin with a stamp indicating, in Latin characters as far as possible, the place of origin and the date of mailing.

Dans les localités pourvues de plusieurs bureaux de poste, le timbre doit indiquer quel est le bureau de dépôt.

In localities having several post offices, the stamp shall indicate which is the office of mailing.

Application not obligatory in designated cases.

L'application du timbre prévu aux alinéas précédents n'est pas obligatoire pour les correspondances affranchies au moyen d'empreintes de machines à affranchir si l'indication du lieu d'origine et de la date du dépôt à la poste figure dans ces empreintes. L'application du timbre dont il s'agit n'est pas non plus exigée pour les objets à tarif réduit non recommandés, à condition que le lieu d'origine soit indiqué sur ces envois.

The application of the stamp contemplated in the preceding paragraphs is not obligatory for correspondence prepaid by means of impressions of stamping machines if the indication of the place of origin and date of mailing appears in such impressions. Neither is the application of the stamp in question required for unregistered articles at the reduced rate, on condition that the place of origin is indicated on such articles.

Cancellation.

2.—Tous les timbres-poste valables doivent être oblitérés.

2. All valid postage stamps shall be canceled.

Les timbres-poste non oblitérés par suite d'erreur ou d'omission dans le service d'origine doivent être biffés d'un fort trait ou annulés d'une autre manière par le bureau qui constate l'irrégularité, mais ils ne sont pas frappés du timbre à date.

Postage stamps not canceled through error or oversight on the part of the service of origin shall be marked through with a heavy line or canceled in some other manner by the office which detects the irregularity, but they are not struck with the date stamp.

Missent, etc., correspondence.

3.—Les correspondances mal dirigées, *sauf les objets à tarif réduit non recommandés*, doivent être frappées de l'empreinte du timbre à date du bureau auquel

3. Missent correspondence, except unregistered articles at reduced rate, shall be struck with the impression of the date stamp of the office at which it arrives through

elles sont parvenues par erreur. Cette obligation incombe non seulement aux bureaux sédentaires, mais aussi aux bureaux ambulants, dans la mesure du possible.

*L'empreinte doit être apposée au verso des objets quand il s'agit de lettres et au recto lorsqu'il s'agit de cartes postales.*

4.—Le timbrage des correspondances déposées sur les navires incombe à l'agent des postes ou à l'officier du bord chargé du service ou, à leur défaut, au bureau de poste de l'escale auquel ces correspondances sont livrées à découvert. Dans ce cas, le bureau les frappe de son timbre à date et y appose la mention «Navire», «Paquebot» ou toute autre analogie.

5.—*Le bureau destinataire d'une carte postale avec réponse payée peut appliquer son timbre à date du côté gauche du recto de la partie "Réponse".*

error. This obligation is imposed not only upon fixed post offices, but also upon traveling post offices as far as possible.

The impression shall be placed on the back in the case of letters, and on the front in the case of post cards.

4. The postmarking of correspondence mailed on board ships is incumbent upon the postal agent or the officer on board in charge of the service, or in their absence upon the post office at the port of call where such correspondence is delivered in open mail. In such a case, the office strikes the articles with its date stamp and places on them the note *Navire* (ship), *Paquebot* (mail steamer), or a similar notation.

5. The office of destination of a reply-paid post card may apply its date stamp on the left side of the front of the reply half.

Correspondence mailed on board ships.

#### ARTICLE 144.

##### Envois exprès.

Les envois à remettre par exprès sont pourvus, autant que possible à côté de l'indication du lieu de destination, d'une étiquette imprimée, de couleur rouge foncé, portant en gros caractères le mot «Exprès».

#### ARTICLE 145.

##### Envois non affranchis ou insuffisamment affranchis.

1.—Les correspondances pour lesquelles une taxe quelconque doit être perçue postérieurement au dépôt, soit sur le destinataire, soit sur l'expéditeur, en cas de mise en rebut, sont frappées du timbre T (taxe à payer) à l'angle droit supérieur du recto; l'indication en francs et centimes du montant à percevoir est inscrite en chiffres très lisibles, à côté de ce timbre.

2.—L'application du timbre T ainsi que l'indication du montant à percevoir incombent à l'Admi-

#### ARTICLE 144

##### *Special-delivery articles*

Articles to be specially delivered shall have affixed, as far as possible beside the indication of the place of destination, a printed label of dark red color bearing in large characters the word *Exprès* (special delivery).

#### ARTICLE 145

##### *Unprepaid or insufficiently prepaid articles*

1. Articles of correspondence on which any charge is to be collected after mailing, either from the addressee, or from the sender in the case of return as undeliverable, are marked with the T-stamp (postage due) in the upper right-hand corner of the front; the indication in francs and centimes of the amount to be collected is entered in very legible figures beside that stamp.

2. The application of the T-stamp, as well as the indication of the amount to be collected, is

Special-delivery articles.

Marking of unprepaid, etc., articles.

nistration d'origine ou, en cas de réexpédition ou de mise en rebut, à l'Administration réexpéditrice.

Toutefois, s'il s'agit d'envois provenant de pays qui appliquent des taxes réduites dans les relations avec l'Administration réexpéditrice, le montant à percevoir est indiqué par l'Administration qui effectue la distribution.

3.—L'Administration de distribution frappe l'envoi de la taxe à percevoir.

4.—Tout envoi ne portant pas le timbre T est considéré comme dûment affranchi et traité en conséquence, sauf erreur évidente.

5.—Il n'est pas tenu compte des timbres-poste et des empreintes d'affranchissement non valables pour l'affranchissement. Dans ce cas, le chiffre zéro (0) est placé à côté de ces timbres-poste ou de ces empreintes, qui doivent être encadrés au crayon.

incumbent upon the Administration of origin, or, in case of reforwarding or return as undeliverable, upon the redispaching Administration.

However, if it is a question of articles coming from countries which apply reduced rates in relations with the redispaching Administration, the amount to be collected is indicated by the Administration which effects delivery.

3. The delivering Administration marks the article with the amount of postage to be collected.

4. Every article not bearing the T-stamp is considered as duly prepaid and treated accordingly, save in case of obvious error.

5. Account is not taken of postage stamps or postage-paid impressions not valid for prepayment. In such a case, the figure zero (0) is placed beside such stamps or impressions, which shall be inclosed in pencil.

Presumption of prepayment.

Invalid stamps, etc.

#### ARTICLE 146.

Renvoi des bulletins d'affranchissement. Récupération des droits avancés.

1.—Après la livraison au destinataire d'un envoi franc de droits, le bureau qui a fait l'avance des frais de douane ou autres pour le compte de l'expéditeur complète, en ce qui le concerne, les indications qui figurent au verso du bulletin d'affranchissement et transmet ce dernier, accompagné des pièces justificatives, au bureau d'origine de l'envoi; cette transmission a lieu sous enveloppe fermée, sans indication du contenu.

Toutefois, chaque Administration a le droit de faire effectuer, par des bureaux spécialement désignés, le renvoi des bulletins d'affranchissement grevés de frais et de demander que les bulletins soient transmis à un bureau déterminé.

Le nom du bureau auquel les bulletins doivent être renvoyés est inscrit, dans tous les cas, par le bureau expéditeur de l'envoi au recto du bulletin d'affranchissement.

#### ARTICLE 146

*Return of prepayment bulletins.  
Recovery of charges advanced*

1. After the delivery to the addressee of an article free of charges, the office which has advanced the customs or other charges on behalf of the sender completes, in regard to itself, the indications which appear on the back of the prepayment bulletin, and transmits the latter, accompanied by the supporting papers, to the office of origin of the article; such transmission is effected in a sealed envelope, without indication of the contents.

However, each Administration has the right to cause the return of prepayment bulletins bearing charges to be effected by offices specially designated, and to request that the bulletins be sent to a certain office.

The name of the office to which the bulletins are to be returned is indicated, in all cases, by the office of origin of the article on the front of the prepayment bulletin.

Return of prepayment bulletins.

2.—Lorsqu'un envoi qui porte l'indication «Franc de droits» parvient au service destinataire sans bulletin d'affranchissement, le bureau chargé du dédouanement établit un duplicata du bulletin sur lequel il mentionne le nom du pays d'origine et, autant que possible, la date du dépôt de l'envoi.

Lorsque le bulletin d'affranchissement est perdu après livraison de l'envoi, un duplicata est établi dans les mêmes conditions.

3.—Les bulletins d'affranchissement afférents aux envois qui, pour un motif quelconque, sont renvoyés à l'origine doivent être annulés par les soins de l'Administration destinataire.

4.—A la réception d'un bulletin d'affranchissement indiquant les frais déboursés par le service destinataire, l'Administration d'origine convertit le montant de ces frais dans sa propre monnaie à un taux qui ne doit pas être supérieur au taux fixé pour l'émission des mandats de poste à destination du pays correspondant. Le résultat de la conversion est indiqué dans le corps de la formule et sur le coupon latéral. Après avoir recouvré le montant des frais, le bureau d'origine remet à l'expéditeur le coupon du bulletin et, le cas échéant, les pièces justificatives.

## ARTICLE 147.

## Envois réexpédiés.

1.—Les correspondances adressées à des destinataires ayant changé de résidence sont considérées comme adressées directement du lieu d'origine au lieu de la nouvelle destination.

2.—Les envois non ou insuffisamment affranchis pour leur premier parcours sont frappés de la taxe qui leur aurait été appliquée s'ils avaient été adressés directement du point d'origine au lieu de la destination nouvelle.

3.—Les envois régulièrement affranchis pour leur premier par-

2. When an article bearing the notation *Franc de droits* (free of charges) reaches the office of destination without any prepayment bulletin, the office charged with the customs clearance makes up a duplicate bulletin, on which it mentions the name of the country of origin and, as far as possible, the date of mailing of the article.

When the prepayment bulletin is lost after the delivery of the article, a duplicate is prepared under the same conditions.

3. Prepayment bulletins belonging to articles which are returned to origin for any reason shall be canceled by the Administration of destination.

4. On receipt of a prepayment bulletin indicating the charges paid by the service of destination, the Administration of origin converts the amount of those charges into its own money at a rate which shall not be higher than the rate fixed for the issuance of money orders destined for the corresponding country. The result of the conversion is indicated in the body of the form and on the coupon at the side. After having recovered the amount of the charges, the office of origin delivers the coupon of the bulletin, and, if need be, the supporting papers, to the sender.

## ARTICLE 147

*Forwarded articles*

1. Correspondence addressed to persons who have changed their residence is considered as addressed directly from the place of origin to the place of new destination.

2. Articles which are not prepaid, or which are insufficiently prepaid for the first part of their journey, are marked with the charge which would have been applied to them if they had been addressed directly from the point of origin to the place of new destination.

3. Articles regularly prepaid for the first part of their journey

Duplicate bulletins.

Cancellation on return of article.

Currency conversion.

Forwarded articles.

Unprepaid, etc., articles.

Articles prepaid for part of journey.

cours, et dont le complément de taxe afférent au parcours ultérieur n'a pas été acquitté avant leur réexpédition, sont frappés d'une taxe égale à la différence entre le prix d'affranchissement déjà acquitté et celui qui aurait été perçu si les envois avaient été expédiés primitivement sur leur nouvelle destination.

Articles for interior delivery.

4.—Les envois primitivement adressés à l'intérieur d'un pays et dûment affranchis selon le régime intérieur sont considérés comme des envois régulièrement affranchis pour leur premier parcours.

Franked articles.

5.—Les envois ayant circulé primitivement en franchise postale dans l'intérieur d'un pays sont frappés de la taxe qu'ils auraient dû acquitter s'ils avaient été adressés directement du point d'origine au lieu de la destination nouvelle.

Use of date stamp.

6.—Lors de la réexpédition, le bureau réexpéditeur applique son timbre à date au recto des envois sous forme de cartes et au verso de toutes les autres catégories de correspondances.

Incorrectly addressed articles.

7.—Les correspondances ordinaires ou recommandées qui sont renvoyées aux expéditeurs pour qu'ils en complètent ou en rectifient l'adresse, ne sont pas considérées, lors de leur remise dans le service, comme des correspondances réexpédiées; elles sont traitées comme de nouveaux envois et deviennent, par suite, passibles d'une nouvelle taxe.

Customs duties, etc. Recovery.

8.—Les droits de douane et les autres droits non postaux dont l'annulation n'a pu être obtenue à la réexpédition ou au renvoi à l'origine (article 149 ci-après) sont recouvrés, par voie de remboursement, sur l'Administration de la nouvelle destination. Dans ce cas, l'Administration de la destination primitive joint à l'envoi une note explicative et un mandat de remboursement (modèle C 8).

Post, pp. 2197, 2198.

Si le service de remboursement n'existe pas dans les relations entre les Administrations intéressées, les droits en cause sont recouvrés par voie de correspondance.

and on which the additional charge for their subsequent transmission has not been paid before their redirection are marked with a charge equal to the difference between the amount of postage already paid and that which would have been collected if the articles had originally been sent to their new destination.

4. Articles originally addressed to the interior of a country and duly prepaid in accordance with the domestic rates are considered as articles regularly prepaid for their first transmission.

5. Articles originally sent free of postage in the domestic service of a country are marked with the charge to which they would have been liable if they had been addressed directly from the point of origin to the place of new destination.

6. At the time of forwarding, the redispaching office applies its date stamp on the front in the case of articles in the form of cards, and on the back for all other classes of mail.

7. Ordinary or registered articles which are returned to the senders for completion or correction of the address are not considered as redirected correspondence when returned to the service; they are treated as new correspondence, and are therefore liable to new postage charges.

8. The customs duties and other non-postal charges whose cancelation it has been impossible to obtain upon redirection or return to origin (Article 149 hereafter) are recovered, through the C. O. D. service, from the Administration of new destination. In that case, the Administration of original destination attaches to the article an explanatory note and a C. O. D. money order (Form C 8).

If the C. O. D. service is not in operation between the Administrations concerned, the charges in question are recovered through correspondence.

9.—Dans le cas où l'essai de remise d'un objet exprès à domicile par un porteur spécial est resté infructueux, le bureau réexpéditeur doit biffer l'étiquette ou la mention «*Exprès*» par deux forts traits transversaux.

9. In case that the attempt to deliver an article at the addressee's residence by special messenger has been unsuccessful, the redispaching office shall strike out the label or the notation *Exprès* (special delivery) by means of two heavy transverse lines.

Unsuccessful attempts at delivery.

## ARTICLE 148.

Enveloppes de réexpédition et enveloppes collectrices.

## ARTICLE 148

*Forwarding envelopes and collective envelopes*

1.—Les objets de correspondance ordinaires à réexpédier à une même personne ayant changé de résidence peuvent être insérés dans des enveloppes spéciales conformes au modèle C 10 ci-annexé, fournies par les Administrations et sur lesquelles doivent seuls être inscrits le nom et la nouvelle adresse du destinataire.

1. Articles of ordinary correspondence to be forwarded to one and the same person who has changed his residence may be inclosed in special envelopes conforming to Model C 10 hereto appended, furnished by the Administrations, on which shall be written only the name and new address of the addressee.

Ordinary mail with corrected address.

*Post*, pp. 2200, 2201.

2.—Il ne peut être inséré dans ces enveloppes des envois à soumettre au contrôle douanier, ni des objets dont la forme, le volume et le poids risqueraient d'occasionner des déchirures; le poids global d'une enveloppe et de son contenu ne doit en aucun cas dépasser 500 grammes.

2. Articles subject to customs examination or articles whose form, volume or weight gives rise to risks of tearing may not be included in such envelopes; the total weight of an envelope and its contents shall in no case exceed 500 grams.

Exclusions.

3.—L'enveloppe doit être présentée ouverte au bureau réexpéditeur pour lui permettre de percevoir, s'il y a lieu, les compléments de taxe dont les objets qu'elle contient pourraient être passibles ou d'indiquer sur ces objets la taxe à percevoir à l'arrivée, lorsque le complément d'affranchissement n'est pas acquitté. Après vérification, le bureau réexpéditeur ferme l'enveloppe et y applique, le cas échéant, le timbre T avec l'indication, en francs et centimes, du montant total des taxes à percevoir.

3. The envelope shall be presented open to the reforwarding office, to permit it to collect such additional charges, if any, as may be due on the articles which it contains, or to indicate on such articles the charges to be collected on arrival when the additional postage has not been prepaid. After verification, the forwarding office seals the envelope and applies the T-stamp to it if necessary, indicating in francs and centimes the total amount of the charges to be collected.

Sealing of envelope.

4.—À l'arrivée à destination, l'enveloppe peut être ouverte et son contenu vérifié par le bureau distributeur, qui perçoit, s'il y a lieu, les compléments de taxe non acquittés.

4. On arrival at destination, the envelope may be opened and its contents verified by the office of delivery, which collects the additional charges not already paid, if any.

Verification on arrival.

5.—Les objets de correspondance ordinaires adressés, soit aux marins et passagers embarqués sur un même navire, soit à des per-

5. Ordinary articles of correspondence addressed either to sailors and passengers on board one and the same ship, or to persons

Ship mail.

sonnes prenant part en commun à un voyage, peuvent être traités également d'après les dispositions des §§ 1 à 4. Dans ce cas, les enveloppes collectrices doivent être revêtues de l'adresse du navire, de l'agence de navigation ou de voyage, etc., à qui elles doivent être remises.

taking part in a joint voyage, may likewise be treated in accordance with the provisions of Sections 1 to 4. In that case, the collective envelopes shall be marked with the address of the ship, navigation or travel agency, etc., to which they are to be delivered.

## ARTICLE 149.

## Envois tombés en rebut.

Indication of cause of nondelivery.

1.—Avant de renvoyer à l'Administration d'origine les correspondances non distribuées pour un motif quelconque, le bureau de destination doit indiquer d'une manière claire et concise, en langue française, au verso de ces objets, la cause de la non-remise sous la forme suivante: inconnu, refusé, en voyage, parti, non réclamé, décédé, etc. En ce qui concerne les cartes postales et les imprimés sous forme de cartes, la cause de la non-remise est indiquée sur la moitié droite du recto.

Cette indication est fournie par l'application d'un timbre ou l'apposition d'une étiquette. Chaque Administration a la faculté d'ajouter la traduction, dans sa propre langue, de la cause de la non-remise et les autres indications qui lui conviennent.

Le bureau de destination doit biffer les indications de lieu qui le concernent et porter au recto de l'objet la mention «Retour» à côté de l'indication du bureau d'origine. Il doit, en outre, appliquer son timbre à date au verso des lettres et au recto des cartes postales.

Return.

2.—Le renvoi des correspondances tombées en rebut se fait, soit isolément, soit en une liasse spéciale étiquetée «Rebuts».

Les correspondances recommandées tombées en rebut sont renvoyées au bureau d'échange du pays d'origine comme s'il s'agissait de correspondances recommandées à diriger sur ce pays.

Correspondence of domestic service.

3.—Les correspondances du régime intérieur qui tombent en rebut et doivent, pour restitution

## ARTICLE 149

*Undeliverable articles*

1. Before returning correspondence which has not been delivered for any reason to the Administration of origin, the office of destination shall indicate in a clear and concise manner, in the French language, on the back of such articles, the cause of the non-delivery, in the following form: *Inconnu* (unknown), *Refusé* (refused), *En voyage* (traveling), *Parti* (removed), *Non réclamé* (unclaimed), *Décédé* (deceased), etc. In the case of post cards and prints in the form of cards, the reason for the non-delivery is indicated on the right half of the front.

That indication is furnished by applying a stamp or affixing a label. Each Administration has the option of adding a translation in its own language of the cause of non-delivery, and any other indications which may be convenient for it.

The office of destination shall strike out the indications of place which concern it, and place on the front of the article the note *Retour* (return), beside the indication of the office of origin. It shall also apply its date stamp to the back of letters and the front of post cards.

2. Undelivered articles are returned either singly or in a special bundle labeled *Rebuts* (undeliverable mail matter).

Registered articles which are undeliverable are returned to the exchange office of the country of origin as if it were a question of registered correspondence addressed to that country.

3. Correspondence of the domestic service which is undeliverable and must, for return to the

aux expéditeurs, être envoyées à l'étranger, sont traitées d'après les dispositions de l'article 147.

4.—Les correspondances pour les marins et autres personnes, adressées aux soins d'un Consul et rendues par celui-ci au bureau de poste comme non réclamées, doivent être traitées comme rebuts.

Le montant des taxes perçues sur ces correspondances doit être restitué.

## ARTICLE 150.

Retrait. Modification d'adresse.

1.—Les demandes de retrait de correspondances ou de modification d'adresse donnent lieu à l'établissement, par l'expéditeur, d'une formule conforme au modèle C 11 ci-annexé; une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire. En remettant cette demande au bureau de poste, l'expéditeur doit justifier de son identité et produire, s'il y a lieu, le bulletin de dépôt. Après la justification, dont l'Administration du pays d'origine assume la responsabilité, il est procédé de la manière suivante:

a) si la demande est destinée à être transmise par voie postale, la formule, accompagnée d'un fac-similé parfait de l'enveloppe ou de la suscription de l'envoi, est expédiée directement, sous pli recommandé, au bureau destinataire;

b) si la demande doit être faite par voie télégraphique, la formule est déposée au service télégraphique chargé d'en transmettre les termes au bureau de poste destinataire. Le télégramme est rédigé en langue française.

2.—A la réception de la formule C 11 ou du télégramme en tenant lieu, le bureau destinataire recherche la correspondance signalée et donne à la demande la suite nécessaire.

Si la recherche est infructueuse, si l'envoi a déjà été remis au destinataire ou si la demande par voie télégraphique n'est pas assez ex-

senders, be sent to a foreign country, is treated in accordance with the provisions of Article 147.

4. Correspondence for seamen and other persons addressed in care of a Consul and returned by him to the post office as unclaimed shall be treated as rebuts.

The amount of the charges collected on such correspondence shall be refunded.

## ARTICLE 150

*Withdrawal. Change of address*

1. Requests for withdrawal of correspondence or for change of address give rise to the preparation, by the sender, of a form agreeing with Model C 11 hereto appended; a single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee. In submitting that request to the post office, the sender shall prove his identity and produce the certificate of mailing, if any. After he has proved his identity, for which the Administration of the country of origin assumes responsibility, the procedure is as follows:

(a) If the request is intended to be sent by mail, the form, accompanied by a perfect facsimile of the envelope or address of the article, is sent directly, under registered cover, to the office of destination;

(b) If the request is to be made by telegraph, the form is turned over to the telegraph service, which is charged with transmitting the terms thereof to the post office of destination. The telegram is worded in the French language.

2. On receipt of the Form C 11 or the telegram taking its place, the office of destination searches for the correspondence in question and takes the necessary action.

If the search is fruitless, if the article has already been delivered to the addressee, or if the telegraphic request is not explicit

*Ante*, p. 2137.

Correspondence addressed in care of a consul.

Refund of charges.

Form of request.

*Post*, pp. 2202, 2203.

Request by mail.

Request by telegraph.

Searches.

*Post*, pp. 2202, 2203.

placite pour permettre de reconnaître sûrement l'envoi, le fait est signalé immédiatement au bureau d'origine, qui en prévient le réclamant.

Exchange of requests.

3.—Toute Administration peut demander, par une notification adressée au Bureau international, que l'échange des demandes, en ce qui la concerne, soit effectué par l'entremise de son Administration centrale ou d'un bureau spécialement désigné.

Dans les cas où l'échange des demandes s'effectue par l'entremise des Administrations centrales, il doit être tenu compte des demandes expédiées directement par les bureaux d'origine aux bureaux de destination, dans ce sens que les correspondances y relatives sont exclues de la distribution jusqu'à l'arrivée de la demande de l'Administration centrale.

Expenses.

Les Administrations qui usent de la faculté prévue au premier alinéa prennent à leur charge les frais que peut entraîner la transmission, dans leur service intérieur, par voie postale ou télégraphique, des communications à échanger avec le bureau destinataire.

Use of telegraph service.

Le recours à la voie télégraphique est obligatoire lorsque l'expéditeur a lui-même fait usage de cette voie et que le bureau destinataire ne peut pas être prévenu en temps utile par la voie postale.

enough to permit the article to be surely recognized, the fact is reported at once to the office of origin, which advises the applicant accordingly.

3. Any Administration may request, by a notification addressed to the International Bureau, that the exchange of requests concerning it be effected through the intermediary of its central Administration or an office specially designated.

In case that the exchange of requests is effected through the intermediary of the central Administrations, account shall be taken of requests sent directly by the offices of origin to the offices of destination, to the extent that the correspondence in question is withheld from delivery pending the arrival of the request from the central Administration.

Administrations which avail themselves of the option provided for by the first paragraph assume any expense which may be incurred by the transmission, in their domestic service, by mail or telegraph, of the communications to be exchanged with the office of destination.

Employment of the telegraph service is obligatory when the sender himself has made use of that service, and when the office of destination can not be advised in time by mail.

#### ARTICLE 151.

##### Simple correction d'adresse.

Simple correction of address.

Une simple correction d'adresse (sans modification du nom ou de la qualité du destinataire) peut être demandée directement par l'expéditeur au bureau destinataire, c'est-à-dire sans l'accomplissement des formalités prescrites pour le changement d'adresse proprement dit.

#### ARTICLE 152.

##### Réclamations. Envois ordinaires.

Inquiries relative to ordinary articles.

1.—Toute réclamation relative à un envoi ordinaire donne lieu à l'établissement d'une formule conforme au modèle C 12 ci-annexé.

#### ARTICLE 151

##### *Simple correction of address*

A simple correction of address (without modification of the name or description of the addressee) may be requested directly by the sender of the office of destination; that is to say, without fulfilling the formalities prescribed for change of address properly so called.

#### ARTICLE 152

##### *Inquiries. Ordinary articles*

1. Every inquiry relative to an ordinary article gives rise to the preparation of a form agreeing with Model C 12 hereto appended.

Le bureau qui reçoit la réclamation transmet directement cette formule, sans lettre d'envoi et sous enveloppe fermée, au bureau correspondant. Celui-ci, après avoir recueilli les renseignements nécessaires auprès du destinataire ou de l'expéditeur, selon le cas, renvoie la formule de la même manière au bureau qui l'a dressée.

Si la réclamation est reconnue fondée, ce dernier bureau fait parvenir la formule à son Administration centrale en vue des investigations ultérieures.

Une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire.

2.—Toute Administration peut demander, par une notification adressée au Bureau international, que les réclamations qui concernent son service soient transmises à son Administration centrale ou à un bureau spécialement désigné.

3.—*La formule C 12 doit être renvoyée à l'Administration d'origine de l'envoi réclamé selon les conditions prévues à l'article 153, § 5, ci-après.*

#### ARTICLE 153.

##### Réclamations. Envois recommandés.

1.—Toute réclamation relative à un envoi recommandé est établie sur une formule conforme au modèle C 13 ci-annexé qui doit être accompagnée, autant que possible, d'un fac-similé de l'enveloppe ou de la suscription de l'envoi.

Si la réclamation concerne un envoi contre remboursement, elle doit être accompagnée, en outre, d'un duplicata de mandat C 8 ou d'un bulletin de versement, selon le cas.

Une seule formule peut être utilisée pour plusieurs envois remis simultanément au même bureau par le même expéditeur à l'adresse du même destinataire.

2.—La réclamation est, en règle générale, envoyée directement par le bureau d'origine au bureau de

The office which receives the inquiry sends that form directly, without letter of transmittal, in a sealed envelope, to the corresponding office. The latter, after having obtained the necessary information from the addressee or from the sender, as the case may be, returns the form in the same manner to the office which has prepared it.

If the inquiry is seen to be well founded, the latter office sends the form to its central Administration, for purposes of further investigation.

A single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee.

2. Any Administration may request, by a notification addressed to the International Bureau, that inquiries concerning its service be transmitted to its central Administration or an office specially designated.

3. Form C 12 shall be returned to the Administration of origin of the article inquired about in accordance with the provisions of Article 153, Sec. 5, hereafter.

#### ARTICLE 153

##### *Inquiries. Registered articles*

1. Every inquiry relative to a registered article is made on a form agreeing with Model C 13 hereto appended, which shall be accompanied, as far as possible, by a facsimile of the envelope or address of the article.

If the inquiry concerns a C. O. D. article, it shall also be accompanied by a duplicate of the money order C 8 or by a transfer bulletin, as the case may be.

A single form may be used for several articles mailed simultaneously at the same office by the same sender addressed to the same addressee.

2. The inquiry is, as a general rule, sent directly by the office of origin to the office of destination;

Transmittal.

Post, pp. 2204, 2205.

Inquiries relative to registered articles.

Post, pp. 2206, 2207.

C. O. D. articles.

Post, pp. 2197, 2198.

Use of single form.

Procedure.

destination; cette transmission a lieu sans lettre d'envoi et sous enveloppe fermée. Si le bureau destinataire est en état de fournir les renseignements sur le sort définitif de l'envoi, il complète la formule et la retourne au bureau d'origine.

Lorsque le sort de l'envoi ne peut être établi par le bureau de destination, celui-ci constate le fait sur la formule et la réexpédie au bureau d'origine en y ajoutant, autant que possible, une déclaration du destinataire constatant qu'il n'a pas reçu l'envoi. Dans ce cas, l'Administration d'origine complète la formule en y indiquant les données de la transmission à la première Administration intermédiaire. Elle l'adresse ensuite à cette dernière Administration, qui y consigne ses observations et la transmet éventuellement à l'Administration suivante. La réclamation passe ainsi d'une Administration à l'autre jusqu'à ce que le sort de l'envoi réclamé soit établi. L'Administration qui a effectué la remise au destinataire, ou qui, le cas échéant, ne peut établir ni la remise, ni la transmission régulière à une autre Administration, constate le fait sur la formule et la renvoie à l'Administration d'origine.

3.—*Toutefois, si l'Administration d'origine ou l'Administration de destination le demande, la réclamation est transmise de prime abord de bureau à bureau en suivant la même voie d'acheminement que l'envoi.*

Dans ce cas, les recherches se poursuivent depuis l'Administration d'origine jusqu'à l'Administration de destination en observant la procédure visée au dernier alinéa du § 2.

4.—*Toute Administration peut demander, par une notification adressée au Bureau international, que les réclamations qui concernent son service soient transmises à son Administration centrale ou à un bureau spécialement désigné.*

such transmission takes place without letter of transmittal and in a sealed envelope. If the office of destination is in a position to furnish information as to the final disposal made of the article, it completes the form and returns it to the office of origin.

When the disposal of the article can not be established by the office of destination, the latter states the fact on the form and returns it to the office of origin, attaching thereto, when possible, a declaration of the addressee stating that he has not received the article. In that case, the Administration of origin completes the form by indicating thereon the particulars of dispatch to the first intermediate Administration. It then transmits it to this latter Administration, which places its observations thereon and transmits it to the following Administration, if any. The inquiry thus passes from one Administration to another until the disposal of the article inquired about is established. The Administration which has effected delivery to the addressee, or which can not prove either delivery or regular transmission to another Administration, as the case may be, shows the fact on the form and returns it to the Administration of origin.

3. However if the Administration of origin or of destination requests it, the inquiry is first transmitted from office to office, following the same route as the article.

In that case, the investigations are continued from the Administration of origin as far as the Administration of destination, observing the procedure indicated in the last paragraph of Section 2.

4. Any Administration may request, by a notification addressed to the International Bureau, that inquiries concerning its service be transmitted to its central Administration or an office specially designated.

5.—La formule C 13 et les pièces y annexées doivent, dans tous les cas, faire retour à l'Administration d'origine de l'envoi réclamé, dans le plus bref délai possible et au plus tard dans un délai de trois mois à partir de la date de la réclamation. Ce délai est porté à six mois dans les relations avec les pays éloignés.

5. The Form C 13 and the papers attached thereto shall in all cases be returned to the Administration of origin of the article inquired about within the shortest period possible, and at the latest within a period of three months, counting from the date of the inquiry. That period is extended to six months in relations with distant countries.

Post, pp. 2206, 2207.

6.—Les dispositions qui précèdent ne s'appliquent pas aux cas de spoliation de dépêche, manque de dépêche ou autres cas semblables qui comportent une correspondance plus étendue entre les Administrations.

6. The foregoing provisions do not apply to cases of rifling of mails, shortage of a dispatch or other similar cases which involve more extended correspondence between the Administrations.

Exceptions.

#### ARTICLE 154.

##### *Demandes de renseignements.*

*Les demandes de renseignements relatives à des envois ordinaires ou recommandés sont traitées suivant les règles fixées respectivement aux articles 152 et 153.*

#### ARTICLE 154

##### *Requests for information*

Requests for information concerning ordinary or registered articles are treated in accordance with the provisions fixed by Articles 152 and 153 respectively.

Requests for information.

#### ARTICLE 155.

*Réclamations et demandes de renseignements concernant des envois déposés dans un autre pays.*

*Dans les cas prévus à l'article 53, § 3, de la Convention, les formules C 12 et C 13 concernant les réclamations ou les demandes de renseignements sont transmises à l'Administration d'origine. La formule C 13 doit être accompagnée du récépissé de dépôt.*

*L'Administration d'origine doit être mise en possession de la formule dans les délais prévus à l'article 53 de la Convention.*

#### ARTICLE 155

*Inquiries and requests for information concerning articles mailed in another country*

In the case contemplated by Article 53, Section 3, of the Convention, the forms C 12 and C 13 concerning inquiries or requests for information are transmitted to the Administration of origin. The Form C 13 shall be accompanied by the certificate of mailing.

The Administration of origin shall be put in possession of the form within the periods prescribed by Article 53 of the Convention.

Articles mailed in another country. Ante, p. 2077; post, pp. 2204-2207.

#### ARTICLE 156.

*Emploi de timbres-poste présumés frauduleux ou d'empreintes contrefaites de machines à affranchir ou de presses d'imprimerie.*

*Sous réserve expresse des dispositions que comporte la législation de chaque pays, la procédure ci-après est suivie pour la constata-*

#### ARTICLE 156

*Employment of postage stamps presumed to be fraudulent or of counterfeit impressions of stamping machines or printed indicia*

Subject expressly to the provisions of the legislation of each country, the following procedure is followed for establishing the

Fraudulent postage stamps, etc.

tion de l'emploi, pour l'affranchissement, de timbres-poste frauduleux ou d'empreintes contrefaites de machines à affranchir *ou de presses d'imprimerie*:

a) lorsque la présence, sur un envoi quelconque, d'un timbre-poste frauduleux (contrefait ou ayant déjà servi), ou d'empreintes contrefaites de machines à affranchir *ou de presses d'imprimerie* est constatée au départ, la figurine n'est altérée d'aucune façon et l'envoi, accompagné d'un avis conforme au modèle C 14 ci-annexé, est adressé sous enveloppe recommandée d'office au bureau destinataire. Un exemplaire de cet avis est transmis, pour information, aux Administrations des pays d'origine et de destination;

b) l'envoi n'est remis au destinataire, convoqué pour constater la contravention, que s'il paie le port dû, fait connaître le nom et l'adresse de l'expéditeur et met à la disposition de la poste, après avoir pris connaissance du contenu, soit l'envoi entier s'il est inséparable du corps du délit, soit la partie de l'envoi (enveloppe, bande, portion de lettre, etc.) qui contient la suscription et l'empreinte ou le timbre signalé comme frauduleux. Le résultat de la convocation est constaté par un procès-verbal conforme au modèle C 15 ci-annexé, signé par l'agent des postes et par le destinataire. Le refus éventuel de ce dernier est constaté sur ce document.

Report of proceedings.

Post, p. 2209.

Transmittal to country of origin.

Le procès-verbal est transmis, avec pièces à l'appui, sous recommandation d'office, à l'Administration du pays d'origine, qui y donne la suite que comporte sa législation.

Les Administrations dont la législation ne permet pas la procédure prévue sous les lettres a) et b) ci-dessus doivent en informer le Bureau international aux fins de notification aux autres Administrations.

use, for the prepayment of postage, of fraudulent postage stamps or counterfeit impressions of stamping machines or printed indicia:

(a) When the presence on any article of a fraudulent stamp (counterfeit or already used) or of counterfeit impressions of stamping machines or printed indicia is detected upon dispatch, the stamp or impression is not altered in any way, and the article, accompanied by a form agreeing with Model C 14 hereto appended, is addressed under official registered cover to the office of destination. A copy of that form is transmitted to the Administrations of the countries of origin and destination, for their information.

(b) The article is not delivered to the addressee, who is summoned to establish the violation, unless he pays the postage due, makes known the name and address of the sender, and places at the disposal of the post office, after having taken note of the contents, either the entire article, if it is inseparable from the evidence of the violation, or the part of the article (envelope, wrapper, part of letter, etc.) which contains the address and the impression or stamp pointed out as fraudulent. The result of the summons is set forth in a report of proceedings conforming to Model C 15 hereto appended, signed by the postal agent and the addressee. If the latter refuses, the fact is stated in that document.

The report is transmitted, with supporting papers, under official registration, to the Administration of the country of origin, which takes the necessary action thereon in accordance with its legislation.

Administrations whose legislation does not permit the procedure contemplated under letters (a) and (b) above shall give notice of the fact to the International Bureau for the information of the other Administrations.

## TITRE VI.

## ECHANGE DES ENVOIS.

## CHAPITRE UNIQUE.

## ARTICLE 157.

## Feuilles d'avis.

1.—Les feuilles d'avis accompagnant les dépêches sont conformes au modèle C 16 ci-annexé. Elles sont placées sous des enveloppes de couleur bleue portant en gros caractères l'indication « Feuille d'avis ».

2.—Le bureau expéditeur remplit la feuille d'avis avec tous les détails qu'en comporte la contexture et en tenant compte des dispositions suivantes:

a) Tableau I: La présence d'envois ordinaires à faire remettre par exprès est signalée par un trait soulignant la mention correspondante;

b) Tableau II: Sauf arrangement contraire, les bureaux expéditeurs numérotent les feuilles d'avis d'après une série annuelle pour chaque bureau de destination lorsque les dépêches ne sont pas formées tous les jours. Chaque dépêche prend, dans ce cas, un numéro distinct, même s'il s'agit d'une dépêche supplémentaire empruntant la même voie ou le même navire que la dépêche ordinaire.

A la première expédition de chaque année, la feuille doit porter, outre le numéro d'ordre de la dépêche, celui de la dernière dépêche de l'année précédente.

Le nom du navire qui emporte la dépêche est indiqué lorsque le bureau expéditeur est à même de le connaître;

c) Tableau III: Il peut être fait usage d'une ou de plusieurs listes spéciales conformes au modèle C 17 ci-annexé, soit pour remplacer le tableau V, soit pour servir comme feuille d'avis supplémentaire.

L'emploi exclusif de listes spéciales est obligatoire si l'Administration de destination en fait la demande. *Les listes dont il s'agit doivent indiquer le même numéro*

## TITLE VI

## EXCHANGE OF MAILS

## SOLE CHAPTER

## ARTICLE 157

*Letter bills*

1. The letter bills accompanying the dispatches are in conformity with Model C 16 hereto appended. They are placed in blue envelopes bearing in large characters the indication *Feuille d'avis* (letter bill).

2. The dispatching office fills in the letter bill with all the details called for by the text, observing the following provisions:

(a) Table I: The presence of ordinary articles to be specially delivered is indicated by a line underscoring the corresponding notation:

(b) Table II: Barring contrary agreement, the dispatching offices number the letter bills according to an annual series for each office of destination, when the dispatches are not formed every day. In that case, each dispatch takes a separate number, even if it is a question of a supplementary dispatch taking the same route or the same ship as the ordinary dispatch.

For the first dispatch of each year, the bill shall bear, in addition to the serial number of the dispatch, that of the last dispatch of the preceding year.

The name of the ship which carries the dispatch is indicated when the dispatching office is in a position to know it;

(c) Table III: Use may be made of one or more special lists conforming to Model C 17 hereto appended, either to replace Table V or to serve as a supplementary letter bill.

The exclusive use of special lists is obligatory if the Administration of destination so requests. The lists in question shall indicate the same serial number as the one

Letter bills.

Post, p. 2210.

Details required.

Post, p. 2211.

*d'ordre que celui qui est mentionné sur la feuille d'avis de la dépêche correspondante.*

Lorsque plusieurs listes sont employées, elles doivent être numérotées.

Le nombre des envois recommandés qui peuvent être inscrits sur une seule et même liste spéciale est limité à 60;

d) Tableau IV: Le cas échéant, le nombre des sacs vides appartenant à une Administration autre que celle à laquelle la dépêche est adressée doit être mentionné séparément avec indication de cette Administration.

Sont, en outre, mentionnées au tableau IV les lettres de service ouvertes et les communications ou recommandations diverses du bureau expéditeur ayant trait au service d'échange;

e) Tableau V: Ce tableau est destiné à l'inscription des envois recommandés lorsqu'il n'est pas exclusivement fait usage de listes spéciales.

Dans le cas où les Administrations correspondantes se sont entendues pour l'inscription globale des objets recommandés sur les feuilles d'avis, le nombre total de ces objets doit être indiqué en chiffres et en toutes lettres.

Lorsque la dépêche ne contient pas d'envois recommandés, la mention «Néant» est portée au tableau V.

3.—Les Administrations peuvent s'entendre pour créer d'autres tableaux ou rubriques sur la feuille d'avis lorsqu'elles le jugent nécessaire. Elles peuvent, notamment, disposer les tableaux V et VI conformément à leurs besoins.

4.—Lorsqu'un bureau d'échange n'a aucun objet à livrer à un bureau correspondant, *et que*, dans les relations entre les Administrations intéressées, les feuilles d'avis ne sont pas numérotées par application du § 2, lettre b), *ce bureau se borne à envoyer une feuille d'avis négative dans la prochaine dépêche.*

5.—Quand les dépêches closes doivent être transmises au moyen de navires que l'Administration intermédiaire dont ils dépendent

mentioned on the letter bill of the corresponding dispatch.

When more than one list is employed, they shall be numbered.

The number of registered articles which may be entered in one and the same special list is limited to 60;

(d) Table IV: If occasion arises, the number of empty sacks belonging to an Administration other than the one to which the dispatch is addressed shall be mentioned separately, with indication of that Administration.

The open letters on official business and the various communications or notes of the dispatching office relative to the exchange service are also mentioned in Table IV;

(e) Table V: This Table is set aside for the entry of the registered articles when exclusive use is not made of special lists.

In case that the corresponding Administrations have agreed upon the bulk billing of registered articles in the letter bills, the total number of such articles shall be indicated in figures and spelled out in full.

When the dispatch does not contain any registered articles, the note *Néant* (nil) is entered in Table V.

3. Administrations may come to an agreement to create other tables or headings in the letter bill, when they deem it necessary. They may, in particular, arrange Tables V and VI in accordance with their requirements.

4. When an exchange office has no articles to deliver to a corresponding office, and when, in relations between the Administrations concerned, the letter bills are not numbered, by application of Section 2, letter (b), that office merely sends a negative letter bill in the next dispatch.

5. When closed mails must be sent by means of ships which the intermediate Administration to which they belong does not regu-

Creation of additional tables, etc.

Use of negative letter bill.

Closed mails by certain ships of intermediate Administration.

n'utilise pas régulièrement pour ses propres transports, le poids des lettres et autres objets doit être *indiqué sur l'adresse* de ces dépêches lorsque l'Administration chargée d'assurer l'embarquement le demande.

larly utilize for the transportation of its own mails, the weight of the letters and other articles shall be indicated in the address of such mails when the Administration charged with assuring the embarkation so requests.

## ARTICLE 158.

## Transmission des envois recommandés.

1.—Les envois recommandés et, s'il y a lieu, les listes spéciales prévues à l'article 157, § 2, sont réunis en un ou plusieurs paquets ou sacs distincts qui doivent être convenablement enveloppés ou fermés et cachetés ou plombés de manière à en préserver le contenu. Les envois recommandés sont classés dans chaque paquet d'après leur ordre d'inscription. Quand on emploie plusieurs listes spéciales, chacune d'elles est enliassée avec les objets recommandés auxquels elle se rapporte.

*Sous réserve d'entente entre les Administrations intéressées et lorsque le volume des envois recommandés le permet, ces envois peuvent être insérés dans l'enveloppe spéciale contenant la feuille d'avis. Cette enveloppe doit être cachetée.*

En aucun cas, les envois recommandés ne peuvent être confondus avec les correspondances ordinaires.

2.—Au paquet d'envois recommandés est attachée extérieurement, par un croisé de ficelle, l'enveloppe spéciale contenant la feuille d'avis; lorsque les envois recommandés sont renfermés dans un sac, ladite enveloppe est fixée au col de ce sac.

3.—S'il y a plus d'un paquet ou sac d'envois recommandés, chacun des paquets ou sacs supplémentaires est muni d'une étiquette indiquant la nature du contenu.

## ARTICLE 159.

## Transmission des envois exprès.

1.—Les envois exprès ordinaires sont réunis en une liasse spéciale munie d'une étiquette portant en

## ARTICLE 158

*Transmission of registered articles*

1. Registered articles, and, if occasion arises, the special lists mentioned in Article 157, Section 2, are made up into one or more separate packets or sacks, which shall be suitably wrapped or inclosed and sealed with wax or lead in such a manner as to protect the contents. The registered articles are arranged in each packet according to their entry numbers. When several special lists are used, each of them is tied up with the registered articles to which it relates.

Subject to agreement between the Administrations concerned, and when the volume of registered articles permits it, such articles shall be included in the special envelope containing the letter bill. That envelope shall be sealed.

In no case may registered articles be mixed with ordinary correspondence.

2. To the outside of the packet of registered articles is attached, by means of a crossed string, the special envelope containing the letter bill; when the registered articles are contained in a sack, the said envelope is tied to the neck of such sack.

3. If there is more than one packet or sack of registered articles, each of the supplementary packets or sacks is provided with a label indicating the nature of the contents.

## ARTICLE 159

*Transmission of special-delivery articles*

1. Ordinary special-delivery articles are tied together in a special bundle having a label bearing the

Separate packets for registered articles, etc.

Envelope containing letter bill.

Labeling of additional sacks.

Ordinary articles.

gros caractères la mention «*Exprès*» et insérés, par les bureaux d'échange, dans l'enveloppe contenant la feuille d'avis qui accompagne la dépêche.

Toutefois, si cette enveloppe doit être fixée au col du sac des envois recommandés (article 158, § 2), la liasse des envois exprès est placée dans le sac extérieur. La présence, dans la dépêche, des correspondances de l'espèce est alors annoncée par une fiche placée dans l'enveloppe contenant la feuille d'avis. La même procédure est suivie lorsque les envois exprès n'ont pu être joints à la feuille d'avis en raison de leur nombre, de leur forme ou de leurs dimensions.

Registered articles.

2.—Les envois exprès recommandés sont classés, à leur ordre, parmi les autres envois recommandés et la mention «*Exprès*» est portée dans la colonne «*Observations*» du tableau V de la feuille d'avis ou des listes spéciales, en regard de l'inscription de chacun d'eux. En cas d'inscription globale, la présence d'envois recommandés à remettre par exprès est signalée simplement par la mention «*Exprès*» au tableau V de la feuille d'avis.

note *Exprès* (special delivery) in large characters and inserted by the exchange offices in the envelope containing the letter bill which accompanies the dispatch.

However, if that envelope must be affixed to the neck of the sack of registered articles (Article 158, Section 2), the bundle of special-delivery articles is placed in the outside sack. The presence in the dispatch of articles of that kind is then announced by a slip placed inside the envelope containing the letter bill. The same procedure is followed when it has not been possible to inclose the special-delivery articles with the letter bill because of their number, form or dimensions.

2. Registered special-delivery articles are arranged in order among the other registered articles, and the note *Exprès* (special delivery) is placed in the *Observations* column of Table V of the letter bill or of the special lists, opposite the entry concerning each of them. In case of bulk billing, the presence of registered articles to be specially delivered is indicated simply by the note *Exprès* (special delivery) in Table V of the letter bill.

#### ARTICLE 160.

##### Confection des dépêches.

Sorting; bundles.

1.—En règle générale, les objets sont classés et enliassés par nature de correspondances, les lettres et les cartes postales étant comprises dans la même liasse et les journaux et écrits périodiques devant faire l'objet de liasses distinctes de celles des imprimés ordinaires. Les liasses sont désignées par des étiquettes portant l'indication du bureau destinataire ou réexpéditeur des envois insérés dans les liasses. Les objets de correspondance susceptibles d'être enliassés doivent être disposés dans le sens de l'adresse. Les objets affranchis sont séparés de ceux qui ne le sont pas ou le sont insuffisamment et les étiquettes de liasses d'objets non ou insuffisamment affranchis sont frappées du timbre T.

#### ARTICLE 160

##### Preparation of dispatches

1. As a general rule, articles are sorted and tied in bundles according to the nature of the correspondence, letters and post cards being included in the same bundle, and newspapers and periodicals being made up into packets, apart from those containing ordinary prints. The bundles are designated by labels bearing the indication of the office of destination or redispach of the articles contained in the bundles. Articles of correspondence capable of being tied in bundles shall be arranged in the direction of the address. Prepaid articles are separated from those which are unprepaid or shortpaid, and the labels of bundles of articles which are unprepaid or shortpaid are marked with the T-stamp.

Les lettres portant des traces d'ouverture, de détérioration ou d'avarie doivent être munies d'une mention du fait et frappées du timbre à date du bureau qui l'a constaté.

Les mandats de poste expédiés à découvert sont réunis en une liasse distincte, qui doit être insérée dans un paquet ou sac *contenant des objets recommandés et éventuellement dans le paquet ou sac avec valeurs déclarées*. Si la dépêche ne comprend *ni* objets recommandés *ni valeurs déclarées*, les mandats sont placés dans l'enveloppe contenant la feuille d'avis ou enliassés avec celle-ci.

2.—Les dépêches sont renfermées dans des sacs convenablement clos, cachetés ou plombés et étiquetés. Lorsqu'il est fait usage de ficelle, elle doit être passée deux fois autour du col avant d'être nouée. Les empreintes des cachets ou des plombs doivent reproduire, en caractères latins très lisibles, le nom du bureau d'origine ou une indication suffisante pour permettre de déterminer ce bureau.

Les étiquettes des dépêches doivent être en toile, carton fort, parchemin ou en papier collé sur une planchette; dans les relations entre bureaux limitrophes, il peut être fait usage d'étiquettes en papier fort. Les étiquettes sont confectionnées dans les couleurs suivantes:

a) en rouge vermillon, pour les sacs contenant des envois recommandés;

b) en blanc, pour les sacs ne contenant que des lettres et des cartes postales ordinaires;

c) en bleu clair, pour les sacs contenant exclusivement d'autres objets ordinaires;

d) en vert, pour les sacs contenant seulement des sacs vides renvoyés à l'origine.

Les sacs contenant de la correspondance ordinaire mixte (lettres, cartes postales et autres objets) doivent être munis de l'étiquette blanche.

*L'emploi d'étiquettes de couleur rouge vermillon, blanche et bleu clair est obligatoire; en revanche,*

Letters bearing traces of opening, deterioration or damage shall be marked with a mention of the fact and be struck with the date stamp of the office which has detected it.

Money orders sent uninclosed are tied in a separate bundle, which shall be included in a packet or sack containing registered articles and, in appropriate cases, in the packet or sack of insured articles. If the dispatch does not contain either registered or insured articles, the orders are placed in the envelope containing the letter bill or tied up with the latter.

2. Dispatches are inclosed in sacks suitably closed, sealed with wax or lead, and labeled. When use is made of string, it shall be passed twice around the neck of the sack before being tied. The imprints on the wax or lead seals shall reproduce, in very legible Latin characters, the name of the office of origin or an indication sufficient to permit that office to be determined.

The labels of the dispatches shall be of cloth, strong cardboard, parchment, or paper pasted on a wooden block; in relations between adjacent offices, use may be made of labels of strong paper. The labels are made up in the following colors:

(a) In vermillon red, for sacks containing registered articles;

(b) In white, for sacks containing only ordinary letters and post cards;

(c) In light blue, for sacks containing only ordinary *other articles*;

(d) In green, for sacks containing only empty sacks returned to origin.

Sacks containing mixed ordinary correspondence (letters, post cards and other articles) shall bear the white label.

The use of vermillon red, white and light blue labels is obligatory; on the other hand, green

Damaged, etc., letters.

Money orders.

Closing, etc., of sacks.

Labels, etc.

Color designations.

les étiquettes *vertes* sont utilisées *seulement* si l'Administration de destination l'exige.

Data to be furnished.

Les étiquettes portent l'indication imprimée en petits caractères latins du nom du bureau expéditeur et, en caractères latins gras, du nom du bureau destinataire, précédés respectivement des mots «de» et «pour». Dans les échanges *entre les pays éloignés non effectués par des services maritimes directs*, ces indications sont complétées par la mention de la date d'expédition, du numéro de l'envoi et, *le cas échéant*, du port de débarquement si l'Administration intéressée le demande.

Les sacs doivent indiquer d'une façon lisible, en caractères latins, le bureau ou le pays d'origine, et porter la mention «Postes» ou toute autre analogue les signalant comme dépêches postales.

Les bureaux intermédiaires ne doivent porter aucun numéro d'ordre sur les étiquettes des sacs ou paquets de dépêches closes en transit.

Small or negative dispatches.

3.—Sauf arrangement contraire, les dépêches peu volumineuses ou négatives sont simplement enveloppées de papier fort de manière à éviter toute détérioration du contenu, puis ficelées et cachetées ou plombées.

Sealing.

En cas de plombage, ces dépêches doivent être conditionnées de telle façon que la ficelle ne puisse pas être détachée. Lorsqu'elles ne contiennent que des correspondances ordinaires, elles peuvent être fermées au moyen de cachets gommés portant l'indication imprimée du bureau ou de l'Administration expéditrice. Les suscriptions des paquets doivent correspondre, en ce qui concerne les indications imprimées et les couleurs, aux prescriptions prévues au § 2 pour les étiquettes des sacs de correspondances.

Addresses.

Use of more than one sack.

4.—Lorsque le nombre ou le volume des envois exige l'emploi de plus d'un sac, des sacs distincts doivent, autant que possible, être utilisés:

a) pour les lettres et cartes postales;

labels are used only if the Administration of destination so demands.

The labels bear the indication, printed in small Latin characters, of the name of the dispatching office, and, in heavy Latin characters, the name of the office of destination, preceded by the words *de* (from) and *pour* (for) respectively. In exchanges between distant countries not effected by direct maritime services, those indications are completed by the mention of the date of dispatch, the number of the mail, and the port of debarkation, if any, if the Administration concerned so requests.

The sacks shall indicate legibly, in Latin characters, the office or country of origin, and shall bear the note *Postes* (posts) or some other similar note characterizing them as postal dispatches.

Intermediate offices shall not place any serial number on labels of sacks or packets of closed mails in transit.

3. Barring contrary agreement, dispatches of small size or negative dispatches are simply wrapped in strong paper in such a manner as to avoid all harm to the contents, then tied and sealed with wax or lead.

In case of lead sealing, those dispatches shall be prepared in such a way that the string can not be detached. When they contain nothing but ordinary correspondence, they may be fastened by means of gummed seals bearing the printed indication of the dispatching office or Administration. The addresses of the packets shall comply, in regard to the printed indications and the colors, with the provisions laid down by Section 2 for the labels of sacks of mail.

4. When the number or volume of the mails requires the employment of more than one sack, separate sacks shall be used, as far as possible:

(a) For letters and post cards;

b) pour les autres objets; le cas échéant, des sacs distincts doivent encore être utilisés pour les petits paquets; les étiquettes de ces derniers sacs portent la mention «Petits paquets».

Le paquet ou sac des envois recommandés, réuni avec la feuille d'avis de la façon prévue à l'article 158, § 2, est placé dans un des sacs de lettres ou dans un sac spécial; le sac extérieur doit porter, en tout cas, l'étiquette rouge. Lorsqu'il y a plus d'un sac d'envois recommandés, les sacs supplémentaires ne contenant que des objets recommandés autres que des lettres et des cartes postales peuvent être expédiés à découvert munis de l'étiquette rouge.

5.—L'étiquette du sac ou paquet renfermant la feuille d'avis, même si celle-ci est négative, est toujours revêtue de la lettre F tracée d'une manière apparente.

6.—Le poids de chaque sac ne doit pas dépasser 30 kilogrammes.

7.—Les bureaux d'échange insèrent autant que possible, dans leurs propres dépêches pour un bureau déterminé, toutes les dépêches de petites dimensions (paquets ou sacs) qui leur parviennent pour ce bureau.

#### ARTICLE 161.

##### Remise des dépêches.

1.—La remise des dépêches entre deux bureaux correspondants s'effectue suivant les dispositions prises par les Administrations intéressées.

Seuls les sacs et paquets signalés par des étiquettes rouges doivent, au moment de la livraison, être soumis à une vérification complète de leur fermeture et de leur conditionnement. Quant aux autres sacs et paquets, la vérification en est facultative et ils sont toujours remis globalement.

2.—Les dépêches doivent être livrées en bon état. Cependant, une dépêche ne peut pas être refusée pour cause d'avarie. Lorsqu'une dépêche est reçue en mauvais état par un bureau inter-

(b) For other articles; if occasion arises, separate sacks shall also be used for small packets; the labels of these latter sacks bear the note *Petits paquets* (small packets).

The packet or sack of registered articles, tied together with the letter bill in the manner prescribed by Article 158, Section 2, is placed in one of the letter sacks or in a separate sack; the outside sack shall in any case bear the red label. When there is more than one sack of registered articles, the additional sacks containing nothing but registered articles other than letters and post cards may be sent uninclosed, bearing the red label.

5. The label of the sack or packet containing the letter bill, even if the latter is negative, is always marked with the letter *F*, traced in a conspicuous manner.

6. The weight of each sack shall not exceed 30 kilograms.

7. As far as possible, the exchange offices insert in their own dispatches for a given office, all dispatches of small dimensions (packets or sacks) which reach them for that office.

#### ARTICLE 161

##### *Delivery of dispatches*

1. The delivery of dispatches between two corresponding offices is effected in accordance with the conditions prescribed by the Administrations concerned.

Only the sacks and packets designated by red labels need, at the time of delivery, be subjected to complete verification of their closing and condition. As for the other sacks and packets, their verification is optional and they are always delivered in bulk.

2. Dispatches shall be delivered in good condition. However, a dispatch may not be refused because of damage. When a dispatch is received in bad condition by an intermediate office, it shall

Sacks containing registered articles.

*Ante*, p. 2149.

Letter bill.

Weight.

Treatment of small dispatches.

Delivery of dispatches.

Damaged dispatches.

médiaire, elle doit être mise telle quelle sous nouvel emballage. Le bureau qui effectue le réemballage doit porter les indications de l'étiquette originale sur la nouvelle étiquette et apposer sur celle-ci une empreinte de son timbre à date, précédée de la mention « Réemballé à ----- ».

be placed, just as it is, under new packing. The office which effects the repacking shall enter the indications of the original label on the new label and place on the latter an imprint of its date stamp, preceded by the note *Remballé à -----* (repacked at -----).

## ARTICLE 162.

## Vérification des dépêches.

1.—Lorsqu'un bureau intermédiaire doit procéder au réemballage d'une dépêche, il en vérifie le contenu s'il présume que celui-ci n'est pas resté intact.

Il dresse un bulletin de vérification conforme au modèle C 18 ci-annexé en se conformant aux dispositions du § 3 ci-après. Ce bulletin est envoyé au bureau d'échange d'où la dépêche a été reçue; une copie en est adressée au bureau d'origine et une autre est insérée dans la dépêche réemballée.

2.—Le bureau destinataire vérifie si la dépêche est au complet et si les inscriptions de la feuille d'avis et, le cas échéant, des listes spéciales d'envois recommandés sont exactes. En cas de manque d'une dépêche ou d'un ou plusieurs sacs en faisant partie, d'objets recommandés, d'une feuille d'avis, d'une liste spéciale d'envois recommandés, ou lorsqu'il s'agit de toute autre irrégularité, le fait est constaté immédiatement par deux agents. Ceux-ci font les rectifications nécessaires sur les feuilles ou listes en ayant soin de biffer les indications erronées de manière à laisser reconnaître les inscriptions primitives. A moins d'une erreur évidente, les rectifications prévalent sur la déclaration originale.

*Lorsqu'un bureau reçoit des feuilles d'avis ou des listes spéciales qui ne lui sont pas destinées, il envoie ces documents au bureau de destination ou, si ses règlements internes le prescrivent, des copies certifiées conformes.*

3.—Les faits constatés sont signalés, au moyen d'un bulletin de vérification, au bureau d'origine

## ARTICLE 162

*Verification of dispatches*

1. When an intermediate office must proceed to repack a dispatch, it verifies the contents thereof if it presumes that they have not remained intact.

It makes up a bulletin of verification conforming to Model C 18 hereto appended, complying with the provisions of Section 3 hereafter. That bulletin is sent to the exchange office from which the dispatch was received; a copy thereof is addressed to the office of origin and another is inserted in the repacked dispatch.

2. The office of destination verifies whether the dispatch is intact, and whether the entries on the letter bill, and on the special lists of registered articles, if any, are correct. In case of shortage of a dispatch, or of one or more sacks forming part thereof, of registered articles, of a letter bill, of a special list of registered articles, or when it is a question of any other irregularity, the fact is established at once by two employees. The latter make the necessary corrections on the bills or lists, taking care to strike out the erroneous items in such a manner as to allow the original entries to be recognized. Except in case of obvious error, the corrections prevail over the original statement.

When an office receives letter bills or special lists which are not intended for it, it sends those documents to the office of destination, or, if its domestic regulations so prescribe, certified copies thereof.

3. The facts established are reported by means of a bulletin of verification to the office of

Verification by intermediate office.

Post, p. 2212.

By office of destination.

Bulletin of verification.

de la dépêche et, en cas de manquant réel, au dernier bureau intermédiaire, par le premier courrier utilisable après vérification complète de la dépêche.

Les indications de ce bulletin doivent spécifier aussi exactement que possible de quel sac, paquet ou objet il s'agit.

Un duplicata du bulletin de vérification est envoyé, dans les mêmes conditions que l'original, à l'Administration dont relève le bureau d'origine de la dépêche, lorsque cette Administration l'exige. Lorsqu'il s'agit d'irrégularités importantes permettant de présumer une perte ou une spoliation, l'enveloppe ou le sac *ainsi que la ficelle et le cachet ou plomb de fermeture du paquet ou du sac* des envois recommandés sont, *autant que possible*, joints au bulletin de vérification destiné au bureau d'origine. Il en est de même de l'enveloppe ou du sac extérieurs, avec leur ficelle, leur étiquette, leur cachet ou plomb de fermeture, chaque fois que l'envoi de ces pièces justificatives est possible.

Dans l'échange avec les Administrations qui exigent l'envoi d'un duplicata, les pièces justificatives mentionnées ci-dessus sont annexées au duplicata.

Dans les cas prévus aux §§ 1 et 2, le bureau d'origine et, le cas échéant, le dernier bureau d'échange intermédiaire peuvent, en outre, être avisés par télégramme aux frais de l'Administration qui expédie celui-ci.

Un avis télégraphique doit être émis toutes les fois que la dépêche présente des traces évidentes de spoliation, afin que le bureau expéditeur ou intermédiaire procède sans aucun retard à l'instruction de l'affaire et, le cas échéant, avise également par télégramme l'Administration précédente pour la continuation de l'enquête.

4.—Lorsque l'absence d'une dépêche est le résultat d'un défaut de coïncidence des courriers ou lorsqu'elle est dûment expliquée sur le bordereau de remise, l'établissement d'un bulletin de vérification n'est nécessaire que si la

origin of the dispatch, and, in case of actual shortage, to the last intermediate office, by the first mail available after complete verification of the dispatch.

The indications of that bulletin shall specify as exactly as possible what sack, packet or article is involved.

A duplicate of the bulletin of verification is sent, under the same conditions as the original, to the Administration to which the office of origin of the dispatch belongs, when that Administration so demands. When it is a question of important irregularities giving rise to the presumption of loss or rifling, the envelope or sack as well as the string and the wax or lead seal which fastens the packet or sack of registered articles are, when possible, attached to the bulletin of verification addressed to the office of origin. The same applies to the outer envelope or sack, with its string, label and wax or lead seal, whenever the transmission of such pieces of evidence is possible.

In the exchange with Administrations which require the sending of a duplicate, the supporting evidence mentioned above is attached to the duplicate.

In the cases contemplated by Sections 1 and 2, the office of origin, and the last intermediate exchange office, if any, may also be advised by telegram at the expense of the Administration sending the telegram.

Telegraphic notice shall be given whenever the dispatch shows evident traces of rifling, in order that the dispatching or intermediate office may proceed without any delay to investigate the matter, and, if need be, advise the preceding Administration, likewise by telegram, for the continuance of the investigation.

4. When the absence of a dispatch is the result of a failure of mails to connect, or when it is duly explained on the waybill, the preparation of a bulletin of verification is not necessary, unless the dispatch does not reach the

Sending of duplicate, on demand.

Telegraphic notices.

Traces of rifling, etc.

When bulletin is unnecessary.

dépêche ne parvient pas au bureau destinataire par le plus prochain courrier.

L'envoi du duplicata prévu au § 3 peut être différé si l'on présume que le manque de la dépêche provient d'un retard ou d'une fausse direction.

Dès la rentrée d'une dépêche dont l'absence avait été signalée au bureau d'origine et, le cas échéant, au dernier bureau d'échange intermédiaire, il y a lieu d'adresser à ces bureaux un second bulletin de vérification annonçant la réception de cette dépêche.

Return of bulletin  
by receiving office.

5.—Les bureaux auxquels sont adressés les bulletins de vérification les renvoient le plus promptement possible après les avoir examinés et y avoir mentionné leurs observations, s'il y a lieu.

Si ces bulletins ne sont pas renvoyés à l'Administration d'origine dans le délai de deux mois à compter de la date de leur expédition, ils sont considérés, jusqu'à preuve du contraire, comme dûment acceptés par les bureaux auxquels ils ont été adressés.

Ce délai est porté à quatre mois dans les relations avec les pays éloignés.

Presumption of correctness.

6.—Lorsqu'un bureau réceptif auquel la vérification de la dépêche incombait n'a pas fait parvenir au bureau d'origine et, le cas échéant, au dernier bureau d'échange intermédiaire, par le premier courrier utilisable après la vérification, un bulletin constatant des irrégularités quelconques, il est considéré, jusqu'à preuve du contraire, comme ayant reçu la dépêche et son contenu. La même présomption existe pour les irrégularités dont la mention a été omise ou signalée d'une manière incomplète dans le bulletin de vérification.

Transmittal of bulletins.

7.—Les bulletins de vérification et les duplicata sont transmis sous pli recommandé.

#### ARTICLE 163.

##### Renvoi des sacs vides.

Return of empty sacks.

1.—Sauf arrangement contraire entre les Administrations correspondantes, les sacs doivent

office of destination by the next mail.

The sending of the duplicate provided for by Section 3 may be postponed if it is presumed that the shortage of the dispatch is due to delay or misdirection.

When a dispatch, the absence of which had been reported to the office of origin, and to the last intermediate exchange office, if any, is located, it is necessary to send a second bulletin of verification to the said offices announcing the receipt of that mail.

5. The offices to which the bulletins of verification are addressed return them as promptly as possible after having examined them, and after having entered thereon their observations, if any.

If those bulletins are not returned to the Administration of origin within the period of two months, counting from the date of their issue, they are considered, until the contrary is proved, as duly accepted by the offices to which they were addressed.

That period is extended to four months in relations with distant countries.

6. When a receiving office upon which the verification of the dispatch was incumbent has not sent to the office of origin, and to the last intermediate exchange office, if any, by the first mail available after verification, a bulletin reporting any irregularities, it is considered, until the contrary is proved, as having received the dispatch and its contents. The same presumption exists in the case of irregularities which have not been mentioned, or which have been reported in an incomplete manner, in the bulletin of verification.

7. The bulletins of verification and the duplicates are transmitted under registered cover.

#### ARTICLE 163

##### Return of empty sacks

1. Barring contrary agreement between the corresponding Administrations, sacks shall be re-

être renvoyés vides, par le prochain courrier, dans une dépêche directe pour le pays auquel ces sacs appartiennent. Le nombre des sacs renvoyés par chaque dépêche doit être inscrit sous la rubrique «Indications de service» de la feuille d'avis.

Le renvoi est effectué entre les bureaux d'échange désignés à cet effet.

Les sacs vides doivent être roulés en paquets convenables; le cas échéant, les planchettes à étiquettes ainsi que les étiquettes en toile, parchemin ou autre matière solide doivent être placées à l'intérieur des sacs. Les paquets doivent être revêtus d'une étiquette indiquant le nom du bureau d'échange d'où les sacs ont été reçus, chaque fois qu'ils sont renvoyés par l'intermédiaire d'un autre bureau d'échange.

Si les sacs vides à renvoyer ne sont pas trop nombreux, ils peuvent être placés dans les sacs contenant la correspondance; dans le cas contraire, ils doivent être placés à part dans des sacs cachetés, étiquetés au nom des bureaux d'échange. Les étiquettes doivent porter la mention «Sacs vides».

2.—Dans le cas où le contrôle exercé par une Administration sur le renvoi des sacs qui lui appartiennent démontrerait que 10% du nombre total des sacs utilisés pendant une année pour la confection des dépêches n'ont pas été renvoyés avant la fin de cette année, l'Administration qui ne peut établir le renvoi des sacs vides est tenue de rembourser à l'Administration expéditrice la valeur des sacs manquants. Le remboursement doit également avoir lieu si le nombre des sacs manquants n'atteint pas 10% mais excède 50 unités.

Chaque Administration fixe, périodiquement et uniformément pour toutes les espèces de sacs qui sont utilisés par ses bureaux d'échange, une valeur moyenne en francs et la communique aux Administrations intéressées par l'intermédiaire du Bureau international.

turned empty, by the next mail, in a direct dispatch for the country to which such sacks belong. The number of sacks returned by each mail shall be entered under the *Service Information* heading of the letter bill.

The return is effected between the exchange offices designated for that purpose.

The empty sacks shall be rolled up in suitable bundles; the label blocks, as well as the labels of cloth, parchment or other strong material, if any, shall be placed inside the sacks. The bundles shall be provided with a label indicating the name of the exchange office from which the sacks were received, whenever they are returned through the intermediary of another exchange office.

If the empty sacks to be returned are not too numerous, they may be placed inside the sacks containing the correspondence; otherwise, they shall be placed in separate sealed sacks labeled with the names of the exchange offices. The labels shall bear the note *Sacs vides* (empty sacks).

2. In case that the check made by an Administration on the return of sacks belonging to it shows that 10 per cent of the total number of sacks used during a year for the preparation of dispatches have not been returned before the end of that year, the Administration which can not prove the return of the empty sacks is bound to reimburse the dispatching Administration for the value of the missing sacks. Reimbursement shall also be effected if the number of missing sacks does not reach 10 per cent but exceeds 50 sacks.

Each Administration fixes, periodically, and uniformly for all kinds of sacks which are used by its exchange offices, an average value in francs, and communicates it to the Administrations concerned through the intermediary of the International Bureau.

Reimbursement for unreturned sacks.

Average value.

## TITRE VII.

## DISPOSITIONS CONCERNANT LES FRAIS DE TRANSIT.

## CHAPITRE I.

## OPÉRATIONS DE STATISTIQUE.

## ARTICLE 164.

## Statistique des frais de transit.

1.—Les frais de transit exigibles en exécution des articles 75 et suivants de la Convention sont établis sur la base de statistiques dressées une fois tous les trois ans et alternativement pendant les quatorze ou vingt-huit premiers jours du mois de mai ou pendant les quatorze ou vingt-huit premiers jours qui suivent le 14 octobre.

La statistique est dressée pendant la deuxième année de chaque période triennale.

Les dépêches confectionnées à bord des navires sont comprises dans les statistiques lorsqu'elles sont débarquées pendant la période de statistique.

2.—La statistique d'octobre-novembre 1939 ainsi que les comptes y relatifs, dressés d'après les dispositions de la Convention *du Caire*, s'appliqueront jusqu'à fin 1940.

La statistique de mai 1942 s'appliquera aux années 1941, 1942 et 1943; celle d'octobre-novembre 1945 aux années 1944, 1945 et 1946.

3.—Les paiements annuels des frais de transit à effectuer en raison d'une statistique doivent être continués, provisoirement, jusqu'à ce que les comptes établis d'après la statistique suivante soient approuvés ou considérés comme admis de plein droit (article 173 ci-après). A ce moment, il est procédé à la régularisation des paiements effectués à titre provisoire.

4.—Lorsqu'il se produit une modification importante dans l'acheminement des correspondances d'un pays pour un autre et si cette modification affecte une

## TITLE VII

## PROVISIONS CONCERNING TRANSIT CHARGES

## CHAPTER I

## STATISTICAL OPERATIONS

## ARTICLE 164

*Transit statistics*

1. The transit charges collectible under Articles 75 *et seq.* of the Convention are computed on the basis of statistics taken once every three years, and alternately during the first fourteen or twenty-eight days of the month of May or during the first fourteen or twenty-eight days following the 14th of October.

The statistics are taken during the second year of each triennial period.

Dispatches made up on board ships are included in the statistics when they are unloaded during the statistical period.

2. The statistics of October-November, 1939, as well as the accounts relating thereto made up in accordance with the provisions of the Convention of Cairo, will apply up to the end of 1940.

The statistics of May, 1942, will apply to the years 1941, 1942 and 1943; those of October-November, 1945, to the years 1944, 1945 and 1946.

3. The annual payments of transit charges to be made on the basis of a set of statistics shall be continued provisionally, until the accounts made up in accordance with the following statistics are approved or considered as automatically accepted (Article 173 hereafter). The adjustment of the payments made provisionally is undertaken at that time.

4. When an important modification takes place in the routing of correspondence from one country for another, and if such modification affects a period or peri-

Computation of transit charges. *Ante*, p. 2088.

Statistics.

49 Stat. 2741.

Provisional annual payments.

*Post*, p. 2165.

Revision of transit-charge accounts.

période ou des périodes s'élevant à un total d'au moins douze mois, chaque Administration intéressée peut demander une révision des comptes de frais de transit. Dans ce cas, les sommes à payer par les Administrations expéditrices sont déterminées d'après les services intermédiaires réellement employés, mais les poids totaux qui servent de base aux nouveaux comptes doivent normalement être les mêmes que ceux des dépêches expédiées pendant la période de statistique mentionnée au § 1. Lorsqu'une entente sur le mode de répartition ne peut être obtenue, une statistique spéciale doit être dressée pour régler le partage de ces poids entre les divers services empruntés. Aucune modification dans l'acheminement des correspondances pour un pays déterminé n'est considérée comme importante si elle n'affecte pas de plus de 5000 francs par an les comptes entre l'Administration d'origine et l'Administration intermédiaire intéressée. Si la modification dépasse cette somme, elle a sa répercussion sur les décomptes de l'Administration d'origine avec les Administrations qui ont effectué le transit antérieurement et les Administrations qui l'assurent postérieurement à la modification survenue, même lorsque la réduction des comptes n'atteint pas pour certaines Administrations le minimum fixé. La demande d'une révision des comptes et, le cas échéant, d'une statistique spéciale peut être faite lorsque la modification dans l'acheminement des correspondances dont il s'agit a duré au moins neuf mois. Toutefois, les données de cette statistique ne sont prises en considération que si la période de douze mois est réellement accomplie.

Si, lors d'une statistique spéciale, il est établi que les poids totaux des courriers échangés entre deux Administrations et transportés par une tierce Administration ont augmenté de 100% ou diminué de 50% par rapport aux données de la dernière statistique périodique

ods amounting to a total of at least twelve months, any Administration concerned may request a revision of the transit-charge accounts. In that case, the sums to be paid by the dispatching Administrations are determined in accordance with the intermediate services actually employed, but the total weights which serve as the basis for the new accounts shall normally be the same as those of the dispatches sent during the statistical period mentioned in Section 1. When an agreement as to the manner of division can not be reached, special statistics shall be taken in order to adjust the apportionment of those weights among the various services employed. No modification in the routing of correspondence for a given country is considered as important unless it affects the accounts between the Administration of origin and the intermediate Administration concerned by more than 5000 francs a year. If the modification exceeds that amount it has its effect on the accounts of the Administration of origin with the Administrations which have performed the transit previously and the Administrations which perform it subsequent to the modification brought about, even when the reduction of the accounts does not attain the prescribed minimum for certain Administrations. The request for a revision of the accounts, and, if need be, for special statistics, may be made when the modification in the routing of the correspondence in question has lasted at least nine months. However, the results of those statistics are not taken into consideration unless the period of twelve months is actually completed.

If, when special statistics are taken, it is found that the total weights of the mails exchanged between two Administrations and transported by a third Administration have increased by 100 per cent or diminished by 50 per cent as compared with the results

Basis for charges in special cases.

et que le compte de la tierce Administration subirait de ce chef une modification de plus de 5000 francs par an, les nouveaux poids constatés doivent servir de base pour les frais de transit dus à cette Administration.

Demand for new statistics; condition.

De même, lorsqu'une Administration intermédiaire constate, dans les six mois qui suivent la statistique, qu'il existe entre les expéditions faites par une autre Administration pendant la période de statistique et le trafic normal une différence de 20% au moins sur les poids totaux du transport, l'Administration intéressée peut exiger l'établissement d'une nouvelle statistique si les comptes entre deux Administrations sont affectés d'une modification de plus de 5000 francs par an.

of the last statistical period, and that the account of the third Administration would undergo, for that reason, a modification of more than 5000 francs a year, the new weights established shall serve as the basis for the transit charges due to that Administration.

Likewise, when an intermediate Administration establishes, during the six months following the statistics, that a difference of 20 per cent at least in the total weights conveyed exists between the dispatches sent by another Administration during the statistical period and the normal traffic, the Administration concerned may demand the taking of new statistics, if the accounts between two Administrations are affected by a modification of more than 5000 francs a year.

## ARTICLE 165.

Confection et désignation des dépêches closes pendant la période de statistique.

Preparation, etc., of closed mails during statistical period.

1.—Pendant chaque période de statistique, l'échange des correspondances en dépêches closes à travers le territoire ou au moyen des services d'une ou de plusieurs Administrations intermédiaires donne lieu à l'utilisation de sacs distincts pour les «lettres et les cartes postales» et pour les «autres objets».

*Le nombre des sacs utilisés pour la confection d'une dépêche doit être réduit au strict minimum.*

*L'obligation de former des sacs distincts pour les «lettres et cartes postales» et pour les «autres objets» ne s'applique pas aux dépêches dont le poids brut total n'est pas supérieur à 3 kg., c'est-à-dire au poids moyen mis en compte pour les sacs légers en vertu de l'article 173 ci-après. Chaque Administration a donc la faculté, en pareil cas, de réunir tous les objets en un seul sac qui est alors compté comme sac "L. C.". Il est bien entendu qu'une telle dépêche ne peut comprendre aucun autre sac donnant lieu au paiement de frais de transit.*

Post, p. 2165.

## ARTICLE 165

*Preparation and designation of closed mails during the statistical period*

1. During each statistical period, the exchange of correspondence in closed mails across the territory or by means of the services of one or more intermediate Administrations gives rise to the employment of separate sacks for *letters and post cards* and for *other articles*.

The number of sacks utilized for the preparation of a dispatch must be reduced to the strict minimum.

The obligation of preparing separate sacks for *letters and post cards* and for *other articles* does not apply to dispatches whose total gross weight does not exceed 3 kg., i. e., the average weight considered in the accounts for light sacks by virtue of Article 173 hereafter. Each Administration therefore has the option, in such cases, of including all the articles in a single sack, which is then counted as an *L. C. sack*. It is understood, however, that such a dispatch may not contain any other sack giving rise to the payment of transit charges.

Lorsque le volume des dépêches le permet, les sacs distincts d'objets de toutes catégories (*L. C. et A. O.*), pour une même destination, doivent être réunis dans un seul sac collecteur.

2.—Par dérogation aux dispositions des articles 158 et 159, chaque Administration à la faculté, pendant la période de statistique, de comprendre les objets recommandés et les envois exprès, autres que les lettres et les cartes postales, dans un des sacs destinés aux autres objets, en faisant mention de ce fait sur la feuille d'avis; mais si, conformément aux articles 158 et 159, ces objets sont compris dans un sac de lettres, ils sont considérés comme lettres en ce qui concerne la statistique.

3.—Pendant la période de statistique, toutes les dépêches échangées en transit doivent être munies, en dehors des étiquettes ordinaires, d'une étiquette spéciale portant en gros caractères la mention «Statistique», suivie de l'indication «5 kilogrammes», «15 kilogrammes» ou «30 kilogrammes» selon la catégorie de poids (article 166, § 1, ci-après). L'étiquette «Statistique» doit porter en outre la mention «L. C.» ou «A. O.», suivant le cas.

4.—En ce qui concerne les sacs qui ne contiennent que des sacs vides ou des correspondances exemptes de tous frais de transit (article 76 de la *Convention*), la mention «Statistique» est suivie du mot «Exempt».

5.—Lorsque des sacs composant la dépêche sont réunis dans un sac collecteur, celui-ci doit être pourvu de l'étiquette spéciale «Statistique», sur laquelle la mention «S. C.» est ajoutée. Les indications concernant la statistique qui figurent sur les sacs intérieurs ne sont pas répétées sur le sac collecteur.

When the volume of the mails permits, the separate sacks of articles of all kinds (*L. C. and A. O.*) for one and the same destination shall be inclosed in a single collective sack.

2. By exception to the provisions of Articles 158 and 159, every Administration has the option, during the statistical period, of including registered and special-delivery articles other than letters and post cards in one of the sacks intended for other articles, mentioning that fact on the letter bill; but if, in accordance with Articles 158 and 159, those articles are included in a sack of letters, they are considered as letters insofar as the statistics are concerned.

3. During the statistical period all dispatches exchanged in transit shall bear, in addition to the ordinary labels, a special label bearing in large letters the note *Statistique* (statistics), followed by the indication *5 kilograms, 15 kilograms, or 30 kilograms*, according to the division of weight (Article 166, Section 1, hereafter). The statistical label shall also bear the note *L. C. or A. O.*, as the case may be.

4. In regard to sacks which contain nothing but empty sacks, or correspondence exempt from all transit charges (Article 76 of the *Convention*), the note *Statistique* is followed by the word *Exempt*.

5. When the sacks composing the dispatch are inclosed in a collective sack, the latter shall be provided with the special *Statistique* label, on which the note *S. C.* is added. The indications concerning the statistics which appear on the inside sacks are not repeated on the collective sack.

Optional inclusions.  
*Ante*, p. 2149.

Statistical label.

Empty sacks, etc.

*Ante*, p. 2089.

Collective sack.

#### ARTICLE 166.

Constatation du nombre de sacs et du poids des dépêches closes.

1.—En ce qui concerne les dépêches qui donnent lieu au paiement de frais de transit, le bureau

#### ARTICLE 166

*Fixing of the number of sacks and weight of closed mails*

1. For dispatches which give rise to the payment of transit charges, the dispatching exchange

*Fixing number of sacks and weight of closed mails.*

Post, p. 2213.

d'échange expéditeur fait usage d'une feuille d'avis spéciale conforme au modèle C 19 ci-annexé. Il inscrit à cette feuille d'avis le nombre de sacs en les répartissant, le cas échéant, dans les catégories suivantes:

office makes use of a special letter bill conforming to Model C 19 hereto appended. It enters on that letter bill the number of sacks, dividing them, if occasion arises, into the following classes:

Description des sacs	Nombre de sacs dont le poids brut		
	ne dépasse pas 5 kg (sacs légers)	dépasse 5 kg sans excéder 15 kg (sacs moyens)	dépasse 15 kg sans excéder 30 kg (sacs lourds)
1	2	3	4
L. C.			
A. O.			
Nombre de sacs exempts de frais de transit:.....			

Description of the sacks	Number of sacks whose gross weight		
	does not exceed 5 kg. (light sacks)	exceeds 5 kg. but not 15 kg. (medium sacks)	exceeds 15 kg. but not 30 kg. (heavy sacks)
1	2	3	4
L. C.			
A. O.			
Number of sacks exempt from transit charges			

Number exempt from transit charges.

Le nombre de sacs exempts de frais de transit doit être le total de ceux qui portent l'indication «Statistique—Exempt», d'après les prescriptions de l'article 165, § 4.

The number of sacks exempt from transit charges shall be the total of those bearing the indication *Statistique—Exempt* in accordance with the provisions of Article 165, Section 4.

Verification.

2.—Les indications des feuilles d'avis sont vérifiées par le bureau d'échange destinataire. Si ce bureau constate une erreur dans les nombres inscrits, il rectifie la feuille et signale immédiatement l'erreur au bureau d'échange expéditeur au moyen d'un bulletin de vérification conforme au modèle C 20 ci-annexé. Toutefois, en ce qui concerne le poids d'un sac, l'indication du bureau d'échange expéditeur est tenue pour valable, à moins que le poids réel ne dépasse de plus de 250 grammes le poids maximum de la catégorie dans laquelle ce sac a été inscrit.

2. The entries in the letter bills are verified by the exchange office of destination. If that office finds an error in the numbers entered, it corrects the bill and immediately reports the error to the dispatching exchange office by means of a bulletin of verification conforming to Model C 20 hereto appended. However, in regard to the weight of a sack, the statement of the dispatching exchange office is considered as valid unless the actual weight exceeds the maximum weight of the class in which that sack has been entered by more than 250 grams.

Post, p. 2214.

ARTICLE 167.

Confection des relevés des dépêches closes.

ARTICLE 167

Preparation of statements for closed mails

Statements for closed mails.

1.—Aussitôt que possible après la clôture des opérations de statistique, les bureaux destinataires dressent en autant d'expéditions qu'il y a d'Administrations intéressées, y compris celle du lieu

1. As soon as possible after the close of statistical operations, the offices of destination make up, in as many copies as there are Administrations concerned, including that of the country of origin,

de départ, des relevés conformes au modèle C 21 ci-annexé et transmettent ces relevés aux bureaux d'échange de l'Administration expéditrice pour être revêtus de leur acceptation. Ces bureaux, après avoir accepté les relevés, les transmettent à leur Administration centrale qui les répartit entre les Administrations intéressées.

2.—Si les relevés C 21 ne sont pas parvenus aux bureaux d'échange de l'Administration expéditrice ou leur sont parvenus en nombre insuffisant dans le délai de trois mois (quatre mois dans les échanges avec les pays éloignés), à compter du jour de l'expédition de la dernière dépêche à comprendre dans la statistique, ces bureaux dressent eux-mêmes lesdits relevés, en nombre suffisant, d'après leurs propres indications et en inscrivant sur chacun d'eux la mention: «Les relevés C 21 du bureau destinataire ne sont pas parvenus dans le délai réglementaire». Ils les transmettent ensuite à leur Administration centrale qui les répartit entre les Administrations en cause.

statements conforming to Model C 21 hereto appended, and transmit such statements to the exchange offices of the dispatching Administration to be indorsed with their acceptance. Those offices, after having accepted the statements, transmit them to their central Administration, which distributes them among the Administrations concerned.

2. If the Forms C 21 have not reached the exchange offices of the Administration of origin, or if they have not arrived there in sufficient numbers, within a period of three months (four months in exchanges with distant countries), counting from the date of dispatch of the last mail to be included in the statistics, those offices themselves make up the said forms in sufficient numbers in accordance with their own records, and enter on each one of them the note: *Les relevés C 21 du bureau destinataire ne sont pas parvenus dans le délai réglementaire* (The Forms C 21 from the office of destination did not arrive within the prescribed period). They then transmit them to their central Administration, which distributes them among the Administrations concerned.

Post, p. 2215.

Procedure if forms not received, etc.

#### ARTICLE 168.

Liste des dépêches closes échangées en transit.

1.—Aussitôt que possible et, au plus tard, dans un délai de trois mois après chaque période de statistique, sauf le cas où la voie d'acheminement n'a pu être constatée dans ce délai, les Administrations qui ont expédié des dépêches en transit envoient, sur formule conforme au modèle C 22 ci-annexé, la liste de ces dépêches aux différentes Administrations dont elles ont emprunté l'intermédiaire.

2.—Si cette liste indique des dépêches en transit qui, d'après les dispositions de l'article 165, ne donnent pas lieu à l'établissement d'un relevé C 21, elle doit porter une mention explicative, telle que

#### ARTICLE 168

*List of closed mails exchanged in transit*

1. As soon as possible, and at the latest within a period of three months after each statistical period, except in cases where the route could not be determined within that period, the Administrations which have sent dispatches in transit send a list of such dispatches on a form agreeing with Model C 22 hereto appended to the various Administrations whose intermediary they have employed.

2. If that list indicates dispatches in transit which, in accordance with the provisions of Article 165, do not give rise to the preparation of a Form C 21, it shall bear an explanatory note,

Exchange of lists.

Post, p. 2215.

Explanatory notes.

Annex, p. 2160.

Post, p. 2215.

«Sacs vides», «Correspondances exemptes».

such as: *Sacs vides* (empty sacks), *Correspondances exemptes* (correspondence exempt from transit charges).

## ARTICLE 169.

Dépêches closes échangées avec des bâtiments de guerre.

## ARTICLE 169

*Closed mails exchanged with warships*

Closed mails exchanged with warships.

Post, p. 2215.

Il incombe aux Administrations des pays dont relèvent des bâtiments de guerre de dresser les relevés C 21 relatifs aux dépêches expédiées ou reçues par ces bâtiments. Les dépêches expédiées, pendant la période de statistique, à l'adresse des bâtiments de guerre doivent porter, sur des étiquettes, la date d'expédition.

Dans le cas où ces dépêches sont réexpédiées, l'Administration réexpéditrice en informe l'Administration du pays dont le bâtiment relève.

It is incumbent upon the Administrations of countries to which warships belong to make up the Forms C 21 relative to the mails dispatched or received by those vessels. Mails dispatched during the statistical period destined for warships shall bear, on labels, the date of dispatch.

In case that such dispatches are forwarded, the forwarding Administration so advises the Administration of the country to which the vessel belongs.

## ARTICLE 170.

Bulletin de transit.

## ARTICLE 170

*Transit bulletin*

Transit bulletin.

1.—Lorsque la route à suivre et les services de transport à utiliser pour les dépêches expédiées pendant la période de statistique sont inconnus ou incertains, l'Administration d'origine doit, à la demande de l'Administration destinataire, préparer pour chaque dépêche un bulletin de couleur verte conforme au modèle C 23 ci-annexé. L'Administration d'origine peut également expédier ce bulletin sans une demande formelle de l'Administration destinataire, si les circonstances paraissent l'exiger.

Les feuilles d'avis des dépêches qui donnent lieu à l'établissement dudit bulletin doivent être revêtues, en tête, de l'annotation très apparente «Bulletin de transit». La même mention soulignée au crayon rouge est portée sur les étiquettes spéciales «Statistique» dont il est question à l'article 165.

1. When the route to be followed and the transportation services to be utilized for mails dispatched during the statistical period are unknown or uncertain, the Administration of origin shall, at the request of the Administration of destination, prepare for each dispatch a bulletin, green in color, conforming to Model C 23 hereto appended. The Administration of origin may also send such bulletin without a formal request from the Administration of destination, if circumstances appear to require it.

The letter bills of the dispatches which give rise to the preparation of the said bulletin shall be marked at the head with the conspicuous notation: *Bulletin de transit* (transit bulletin). The same notation, underlined in red pencil, is entered on the special *Statistique* (statistical) labels mentioned in Article 165.

2.—Le bulletin de transit doit être transmis à découvert avec les dépêches auxquelles il se rapporte, aux différents services qui participent à leur transport. Dans chaque pays intéressé, les bureaux

2. The transit bulletin shall be sent in open mail, together with the dispatches to which it relates, to the different services which participate in their transportation. In each country concerned, the

Sending, etc., of bulletin.

d'échange d'entrée et de sortie, à l'exclusion de tout autre bureau intermédiaire, consignent sur le bulletin les renseignements concernant le transit effectué par eux. Le dernier bureau d'échange intermédiaire transmet le bulletin C 23 au bureau de destination. Le bulletin est renvoyé ensuite par ce bureau au bureau d'origine à l'appui du relevé C 21. Lorsqu'un bulletin de transit dont l'expédition a été demandée ou est annoncée en tête de la feuille d'avis fait défaut, le bureau de destination est tenu de le réclamer sans aucun retard.

exchange offices of entry and departure, to the exclusion of all other intermediate offices, enter on the bulletin the information concerning the transit effected by them. The last intermediate exchange office sends the bulletin C 23 to the office of destination. The bulletin is then returned by that office to the office of origin in support of the Form C 21. When a transit bulletin whose issuance was requested or is announced at the head of the letter bill is missing, the office of destination is bound to make inquiry about it without any delay.

Post, p. 2217.

Post, p. 2215.

## ARTICLE 171.

*Dérogations aux articles 166, 167 et 170.*

Chaque pays a la faculté de notifier aux autres pays, par l'intermédiaire du Bureau international, que les bulletins de vérification modèle C 20, les relevés modèle C 21 et les bulletins de transit modèle C 23 doivent être adressés à son Administration centrale.

Cette dernière est, dans ce cas, substituée aux bureaux d'échange pour l'établissement des relevés C 21 conformément aux prescriptions de l'article 167, § 2.

## ARTICLE 171

*Exceptions to Articles 166, 167, and 170*

Each country has the option of notifying the other countries, through the intermediary of the International Bureau, that the bulletins of verification, Form C 20, the statements, Form C 21, and the transit bulletins, Form C 23, are to be addressed to its central Administration.

The latter, in that case, takes the place of the exchange offices for the preparation of the statements C 21 in conformity with the provisions of Article 167, Section 2.

Designated exceptions.

Post, pp. 2214, 2215, 2217.

## ARTICLE 172.

*Services extraordinaires.*

Indépendamment des transports aériens, sont seuls considérés comme services extraordinaires donnant lieu à des frais de transit spéciaux, le service entretenu pour le transport territorial accéléré de la Malle dite des Indes et les services spéciaux automobiles Palestine ou Syrie-Iraq.

## ARTICLE 172

*Extraordinary services*

Apart from transportation by air mail, the service maintained for the accelerated land conveyance of the so-called India Mail, and the special motor services from Palestine or Syria to Iraq, are alone considered as extraordinary services giving rise to special transit charges.

Extraordinary services.

## CHAPITRE II.

COMPTABILITÉ. RÈGLEMENT DES COMPTES.

## ARTICLE 173.

*Compte des frais de transit.*

1.—Pour l'établissement des comptes de transit, les sacs légers,

## CHAPTER II

ACCOUNTING. ADJUSTMENT OF ACCOUNTS

## ARTICLE 173

*Transit-charge account*

1. For the preparation of transit accounts, the light, medium or

Transit-charge account.

*Ante*, p. 2161.

moyens ou lourds, tels qu'ils sont définis à l'article 166, sont portés en compte respectivement pour les poids moyens de 3, 12 ou 24 kilogrammes.

2.—Le poids des dépêches closes est multiplié par 26 ou 13, selon le cas, et le produit sert de base à des comptes particuliers établissant en francs les sommes annuelles revenant à chaque Administration.

Dans le cas où le multiplicateur 26 ou 13 ne répond pas au trafic normal, les Administrations intéressées s'entendent pour l'adoption d'un autre multiplicateur qui vaut pendant les années auxquelles s'applique la statistique.

Le soin de dresser les comptes incombe à l'Administration créancière qui les transmet à l'Administration débitrice.

3.—Afin de tenir compte du poids des sacs et de l'emballage ainsi que des catégories de correspondances exemptes de tous frais de transit en conformité des dispositions de l'article 76 de la Convention, le montant total du compte des dépêches closes est réduit de 10%.

4.—Les comptes particuliers sont dressés en double expédition, sur formule conforme au modèle C 24 ci-annexé, et d'après les relevés C 21. Ils sont transmis à l'Administration expéditrice aussitôt que possible et, au plus tard, dans un délai de dix mois suivant l'expiration de la période de statistique, accompagnés des relevés C 21 y relatifs.

5.—Si l'Administration qui a envoyé le compte particulier n'a reçu aucune observation rectificative dans un intervalle de quatre mois à compter de l'envoi, ce compte est considéré comme admis de plein droit.

heavy sacks, as defined by Article 166, are considered as having their average weights of 3, 12 or 24 kilograms respectively.

2. The weight of the closed mails is multiplied by 26 or 13, as the case may be, and the product serves as the basis for individual accounts showing, in francs, the annual payments due to each Administration.

In case that the multiplier 26 or 13 does not correspond to the normal traffic, the Administrations concerned come to an agreement for the adoption of another multiplier which holds good during the years to which the statistics apply.

The duty of making up the accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

3. In order to take account of the weight of the sacks and packing, as well as of the classes of correspondence exempt from all transit charges in accordance with the provisions of Article 76 of the Convention, the total amount of the account for closed mails is reduced by 10 per cent.

4. The individual accounts are made up in duplicate on forms agreeing with Model C 24 hereto appended, on the basis of the statements C 21. They are sent to the dispatching Administration as soon as possible, and at the latest within a period of ten months following the expiration of the statistical period, accompanied by the relative statements C 21.

5. If the Administration which has sent the individual account has not received any corrective observation within an interval of four months, counting from the date of transmission, that account is considered as automatically accepted.

#### ARTICLE 174.

Décompte général annuel. Intervention du Bureau international.

1.—Sauf entente contraire entre les Administrations intéressées, le

#### ARTICLE 174

*General annual account. Intervention of the International Bureau*

1. Barring contrary agreement between the Administrations con-

décompte général comprenant les frais de transit est établi annuellement par le Bureau international.

2.—Aussitôt que les comptes particuliers entre deux Administrations sont approuvés ou considérés comme admis de plein droit (article 173, § 5), chacune de ces Administrations transmet sans retard, au Bureau international, un relevé conforme au modèle C 25 ci-annexé et indiquant les montants totaux de ces comptes. *En même temps, une copie du relevé est adressée à l'Administration intéressée.* Lors de la réception d'un relevé émanant d'une Administration, le Bureau international en avertit l'autre Administration intéressée.

Dans le solde, il est fait abandon des centimes.

En cas de différences entre les indications correspondantes fournies par deux Administrations, le Bureau international les invite à se mettre d'accord et à lui indiquer les sommes définitivement arrêtées.

Lorsqu'une Administration seulement a fourni le relevé C 25, les indications de cette Administration font foi, à moins que le relevé correspondant de l'Administration retardataire ne parvienne au Bureau international en temps opportun pour l'établissement du prochain décompte général annuel.

Dans le cas prévu à l'article 173, § 5, les relevés doivent porter la mention «Aucune observation de l'Administration débitrice n'est parvenue dans le délai réglementaire».

Si deux Administrations se mettent d'accord pour faire un règlement spécial, leurs relevés C 25 portent la mention «Compte réglé à part — à titre d'information» et ne sont pas compris dans le décompte général annuel.

3.—Le Bureau international établit, à la fin de chaque année, sur la base des relevés qui lui sont

cernés, the general account covering transit charges is made up annually by the International Bureau.

2. As soon as the individual accounts between two Administrations are approved or considered as automatically accepted (Article 173, Section 5), each of those Administrations transmits without delay, to the International Bureau, an account conforming to Model C 25 hereto appended and indicating the total amounts of those accounts. At the same time, a copy of the account is addressed to the Administration concerned. Upon receipt of an account coming from one Administration, the International Bureau so advises the other Administration concerned.

Centimes are ignored in the balances.

In case of difference between the corresponding items furnished by two Administrations, the International Bureau invites them to come to an agreement and to communicate to it the sums definitely arrived at.

When only one of the Administrations has furnished the Form C 25, the amounts indicated by that Administration hold good, unless the corresponding statement is received by the International Bureau from the Administration in arrears in time for the preparation of the next general annual account.

In the case provided for by Article 173, Section 5, the accounts shall bear the note: *Aucune observation de l'Administration débitrice n'est parvenue dans le délai réglementaire* (No observation received from the debtor Administration within the prescribed period).

If two Administrations agree to make a special settlement, their Forms C 25 bear the note: *Compte réglé à part—à titre d'information* (Account settled separately—for purposes of information); and are not included in the general annual account.

3. The International Bureau makes up, at the end of each year, on the basis of the forms which

Transmission.

Post, p. 2219.

Post, p. 2219.

parvenus jusque-là et qui sont considérés comme admis de plein droit, un décompte général annuel des frais de transit. Le cas échéant, il se conforme à la règle fixée à l'article 164, § 3, pour les paiements annuels.

Le décompte indique:

a) le Doit et l'Avoir de chaque Administration;

b) le solde débiteur ou le solde créditeur de chaque Administration;

c) les sommes à payer par les Administrations débitrices;

d) les sommes à recevoir par les Administrations créancières.

Le Bureau international procède par voie de compensation, de manière à restreindre au minimum le nombre des paiements à effectuer.

4.—Les décomptes généraux annuels doivent être transmis aux Administrations par le Bureau international, aussitôt que possible et, au plus tard, avant l'expiration du premier trimestre de l'année qui suit celle de leur établissement.

have reached it up to that time and which are considered as duly accepted, a general account of transit charges. If occasion arises, it complies with the rule laid down by Article 164, Section 3, for annual payments.

The account indicates:

(a) The debit and credit of each Administration;

(b) The debit or credit balance of each Administration;

(c) The sums to be paid by the debtor Administrations;

(d) The sums to be received by the creditor Administrations.

The International Bureau proceeds by way of compensation in such a manner as to restrict to the minimum the number of payments to be made.

4. The general annual accounts shall be transmitted to the Administrations by the International Bureau as soon as possible, and at the latest before the expiration of the first quarter of the year following that of their preparation.

#### ARTICLE 175.

##### Liquidation des frais de transit.

1.—Le solde résultant du décompte général annuel du Bureau international ou des règlements spéciaux, y compris, le cas échéant, la régularisation prévue à l'article 164, § 3, est payé par l'Administration débitrice à l'Administration créancière de l'une des manières suivantes:

a) au choix de l'Administration débitrice, en or ou au moyen de chèques ou de traites répondant aux conditions prévues au § 2 ci-après et payables à vue sur la capitale ou sur une place commerciale du pays créancier, ou

b) suivant accord entre les deux Administrations, par l'intermédiaire d'une banque utilisant le service des virements de la Banque des Règlements Internationaux à Bâle ou par tout autre moyen.

#### ARTICLE 175

##### Settlement of transit charges

1. The balance resulting from the general annual account of the International Bureau or from special settlements, including, if occasion arises, the adjustment provided for in Article 164, Section 3, is paid by the debtor Administration to the creditor Administration in one of the following manners:

(a) At the choice of the debtor Administration, in gold or by means of checks or drafts fulfilling the conditions prescribed by Section 2 hereafter and payable at sight in the capital or in a commercial city of the creditor country; or

(b) Following agreement between the two Administrations, through the intermediary of a bank utilizing the transfer service of the Bank for International Settlements at Basel, or by any other means.

Ante, p. 2168.

Settlement of transit charges.

Ante, p. 2168.

2.—En cas de paiement au moyen de chèques ou traites, ces chèques ou traites sont exprimés en monnaie d'un pays où la banque centrale d'émission ou une autre institution officielle d'émission achète et vend de l'or ou des devises-*or* contre la monnaie nationale à des taux fixes déterminés par la loi ou en vertu d'un arrangement avec le Gouvernement.

Si les monnaies de plusieurs pays répondent à ces conditions, c'est au pays créancier de désigner la monnaie qui lui convient. La conversion se fait au pair des monnaies d'or.

3.—Lorsque les deux pays se sont mis d'accord à ce sujet, les chèques ou traites peuvent être exprimés aussi en monnaie du pays créancier, même si cette monnaie ne répond pas aux conditions prévues au § 2. Dans ce cas, le solde est converti au pair des monnaies d'or en monnaie d'un pays répondant aux conditions prévues au § 2. Le résultat obtenu est ensuite converti dans la monnaie du pays débiteur et de celle-ci dans la monnaie du pays créancier au cours de la bourse de la capitale ou d'une place commerciale du pays débiteur au jour de l'achat du chèque ou de la traite.

4.—Lorsque le montant du solde dépasse 5000 francs-*or*, la date de l'envoi d'un chèque ou d'une traite, la date de son achat et son montant doivent, si l'Administration créditriche le demande, lui être notifiés par télégramme et à ses frais.

5.—Les frais de paiement sont supportés par l'Administration débitriche à l'exception des frais extraordinaires, tels les frais de clearing, imposés par le pays débiteur.

6.—Le paiement précité doit être effectué dans le plus bref délai possible et, au plus tard, avant l'expiration d'un délai de quatre mois à partir de la date d'envoi du décompte par le Bureau international ou de l'invitation à payer,

2. In case of payment by means of checks or drafts, such checks or drafts are expressed in money of a country where the central bank of issue or other official issuing institution buys and sells gold or gold currency for national money at fixed rates determined by law or by virtue of an agreement with the Government.

If the moneys of several countries fulfill those conditions, it is incumbent upon the creditor country to designate the money which is convenient for it. The conversion is effected at the gold par rate.

3. When the two countries have come to an agreement on that subject, the checks or drafts may also be expressed in money of the creditor country, even if such money does not fulfill the conditions laid down by Section 2. In that case, the balance is converted at the gold par rate into money of a country fulfilling the conditions prescribed by Section 2. The result obtained is then converted into money of the debtor country and from the latter into money of the creditor country at the rate of exchange prevailing in the capital or in a commercial city of the debtor country on the day of purchase of the check or draft.

4. When the amount of the balance exceeds 5000 gold francs, the date of sending of a check or draft, the date of its purchase and its amount shall, if the creditor Administration so requests, be communicated to it by telegram at its own expense.

5. The expenses of payment are borne by the debtor Administration, with the exception of extraordinary expenses, such as the clearing fees, imposed by the creditor country.

6. The payment above mentioned shall be made as soon as possible, and at the latest before the expiration of a period of four months, counting from the date of transmission of the account by the International Bureau, or of

Payment.

Expenses of payment.

Period for payment.

adressée par l'Administration créancière à l'Administration débitrice, quand il s'agit d'un compte réglé à part. Ce délai peut être porté à cinq mois dans les relations entre pays éloignés.

Passé ces délais, les sommes dues sont productives d'intérêt à raison de 5% l'an, à compter du jour d'expiration desdits délais.

Arrearage.

7.—Si le paiement n'est pas effectué un an après l'expiration des délais fixés au § 6, il est loisible à l'Administration créancière, en ce qui concerne les sommes dont le décompte est établi par le Bureau international, d'en informer ledit Bureau lequel invite l'Administration débitrice à payer dans un délai qui ne doit pas dépasser quatre mois.

Si le paiement des sommes prévues à l'alinéa précédent n'est pas effectué à l'expiration de ce nouveau délai, le Bureau international les fait figurer dans le décompte général annuel suivant, à l'Avoir de l'Administration créancière. Dans ce cas, des intérêts composés sont dus, c'est-à-dire que l'intérêt est ajouté au capital à la fin de chaque année jusqu'au moment du paiement.

En cas d'application des dispositions de l'alinéa précédent, le décompte général dont il s'agit et ceux des quatre années qui suivent ne doivent, autant que possible, pas contenir, dans les soldes du Tableau 2, des sommes à payer par l'Administration défailante à l'Administration créancière intéressée.

the invitation to pay sent by the creditor Administration to the debtor Administration when it is a question of accounts settled separately. That period may be extended to five months in relations between distant countries.

After those periods have expired, the sums due bear interest at the rate of 5 per cent a year, counting from the date of expiration of the said periods.

7. If payment has not been effected one year after the expiration of the periods fixed by Section 6, it is permissible for the creditor Administration, in the case of sums for which the account is made up by the International Bureau, to so advise the said Bureau, which invites the debtor Administration to pay within a period which shall not exceed four months.

If payment of the sums contemplated in the preceding paragraph is not effected at the expiration of that new period, the International Bureau enters them in the following general annual account, to the credit of the creditor Administration. In this case, compound interest is due; i. e., the interest is added to the principal at the end of each year, until the time of payment.

In case of application of the provisions of the preceding paragraph, the general annual account in question and those for the four years following, shall not, as far as possible, contain, in the balances of Table 2, any amounts to be paid by the defaulting Administration to the creditor Administration concerned.

## TITRE VIII.

### DISPOSITIONS DIVERSES.

#### CHAPITRE UNIQUE.

#### ARTICLE 176.

#### Coupons-réponse.

1.—Les coupons-réponse sont conformes au modèle C 26 ci-annexé. Ils sont imprimés, sur papier portant en filigrane les lettres UPU en grands caractères,

## TITLE VIII

### VARIOUS PROVISIONS

#### SOLE CHAPTER

#### ARTICLE 176

#### Reply coupons

1. Reply coupons conform to Model C 26 hereto appended. They are printed, on paper having in the watermark the letters U P U in large characters, under

par les soins du Bureau international qui les livre aux Administrations au prix coûtant.

2.—Chaque Administration a la faculté:

a) de donner aux coupons-réponse une perforation distinctive qui ne nuise pas à la lecture du texte et ne soit pas de nature à entraver la vérification de ces valeurs;

b) de modifier, à la main ou au moyen d'un procédé d'impression, le prix de vente indiqué sur les coupons.

3.—Dans les décomptes entre Administrations, la valeur des coupons-réponse est calculée à raison de 28 centimes par unité.

4.—Sauf entente contraire, les coupons échangés sont envoyés annuellement, au plus tard dans un délai de trois mois après expiration de l'année, aux Administrations qui les ont émis, avec l'indication globale de leur nombre et de leur valeur.

5.—Aussitôt que deux Administrations se sont mises d'accord sur le nombre des coupons échangés dans leurs relations réciproques, elles dressent chacune et transmettent au Bureau international un relevé conforme au modèle C 27 ci-annexé indiquant le solde débiteur ou créditeur, si ce solde dépasse 25 francs et si un règlement spécial n'a pas été prévu entre les deux pays. A défaut d'accord dans un délai de six mois, l'Administration créancière établit son décompte et l'envoie au Bureau international.

Dans le cas où l'une des Administrations seulement fournit son relevé, les indications de celui-ci font foi.

Le solde est compris par le Bureau international dans un décompte annuel et le paiement a lieu dans les conditions prévues à l'article 175.

6.—Lorsque, dans les rapports entre deux Administrations, le solde annuel ne dépasse pas 25 francs, l'Administration débitrice est exonérée de tout paiement.

the supervision of the International Bureau, which furnishes them to the Administrations at cost.

2. Each Administration has the option:

(a) Of giving the reply coupons a distinctive perforation which does not interfere with the reading of the text and is not of such a nature as to hinder verification of the coupons;

(b) Of modifying, by hand or by means of a printing process, the selling price indicated on the coupons.

3. In accounts between Administrations, the value of reply coupons is calculated at the rate of 28 centimes per unit.

4. Barring contrary agreement, exchanged coupons are sent annually, at the latest within a period of three months after the expiration of the year, to the Administrations which have issued them, with an indication of their total number and value.

5. As soon as two Administrations have come to an agreement as to the number of coupons exchanged in their reciprocal relations, they each make up and transmit to the International Bureau a statement conforming to Model C 27 hereto appended, indicating the debit or credit balance, if such balance exceeds 25 francs and if special settlement has not been provided for between the two countries. In the absence of an agreement within a period of six months, the creditor Administration makes up its account and sends it to the International Bureau.

In case that only one of the Administrations furnishes its statement, the indications of the latter are considered as valid.

The balance is included by the International Bureau in an annual account and payment takes place under the conditions prescribed by Article 175.

6. When, in the relations between two Administrations, the annual balance does not exceed 25 francs, the debtor Administration is released from all payment.

Options.

Value of reply coupons.

Annual settlement.

Procedure.

Post, p. 2221.

Annex, p. 2168.  
Small balances.

## ARTICLE 177.

## Cartes d'identité.

Issuance of identity cards.

1.—Chaque Administration désigne les bureaux ou les services qui délivrent les cartes d'identité.

Forms.  
Post, p. 2222.

2.—Ces cartes sont établies sur des formules conformes au modèle C 28 ci-annexé. Ces formules sont fournies, au prix coûtant, par le Bureau international.

Requirements.

3.—Au moment de la demande, le requérant remet sa photographie et justifie de son identité. Les Administrations édictent les prescriptions nécessaires pour que les cartes ne soient délivrées qu'après examen minutieux de l'identité du requérant.

L'agent inscrit cette demande sur un registre, remplit à l'encre et en caractères latins toutes les indications que comporte la formule de carte d'identité, fixe sur celle-ci la photographie à l'endroit désigné, applique mi-partie sur cette photographie et mi-partie sur la carte un timbre-poste représentant la taxe perçue et annule cette figurine au moyen d'une empreinte bien nette du timbre à date.

Il appose ensuite de nouveau l'empreinte de ce timbre ou de son sceau officiel, de manière qu'elle porte à la fois sur la partie supérieure de la photographie et sur la carte, puis reproduit cette empreinte à la troisième page de la carte, signe celle-ci et la remet à l'intéressé après avoir recueilli sa signature.

Renewal of card.

4.—Lorsque la physionomie du titulaire s'est modifiée au point qu'elle ne réponde plus à la photographie ou au signalement, la carte doit être renouvelée.

Right reserved.

5.—Chaque pays conserve la faculté de délivrer les cartes d'identité du service international selon les règles appliquées pour les cartes en usage dans son service intérieur.

Post, p. 2222.

Les Administrations peuvent ajouter, à la formule C 28, un feuillet destiné à recevoir des annotations spéciales pour les besoins de leur service interne.

## ARTICLE 177

## Identity cards

1. Each Administration designates the offices or services which issue identity cards.

2. Such cards are made up on forms agreeing with Model C 28 hereto appended. Those forms are furnished at cost by the International Bureau.

3. At the time of application, the applicant submits his photograph and proves his identity. The Administrations fix the necessary requirements so that cards may not be issued until after careful investigation as to the identity of the applicant.

The employee enters that application in a register; fills in with ink, and in Latin characters, all the information called for by the form of identity card; affixes the photograph to it in the designated place; applies, half on the photograph and half on the card, a postage stamp representing the charge collected; and cancels that stamp by means of a very neat impression of the date stamp.

He then also applies an impression of that stamp or his official seal in such a manner that it appears both on the upper part of the photograph and on the card, then reproduces that impression on the third page of the card, signs the latter, and delivers it to the interested party after obtaining his signature.

4. When the appearance of the holder becomes changed to such an extent that it no longer agrees with the photograph or description, the card shall be renewed.

5. Each country reserves the right to issue identity cards for the international service in accordance with the rules applicable to cards used in its domestic service.

Administrations may attach a leaflet to Form C 28 to receive such special annotations as may be required in the domestic service.

ARTICLE 178.

Dépêches échangées avec des bâtiments de guerre.

1.—L'établissement d'un échange, en dépêches closes, entre une Administration postale et des divisions navales ou des bâtiments de guerre de même nationalité, ou entre une division navale ou un bâtiment de guerre et une autre division navale ou un autre bâtiment de guerre de même nationalité, doit être notifié, autant que possible à l'avance, aux Administrations intermédiaires.

2.—La suscription de ces dépêches est rédigée comme suit:

Du bureau de.....

Pour { la division navale (nationalité) de (désignation de la division) à..... } (Pays).  
 le bâtiment (nationalité) le (nom du bâtiment) à.....

ou

De la division navale (nationalité) de (désignation de la division) à..... } (Pays).  
 Du bâtiment (nationalité) le (nom du bâtiment) à.....  
 Pour le bureau de.....

ou

De la division navale (nationalité) de (désignation de la division) à..... } (Pays).  
 Du bâtiment (nationalité) le (nom du bâtiment) à.....

Pour { la division navale (nationalité) de (désignation de la division) à..... } (Pays).  
 le bâtiment (nationalité) le (nom du bâtiment) à.....

3.—Les dépêches à destination ou provenant de divisions navales ou de bâtiments de guerre sont

ARTICLE 178

Mails exchanged with warships

1. Notice shall be given, as far as possible in advance, to the intermediate Administrations, of the establishment of an exchange of closed mails between a Postal Administration and naval divisions or warships of the same nationality, or between one naval division or warship and another naval division or warship of the same nationality.

2. The address of such dispatches is worded as follows:

From the office of.....

For { the..... naval (nationality) division of..... (name of division) } (Country).  
 at.....  
 the..... ship (nationality) (name of ship)  
 at.....

or

From the..... naval (nationality) division of..... (name of division) } (Country).  
 at.....  
 From the..... ship (nationality) (name of ship)  
 at.....  
 For the office of.....

or

From the..... naval (nationality) division of..... (name of division) } (Country).  
 at.....  
 From the..... ship (nationality) (name of ship)  
 at.....

For { the..... naval (nationality) division of..... (name of division) } (Country).  
 at.....  
 the..... ship (nationality) (name of ship)  
 at.....

3. Dispatches addressed to or coming from naval divisions or warships are forwarded, in the

Mails exchanged with warships.

Wording of address.

Forwarding, etc.

acheminées, sauf indication d'une voie spéciale sur l'adresse, par les voies les plus rapides et dans les mêmes conditions que les dépêches échangées entre bureaux de poste.

Le capitaine d'un paquebot postal qui transporte des dépêches à destination d'une division navale ou d'un bâtiment de guerre les tient à la disposition du commandant de la division ou du bâtiment destinataire en prévision du cas où celui-ci viendrait lui en demander la livraison en route.

Retention, etc.

4.—Si les bâtiments ne se trouvent pas au lieu de destination quand les dépêches à leur adresse y parviennent, ces dépêches sont conservées au bureau de poste jusqu'à leur retrait par le destinataire ou leur réexpédition sur un autre point. La réexpédition peut être demandée, soit par l'Administration postale d'origine, soit par le commandant de la division navale ou du bâtiment destinataire, soit enfin par un Consul de même nationalité.

Dispatches in care of consul.

5.—Celles des dépêches dont il s'agit qui portent la mention «Aux soins du Consul d . . .» sont consignées au Consulat indiqué. Elles peuvent ultérieurement, à la demande du Consul, être réintégréées dans le service postal et réexpédiées sur le lieu d'origine ou sur une autre destination.

Dispatches considered as being in transit.

6.—Les dépêches à destination d'un bâtiment de guerre sont considérées comme étant en transit jusqu'à leur remise au commandant de ce bâtiment, alors même qu'elles auraient été primitivement adressées aux soins d'un bureau de poste ou à un Consul chargé de servir d'agent de transport intermédiaire; elles ne sont donc pas considérées comme étant parvenues à leur adresse tant qu'elles n'ont pas été livrées au bâtiment de guerre destinataire.

absence of any indication of a special route in the address, by the most rapid routes, and under the same conditions as dispatches exchanged between post offices.

The captain of a mail steamer carrying mails addressed to a naval division or warship holds them at the disposal of the commanding officer of the division or vessel of destination, in case that the latter should happen to request their delivery en route.

4. If the ships are not found at the place of destination when the dispatches addressed to them arrive there, such dispatches are held at the post office until they are withdrawn by the addressee or forwarded to another point. Redirection may be requested either by the Postal Administration of origin or by the commanding officer of the naval division or vessel of destination; or, finally, by a Consul of the same nationality.

5. Those of the dispatches in question which bear the note: *Aux soins du Consul d* ----- (in care of the Consul of -----) are delivered to the Consulate indicated. Later on, they may, at the request of the Consul, be turned back to the postal service and returned to the place of origin or forwarded to another destination.

6. Dispatches addressed to a warship are considered as being in transit up to their delivery to the commanding officer of that ship, even if they were originally addressed in care of a post office or to a Consul charged with serving as intermediate forwarding agent; they are not, therefore, considered as having arrived at their address as long as they have not been delivered to the warship of destination.

#### ARTICLE 179.

Bulletins d'affranchissement.  
Décompte des frais de douane, etc.

Accounting for customs charges, etc.

1.—Le décompte relatif aux frais de douane, etc., déboursés par

#### ARTICLE 179

*Prepayment bulletins. Accounting for customs charges, etc.*

1. The accounting for customs charges, etc., paid out by each Ad-

chaque Administration pour le compte d'une autre, est effectué au moyen de comptes particuliers mensuels conformes au modèle C 29 ci-annexé, qui sont établis par l'Administration débitrice dans la monnaie du pays créancier. Les bulletins d'affranchissement sont inscrits par ordre alphabétique des bureaux qui ont fait l'avance des frais et suivant l'ordre numérique qui leur a été donné.

Si les deux Administrations intéressées assurent également le service des colis postaux dans leurs relations réciproques, elles peuvent comprendre, sauf avis contraire, dans les décomptes des bulletins d'affranchissement de ce dernier service, ceux de la poste aux lettres.

2.—Le compte particulier, accompagné des bulletins d'affranchissement, est transmis à l'Administration créancière au plus tard à la fin du mois qui suit celui auquel il se rapporte. Il n'est pas dressé de compte négatif.

3.—La vérification des comptes a lieu dans les conditions fixées par le Règlement des mandats de poste.

4.—Les décomptes donnent lieu à une liquidation spéciale. Chaque Administration peut, toutefois, demander que ces comptes soient annexés aux comptes des mandats de poste ou aux comptes CP 15 ou CP 16 des colis postaux.

ministration on behalf of another, is effected by means of individual monthly accounts conforming to Model C 29 hereto appended, which are made up by the debtor Administration in money of the creditor country. The prepayment bulletins are entered in the alphabetical order of the offices which have advanced the charges, and in the numerical order which has been given them.

If the two Administrations concerned also participate in the parcel-post service in their reciprocal relations, they may, in the absence of contrary notification, include in the accounts of prepayment bulletins relative to the latter service those relative to the regular-mail service.

2. The individual account, accompanied by the prepayment bulletins, is transmitted to the creditor Administration, at the latest by the end of the month following the one to which it relates. No negative accounts are made up.

3. Verification of the accounts takes place under the conditions fixed by the Regulations of the Agreement concerning money orders.

4. The accounts give rise to a special settlement. Each Administration may, however, request that such accounts be appended either to the money-order accounts or to the parcel-post accounts C P 15 or C P 16.

Post, p. 2223.

Prepayment bulletins.

Inclusion of regular-mail service.

Transmission of accounts.

Verification.

Settlement.

#### ARTICLE 180.

##### Formules à l'usage du public.

En vue de l'application des dispositions de l'article 31, § 2, de la Convention, sont considérées comme formules à l'usage du public les formules:

- C 1 (Etiquette de douane),
- C 2 (Déclaration en douane),
- C 3 (Bulletin d'affranchissement),
- C 5 (Avis de réception),
- C 8 (Mandat de remboursement),
- C 10 (Enveloppe de réexpédition),

#### ARTICLE 180

##### *Forms for the use of the public*

In view of the application of the provisions of Article 31, Section 2, of the Convention, the following Forms are considered as forms for the use of the public:

- C 1 (customs label),
- C 2 (customs declaration),
- C 3 (prepayment bulletin),
- C 5 (return receipt),
- C 8 (C. O. D. money order),
- C 10 (forwarding envelope),

Forms for use of the public.  
Ante, p. 2063.

Post. pp. 2190 ff.

- C 11 (Demande de retrait modification d'adresse, modification du montant du remboursement).
- C 12 (Réclamation d'un envoi ordinaire non parvenu),
- C 13 (Réclamation d'un envoi recommandé, etc.),
- C 26 (Coupon-réponse),
- C 28 (Carte d'identité postale).

- C 11 (request for return, change of address, or modification of C. O. D. charge),
- C 12 (inquiry about an ordinary article not received),
- C 13 (tracer for a registered article, etc.),
- C 26 (reply coupon),
- C 28 (postal identity card).

ARTICLE 181.

ARTICLE 181

Délai de garde des documents.

*Period for retention of documents*

Period for retention of documents.

Les documents du service international doivent être conservés pendant une période minimum de deux ans à partir du lendemain de la date à laquelle ces documents se réfèrent.

The records of the international service shall be kept for a minimum period of two years, counting from the day following the date to which such documents refer.

ARTICLE 182.

ARTICLE 182

Adresse télégraphique.

*Telegraphic address*

Telegraphic address.

Les Administrations font usage, pour les communications télégraphiques qu'elles échangent entre elles, de l'adresse télégraphique «Postgen», suivie de l'indication de la ville où se trouve le siège de l'Administration centrale.

Administrations make use, for telegraphic communications which they exchange among themselves, of the telegraphic address *Postgen*, followed by the name of the city in which the central Administration is located.

Pour les communications adressées à des bureaux autres que l'Administration centrale du pays de destination, l'adresse télégraphique doit être «Postbur», suivie de l'indication de la ville à laquelle le télégramme est adressé.

For communications addressed to offices other than the Central Administration in the country of destination, the telegraphic address shall be *Postbur*, followed by the name of the city to which the telegram is addressed.

TITRE IX.

TITLE IX

BUREAU INTERNATIONAL.

INTERNATIONAL BUREAU

CHAPITRE UNIQUE.

SOLE CHAPTER

ARTICLE 183.

ARTICLE 183

Congrès et Conférences.

*Congresses and Conferences*

Functions of International Bureau.

Le Bureau international prépare les travaux des Congrès et des Conférences. Il pourvoit aux impressions et à la distribution des documents nécessaires.

The International Bureau prepares the agenda for Congresses and Conferences. It provides for the printing and distribution of the necessary documents.

Attendance of director.

Le Directeur de ce Bureau assiste aux séances des Congrès et des Conférences et prend part aux discussions, sans voix délibérative.

The director of that Bureau attends the sessions of Congresses and Conferences and takes part in the discussions, without the power of voting.

## ARTICLE 184.

## Renseignements. Demandes de modification des Actes.

Le Bureau international doit se tenir en tout temps à la disposition des membres de l'Union pour leur fournir, sur les questions relatives au service, les renseignements dont ils pourraient avoir besoin.

Il instruit les demandes de modification ou d'interprétation des dispositions qui régissent l'Union et notifie les résultats des consultations.

## ARTICLE 185.

## Publications.

1.—Le Bureau international rédige, à l'aide des documents qui sont mis à sa disposition, un journal spécial en langues allemande, anglaise, espagnole et française.

2.—Il publie, d'après les informations fournies en vertu des prescriptions de l'article 193 ci-après, un recueil officiel de tous les renseignements d'intérêt général concernant l'exécution de la Convention et du Règlement dans chaque pays.

Des recueils analogues concernant l'exécution des Arrangements sont publiés sur la demande des Administrations participant à ces Arrangements.

3.—Le Bureau international publie également, au moyen des éléments fournis par les Administrations:

a) un recueil de renseignements sur l'organisation des Administrations de l'Union et sur leurs services internes;

b) un recueil des taxes appliquées par les Administrations dans leur service interne;

c) une liste des objets interdits;

d) une liste des lignes de paquets;

e) une liste des distances kilométriques afférentes aux parcours territoriaux;

f) une liste des pays éloignés et assimilés;

g) un tableau des équivalents.

## ARTICLE 184

*Information. Requests for modification of the Acts*

The International Bureau shall hold itself at all times at the disposal of members of the Union, to furnish them, on questions relative to the service, such information as they may require.

It prepares a statement of requests for modification or interpretation of the provisions governing the Union, and makes known the results of consultations.

## ARTICLE 185

*Publications*

1. The International Bureau publishes, with the aid of the documents which are placed at its disposal, a special journal in the German, English, Spanish and French languages.

2. It publishes, in accordance with the information furnished under the provisions of Article 193 hereafter, an official digest of all information of general interest concerning the execution of the Convention and the Regulations in each country.

Similar digests concerning the execution of the Agreements are published at the request of the Administrations participating in those Agreements.

3. The International Bureau also publishes, with the aid of the information furnished by the Administrations:

(a) A digest of information concerning the organization of the Administrations of the Union and their domestic services;

(b) A digest of the rates applied by the Administrations in their domestic services;

(c) A list of prohibited articles;

(d) A list of steamship lines;

(e) A list of distances in kilometers on land routes;

(f) A list of distant countries and countries assimilated thereto;

(g) A table of equivalents.

Furnishing of information.

Requests for modification, etc., of provisions.

Special journal.

Digest of information.

Post, p. 2182.

Other publications.

Communication of certain modifications.

4.—Les modifications éventuelles apportées aux divers documents énumérés aux §§ 2 et 3 sont notifiées par circulaire.

4. Any modifications made in the various documents enumerated in Sections 2 and 3 are communicated by circular.

Distribution of documents.

5.—Les documents publiés par le Bureau international sont distribués aux Administrations dans la proportion du nombre d'unités contributives assignées à chacune d'elles par application de l'article 25 de la Convention.

5. The documents published by the International Bureau are distributed among the Administrations in proportion to the number of contributive units assigned to each of them by application of Article 25 of the Convention.

*Anné*, p. 2061.

Les exemplaires supplémentaires de ces documents qui seraient réclamés par les Administrations sont payés à part, d'après leur prix de revient.

Additional copies of those documents requested by Administrations are paid for separately, at cost price.

Postal dictionary of the world.

6.—Le Bureau international est chargé de publier un dictionnaire alphabétique de tous les bureaux de poste du monde, avec une mention spéciale pour ceux de ces bureaux chargés de services qui ne sont pas encore généralisés. Ce dictionnaire est tenu au courant au moyen de suppléments ou de toute autre manière que le Bureau international juge convenable.

6. The International Bureau is charged with publishing an alphabetical dictionary of all the post offices in the world, with special mention of those of such offices charged with services which have not yet been generalized. That dictionary is kept up to date by means of supplements, or in any other manner which the International Bureau deems convenient.

Distribution.

Le dictionnaire est distribué aux Administrations à raison de 10 exemplaires par unité contributive assignée à chacune d'elles par application de l'article 25 de la Convention. Les exemplaires supplémentaires demandés par les Administrations sont payés à part, d'après leur prix de revient.

The dictionary is distributed among the Administrations at the rate of 10 copies for each contributive unit assigned to each of them by application of Article 25 of the Convention. Additional copies requested by Administrations are paid for separately, at cost price.

*Anné*, p. 2061.

#### ARTICLE 186.

#### ARTICLE 186

##### Rapport annuel.

##### *Annual report*

Annual report.

Le Bureau international fait sur sa gestion un rapport annuel qui est communiqué à toutes les Administrations.

The International Bureau makes an annual report of its operations, which is sent to all the Administrations.

#### ARTICLE 187.

#### ARTICLE 187

##### Langue officielle du Bureau international.

##### *Official language of the International Bureau*

Official language.

La langue officielle du Bureau international est la langue française.

The official language of the International Bureau is the French language.

#### ARTICLE 188.

#### ARTICLE 188.

##### Coupons-réponse. Cartes d'identité.

##### *Reply coupons. Identity cards*

Reply coupons; identity cards.

Le Bureau international est chargé de faire confectionner les coupons-réponse et les cartes

The International Bureau is charged with causing reply coupons and identity cards to be

d'identité et d'en approvisionner, sur leur demande, les Administrations manufacturées, et avec supply- ing them to the Administrations on request.

## ARTICLE 189.

## Balance et liquidation des comptes.

1.—Le Bureau international est chargé d'opérer la balance et la liquidation des comptes de toute nature relatifs au service international des postes entre les Administrations qui déclarent vouloir emprunter son intermédiaire. Celles-ci se concertent, à cet effet, entre elles et avec ce Bureau.

2.—Sur la demande des Administrations intéressées, les décomptes télégraphiques peuvent aussi être indiqués au Bureau international pour entrer dans la compensation des soldes.

3.—Chaque Administration conserve le droit d'établir à son choix des décomptes spéciaux pour diverses branches du service et d'en opérer à sa convenance le règlement avec ses correspondants, sans employer l'intermédiaire du Bureau international, auquel elle se borne à indiquer pour quelles branches de service et pour quels pays elle réclame ses offices.

4.—Les Administrations qui empruntent l'intermédiaire du Bureau international pour la balance et la liquidation des décomptes peuvent cesser d'user de cet intermédiaire trois mois après en avoir donné avis.

## ARTICLE 190.

## Etablissement des comptes.

1.—Lorsque les comptes particuliers ont été débattus et arrêtés d'un commun accord, les Administrations débitrices transmettent aux Administrations créancières, pour chaque nature d'opérations, une reconnaissance, établie en francs et centimes, du montant de la balance des deux comptes particuliers, avec l'indication de l'objet de la créance et de la période à laquelle elle se rapporte.

## ARTICLE 189

*Balancing and settlement of accounts*

1. The International Bureau is charged with effecting the balancing and settlement of accounts of all kinds relating to the international postal service between Administrations which express their desire to use its intermediary. The latter come to an agreement to that effect between themselves and with the Bureau.

2. At the request of the Administrations concerned, telegraphic accounts may also be transmitted to the International Bureau, to be included in the striking of balances.

3. Each Administration reserves the right to make up, at its option, special accounts for various branches of the service, and to settle them, at its convenience, with its correspondents, without employing the intermediary of the International Bureau, to which it merely gives notice of those branches of the service and the countries for which it requests its offices.

4. Administrations which employ the intermediary of the International Bureau in balancing and settling accounts may cease to use that intermediary three months after having given notice thereof.

Balancing and settlement of accounts.

Telegraphic accounts.

Special accounts.

Use of intermediary.

## ARTICLE 190

*Preparation of accounts*

1. When the detailed accounts have been checked and agreed upon, the debtor Administrations transmit to the creditor Administrations, for each class of operations, an acknowledgment, stated in francs and centimes, of the amount of the balance of the two detailed accounts, with indication of the subject of the credit and the period to which it relates.

Detailed accounts.

## General accounts.

Sauf entente contraire, l'Administration qui désire, pour sa comptabilité intérieure, avoir des comptes généraux, doit les établir elle-même et les soumettre à l'acceptation de l'Administration correspondante.

Barring contrary agreement, an Administration which desires, for its own accounting purposes, to have general accounts, shall make them up itself, and submit them to the corresponding Administration for acceptance.

## Other systems.

Les Administrations peuvent s'entendre pour pratiquer un autre système dans leurs relations.

Administrations may come to agreements to apply another system in their relations.

## Credit tables.

2.—Chaque Administration adresse au Bureau international mensuellement ou trimestriellement, si des circonstances spéciales le rendent désirable, un tableau indiquant son Avoir du chef des décomptes particuliers ainsi que le total des sommes dont elle est créancière envers chacune des Administrations contractantes; chaque créance figurant dans ce tableau doit être justifiée par une reconnaissance de l'Administration débitrice.

2. Each Administration addresses to the International Bureau monthly, or quarterly, if special circumstances render it desirable, a table indicating its credit resulting from the detailed accounts, as well as the total of the sums due to it by each of the contracting Administrations; each credit figuring in that table shall be justified by an acknowledgment from the debtor Administration.

Ce tableau doit parvenir au Bureau international le 19 de chaque mois ou du premier mois de chaque trimestre au plus tard. A défaut, il n'est compris que dans la liquidation du mois ou du trimestre suivant.

That table shall reach the International Bureau by the 19th of each month or of the first month of each quarter at the latest. Otherwise, it is carried over for settlement to the account for the following month or quarter.

Examination  
by Bureau.

3.—Le Bureau international examine, en rapprochant les reconnaissances, si les tableaux sont exacts. Toute rectification nécessaire est notifiée aux Administrations intéressées.

3. The International Bureau examines, by comparing the acknowledgments, whether the tables are correct. Notice of any necessary correction is given to the Administrations concerned.

Le Doit de chaque Administration envers une autre est reporté dans un tableau récapitulatif; l'addition des sommes portées dans les diverses colonnes de ce tableau forme le solde débiteur global de chaque Administration.

The debit of each Administration to another is carried over to a recapitulatory table; the sum of the amounts entered in the various columns of that table constitutes the total debit balance of each Administration.

## ARTICLE 191.

## Balance générale.

1.—Le Bureau international réunit les tableaux et les récapitulations en une balance générale indiquant:

a) le total du Doit et de l'Avoir de chaque Administration;

b) le solde débiteur ou le solde créditeur de chaque Administration;

c) les sommes à payer par les Administrations débitrices et la répartition de ces sommes entre les Administrations créancières.

## ARTICLE 191

## General balance sheet

1. The International Bureau assembles the tables and recapitulations into a general balance sheet indicating:

(a) The total debit and credit of each Administration;

(b) The debit or credit balance of each Administration;

(c) The sums to be paid by the debtor Administrations, and the distribution of those sums among the creditor Administrations.

General balance  
sheet.

Il veille, dans la mesure du possible, à ce que chaque Administration n'ait à effectuer, pour se libérer, qu'un ou deux paiements distincts.

Toutefois, l'Administration qui se trouve habituellement à découvert envers une autre Administration d'une somme supérieure à 50,000 francs a le droit de réclamer des acomptes.

Ces acomptes sont inscrits, tant par l'Administration créancière que par l'Administration débitrice, au bas des tableaux à adresser au Bureau international.

2.—Les reconnaissances transmises au Bureau international avec les tableaux sont classées par Administration.

Elles servent de base pour l'établissement de la liquidation des comptes de chacune des Administrations intéressées. Dans cette liquidation doivent figurer:

a) les sommes afférentes aux comptes spéciaux portant sur les divers échanges;

b) le total des sommes résultant de tous les comptes spéciaux par rapport à chacune des Administrations intéressées;

c) les totaux des sommes dues à toutes les Administrations créancières pour chaque branche du service ainsi que leur total général.

Ce total doit être égal au total du Doit qui figure dans la récapitulation.

Au bas du bordereau de liquidation, la balance est établie entre le Doit et l'Avoir résultant des tableaux adressés par les Administrations au Bureau international. Le montant net du Doit ou de l'Avoir doit être égal au solde débiteur ou au solde créditeur porté dans la balance générale. En outre, le bordereau indique les Administrations en faveur desquelles le paiement doit être effectué par l'Administration débitrice.

Les bordereaux de liquidation doivent être transmis aux Administrations intéressées, par le Bureau international, au plus tard le 22 de chaque mois.

As far as possible, it sees that each Administration does not have to make more than one or two separate payments in order to settle its obligations.

However, an Administration which habitually finds a sum exceeding 50,000 francs due to it by another Administration has the right to claim payments on account.

Such remittances are entered, by both the creditor and the debtor Administrations, at the bottom of the tables which they address to the International Bureau.

2. The acknowledgments transmitted to the International Bureau with the tables are classified according to Administrations.

They serve as the basis for settlement of the accounts of each of the Administrations concerned. In the balance-sheet shall appear:

(a) The sums relative to the special accounts concerning the various exchanges;

(b) The total of the sums resulting from all the special accounts relating to each of the Administrations concerned;

(c) The totals of the sums due to all the creditor Administrations for each branch of the service, as well as their grand total.

That total must be equal to the debit appearing in the recapitulation.

At the bottom of the balance-sheet, the balance is struck between the debit and the credit resulting from the tables addressed by the Administrations to the International Bureau. The net amount of the debit or credit must be equal to the debit or credit balance carried into the general balance sheet. Moreover, the sheet indicates the Administrations in favor of which the payment is to be effected by the debtor Administration.

The balance sheets shall be sent to the Administrations concerned by the International Bureau by the 22d of each month at the latest.

Classification of acknowledgments.

## ARTICLE 192.

## Payement.

Payment.

Le payement des sommes dues, en vertu d'une liquidation, par une Administration à une autre Administration, doit être effectué aussitôt que possible et au plus tard quinze jours après la réception du bordereau de liquidation par l'Administration débitrice. Les dispositions de l'article 175, § 1, sont applicables en ce qui concerne les autres conditions de payement. Les dispositions du § 6 dudit article font règle en cas de non-payement du solde dans le délai fixé.

*Ante*, p. 2168.

Small balances.

Les soldes débiteurs ou créditeurs n'excédant pas 500 francs peuvent être reportés à la liquidation du mois suivant, à la condition toutefois que les Administrations intéressées soient en rapport mensuel avec le Bureau international. Il est fait mention de ce report dans les récapitulations et dans les liquidations pour les Administrations créancières et débitrices. L'Administration débitrice fait parvenir, le cas échéant, à l'Administration créancière, une reconnaissance de la somme due, pour être portée au prochain tableau.

## ARTICLE 192

*Payment*

Payment of the sums due, by virtue of a balance sheet, by one Administration to another Administration, shall be made as soon as possible, and at the latest fifteen days after receipt of the balance sheet by the debtor Administration. The provisions of Article 175, Section 1, are applicable in regard to the other conditions of payment. The provisions of Section 6 of the said Article govern in case of non-payment of the balance within the period fixed.

Debit or credit balances not exceeding 500 francs may be carried over to the balance sheet for the following month; provided, however, that the Administrations concerned are in monthly communication with the International Bureau. Mention is made of such carrying over in the recapitulations and in the settlement accounts for the creditor and debtor Administrations. The debtor Administration, in such a case, sends the creditor Administration an acknowledgment of the sum due, to be carried over to the next table.

## ARTICLE 193.

Communications à adresser au Bureau international.

Communications to be addressed to International Bureau.

1.—Les Administrations se transmettent, par l'intermédiaire du Bureau international, la collection en trois exemplaires de leurs timbres-poste et des impressions-types de leurs machines à affranchir, avec indication de la date à partir de laquelle les timbres-poste des émissions antérieures cessent d'avoir cours.

2.—Elles doivent, en outre, communiquer au Bureau international:

a) la mention qu'elles ont adoptée, par application de l'article 106, § 2, comme équivalent de l'expression «Taxe perçue» ou «Port payé»;

b) les taxes modérées qu'elles ont adoptées en vertu de l'article 5

*Ante*, p. 2108.

## ARTICLE 193

*Communications to be addressed to the International Bureau*

1. Administrations communicate to one another, through the intermediary of the International Bureau, a triplicate collection of their postage stamps and specimen impressions of their stamping machines, with indication of the date from which postage stamps of previous issues cease to be valid.

2. They shall also communicate to the International Bureau:

(a) The annotation which they have adopted, by application of Article 106, Section 2, as the equivalent of the expression *Taxe perçue* or *Port payé*;

(b) The reduced rates which they have adopted by virtue of

de la Convention et l'indication des relations auxquelles ces taxes sont applicables;

c) l'indication des surtaxes qu'elles perçoivent pour frais de transport extraordinaire en vertu des articles 37 et 77 de la Convention ainsi que la nomenclature des pays auxquels s'appliquent ces surtaxes et, s'il y a lieu, la désignation des services qui en motivent la perception;

d) tous les renseignements utiles concernant les prescriptions douanières ou autres ainsi que les interdictions ou restrictions réglant l'importation et le transit des envois postaux dans leurs services;

e) le nombre de déclarations en douane éventuellement exigé pour les envois soumis au contrôle douanier à destination de leur pays et les langues dans lesquelles ces déclarations peuvent être rédigées;

f) l'indication qu'elles admettent ou non, dans les envois affranchis au tarif des lettres ou des échantillons, des objets passibles de droits de douane;

g) la liste des distances kilométriques pour les parcours territoriaux suivis dans leur pays par les dépêches en transit;

h) la liste des lignes de paquebots en partance de leurs ports et utilisées pour le transport des dépêches, avec indication des parcours, des distances et des durées de parcours entre le port d'embarquement et chacun des ports d'escale successifs, de la périodicité du service et des pays auxquels les frais de transit maritime, en cas d'utilisation des paquebots, doivent être payés;

i) leur liste des pays éloignés et assimilés;

j) leur décision au sujet de la faculté d'appliquer ou non certaines dispositions générales de la Convention et du Règlement;

k) les renseignements utiles sur leur organisation et leurs services internes;

l) leurs taxes postales intérieures.

Article 5 of the Convention, and an indication of the relations to which such rates are applicable;

(c) An indication of the surcharges which they collect as extraordinary transit charges by virtue of Articles 37 and 77 of the Convention, as well as a list of the countries to which such surcharges apply, and, if necessary, a designation of the services which give rise to their collection;

(d) All necessary information concerning their customs or other regulations, as well as the prohibitions or restrictions concerning the importation and transit of mail articles in their services;

(e) The number of customs declarations, if any, required for articles subject to customs examination addressed to their countries, and the languages in which such declarations may be worded;

(f) Information as to whether or not they admit, in articles prepaid at the letter or sample rate, articles liable to customs duty;

(g) A list of distances in kilometers on land routes followed in their countries by dispatches in transit;

(h) A list of the steamship lines whose ships leave their ports and are used for the conveyance of mails, with indication of the routes, distances, transit times between the port of embarkation and each of the subsequent ports of call, frequency of the service, and the countries to which the maritime transit charges are to be paid if use is made of the steamships;

(i) Their list of distant countries and countries assimilated thereto;

(j) Their decision in regard to the option of applying or not applying certain general provisions of the Convention and Regulations;

(k) Appropriate information concerning their organization and domestic services;

(l) Their domestic postage rates.

*Ante*, p. 2052.

*Ante*, pp. 2068, 2069.

Notice of change.

3.—Toute modification aux renseignements visés au § 2 doit être notifiée sans retard.

3. Notice of any modification in the information contemplated in Section 2 shall be given without delay.

Matter to be furnished Bureau.

4.—Les Administrations doivent fournir au Bureau international deux exemplaires des documents qu'elles publient, tant sur le service intérieur que sur le service international.

4. Administrations shall furnish the International Bureau with two copies of the documents which they publish, in regard to both the domestic and the international services.

#### ARTICLE 194.

##### Statistique générale.

1.—Le Bureau international dresse une statistique générale pour chaque année.

A cet effet, les Administrations lui font parvenir une série aussi complète que possible de renseignements statistiques sur formules conformes aux modèles C 30 et C 31 ci-annexés. Le tableau C 30 est transmis à la fin du mois de juillet de chaque année, mais les renseignements compris dans les parties I, II et IV de ce tableau ne sont fournis que tous les trois ans; le tableau C 31 est également transmis tous les trois ans, à la même date. Les renseignements fournis se rapportent toujours à l'année précédente.

2.—Les opérations de service qui donnent lieu à enregistrement font l'objet de relevés périodiques, d'après les écritures effectuées.

3.—Pour toutes les autres opérations, il est procédé chaque année à un comptage des objets de toute nature, sans distinction entre les lettres, cartes postales, papiers d'affaires, imprimés, échantillons de marchandises et petits paquets et, au moins tous les trois ans, à un dénombrement des différentes catégories de correspondances.

Chaque Administration fixe elle-même l'époque et la durée de ces comptages.

4.—Dans l'intervalle qui s'écoule entre les statistiques spéciales, le dénombrement des différentes catégories est fait d'après les chiffres proportionnels tirés de la précédente statistique spéciale.

5.—Le Bureau international fait imprimer et distribue les formules de statistique à remplir par chaque Administration. Il fournit aux

#### ARTICLE 194

##### General statistics

1. The International Bureau makes up a set of general statistics for each year.

For that purpose, the Administrations send it a set of statistical information, as complete as possible, on forms agreeing with Models C 30 and C 31 hereto appended. Table C 30 is sent out at the end of the month of July of each year; but the information comprised in Parts I, II, and IV of that table is furnished only once every three years; Table C 31 is likewise sent out once every three years, on the same date. The information furnished always relates to the preceding year.

2. Service operations which give rise to detailed recording form the subject of periodical statements based on the actual records.

3. For all other operations, a count is made each year of articles of all kinds, without distinction between letters, post cards, commercial papers, prints, samples of merchandise, and small packets; and, at least once every three years, a count is made of the different classes of correspondence.

Each Administration itself fixes the time and duration of such counts.

4. In the interval which elapses between special statistics, the numbers of the different classes are estimated in accordance with proportional figures taken from the preceding special statistics.

5. The International Bureau prints and distributes the statistical forms to be filled in by each Administration. It furnishes, to

Annual preparation of general statistics.

Post, pp. 2224, 2229.

Use of periodical statements.

Counting of articles.

Intermediate estimate.

Forms.

Administrations qui en font la demande toutes les indications nécessaires sur les règles à suivre pour assurer l'uniformité des opérations de statistique.

Administrations which so request, all necessary information concerning the rules to be followed in order to assure uniformity in statistical operations.

## ARTICLE 195.

## Dépenses du Bureau international.

1.—Les dépenses ordinaires du Bureau international ne doivent pas dépasser, par année, la somme de 350,000 francs.

2.—L'Administration des postes suisses surveille les dépenses du Bureau international, fait les avances nécessaires et établit le compte annuel qui est communiqué aux autres Administrations.

3.—Les sommes avancées par l'Administration des postes suisses, suivant le § 2, doivent être remboursées par les Administrations débitrices dans le plus bref délai possible, et au plus tard avant le 31 décembre de l'année d'envoi du compte. Passé ce délai, les sommes dues sont productives d'intérêt au profit de ladite Administration à raison de 5% l'an, à compter du jour d'expiration dudit délai.

4.—Les pays de l'Union sont classés ainsi qu'il suit en vue de la répartition des frais:

1<sup>re</sup> classe: Union de l'Afrique du Sud, Allemagne, Etats-Unis d'Amérique, République Argentine, Commonwealth de l'Australie, Canada, Chine, Espagne, France, Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord, Inde britannique, Italie, Japon, Nouvelle-Zélande, Pologne, Union des Républiques Soviétiques Socialistes;

2<sup>e</sup> classe :—;

3<sup>e</sup> classe: Ensemble des Possessions des Etats-Unis d'Amérique, Belgique, Brésil, Egypte, Algérie, Colonies et Protectorats français de l'Indochine, Ensemble des autres Colonies françaises, Ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat, Mexique, Pays-Bas, Indes néerlan-

## ARTICLE 195

*Expenses of the International Bureau*

1. The ordinary expenses of the International Bureau shall not exceed the sum of 350,000 francs a year.

2. The Swiss Postal Administration supervises the expenses of the International Bureau, makes the necessary advances, and makes up the annual account which is communicated to the other Administrations.

3. The sums advanced by the Swiss Postal Administration in accordance with Section 2 shall be repaid by the debtor Administrations as soon as possible, and at the latest before the 31st of December of the year in which the account is sent out. After that period, the sums due bear interest, payable to the said Administration, at the rate of 5 per cent a year, counting from the date of expiration of the said period.

4. The countries of the Union are classified as follows, in view of the distribution of the expenses:

1st class: Union of South Africa, Germany, United States of America, Argentine Republic, Commonwealth of Australia, Canada, China, Spain, France, United Kingdom of Great Britain and Northern Ireland, British India, Italy, Japan, New Zealand, Poland, Union of Soviet Socialist Republics;

2d class:—

3d class: Whole of the Possessions of the United States of America; Belgium, Brazil, Egypt, Algeria, French Colonies and Protectorates in Indochina, Whole of the other French Colonies, the Whole of the British Colonies, including the Oversea Territories, the Protectorates and the Territories under Suzerainty or Mandate; Mexico, Netherlands,

Limitation.

Supervision.

Repayments.

Classification of countries.

daises, Roumanie, Suède, Confédération Suisse, Tchéco-Slovaquie, Turquie, Royaume de Yougoslavie;

4<sup>e</sup> classe: Danemark, Finlande, Hongrie, Irlande, Chosen, Norvège, Portugal, Colonies portugaises de l'Afrique occidentale, Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie;

5<sup>e</sup> classe: Bulgarie, Chili, République de Colombie, Estonie, Grèce, Iran, Lettonie, Maroc (à l'exclusion de la Zone espagnole), Maroc (Zone espagnole), Pérou, Tunisie;

6<sup>e</sup> classe: Afghanistan, Albanie, Bolivie, République de Costa-Rica, République de Cuba, Ville libre de Danzig, République Dominicaine, République de El Salvador, Equateur, Guatémala, République d'Haïti, République du Honduras, *Afrique orientale italienne*, Lituanie, Luxembourg, Nicaragua, République de Panama, Paraguay, Curaçao et Surinam, Siam, République O. de l'Uruguay, États-Unis de Vénézuéla;

7<sup>e</sup> classe:—Royaume de l'Arabie Saoudite, Colonie du Congo belge, Ensemble des Colonies espagnoles, Iraq, Islande, Ensemble des Colonies et Possessions italiennes autres que l'*Afrique orientale italienne*, Ensemble des Dépendances japonaises autres que le Chosen, États du Levant sous Mandat français (Syrie et Liban), République de Libéria, Commonwealth des Philippines, République de Saint-Marin, État de la Cité du Vatican, Yémen.

Netherlands Indies, Rumania, Sweden, Swiss Confederation, Czecho-Slovakia, Turkey, Kingdom of Yugoslavia;

4th class: Denmark, Finland, Hungary, Ireland, Chosen, Norway, Portugal, Portuguese Colonies in West Africa, Portuguese Colonies in East Africa, in Asia and Oceania;

5th class: Bulgaria, Chile, Republic of Colombia, Estonia, Greece, Iran, Latvia, Morocco (except the Spanish Zone), Morocco (Spanish Zone), Peru, Tunisia;

6th class: Afghanistan, Albania, Bolivia, Republic of Costa Rica, Republic of Cuba, Free City of Danzig, Dominican Republic, Republic of El Salvador, Ecuador, Guatemala, Republic of Haiti, Republic of Honduras, Italian East Africa, Lithuania, Luxembourg, Nicaragua, Republic of Panama, Paraguay, Curaçao and Surinam, Siam, Eastern Republic of Uruguay, United States of Venezuela;

7th class: Kingdom of Saudi Arabia, Colony of the Belgian Congo, Whole of the Spanish Colonies, Iraq, Iceland, Whole of the Italian Colonies and Possessions other than Italian East Africa, Whole of the Japanese Dependencies other than Chosen, Levant States under French Mandate (Syria and Lebanon), Republic of Liberia, Commonwealth of the Philippines, Republic of San Marino, Vatican City State, Yemen.

## DISPOSITIONS FINALES.

## ARTICLE 196.

Mise à exécution et durée du Règlement.

Le présent Règlement sera exécutoire à partir du jour de la mise en vigueur de la Convention postale universelle.

Il aura la même durée que cette Convention, à moins qu'il ne soit renouvelé d'un commun accord entre les Parties intéressées.

Fait à Buenos Aires, le 23 mai 1939.

## FINAL PROVISIONS

## ARTICLE 196

*Effective date and duration of the Regulations*

The present Regulations will be in force from the effective date of the Universal Postal Convention.

They will have the same duration as that Convention, unless they are renewed by mutual agreement among the parties concerned.

Done at Buenos Aires, May 23, 1939.

Effective date and duration of regulations.

Signatures.

- Pour l'Afghanistan:*
- Pour l'Union de l'Afrique du Sud:*  
J. N. REDELINGHUY.  
H. C. WAIN.
- Pour l'Albanie:*
- Pour l'Allemagne:*
- Pour les Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour l'ensemble des Possessions des Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour le Royaume de l'Arabie Saoudite:*
- Pour la République Argentine:*  
A. C. ESCOBAR.  
A. FUNES LASTRA.  
R. R. TULA.  
M. SAENZ BRIONES.  
RAÚL C. MIGONE.  
CARLOS H. SAL.  
R. A. PAN.  
G. A. GARCÍA.  
I. RUFZ MORENO.  
A. T. COSENTINO.
- Pour la Commonwealth de l'Australie:*  
M. B. HARRY.  
A. SLADDIN.
- Pour la Belgique:*  
O. SCHOCKAERT.
- Pour la Colonie du Congo belge:*  
E. MONS.
- Pour la Bolivie:*  
PÉREZ ABASTO.  
J. GMO. CANEDO.  
J. LIEVANA.
- Pour le Brésil:*  
RAÚL CAMARATE.  
JOAQUÍM VIANNA.  
*Pour Confucio Augusto Pamplona:*  
RAÚL CAMARATE.
- Pour la Bulgarie:*  
M. GHÉORGHIEW.
- Pour le Canada:*  
JOHN A. SULLIVAN.  
H. BEAULIEU.  
R. H. MAC NABB.
- Pour le Chili:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la Chine:*  
H. K. CHANG CHIEN.
- Pour la République de Colombie:*  
*Pour R. Uribe Escobar:*  
E. CARRIZOSA.  
E. CARRIZOSA.
- Pour la République de Costa-Rica:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la République de Cuba:*  
J. A. MONTALVO.  
A. TORRADEMÉ.  
JESÚS LAGO LUNAR.
- Pour le Danemark:*  
ARNE KROG.
- Pour la Ville libre de Danzig:*
- Pour la République Dominicaine:*  
TULIO M. CESTERO.  
M. ALVAREZ ARÁNGUIZ.
- Pour l'Égypte:*  
M. WAGUIH.
- Pour la République de El Salvador:*  
JOSÉ VILLEGAS MUÑOZ.
- Pour l'Équateur:*  
F. GUARDERAS.  
L. G. DILLON.
- Pour l'Espagne:*
- Pour l'ensemble des Colonies espagnoles:*
- Pour l'Estonie:*  
G. JALLAJAS.
- Pour la Finlande:*  
NILO ORASMAA.

- Pour la France:*  
ED. QUENOT.  
L. GENTHON.  
P. GRANDSIMON.  
F. NAVECH.
- Pour l'Algérie:*  
PAOLI.
- Pour les Colonies et Protectorats français de l'Indochine:*
- Pour l'ensemble des autres Colonies françaises:*  
R. BOURGOIN.
- Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat:*
- Pour la Grèce:*  
V. DENDRAMIS.  
S. CAMILIÉRIS.
- Pour le Guatemala:*  
M. ARROYO.
- Pour la République d'Haïti:*  
FAUSTIN G. TRONGÉ.
- Pour la République du Honduras:*  
ARTURO MEJÍA NIETO.
- Pour la Hongrie:*
- Pour l'Inde britannique:*  
MOHD. AL HASAN.  
H. L. JERATH.  
N. CHANDRA.
- Pour l'Iran:*  
DR. A. A. DAFTARY.
- Pour l'Iraq:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'Irlande:*  
P. DE BLÁCA.  
S. S. PUIRSMAL.
- Pour l'Islande:*  
ARNE KROG.
- Pour l'Italie:*
- Pour l'ensemble des Colonies et Possessions italiennes autres que l'Afrique orientale italienne:*
- Pour l'Afrique orientale italienne:*
- Pour le Japon:*  
IWATARO UCHIYAMA.  
SEIITI OKAZAKI.  
JIRO NAKAYAMA.  
TOSIO YAMATO.
- Pour le Chosen:*  
SEIITI OKAZAKI.  
KEISI FUKUDA.
- Pour l'ensemble des autres Dépendances japonaises:*  
IWATARO UCHIYAMA.  
KANJI ITO.
- Pour la Lettonie:*  
DR J. BUSER.  
L. ROULET.
- Pour les Etats du Levant sous Mandat français (Syrie et Liban):*  
M. USCLAT.
- Pour la République de Libéria:*  
DIXON BROWN.
- Pour la Lithuanie:*  
J. AUKSTUOLIS.  
B. BLAVESCIUNAS.
- Pour le Luxembourg:*  
O. SCHOCKAERT.
- Pour le Maroc (à l'exclusion de la Zone espagnole):*  
H. F. DUSSOL.
- Pour le Maroc (Zone espagnole):*
- Pour le Mexique:*  
ALFONSO GÓMEZ MORENTÍN.  
ALMADA BECERRA.  
E. VALDÉS GENES.
- Pour le Nicaragua:*  
RUBÉN DARFO.
- Pour la Norvège:*  
STEN HAUG.  
OSKAR HOMME.

*Pour la Nouvelle-Zélande:*  
J. MADDEN.

*Pour la Roumanie:*  
C. STEFANESCO.  
N. M. GEORGESCO.

*Pour la République de Panama:*  
VIAL.

*Pour la République de Saint-Marin:*

*Pour le Paraguay:*  
HIGINIO ARBO.  
RAMÓN LARA CASTRO.  
J. F. PÉREZ ACOSTA.

*Pour le Siam:*  
LUANG KOVID APAIVONGSE.

*Pour les Pays-Bas:*  
DUYNSTEE.  
VAN GOOR.

*Pour la Suède:*  
GUNNAR LAGER.  
THURE NYLUND.  
ALLAN HULTMAN

*Pour Curaçao et Surinam:*  
HOOGEWOONING.

*Pour la Confédération Suisse:*  
DR J. BUSER.  
L. ROULET

*Pour les Indes néerlandaises:*  
VAN DOOREN.  
HAJENIUS  
P. J. LEEMEYER.  
HOOGEWOONING.

*Pour la Tchéco-Slovaquie:*

*Pour la Tunisie:*  
ED. QUENOT

*Pour le Pérou:*  
ERNESTO CÁCERES.  
POUR JORGE CHAMOT.  
ERNESTO CÁCERES.

*Pour la Turquie:*  
APTULAHAT AKSIN  
ad referendum

*Pour la Commonwealth des Philip-  
pines:*  
F. CUADERNO.

*Pour l'Union des Républiques  
Soviétiques Socialistes:*  
P. GLINKINE  
V. IVANOV

*Pour la Pologne:*  
M. HERWICH.  
T. JARON.

*Pour la République O. de  
l'Uruguay:*  
F. A. COSTANZO  
ADOLFO AGORIO

*Pour le Portugal:*  
DUARTE CALHEIROS.  
A. BASTOS GAVIÃO.  
J. QUADRIO MORÃO.

*Pour l'Etat de la Cité du Vatican:*  
RÓMULO ETCHEVERRY BONEO.

*Pour les Colonies portugaises de  
l'Afrique occidentale:*  
ARNALDO DE PAIVA  
CARVALHO.

*Pour les Etats-Unis de Vénézuëla:*  
E. GANTEAUME-TOVAR  
F. VÉLEZ-SALAS

*Pour les Colonies portugaises  
de l'Afrique orientale, de l'Asie et  
de l'Océanie:*  
MARIO MONTEIRO DE MACEDO

*Pour l'Yémen:*  
*Pour le Royaume de Yougoslavie:*  
SVET. M. DRAGICEVIC  
MILOMIR LJ. MICIC.

**C 1**

(Règl., art. 110, § 1, 1er al.)

<b>DOUANE</b> (peut être ouvert d'office)
-----
A remplir seulement en cas d'absence de déclaration séparée; sinon à détacher.
Nature de la marchandise .....
.....
Poids net .....
.....
Valeur .....
.....

(Dimensions: 44×62 mm., couleur verte)

**C 2**

(Règl., art. 110, § 1, 2e al.)

LIEU D'EXPÉDITION

LIEU DE DESTINATION

ADMINISTRATION DES POSTES d \_\_\_\_\_

**DÉCLARATION EN DOUANE**

M \_\_\_\_\_

(Nom et adresse du destinataire)

ENVOIS		DESIGNATION DU CONTENU	VALEUR avec indication précise de l'unité monétaire employée	POIDS		OBSERVATIONS
Nombre	Espèce			Brut Grammes	Net Grammes	
1	2	3	4	5	6	7
Pays d'origine ou de fabrication de la marchandise:						

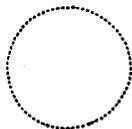
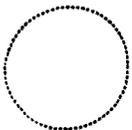
\_\_\_\_\_ , le \_\_\_\_\_ 19\_\_\_\_

L'expéditeur:

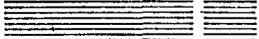
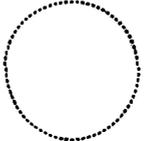
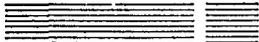
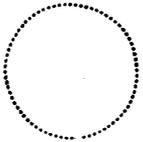
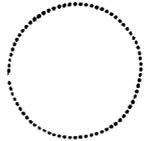
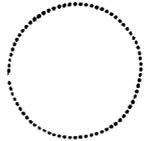
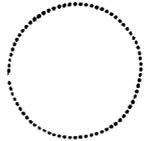
(Dimensions: 125×176 ou 148×210 mm.)

03 (Recto)

(Règl., art. 111, § 2)

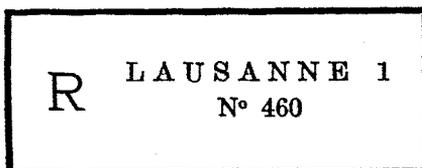
<p><b>COUPON</b></p> <p>Timbre du bureau d'origine</p>  <p>L'expéditeur d _____ *)</p> <p>N° _____</p> <p>avec valeur déclarée de _____</p> <p>déposé à _____</p> <p>_____</p> <p>pour M _____</p> <p>à _____</p> <p>a payé les droits indiqués au verso.</p>	<p>PAYS D'ORIGINE _____</p> <p style="text-align: right;">Timbre du bureau d'origine</p>  <p><b>BULLETIN D'AFFRANCHISSEMENT</b></p> <p>L _____ *) N° _____ de _____ avec valeur déclarée de Fr. _____, expédié par _____</p> <p>à _____</p> <p>à l'adresse de _____</p> <p>_____</p> <p>à _____</p> <p style="text-align: center;">(Lieu de destination) (Dus et numéro)</p> <p>doit être remis franc _____ de tous droits.</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">(Signature de l'expéditeur)</p> <p>_____</p> <p>A renvoyer au bureau d _____</p> <p>(Indiquer le nom du bureau chargé du recouvrement des frais ou, le cas échéant, celui du bureau auquel la formule doit être renvoyée.)</p> <p>*) Indiquer la nature de l'objet.</p>
--	--

(Dimensions: 105×148 mm., couleur isomé)

<p align="center"><b>DÉTAIL DES DROITS DUS</b> (dans la monnaie du pays destinataire)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Droit de commission...</td> <td style="width: 10%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td>Droits de douane.....</td> <td></td> <td></td> </tr> <tr> <td>Droit de dédouanement</td> <td></td> <td></td> </tr> <tr> <td>Autres frais.....</td> <td></td> <td></td> </tr> <tr> <td align="right"><b>Total</b></td> <td></td> <td></td> </tr> </table>	Droit de commission...			Droits de douane.....			Droit de dédouanement			Autres frais.....			<b>Total</b>			<p align="center"><b>TOTAL DES FRAIS DÉBOURSÉS</b> (Voir le détail sur le coupon)</p> <p align="center">en chiffres arabes</p> <p align="center">         (dans la monnaie du pays de destination de l'envoi)     </p>	<p align="center">Timbre du bureau qui a fait l'avance des frais</p> <p align="center">  </p>
Droit de commission...																	
Droits de douane.....																	
Droit de dédouanement																	
Autres frais.....																	
<b>Total</b>																	
<p align="center">en chiffres arabes</p> <p align="center">soit </p> <p align="center">(à convertir par l'Administration d'origine de l'envoi)</p>																	
<p>soit *).....</p> <p align="center">           Timbre du bureau recouvrant   </p> <p align="center">*) Dans la monnaie de pays d'origine de l'envoi.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Date de l'avance</td> <td style="width: 25%;">N° du registre</td> <td style="width: 25%;">Bureau qui a fait l'avance</td> <td style="width: 25%;">Signature de l'agent</td> </tr> <tr> <td colspan="2" style="padding: 5px;"> <p align="center">Registre d'arrivée</p> <p align="center">N°.....</p> </td> <td style="padding: 5px;"> <p align="center">Converti par (Signature de l'agent)</p> </td> <td style="padding: 5px;"> <p align="center">Timbre du bureau recouvrant</p> <p align="center">  </p> </td> </tr> </table>	Date de l'avance	N° du registre	Bureau qui a fait l'avance	Signature de l'agent	<p align="center">Registre d'arrivée</p> <p align="center">N°.....</p>		<p align="center">Converti par (Signature de l'agent)</p>	<p align="center">Timbre du bureau recouvrant</p> <p align="center">  </p>								
Date de l'avance	N° du registre	Bureau qui a fait l'avance	Signature de l'agent														
<p align="center">Registre d'arrivée</p> <p align="center">N°.....</p>		<p align="center">Converti par (Signature de l'agent)</p>	<p align="center">Timbre du bureau recouvrant</p> <p align="center">  </p>														

**C 4**

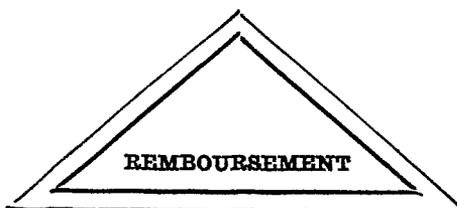
(Règl., art. 127, § 3)



(Dimensions: 13×37 mm.)

**C 6**

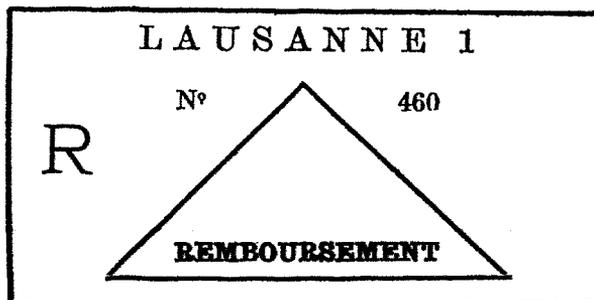
(Règl., art. 131, 1er al.)



(Dimensions: hauteur 18 mm., base 37 mm., couleur orange)

**C 7**

(Règl., art. 131, 2e al.)



(Le triangle en couleur orange)

<p style="text-align: center;"><b>ADMINISTRATION DES POSTES</b></p> <p>d.....</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(A remplir par le bureau d'origine)</p> <p>Envoi recommandé (.....) <sup>1)</sup> <sup>2)</sup></p> <p>Lettre } Boîte } avec valeur déclarée de..... <sup>2)</sup> Colis }</p> <p>Mandat de poste de..... <sup>2)</sup></p> <p>déposé... au bureau de poste d.....</p> <p>.....</p> <p>le ..... 19... sous le No.....</p> <p>expédié... par M.....</p> <p>et adressé... à M.....</p> <p>à .....</p> <p><sup>1)</sup> Indiquer dans la parenthèse la nature de l'envoi (lettre, imprimé, etc.). <sup>2)</sup> Biffer les indications inutiles.</p>	<p style="text-align: right;">Timbre du bureau renvoyant l'avis</p> <p style="text-align: center;">AVIS DE { RÉCEPTION PAYEMENT }</p> <p style="text-align: center;">(A remplir par l'expéditeur qui mentionnera ci-dessous son adresse complète)</p> <p>M.....</p> <p>.....</p> <p>à .....</p> <p style="text-align: center;">(Lieu de destination, en gros caractères)</p> <p>.....</p> <p style="text-align: center;">(Rue et numéro)</p> <p>.....</p> <p style="text-align: center;">(Pays de destination)</p> <p style="text-align: center;"><b>SERVICE DES POSTES</b></p>
---	---

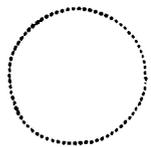
(Dimensions: 105×148 mm., couleur rouge clair)

C 5 (Verso)

Le soussigné déclare que <sup>l'envoi</sup> mentionné d'autre part  
le mandat

a été dûment <sup>livré</sup> le ..... 19.....  
payé

Timbre du bureau  
destinataire



Signature <sup>1)</sup>

du destinataire:

de l'agent du bureau destinataire:

.....

<sup>1)</sup> Cet avis doit être signé par le destinataire ou, si les règlements du pays de destination le comportent, par l'agent du bureau destinataire et renvoyé par le premier courrier directement à l'expéditeur.



C 8 (Verso)

(Cadre réservé aux endossements, s'il y a lieu)

QUITTANCE DU DESTINATAIRE

Reçu la somme indiquée d'autre part

Lieu \_\_\_\_\_

Le \_\_\_\_\_ 19\_\_\_\_\_

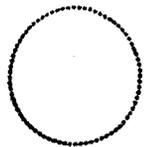
Signature du destinataire:

\_\_\_\_\_

Registre d'arrivée

N° \_\_\_\_\_

Timbre du bureau payeur



COMPTE PARTICULIER

des mandats de remboursement payés par l'Administration d \_\_\_\_\_

pour le compte de l'Administration d \_\_\_\_\_

pendant le mois d \_\_\_\_\_ 19 \_\_\_\_\_

N° d'or- dre	Numéro d'émission	Date d'émission	Bureau d'émission	Montant des mandats		Observations
1	2	3	4	5		6
			Total			
			A déduire {	¼ % du total _____		
				Quote-part fixe		
				(..... par mandat) _____		
			Reste au profit de l'Admi- nistration d _____			

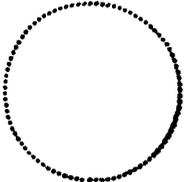
(Dimensions: 210 x 297 mm.)

**C 10 (Recto)**  
(Règl., art. 148, § 1.)

Peut être ouvert par le bureau distributeur  
Montant des taxes à percevoir \_\_\_\_\_

**SERVICE DES POSTES**

Timbre à date



M \_\_\_\_\_  
(Nom du destinataire ou nom du navire, de l'agent du bureau de voyage, etc.)

Aux soins de \_\_\_\_\_

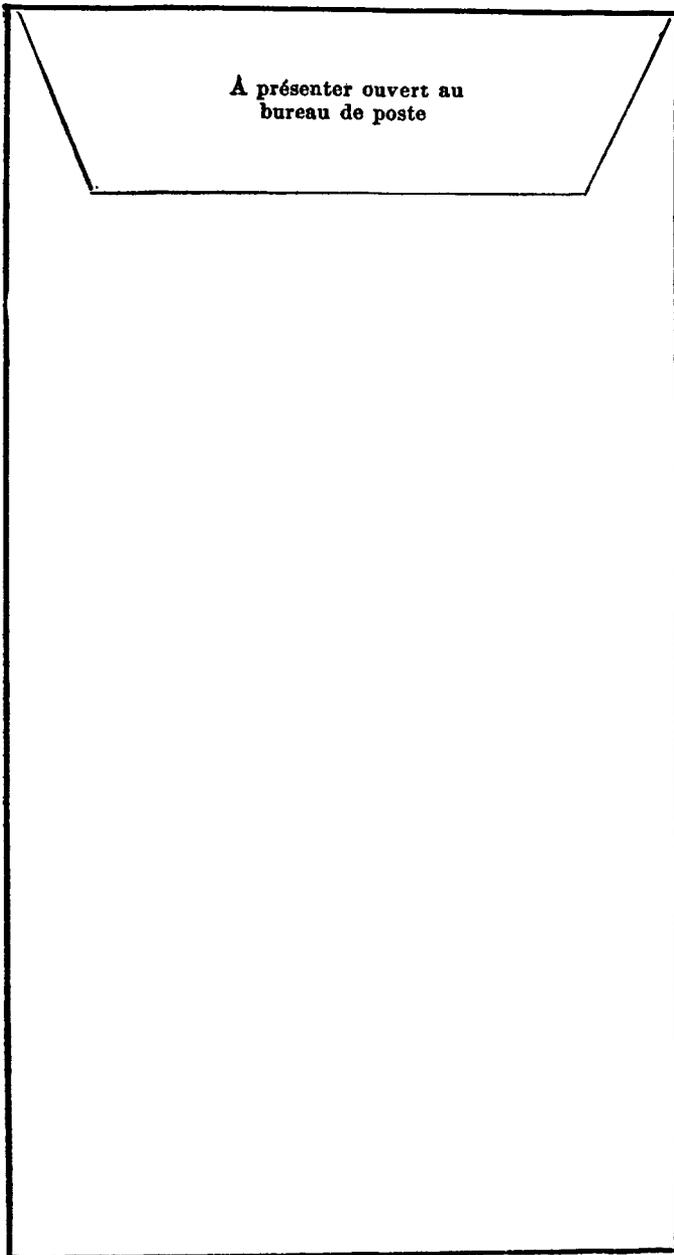
\_\_\_\_\_  
(Rue et numéro)

\_\_\_\_\_  
(Bureau de destination)

\_\_\_\_\_  
(Pays de destination)

(Dimensions: 162 x 229 mm.)

C 10 (Verso)



A présenter ouvert au  
bureau de poste

ADMINISTRATION DES POSTES

d.....

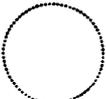
C 11 (Recto)

(Règl., art. 150, § 1)

BUREAU d.....

DEMANDE <sup>1)</sup> DE { RETRAIT <sup>2)</sup>  
 MODIFICATION D'ADRESSE <sup>2)</sup>  
 MODIFICATION DU **MONTANT DU** REMBOURSEMENT <sup>2)</sup>

adressée à .....

DEMANDE PAR VOIE POSTALE	
(Note à transmettre sous pli recommandé et aux frais du requérant)	
<b>I. DEMANDE DE RETRAIT <sup>2)</sup></b>	
Prière de renvoyer au bureau d..... (d'origine) pour être remis à l'expéditeur l..... (nature de l'objet) numéro..... adressé à votre bureau le..... 19..... et dont la suscription est conforme au fac-similé ci-joint.	
<b>II. DEMANDE DE MODIFICATION D'ADRESSE <sup>2)</sup></b>	
Prière de substituer..... (telle indication) à..... (telle autre indication) sur la suscription de l..... (nature de l'objet) numéro..... adressé à votre bureau le..... 19..... du bureau d..... et dont la suscription est conforme au fac-similé ci-joint.	
<b>III. DEMANDE D'ANNULATION OU DE MODIFICATION DU <b>MONTANT DU</b> REMBOURSEMENT <sup>2)</sup></b>	
Prière <sup>3)</sup> { d'annuler de réduire à } ..... le remboursement grevant (montant, les unités en toutes lettres) l..... (nature de l'objet) numéro..... du bureau d..... adressé le..... 19..... à..... (adresse exacte du destinataire) et dont la suscription est conforme au fac-similé ci-joint. Ci-joint le mandat de remboursement rectifié <sup>4)</sup> .	
..... le..... 19....., le..... 19.....	
Timbre du bureau 	Le Chef du bureau d'où émane la demande: _____ Signature de l'expéditeur: _____

1) Biffer le recto ou le verso, suivant le cas.

2) Biffer les indications inutiles.

3) Biffer l'indication, s'il y a lieu.

(Dimensions: 210 × 297 mm.)

C 11 (Verso)

**DEMANDE PAR VOIE TÉLÉGRAPHIQUE**  
(Télégramme aux frais du réclamant)

**I. DEMANDE DE RETRAIT <sup>1)</sup>**

Renvoyer (tel objet) \_\_\_\_\_ (numéro) \_\_\_\_\_  
adressé \_\_\_\_\_ le \_\_\_\_\_ 19 \_\_\_\_\_ à (adresse exacte du destinataire)

(Description: Indication éventuelle de l'expéditeur, format et couleur de l'envoi, cachet éventuel, annotations et signes de toute nature) \_\_\_\_\_

Postes  
(Sans signature)

**II. DEMANDE DE MODIFICATION D'ADRESSE <sup>1) 2)</sup>**

Substituer (telle indication) \_\_\_\_\_ à (telle  
autre indication) \_\_\_\_\_ sur (nature  
de l'objet, bordereau d'un envoi avec valeurs à recouvrer) \_\_\_\_\_  
adressé \_\_\_\_\_ le \_\_\_\_\_ (numéro) \_\_\_\_\_ 19 \_\_\_\_\_ à (adresse exacte du destinataire)

(Description: Indication éventuelle de l'expéditeur, format et couleur de l'envoi, cachet éventuel, annotations et signes de toute nature) \_\_\_\_\_

Postes  
(Sans signature)

**III. DEMANDE D'ANNULATION OU DE MODIFICATION DU  
MONTANT DU REMBOURSEMENT <sup>1) 2)</sup>**

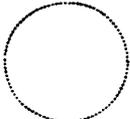
<sup>1)</sup> { Annuler remboursement \_\_\_\_\_  
Réduire à \_\_\_\_\_ remboursement  
Porter à \_\_\_\_\_ (montant, les unités en toutes lettres)

(nature de l'objet) \_\_\_\_\_ numéro \_\_\_\_\_  
adressé \_\_\_\_\_ le \_\_\_\_\_ 19 \_\_\_\_\_ à (adresse exacte du destinataire)

Postes  
(Sans signature)

\_\_\_\_\_ le \_\_\_\_\_ 19 \_\_\_\_\_, le \_\_\_\_\_ 19 \_\_\_\_\_

Timbre du bureau



Le Chef du bureau  
d'où émane la demande:

Signature de l'expéditeur:

<sup>1)</sup> Effacer les indications inutiles.

<sup>2)</sup> Il ne peut être satisfait, le cas échéant, à cette demande qu'après réception du fac-similé par la poste.

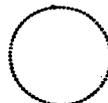
**C 12 (Recto)**  
(Bègl., art. 152, § 1)

ADMINISTRATION DES POSTES

Timbre du bureau  
expéditeur de la demande

d. \_\_\_\_\_

BUREAU d \_\_\_\_\_



<b>RÉCLAMATION D'UN ENVOI ORDINAIRE NON PARVENU</b>	
<b>I. RENSEIGNEMENTS A FOURNIR PAR LE RÉCLAMANT (EXPÉDITEUR OU DESTINATAIRE)</b>	
Demandes 1	Réponses 2
a) Nature de l'envoi ( <i>lettre, carte postale, papiers d'affaires, journal ou autre imprimé, échantillon ou petit paquet</i> ).	
b) Adresse portée sur l'envoi.	
c) Quelle est l'adresse exacte du destinataire?	
d) L'envoi était-il volumineux?	
e) Que renfermait-il? ( <i>Signalement aussi exact et complet que possible</i> ).	
f) Date précise ou approximative du dépôt à la poste.	
g) Nom et domicile de l'expéditeur.	
h) En cas de recherches fructueuses, à qui, de l'expéditeur ou du destinataire, doit-on faire parvenir l'envoi réclamé?	
<b>II. RENSEIGNEMENTS A FOURNIR PAR L'EXPÉDITEUR</b>	
i) L'envoi était-il affranchi et, dans l'affirmative, quelle était la valeur des timbres-poste apposés?	
j) Date et heure du dépôt à la poste.	
k) Le dépôt a-t-il eu lieu au guichet ou à la boîte? Dans ce dernier cas, à quelle boîte?	
l) Le dépôt a-t-il été effectué par l'expéditeur lui-même ou par un tiers? Dans ce dernier cas, par quelle personne?	
m) Renseignements particuliers du bureau d'origine.	
La présente formule doit être renvoyée à _____	

(Dimensions: 210x297 mm.)

## C 12 (Verso)

III. RENSEIGNEMENTS À FOURNIR PAR LE DESTINATAIRE EN CAS DE RECLAMATION D'UN ENVOI ORDINAIRE NON PARVENU	
Demandes 1	Réponses 2
<p>a) L'envoi est-il parvenu au destinataire?</p> <p>b) Les correspondances sont-elles d'ordinaire retirées au bureau de poste ou distribuées à domicile?</p> <p>c) A qui sont-elles confiées dans le premier cas?</p> <p>d) Dans le second cas, sont-elles remises directement au destinataire ou à une personne attachée à son service, ou bien déposées dans une boîte particulière? Le cas échéant, cette boîte est-elle bien fermée et régulièrement levée?</p> <p>e) La perte de correspondances s'est-elle déjà produite souvent? Dans l'affirmative, indiquer la provenance des correspondances perdues.</p>	
<p>f) Renseignements particuliers du bureau de destination.</p>	
<p>La présente formule doit être renvoyée à _____</p>	

**C 13 (Recto)**

(Règl. art. 153, § 1)

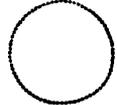
Timbre du bureau d'origine

ADMINISTRATION DES POSTES

d. \_\_\_\_\_

**RÉCLAMATION**

BUREAU d \_\_\_\_\_



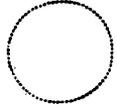
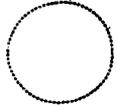
A remplir dans le service d'origine

d'un envoi recommandé ( \_\_\_\_\_ ) (a) remboursement ( \_\_\_\_\_ )  
 ou d'une lettre de valeur déclarée de ( \_\_\_\_\_ ) (b) remboursement ( \_\_\_\_\_ )  
 boîte contenant ( \_\_\_\_\_ ) (c)  
 déposé par M. \_\_\_\_\_ le \_\_\_\_\_ 19\_\_\_\_  
 sous le N° \_\_\_\_\_ au bureau d \_\_\_\_\_ à l'adresse suivante:  
 \_\_\_\_\_  
 \_\_\_\_\_ (d)  
 et faisant l'objet d'une demande d'avis de réception \_\_\_\_\_ (e)

A remplir dans le service de destination

en cas de distribution  
 Le soussigné déclare que l'envoi susmentionné a été dûment livré à l'ayant droit le \_\_\_\_\_ 19\_\_\_\_  
 Le montant du remboursement a été transmis à l'expéditeur de l'envoi par le mandat N° \_\_\_\_\_ le \_\_\_\_\_ 19\_\_\_\_  
 Le montant du remboursement a été transmis au bureau de chèques postaux d \_\_\_\_\_ par le mandat  
 N° \_\_\_\_\_ le \_\_\_\_\_ 19\_\_\_\_  
 Le montant du remboursement a été mis en compte courant postal le \_\_\_\_\_ 19\_\_\_\_  
 Le Chef du bureau distributeur:  
 \_\_\_\_\_  
 Timbre du bureau distributeur

en cas de non-distribution  
 Le soussigné déclare que l'envoi susmentionné \_\_\_\_\_  
 est encore en instance au bureau d \_\_\_\_\_  
 a été renvoyé au bureau d'origine le \_\_\_\_\_ 19\_\_\_\_  
 a été réexpédié le \_\_\_\_\_ 19\_\_\_\_ à \_\_\_\_\_ (f)  
 n'est pas parvenu au bureau de destination. La déclaration du destinataire est ci-jointe.  
 Le Chef du bureau distributeur:  
 \_\_\_\_\_  
 Timbre du bureau distributeur



(a) Lettre, imprimé, échantillon, etc.  
 (b) Montant de la valeur déclarée.  
 (c) Description du contenu, autant que possible.  
 (d) Cadre à remplir par l'expéditeur ou, à défaut, par le bureau d'origine; mentionner l'adresse exacte et complète.  
 (e) Biffer, le cas échéant.  
 (f) Indiquer l'adresse exacte et complète.

C 13 (Verso)

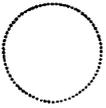
A REMPLIR SEULEMENT DANS LE CAS OÙ LE SORT DE L'ENVOI N'A PU ÊTRE ÉTABLI PAR LES RECHERCHES PRÉVUES AU RECTO

A remplir dans le service d'origine.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d..... du..... 19..... (..... envoi) pour le bureau d'échange d.....

Il a été inscrit sous le No..... du tableau V de la feuille d'avis ou de la liste spéciale. de la feuille d'envoi.

Signature: \_\_\_\_\_

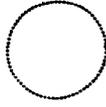
Timbre du bureau 

A remplir dans les services intermédiaires.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d..... du..... 19..... (..... envoi) pour le bureau d'échange d.....

Il a été inscrit sous le No..... du tableau V de la feuille d'avis ou de la liste spéciale. de la feuille d'envoi.

Signature: \_\_\_\_\_

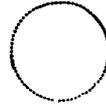
Timbre du bureau 

A remplir dans les services intermédiaires.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d..... du..... 19..... (..... envoi) pour le bureau d'échange d.....

Il a été inscrit sous le No..... du tableau V de la feuille d'avis ou de la liste spéciale. de la feuille d'envoi.

Signature: \_\_\_\_\_

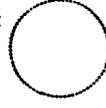
Timbre du bureau 

A remplir dans les services intermédiaires.

L'envoi désigné d'autre part a été inséré dans la dépêche du bureau d'échange d..... du..... 19..... (..... envoi) pour le bureau d'échange d.....

Il a été inscrit sous le No..... du tableau V de la feuille d'avis ou de la liste spéciale. de la feuille d'envoi.

Signature: \_\_\_\_\_

Timbre du bureau 

REPONSE DÉFINITIVE

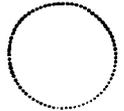
de l'Administration destinataire ou, le cas échéant, de l'Administration intermédiaire qui ne peut établir la transmission régulière de l'envoi réclamé à l'Administration suivante.

**C 14**

(Règl. art. 156, lettre c)

ADMINISTRATION DES POSTES

d \_\_\_\_\_

Timbre du bureau  
expéditeur

BUREAU d \_\_\_\_\_

## AVIS DE L'ENVOI

sous recommandation d'office, de l'objet de correspondance décrit ci-après paraissant revêtu d'un timbre-poste frauduleux ou d'une empreinte contrefaite de {

machine à affranchir. <sup>1)</sup>  
*presse d'imprimerie.* <sup>1)</sup>

Nature de l'objet .	Bureau d'origine et date d'expédition .	Copie textuelle de l'adresse .	Indication de l'irrégularité présumée .	Observations .

<sup>1)</sup> *Biffer la mention inutile.*

Le Chef du bureau:

\_\_\_\_\_

(Dimensions: 148 × 210 mm.)

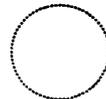
**C 15**

(Règl., art. 156, lettre b)

ADMINISTRATION DES POSTES

Timbre du bureau de destination

d \_\_\_\_\_



**PROCÈS-VERBAL**

dressé à \_\_\_\_\_ par application de l'article 81 de la *Convention postale* universelle et de l'article 156 de son Règlement.

Emploi d'un timbre-poste frauduleux ou d'une empreinte contrefaite

de { machine à affranchir. <sup>1)</sup>  
presse d'imprimerie. <sup>2)</sup>

<sup>1)</sup> Biffer, suivant le cas, l'une ou l'autre de ces indications.

L'an mil neuf cent \_\_\_\_\_, le \_\_\_\_\_ 19\_\_\_\_

Nous soussigné, \_\_\_\_\_ des postes à \_\_\_\_\_, agissant en vertu de l'article 81 de la *Convention postale* universelle et de l'article 156 de son Règlement et assistant à la vérification d \_\_\_\_\_

\_\_\_\_\_ <sup>3)</sup> expédié \_\_\_\_\_ le \_\_\_\_\_ 19\_\_\_\_

d \_\_\_\_\_ à l'adresse de M \_\_\_\_\_

à \_\_\_\_\_, pesant \_\_\_\_\_ et affranchi \_\_\_\_\_

à raison de \_\_\_\_\_, avons constaté que cet envoi

était revêtu <sup>4)</sup> { d'un timbre-poste présumé frauduleux,  
d'une empreinte contrefaite de machine à affranchir,  
d'une empreinte contrefaite de presse d'imprimerie,  
ce qui constitue la contravention prévue par l'article 81 de la Convention.

{ que l'expéditeur est M <sup>5)</sup> \_\_\_\_\_  
que l'expéditeur lui est inconnu.  
qu'il refusait de faire connaître l'expéditeur.

<sup>3)</sup> Nom et adresse du contrevenant (s'il habite une grande ville, indiquer la rue et le numéro de la maison).

Le destinataire nous a déclaré <sup>6)</sup> \_\_\_\_\_

En conséquence,

{ nous lui avons remis \_\_\_\_\_

{ nous avons saisi \_\_\_\_\_

{ à l'effet de \_\_\_\_\_ transmettre à l'Administration des postes d \_\_\_\_\_

De quoi nous avons dressé le présent procès-verbal en simple expédition pour qu'il y soit donné suite conformément à l'article 81 de la Convention et à l'article 156 du Règlement susmentionnés.

Signature du destinataire ou de son fondé de pouvoir:

Signature de l'agent du bureau de destination:

(Dimensions: 148×210 ou 210×297 mm.)



**C 17**

(Règl. art. 157, § 2, lettre c)

PAYS D'ORIGINE

PAYS DE DESTINATION

Timbre du bureau expéditeur

Timbre du bureau destinataire

**LISTE SPÉCIALE N° \_\_\_\_\_**

des envois recommandés de la dépêche N° \_\_\_\_\_ (—e envoi)

d \_\_\_\_\_ pour \_\_\_\_\_

N° d'ordre 1	Bureau d'origine 2	Numéro d'ordre de l'envoi 3	Observations 4	N° d'ordre 1	Bureau d'origine 2	Numéro d'ordre de l'envoi 3	Observations 4
1				31			
2				32			
3				33			
4				34			
5				35			
6				36			
7				37			
8				38			
9				39			
10				40			
11				41			
12				42			
13				43			
14				44			
15				45			
16				46			
17				47			
18				48			
19				49			
20				50			
21				51			
22				52			
23				53			
24				54			
25				55			
26				56			
27				57			
28				58			
29				59			
30				60			

L'agent du bureau d'échange expéditeur:

L'agent du bureau d'échange destinataire:

(Dimensions: 210x297 mm.)

**C 18**  
(Règl., art. 162, §1)

ADMINISTRATION DES POSTES  
d \_\_\_\_\_  
BUREAU d \_\_\_\_\_

CORRESPONDANCE AVEC L'ADMINISTRATION  
d \_\_\_\_\_

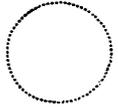
**BULLETIN DE VÉRIFICATION**

Timbre du bureau  
expéditeur du  
bulletin



pour la constatation et la rectification des erreurs et irrégularités de  
toute nature reconnues dans la dépêche N° \_\_\_\_\_  
du bureau d'échange d \_\_\_\_\_  
pour le bureau d'échange d \_\_\_\_\_

Timbre du bureau  
destinataire du  
bulletin



\_\_\_\_\_ e expédition du \_\_\_\_\_ 19 \_\_\_\_\_, à \_\_\_\_\_ h. \_\_\_\_\_

**ERREURS OU IRRÉGULARITÉS DIVERSES**

(Manque de la dépêche, manque d'envois recommandés ou de la feuille d'avis, dépêche spoliée, sac déchiré  
ou en mauvais état, etc.)

\_\_\_\_\_, le \_\_\_\_\_ 19 \_\_\_\_\_, \_\_\_\_\_, le \_\_\_\_\_ 19 \_\_\_\_\_

Les agents du bureau d'échange destinataire  
de la dépêche:

Vu et accepté:  
Le Chef du bureau d'échange expéditeur  
de la dépêche:

(Dimensions: 148 x 210 mm.)



ADMINISTRATION DES POSTES

d. \_\_\_\_\_

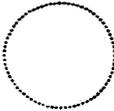
BUREAU d. \_\_\_\_\_

**C 20**

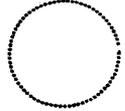
(Règl., art. 166, § 2)

**STATISTIQUE DE TRANSIT**

Timbre du bureau expéditeur



Timbre du bureau destinataire



**BULLETIN DE VÉRIFICATION**

pour la constatation et la rectification des erreurs et irrégularités reconnues dans la dépêche

du bureau d'échange d. \_\_\_\_\_

pour le bureau d'échange d. \_\_\_\_\_

\_\_\_\_\_ expédition du \_\_\_\_\_ 19\_\_\_\_ à \_\_\_\_\_ h. \_\_\_\_\_

	Nombre de sacs	
	d'après la déclaration du bureau expéditeur	d'après la constatation du bureau destinataire
	1	2
<b>Transit en dépêches closes.</b>		
a) L. C. Sacs légers .....		
Sacs moyens .....		
Sacs lourds .....		
b) A. O. Sacs légers .....		
Sacs moyens .....		
Sacs lourds .....		
c) Sacs exempts de tous frais de transit .....		

**OBSERVATIONS**

\_\_\_\_\_  
 Prière de renvoyer ce bulletin après examen et acceptation au bureau de poste d. \_\_\_\_\_

\_\_\_\_\_, le \_\_\_\_\_ 19\_\_\_\_, \_\_\_\_\_, le \_\_\_\_\_ 19\_\_\_\_

Les agents du bureau d'échange destinataire: \_\_\_\_\_

Vu et accepté:  
 Le Chef du bureau d'échange expéditeur: \_\_\_\_\_

**C 21**  
(Règl., art. 167, § 1)

ADMINISTRATION DES POSTES  
d. \_\_\_\_\_

BUREAU d. \_\_\_\_\_

Administration expéditrice:

Administration destinataire:

**TRANSIT EN DÉPÊCHES CLOSES**

Dépêches du bureau d'échange d. \_\_\_\_\_  
pour le bureau d'échange d. \_\_\_\_\_  
expédiées par l'intermédiaire d. \_\_\_\_\_  
et par des paquebots d. \_\_\_\_\_

Date	Première dépêche expédiée à _____ h. du _____						Deuxième dépêche expédiée à _____ h. du _____					
	Lettres et cartes postales			Autres objets			Lettres et cartes postales			Autres objets		
	Nombre de sacs						Nombre de sacs					
	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg	jusqu'à 5 kg	de plus de 5 jusqu'à 15 kg	de plus de 15 kg
Sacs légers 2	Sacs moyens 3	Sacs lourds 4	Sacs légers 5	Sacs moyens 6	Sacs lourds 7	Sacs légers 8	Sacs moyens 9	Sacs lourds 10	Sacs légers 11	Sacs moyens 12	Sacs lourds 13	
1												
Totaux												

\_\_\_\_\_ le \_\_\_\_\_ 19\_\_\_\_

Le Chef du bureau d'échange destinataire: \_\_\_\_\_  
Vu et accepté: \_\_\_\_\_  
Le Chef du bureau d'échange expéditeur: \_\_\_\_\_

(Dimensions: 210 x 297 mm.)

**C 22**

(Règl., art. 168, § 1)

ADMINISTRATION EXPÉDITRICE

**LISTE DES DÉPÊCHES CLOSES**

expédiées par l'intermédiaire de l'Administration d.....  
 pendant la période de statistique du.....

Bureau		Date d'expédition	Voie de transmission	Observations
expéditeur 1	destinataire 2			

(Dimensions: 210 × 297 mm.)

C 23

(Règl., art. 170, § 1)

**Avis.** — A transporter à découvert simultanément avec la dépêche à laquelle ce bulletin se rapporte et à remplir avant la remise.

ADMINISTRATION EXPEDITRICE: \_\_\_\_\_

ADMINISTRATION DESTINATAIRE: \_\_\_\_\_

Timbre du bureau  
d'origine

## BULLETIN DE TRANSIT DES DÉPÊCHES

Bureau de destination: \_\_\_\_\_

N° de la dépêche: \_\_\_\_\_ Nombre de sacs: \_\_\_\_\_

**Attention!**

Chaque Administration ne dispose que d'une seule *rangée de case* pour les indications concernant le transit territorial et d'une seule *rangée* pour le transit maritime éventuel.

Les renseignements concernant le transit doivent être indiqués successivement par le bureau d'échange d'entrée et le bureau d'échange de sortie de chaque Administration *intermédiaire*, à l'exclusion de tout autre *bureau*, en commençant par le premier bureau d'échange *d'entrée*. Le dernier bureau d'échange *de sortie* doit transmettre le bulletin directement au bureau de destination qui le renvoie au bureau d'origine joint au relevé C 21 respectif.

	Timbre du bureau d'échange d'entrée	Timbre du bureau d'échange de sortie	Services utilisés (En cas de transit territorial, indiquer T. t. et la route suivie. En cas de transit maritime, indiquer T.m., la route <i>suivie</i> , le nom du paquebot et celui de la ligne de paquebot)	Pays auquel les frais de transit doivent être payés
	1	2	3	4
Premier parcours				
Deuxième parcours				

Pour les parcours additionnels, utiliser le verso de ce bulletin

(Dimensions: 210 × 297 mm., couleur verte)

ADMINISTRATION DES POSTES

C 24

(Règl., art. 178, § 4)

d \_\_\_\_\_

## TRANSIT EN DÉPÊCHES CLOSES

Compte des sommes dues à l'Administration d \_\_\_\_\_ pour le transport des dépêches closes expédiées  
par l'Administration d \_\_\_\_\_ en transit par les services \_\_\_\_\_ pendant l'année 19 \_\_\_\_\_

Bureau d'origine	Bureau de destination	Dépêches expédiées pendant la période de la statistique											Observations			
		Lettres et cartes postales						Autres objets								
		Nombre de sacs du poids moyen de			Poids totaux	Prix de transit par kg	Avoir de	Nombre de sacs du poids moyen de			Poids totaux	Prix de transit par kg		Avoir de		
		3 kg	12 kg	24 kg				3 kg	12 kg	24 kg						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
					kg	Fr.	c.	Fr.	c.			kg	c.	Fr.	c.	
Total des lettres et des cartes postales								Total des autres objets								
Report du total des lettres et des cartes postales																
Total																
Multiplié par 26 (ou 13)																
A déduire 10 %																
Total à reporter au relevé (Formule C 25)																

le \_\_\_\_\_ 19 \_\_\_\_\_

le \_\_\_\_\_ 19 \_\_\_\_\_

Vu et accepté:

(Dimensions: 210x297 mm.)

**C 25**  
(Règl., art. 174, § 2)

ADMINISTRATION DES POSTES

d \_\_\_\_\_

**FRAIS DE TRANSIT ORDINAIRES**

**RELEVÉ**

indiquant les montants totaux des comptes particuliers réciproques entre les Administrations des postes

d \_\_\_\_\_ et d \_\_\_\_\_

Sommes dues pour chacune des années _____ sur la base de la statistique d _____ 1	Avoir de l'Administration	
	d _____ 2 Fr.	d _____ 3 Fr.
Dépêches closes		
Envois d _____		
Envois d _____		
Totaux		
Déduction		
Solde au crédit de l'Administration d _____		

\_\_\_\_\_, le \_\_\_\_\_ 19 \_\_\_\_\_

Signature:

(Dimensions: 148×210 ou 210×297 mm.)

**C 26**

(Règl., art. 176, § 1)

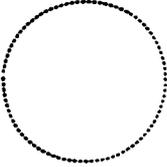
**COUPON-RÉPONSE INTERNATIONAL**

a) \_\_\_\_\_

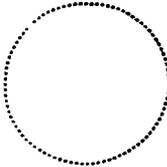
b) \_\_\_\_\_

c)

(Dessin)



Timbre du bureau  
d'origine



Timbre du bureau  
d'échange

d) Ce coupon est échangeable dans tous les pays de l'Union **Postale Universelle** contre un timbre-poste ou des timbres-poste représentant le montant de l'affranchissement d'une lettre ordinaire de port simple à destination de l'étranger.

(Nom du pays d'émission)

- a) Traduction de l'en-tête dans la langue du pays d'émission.
- b) Cet espace est occupé par une traduction du texte d) dans la langue du pays d'émission.
- c) Prix de vente dans le pays d'émission.
- d) Cette explication est répétée au verso dans les langues de plusieurs pays.

(Dimensions: 74×105 mm.)

**C 27**  
(Règl., art. 176, § 5)

ADMINISTRATION DES POSTES

d \_\_\_\_\_

**COUPONS-RÉPONSE**

**RELEVÉ**

des coupons échangés dans les relations réciproques entre les Administrations d \_\_\_\_\_  
et d \_\_\_\_\_ pendant \_\_\_\_\_ 19 \_\_\_\_\_

1	2	3	
		Valeur calculée à 28 c. par unité	
	Nombre	Fr.	c.
Coupons émis par _____ et échangés contre des timbres-poste d _____			
Coupons émis par _____ et échangés contre des timbres-poste d _____			
Solde au { crédit } { débit } de l'Administration d _____			

\_\_\_\_\_, le \_\_\_\_\_ 19 \_\_\_\_\_

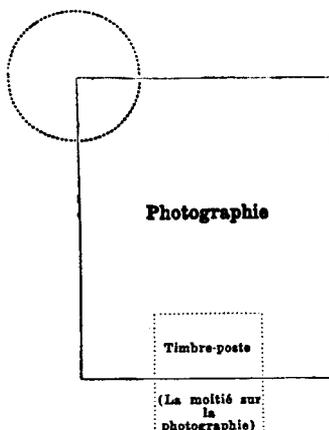
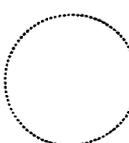
(Dimensions: 148x210 mm.)

C 28

(Règl., art. 177, § 2)

<p style="text-align: center;">4</p> <p style="text-align: center;"><b>SIGNALEMENT<sup>1)</sup></b></p> <hr style="width: 20%; margin: auto;"/> <p>Date de naissance: _____</p> <p>Lieu de naissance: _____</p> <p>Taille: _____</p> <p>Cheveux: _____</p> <p>Yeux: _____</p> <p>Teint: _____</p> <p>Marques particulières: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p style="font-size: small;">1) Les indications du signalement doivent, le cas échéant, porter une traduction interlinéaire en langue française.</p>	<p style="text-align: center;">1</p> <p style="text-align: center;"><b>UNION POSTALE UNIVERSELLE</b> Administration des Postes</p> <p style="text-align: center;">d. _____</p> <p style="text-align: center;"><b>CARTE D'IDENTITÉ</b> <b>POSTALE</b></p> <p>_____</p> <ol style="list-style-type: none"> <li>1. Cette carte est reconnue comme pièce justificative d'identité pour les opérations postales.</li> <li>2. Les cartes d'identité sont délivrées exclusivement par le service des postes. Elles sont valables pendant trois ans. Toutefois si, pendant cette période, la physionomie du titulaire s'est modifiée au point de ne plus répondre à la photographie ou au signalement, la carte doit être renouvelée.</li> <li>3. Les Administrations des postes ne sont pas responsables des conséquences que peuvent entraîner la perte, la soustraction ou l'emploi frauduleux de la présente carte.</li> </ol> <p style="text-align: center;">_____</p>
---	---

(Dimensions: 105 x 148 mm.)

<p style="text-align: center;">2</p> <div style="text-align: center;">  <p style="font-weight: bold; font-size: 1.2em;">Photographie</p> <p style="font-size: small;">(La moitié sur la photographie)</p> </div> <p>Signature du titulaire: _____</p>	<p style="text-align: center;">3</p> <p style="text-align: center;"><b>CARTE D'IDENTITÉ POSTALE</b></p> <p style="text-align: center;">N° _____</p> <p>valable jusqu'au _____ 19____</p> <div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg); font-size: small; margin-right: 5px;">Titulaire</div> <div style="margin-left: 10px;"> <p>Nom: _____</p> <p>Prénoms: _____</p> <p>Profession: _____</p> <p><b>Nationalité:</b> _____</p> <p>Domicile: _____</p> </div> </div> <p style="text-align: center;">Délivrée par le bureau ou le service</p> <p style="text-align: center;">d. _____</p> <p style="text-align: center;">le _____ 19____</p> <p style="text-align: center;">Le Chef de service: _____</p> <div style="text-align: center; margin-top: 20px;">  <p style="font-size: small;">Timbre à date ou sceau officiel</p> </div>
--	--



C 30

(Règl., art. 194, § 1)

ADMINISTRATION DES POSTES d.....

## TABLEAU STATISTIQUE

DU SERVICE POSTAL EN.....

ANNÉE 19.....

\_\_\_\_\_

## I. GÉNÉRALITÉS

Colonne		Colonne	
	Année: _____	5	Nombre d'habitants par bureau de poste .....
1	Pays: _____	6	Nombre, par habitant, des lettres et cartes postales soumises à la taxe dans le service intérieur et des mêmes objets pour l'étranger.....
2	Superficie en kilomètres carrés.....	7	Nombre, par habitant, des autres objets de correspondance soumis à la taxe dans le service intérieur et des mêmes objets pour l'étranger.
3	Nombre d'habitants.....		
4	Nombre de kilomètres carrés par bureau de poste.....		

## II. ORGANISATION DES POSTES

Colonne		Colonne	
8	Nombre des bureaux de poste: à l'intérieur.....	14	Nombre des fonctionnaires, employés, etc.:
	a) Bureaux chargés de la réception et de la distribution des envois postaux de toute nature.....	14	Service de l'Administration centrale et des Administrations régionales.
	b) Bureaux dont les attributions de réception et de distribution d'envois postaux sont restreintes.....	15	Service des bureaux de poste.....
	c) Bureaux ambulants (Nombre de services fonctionnant tant à l'aller qu'au retour) .....	16	Total du personnel.....
9	à l'étranger.....	17	Nombre des entrepreneurs du transport des malles.....
10	Total des bureaux de poste.....	18	Nombre des relais de la poste aux chevaux de l'Etat et privés.....
11	Nombre des Administrations des postes régionales.....	19	Nombre des chevaux de trait, etc., de l'Etat et privés (Services gratuits et services subventionnés).....
12	Nombre des boîtes aux lettres à l'usage du public.....	20	Nombre des voitures (à l'exception des automobiles) et des trains de l'Etat et privés (Services gratuits et services subventionnés)...
13	Nombre des machines à affranchir en usage .....	21	Nombre des automobiles et des motocyclettes de l'Etat et privés (Services gratuits et services subventionnés)
		22	Nombre des vélocipèdes (tricycles et bicycles) .....

## III. SERVICE POSTAL

Objets de la poste aux lettres ordinaires et recommandés:	Service intérieur		Service international			
	Colonne		Réception	Expédition	Transit	
Envois soumis à la taxe (Nombre):						
Lettres affranchies .....	23		57		91	123*
> non affranchies .....	24		58		92	124*
Cartes postales (simples et avec réponse payée) .....	25		59		93	125*
Papiers d'affaires .....	26		60		94	126*
Imprimés .....	27		61		95	127*
<b>Impressions en relief pour les aveugles</b>	<b>27 bis</b>		<b>61 bis</b>		<b>95 bis</b>	<b>127*<sup>bis</sup></b>
Echantillons de marchandises .....	28		62		96	128*
Petits paquets .....	29		63		97	129*
<b>"Phonopost"</b> .....	<b>29 bis</b>		<b>63 bis</b>		<b>97 bis</b>	<b>129*<sup>bis</sup></b>
Envois admis à la franchise de port (Nombre) .....	30		64		98	130*
Totaux des envois inscrits aux colonnes 23 à 30, 57 à 64, 91 à 98 et 123 à 130 (Nombre) .....	31		65		99	131*
Envois recommandés trouvés parmi les correspondances inscrites aux colonnes 31, 65, 99 et 131 (Nombre) ..	32		66		100	132*
Envois "par avion" trouvés parmi les correspondances inscrites aux colonnes 31, 65, 99 et 131 (Nombre) ..	33		67		101	133*
<b>Lettres et boîtes avec valeur déclarée:</b>						
Nombre .....	34		68		102	134*
Valeur (Francs) .....	35		69		103	135*
Envois "par avion" trouvés parmi les envois inscrits aux colonnes 34, 68, 102 et 134 (Nombre) .....	36		70		104	136*
<b>Colis:</b>						
Colis ordinaires (Nombre) .....	37		71		105	137*
<b>Colis avec valeur déclarée:</b>						
Nombre .....	38		72		106	138*
Valeur (Francs) .....	39		73		107	139*
Colis "par avion" trouvés parmi les envois inscrits aux colonnes 37, 71, 105, 137 et 38, 72, 106 et 138 (Nombre) .....	40		74		108	140*
<b>Remboursements:</b>						
Objets de correspondance (Nombre) .	41		75		109	—
Montant des remboursements (Francs)	42		76		110	—
Colis (Nombre) .....	43		77		111	—
Montant des remboursements (Francs)	44		78		112	—
Remboursements non recouverts (Nombre) .....	45		79		113	—
<b>Mandats de poste:</b>						
Nombre .....	46		80		114	—
Valeur (Francs) .....	47		81		115	—
<b>Bons postaux de voyage:</b>						
Nombre .....	—		82		116	—
Valeur (Francs) .....	—		83		117	—

\* Les chiffres à indiquer dans les colonnes 123 à 140 ne doivent se rapporter qu'au transit à découvert.

## III. SERVICE POSTAL (Suite)

	Service intérieur		Service international					
			Réception		Expédition		Transit	
	Colonne		Colonne		Colonne		Colonne	
<i>Recouvrements:</i>								
Nombre .....	48		84		118		—	—
Valeurs à encaisser (Francs).....	49		85		—		—	—
Non encaissés (Nombre).....	50		86		—		—	—
<i>Chèques et virements postaux:</i>								
Nombre de comptes.....	51		—		—		—	—
Opérations (versements, remboursements et virements — Service intérieur) — Nombre.....	52		—		—		—	—
Montant (Francs).....	53		—		—		—	—
Virements dans le service international — Nombre.....	—		87		119		—	—
Montant (Francs).....	—		88		120		—	—
<i>Journaux et écrits périodiques servis par abonnement:</i>								
Nombre des abonnements .....	54		89		121		—	—
Nombre des numéros .....	55		90		122		—	—
<hr/>								
Nombre des voyageurs transportés...	56		—		—		—	—
Nombre des dépêches closes en transit	—		—		—		141	—

## IV. CORRESPONDANCES - REBUT. Service intérieur

	Colonne	Correspondances ordinaires et recommandées tombées en rebut (Nombre)	Colonne	Correspondances en rebut qui ont pu être remises en distribution ou reçues aux expéditeurs	Colonne	Correspondances reçues en souffrance
Lettres et cartes postales ordinaires et recommandées .....	142		144		146	
Papiers d'affaires, imprimés, <i>impressions en relief pour les aveugles</i> , échantillons, petits paquets et envois " <i>Phonopost</i> " ordinaires et recommandés .....	143		145		147	

## IV. CORRESPONDANCES - REBUT. Service international

	Colonne	Correspondances de l'intérieur qui sont restées au bureau des rebuts	Colonne	Correspondances en rebut renvoyées de l'étranger et qui ont pu être placées	Colonne	Correspondances renvoyées de l'étranger qui sont restées en souffrance	Colonne	Correspondances de l'étranger tombées en rebut et renvoyées au pays d'origine
Lettres et cartes postales ordinaires et recommandées .....	148		150		152		154	
Papiers d'affaires, imprimés, <i>impressions en relief pour les aveugles</i> , échantillons, petits paquets et envois " <i>Phonopost</i> " ordinaires et recommandés .....	149		151		153		155	

## V. RÉSULTAT FINANCIER

Colonne		Francs	Colonne		Francs
	<b>Recettes.</b>			<b>Dépenses.</b>	
156	Produit de la vente des timbres-poste et autres formules d'affranchissement .....		161	Traitements et émoluments: a) des fonctionnaires et employés b) des facteurs et autres agents subalternes .....	
157	Recettes effectuées en numéraire (y compris les machines à affranchir) .....		162	Achat et entretien des bâtiments et du matériel des postes, frais de location, de chauffage et d'éclairage, fournitures de bureau et autres menus frais .....	
158	Taxes perçues pour le transport des voyageurs et pour surpoids de bagages et autres recettes diverses. ....		163	Frais de transport par les voies ferrées, pavées, macadamisées, maritimes, fluviales et aériennes (y compris les frais de construction et d'entretien des voitures postales ainsi que les subventions aux entrepreneurs de relais de poste) .....	
159	Bonifications reçues des Administrations étrangères .....		164	Indemnités pour perte et avarie d'envois postaux .....	
160	Total des recettes .....		165	Subventions aux compagnies de navigation .....	
			166	Bonifications payées aux Administrations étrangères .....	
			167	Autres dépenses diverses .....	
			168	Total des dépenses .....	
			—	Total des recettes .....	
			169	Excédent des recettes .....	
			170	Excédent des dépenses .....	

C 31

(Règl., art. 194, § 1)

ADMINISTRATION DES POSTES d. ....

# TABLEAU STATISTIQUE

DU

**SERVICE INTERNATIONAL (EXPÉDITION)**

POUR L'ANNÉE 19.....

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(Dimensions: 210×297 ou 420×594 mm.)



Lettres et boîtes avec valeur déclarée		Colis				Remboursements				Mandats de poste		Bons postaux de voyage		Virements postaux		Journaux, etc., servis par abonnement		
Nombre 15	Valeur Fr 16	Envois "par avion" trouvés parmi les envois inscrits à la colonne 15 Nombre 17	ordinalres 18	avec valeur déclarée		Colis "par avion" trouvés parmi les envois inscrits aux colonnes 18 et 19 Nombre 21	Objets de correspondance Nombre 22	Montant des remboursements Frans 23	Colis Nombre 24	Montant des remboursements Frans 25	Nombre 26	Valeur Frans 27	Nombre 28	Valeur Frans 29	Re-couvrements Nombre 30		Nombre 31	Montant Frans 32
				Nombre 19	Valeur Frans 20													

Ratification and approval by Postmaster General.

Having examined and considered the provisions of the foregoing Regulations, signed at Buenos Aires on the 23rd day of May, 1939, relative to the Universal Postal Convention of Buenos Aires, signed the same day; the same are by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

*Ante*, p. 2053.

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 12th day of January, 1940.

[SEAL]

JAMES A FARLEY  
*Postmaster General.*

Approval by the President.

I hereby approve the above-mentioned Regulations, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State*

Washington January 25, 1940.

DISPOSITIONS CONCERNANT LE TRANSPORT DE LA POSTE AUX LETTRES PAR VOIE AÉRIENNE. PROVISIONS CONCERNING THE TRANSPORTATION OF REGULAR MAILS BY AIR

## CHAPITRE I.

## CHAPTER I

## DISPOSITIONS GÉNÉRALES.

## GENERAL PROVISIONS

## ARTICLE PREMIER.

## ARTICLE I

Objets de correspondance admis au transport aérien.

*Articles of correspondence admitted to aerial transportation*

1.—Sont admis au transport aérien, sur tout ou partie du parcours, tous les objets désignés à l'article 33 de la *Convention* ainsi que les mandats de poste, les valeurs à recouvrer et les abonnements-poste. Ces envois prennent, dans ce cas, la dénomination de "Correspondances-avion".

1. There are admitted to aerial transportation, over all or part of the route, all the articles designated in Article 33 of the Convention, as well as money orders, collection orders, and subscriptions by mail. Such articles take, in that case, the name of *air-mail correspondence*.

Articles admitted.

*Ante*, p. 2064.

2.—Les objets mentionnés à l'article 33 de la Convention peuvent être soumis à la formalité de la recommandation et grevés de remboursement.

2. The articles mentioned in Article 33 of the Convention may be submitted to the formality of registration and be sent C. O. D.

Registration, etc.

3.—Les lettres et les boîtes avec valeur déclarée peuvent être également transportées par la voie de l'air dans les relations entre pays qui admettent d'échanger des objets de l'espèce par cette voie.

3. Insured letters and boxes may also be transported by air in relations between countries which agree to exchange articles of that kind by that route.

Insured letters and boxes.

4.—*Les correspondances - avion doivent porter au recto la mention très apparente "Par avion" ou une mention analogue dans la langue du pays d'origine.*

4. Air-mail articles shall be marked very clearly on the front with the words "*Par Avion*" or a similar indication in the language of the country of origin.

Marking.

## ARTICLE 2.

## ARTICLE 2

## Liberté de transit.

*Liberty of transit*

La liberté de transit prévue à l'article 26 de la Convention est garantie aux correspondances-avion dans le territoire entier de l'Union, que les Administrations intermédiaires prennent part ou non au réacheminement des correspondances.

The liberty of transit provided for in Article 26 of the Convention is guaranteed to air-mail correspondence throughout the entire territory of the Union, whether or not the intermediate Administrations take part in the forwarding of the correspondence.

Liberty of transit.  
*Ante*, p. 2061.

## ARTICLE 3.

## ARTICLE 3

Acheminement des correspondances-avion.

*Dispatch of air-mail correspondence*

1.—Les Administrations qui se servent des communications aé-

1. Administrations which make use of aerial communications for

Dispatch of air-mail  
correspondence.

riennes pour le transport de leurs propres correspondances sont tenues d'acheminer, par ces mêmes communications, les correspondances-avion qui leur parviennent des autres Administrations.

2.—Les Administrations qui ne disposent pas d'un service aérien acheminent les correspondances-avion par les voies les plus rapides utilisées par la poste.

Il en est de même si, pour une raison quelconque, l'acheminement par ces autres voies offre des avantages sur une voie aérienne existante.

3.—Le cas échéant, il est tenu compte des indications de voie d'acheminement portées sur les correspondances-avion par les expéditeurs, sous réserve que la voie demandée soit normalement utilisée pour les transports postaux sur le parcours intéressé *et que l'acheminement par cette voie n'entraîne pas une perte de temps considérable dans l'arrivée à destination de l'envoi.*

4.—Les dépêches-avion closes doivent être acheminées par la voie demandée par l'Administration du pays d'origine, sous réserve que cette voie soit utilisée par l'Administration du pays de transit pour la transmission de ses propres dépêches.

5.—Lorsque, par suite d'un accident survenu en cours de route, un avion ne peut poursuivre son voyage et livrer le *courrier* aux escales prévues, le personnel du bord doit remettre les dépêches au bureau de poste le plus proche du lieu de l'accident ou le plus qualifié pour le réacheminement du courrier. Ce bureau, après constatation de l'état et, éventuellement, *la remise en état* des correspondances endommagées, dirige les dépêches sur les bureaux destinataires par les voies les plus rapides.

6.—Les circonstances de l'*accident* et les constatations faites sont signalées par bulletin de vérification aux bureaux destinataires des dépêches accidentées; une copie du *bulletin* est adressée au bureau d'origine des dépêches.

the transportation of their own correspondence are bound to forward by those same routes the air-mail correspondence received by them from other Administrations.

2. Administrations having no air service forward air-mail correspondence by the most rapid routes utilized by the mails.

The same applies if, for any reason, dispatch by such other means offers advantages over an existing air route.

3. If occasion arises, account is taken of the indications of routing placed on air-mail articles by the senders, provided that the routing asked for is normally utilized for the transportation of mails on the stretch concerned, and that dispatch by such route does not result in considerable delay in the arrival of the articles at destination.

4. Closed air-mail dispatches shall be sent by the route requested by the Administration of the country of origin, provided that such route is utilized by the Administration of the transit country for the transmission of its own dispatches.

5. When, as the result of an accident occurring en route, a plane can not continue its trip and deliver the mail at the stops scheduled, the personnel on board shall deliver the dispatches to the post office nearest to the place of the accident or best qualified to reforward the mails. That office, after determining the condition of the damaged correspondence and repairing it if necessary, forwards the dispatches to the offices of destination by the most rapid routes.

6. The circumstances of the accident and the facts determined are reported by bulletin of verification to the offices of destination of the dispatches involved; a copy of the bulletin is addressed to the office of origin of the dispatches.

Administrations  
having no air service.

Routing.

Accidents.

## ARTICLE 4.

Acheminement par la voie aérienne sur une partie seulement du parcours.

1.—*A moins de difficultés d'ordre pratique, l'expéditeur peut demander que sa correspondance soit expédiée par la voie aérienne sur une partie seulement du parcours.*

2.—*Lorsqu'il use de cette faculté, l'expéditeur doit porter sur sa correspondance l'annotation, en langue du pays d'origine et en langue française: "Par avion de ----- à -----". A la fin de la transmission aérienne, les étiquettes "Par avion" mentionnées à l'article 24 ci-après ainsi que les annotations spéciales doivent être biffées d'office par deux forts traits transversaux.*

## ARTICLE 5.

Taxes et conditions générales d'admission des correspondances-avion.

1.—*Les correspondances-avion acquittent, en sus des taxes postales réglementaires, une surtaxe spéciale de transport aérien doit il appartient à l'Administration du pays d'origine de fixer le montant.*

*La surtaxe aérienne est due également pour les correspondances-avion qui sont exemptes de toutes taxes d'après les dispositions de l'article 49, § 2, de la Convention.*

2.—*Dans les relations considérées comme services ordinaires (article 14, § 8, ci-après), cette surtaxe ne doit pas dépasser 15 centimes par 20 grammes et par 1000 kilomètres de parcours aérien; pour les cartes postales et les mandats de poste, elle est de 15 centimes au maximum par objet et par 1000 kilomètres de parcours aérien.*

*Des surtaxes uniformes doivent être fixées pour tout le territoire d'un pays de destination, quel que soit l'acheminement utilisé.*

*Dans les relations entre les pays d'Europe, la surtaxe s'élève au*

## ARTICLE 4

*Aerial transportation over part of the route only*

1. Unless practical difficulties would result therefrom, the sender may request that his correspondence be dispatched by air over only a part of the route.

2. When he exercises this option, the sender shall indicate on his correspondence in the language of the country of origin and in French: "Par avion de ----- à -----" (By air mail from ----- to -----). At the end of the aerial transmission, the "Par Avion" labels mentioned in Article 24 hereafter, as well as the special annotations, shall be officially crossed out by means of two heavy transverse lines.

Aerial transportation over part of route only.

Post, p. 2248.

## ARTICLE 5

*Rates and general conditions for admission of air-mail correspondence*

1. Air-mail articles are liable, in addition to the regular postage rates, to a special surcharge for aerial transportation, the amount of which shall be fixed by the Administration of the country of origin.

The aerial surcharge is also due for air-mail articles which are exempt from all charges in accordance with Article 49, Section 2, of the Convention.

2. In relations considered as ordinary services (Article 14, Section 8, hereafter), that surcharge shall not exceed 15 centimes per 20 grams and per 1000 kilometers of the air route; for post cards and money orders, it is 15 centimes at most per article and per 1000 kilometers of the air route.

Uniform surcharges shall be fixed for all the territory of one country of destination, regardless of the route used.

In relations between countries of Europe, the surcharge amounts

Aerial surcharge.

Ante, p. 2074.

Ordinary services.  
Post, p. 2241.

maximum à 15 centimes par 20 grammes, quelle que soit la distance.

Extraordinary services.

3.—Les surtaxes des correspondances-avion transportées par les services extraordinaires (article 14, § 9, ci-après) sont fixées compte tenu des frais extraordinaires que l'utilisation de ces services occasionne.

Articles other than letters, etc.

4.—Pour les objets autres que les lettres, cartes postales, mandats de poste et valeurs à recouvrer, les surtaxes perçues par application des §§ 2 et 3 peuvent être réduites à 1/5 au minimum.

Optional collection.

5.—Les Administrations ont la faculté de ne percevoir aucune surtaxe de transport aérien, sous réserve d'information à donner au pays de destination et d'un accord préalable avec les pays de transit.

Prepayment.

6.—Les surtaxes doivent être acquittées au départ.

7.—La surtaxe d'une carte postale avec réponse payée est perçue pour chaque partie séparément, au point de départ de chacune de ces parties.

Ante, p. 2073.

8.—Les correspondances-avion sont affranchies dans les conditions prévues par l'article 47 de la Convention. Toutefois, et sans égard à la nature de ces correspondances, l'affranchissement peut être représenté par une mention manuscrite, en chiffres, de la somme perçue, exprimée en monnaie du pays d'origine sous la forme:

«Taxe perçue: Fr. c.»

Cette mention peut, soit figurer dans une griffe spéciale ou sur une figurine ou étiquette spéciale, soit encore être simplement portée, par un procédé quelconque, du côté de la suscription de l'objet. Dans tous les cas, la mention doit être appuyée du timbre à date du bureau d'origine.

#### ARTICLE 6.

Correspondances-avion non affranchies ou insuffisamment affranchies.

Unprepaid air-mail correspondence.

1.—En cas d'absence totale d'affranchissement, les correspon-

at most to 15 centimes per 20 grams regardless of the distance.

3. The surcharges for air-mail correspondence transported by extraordinary services (Article 14, Section 9, hereafter) are fixed to take account of the extraordinary expenses to which the use of those services gives rise.

4. For articles other than letters, post cards, money orders and collection orders, the surcharges collected by application of Sections 2 and 3 may be reduced to a minimum of 1/5.

5. Administrations have the option of not collecting any surcharge for aerial transportation, on condition that they give information to the country of destination and that a previous agreement has been made with the transit countries.

6. The surcharges shall be prepaid at the time of mailing.

7. The surcharge for a reply post card is collected separately for each half at the place of mailing of each of those halves.

8. Air-mail correspondence is prepaid under the conditions fixed by Article 47 of the Convention. However, regardless of the nature of such correspondence, the prepayment may be represented by a handwritten notation, in figures, of the sum collected, expressed in money of the country of origin, in the following form:

“Taxe perçue (postage collected): Fr. c. ”

That notation may appear either in a special hand-stamp impression or on a special adhesive stamp or label, or, finally, it may be simply indicated on the address side of the article by any process whatever. In all cases, the notation shall be supported by the date stamp of the office of origin.

#### ARTICLE 6

Unprepaid or insufficiently prepaid air-mail correspondence

1. In case of total lack of prepayment, air-mail correspondence

dances-avion sont traitées conformément aux dispositions des articles 35 et 36 de la Convention. Les objets dont l'affranchissement postal n'est pas obligatoire au départ sont transmis par les voies ordinaires.

2.—En cas d'insuffisance d'affranchissement, les correspondances-avion sont transmises par la voie de l'air lorsque les taxes acquittées représentent au moins le montant de la surtaxe aérienne. Les Administrations d'origine ont la faculté de transmettre ces correspondances par la voie de l'air lorsque les taxes acquittées représentent 25% au moins du montant de la surtaxe aérienne.

Les dispositions de l'article 36 de la Convention sont applicables en ce qui concerne la perception des taxes non acquittées au départ.

3.—Lors de la transmission par voie ordinaire des envois ne portant pas 25% au moins de la surtaxe aérienne, le bureau de dépôt ou le bureau d'échange doit biffer toute annotation relative au transport aérien et indiquer brièvement les motifs de la transmission par voie ordinaire.

#### ARTICLE 7.

Distribution des correspondances-avion.

1.—Les correspondances-avion sont distribuées dans les meilleures conditions de rapidité possibles et doivent au moins être comprises dans la première distribution qui suit leur arrivée au bureau de distribution.

2.—Les expéditeurs ont la faculté de demander la remise à domicile par porteur spécial immédiatement après l'arrivée, en acquittant la taxe spéciale d'express prévue par l'article 45 de la Convention. Cette faculté n'existe que dans les relations entre pays qui ont organisé le service des envois express dans leurs relations réciproques.

3.—Lorsque le règlement du pays de destination le permet, les destinataires peuvent demander au bureau chargé de la distribution que les correspondances-avion

is treated in accordance with the provisions of Articles 35 and 36 of the Convention. Articles whose prepayment at the time of mailing is not obligatory are sent by the ordinary means.

*Ante*, p. 2068.

2. In case of insufficient prepayment, air-mail correspondence is sent by the air route when the postage paid represents at least the amount of the aerial surcharge. The Administrations of origin have the option of sending such correspondence by the air route when the postage paid represents at least 25 percent of the amount of the aerial surcharge.

Insufficient prepayment.

The provisions of Article 36 of the Convention are applicable in regard to the collection of charges not paid at the time of mailing.

*Ante*, p. 2068.

3. When articles not bearing at least 25 percent of the aerial surcharge are sent by the ordinary means, the office of mailing or the exchange office shall strike out all annotations relative to the air transportation, and indicate briefly the reason for transmission by the ordinary means.

Transmission by ordinary means.

#### ARTICLE 7

*Delivery of air-mail correspondence*

1. Air-mail correspondence is delivered as rapidly as possible, and shall at least be included in the first delivery following its arrival at the office of destination.

Delivery.

2. Senders have the option of requesting delivery at the addressee's residence by special carrier immediately after arrival, by paying the special-delivery fee provided for by Article 45 of the Convention. That option exists only in relations between countries which have organized the special-delivery service in their reciprocal relations.

Special-carrier service.

3. When the regulations of the country of destination permit it, addressees may ask the office charged with the delivery to have air-mail correspondence arriving

*Ante*, p. 2071.

parvenant à leur adresse leur soient remises dès leur arrivée. Dans ce cas, les Administrations destinataires sont autorisées à percevoir, au moment de la distribution, un droit spécial qui ne pourra être supérieur à la taxe d'express prévue par l'article 45 de la Convention.

Delivery by special means.

4.—Moyennant rémunération supplémentaire, les Administrations peuvent, après entente, procéder à la remise à domicile par des moyens spéciaux, notamment par utilisation des tubes pneumatiques.

addressed to them delivered to them upon arrival. In that case, the Administrations of destination are authorized to collect, at the time of delivery, a special fee which may not be higher than the special-delivery fee provided for by Article 45 of the Convention.

4. For additional compensation, Administrations may, after agreement, undertake delivery at the residence of the addressee by special means; for example, by the use of pneumatic tubes.

#### ARTICLE 8.

Réexpédition et renvoi des correspondances-avion.

Redirection and return of air-mail correspondence.

1.—Les correspondances-avion adressées à des destinataires ayant changé de résidence sont réexpédiées sur la nouvelle destination par les moyens de transport ordinaires, à moins que le destinataire n'ait demandé expressément la réexpédition par la voie aérienne et n'ait payé d'avance au bureau réexpéditeur la surtaxe aérienne du nouveau parcours. Les correspondances tombées en rebut sont renvoyées à l'origine par la voie ordinaire.

Undeliverable correspondence.

2.—Si la réexpédition ou le renvoi a lieu par les moyens ordinaires de la poste, l'étiquette "Par avion" et toute annotation se rapportant à la transmission par la voie aérienne doivent être biffées d'office au moyen de deux forts traits transversaux.

#### ARTICLE 8

*Redirection and return of air-mail correspondence*

1. Air-mail correspondence addressed to persons who have changed their residence is forwarded to the new destination by the ordinary means, unless the addressee has expressly requested redirection by air mail and has paid in advance, to the forwarding office, the aerial surcharge for the new route. Undeliverable correspondence is returned to origin by the ordinary means.

2. If redirection or return is effected by the ordinary means, the *Par avion* label and all notations relative to transmission by the air route shall be crossed out officially by means of two heavy transverse lines.

#### CHAPITRE II.

ENVOIS RECOMMANDÉS OU AVEC VALEUR DÉCLARÉE.

#### CHAPTER II

REGISTERED OR INSURED ARTICLES

#### ARTICLE 9.

Envois recommandés.

#### ARTICLE 9

*Registered articles*

Postage rates, etc.

Les envois recommandés sont soumis aux taxes postales et conditions générales d'admission prévues par la Convention. Ils acquittent, en outre, les mêmes surtaxes aériennes que les envois ordinaires.

Registered articles are subject to the postage rates and general conditions for admission provided for by the Convention. They are also liable to the same aerial surcharges as ordinary articles.

## ARTICLE 10.

*Avis de réception.*

Chaque Administration est autorisée à tenir compte du poids de la formule de l'avis de réception pour le calcul de la surtaxe aérienne.

## ARTICLE 10

*Return receipt*

Each Administration is authorized to consider the weight of the return receipt form in computing the aerial surcharge.

Consideration of weight.

## ARTICLE 11.

*Responsabilité.*

Les Administrations assument à l'égard des envois recommandés acheminés par voie aérienne la même responsabilité que pour les autres envois recommandés.

## ARTICLE 11

*Responsibility*

Administrations assume, in regard to registered articles sent by the air route, the same responsibility as for other registered articles.

Responsibility.

## ARTICLE 12.

*Envois avec valeur déclarée.*

1.—Les Administrations qui admettent les envois avec valeur déclarée au transport aérien sont autorisées à percevoir du chef de ces envois un droit spécial d'assurance dont elles fixent le montant.

Le total du droit d'assurance ordinaire et du droit spécial ne doit pas dépasser le double de la limite fixée par l'article 3, lettre c), de l'Arrangement concernant les lettres et les boîtes avec valeur déclarée.

2.—En ce qui concerne les envois avec valeur déclarée qui transitent en dépêches closes par le territoire de pays non adhérents à l'Arrangement concernant les envois de l'espèce ou qui transitent par des services aériens pour lesquels les pays en cause n'acceptent pas la responsabilité des valeurs, la responsabilité de ces pays est limitée à celle qui est prévue pour les envois recommandés.

## ARTICLE 12

*Insured articles*

1. Administrations which accept insured articles for transportation by air mail are authorized to collect, on account of such articles, a special insurance fee, the amount of which they are to fix.

The sum of the ordinary insurance fee and the special fee shall not exceed double the limit fixed by Article 3, letter (c), of the Agreement concerning insured letters and boxes.

2. As for insured articles passing in transit in closed mails through the territory of countries not adhering to the aforesaid Agreement, or passing in transit through air services where the countries concerned do not accept responsibility for insured articles, the responsibility of those countries is limited to that provided for registered articles.

Special insurance fee.

Responsibility provisions.

## CHAPITRE III.

ATTRIBUTION DES SURTAXES  
AÉRIENNES. FRAIS DE  
TRANSPORT.

## CHAPTER III

RETENTION OF AERIAL SUR-  
CHARGES. TRANSPORTATION  
CHARGES

## ARTICLE 13.

*Attribution des surtaxes.*

Chaque Administration garde en entier les surtaxes aériennes qu'elle a perçues.

## ARTICLE 13

*Retention of surcharges*

Each Administration retains the whole of the aerial surcharges which it has collected.

Retention of surcharges.

## ARTICLE 14.

Frais de transport aérien des  
dépêches closes.

Aerial transportation charges for closed mails.  
*Ante*, p. 2088.

1.—Les dispositions de l'article 75 de la Convention, concernant les frais de transit, ne s'appliquent aux correspondances-avion que pour leurs parcours territoriaux ou maritimes éventuels.

Les frais de transport aérien des correspondances-avion expédiées en dépêches closes sont à la charge de l'Administration du pays d'origine.

Intermediate Administrations; transportation charges.

2.—Chaque Administration qui assure le transport des correspondances-avion par la voie *aérienne* comme Administration *intermédiaire* a droit, de ce chef, à une bonification de frais de transport. Ces frais sont calculés d'après la longueur effective des lignes sur lesquelles la dépêche ou les envois ont été transportés. Si l'avion fait escale à plusieurs aéroports, la bonification est due jusqu'à l'aéroport où le déchargement a lieu.

Internal transportation.

Uniform rates.

3.—Des frais de transport doivent être bonifiés également pour le transport dans l'intérieur du pays de destination. Ces bonifications doivent être uniformes pour tous les parcours effectués dans le réseau intérieur; elles sont calculées d'après la distance moyenne de tous les parcours effectués sur le réseau intérieur et leur importance pour le trafic international.

4.—Les frais de transport afférents à un même parcours aérien sont uniformes pour toutes les Administrations qui font emploi de ce service sans participer aux frais d'exploitation.

Administration to which charges are payable.

5.—Sauf les exceptions prévues aux §§ 6 et 7 ci-après, les frais de transport aérien sont payables à l'Administration des postes du pays où se trouve l'aéroport dans lequel les dépêches ont été prises en charge par le service aérien.

Direct settlements.

6.—L'Administration qui remet à une entreprise de transport aérien des dépêches destinées à emprunter successivement plusieurs services aériens distincts peut, si

## ARTICLE 14

*Aerial transportation charges for closed mails*

1. The provisions of Article 75 of the Convention concerning transit charges apply to air-mail correspondence only for its transmission, if any, by land or sea.

The aerial transportation charges for air-mail articles sent in closed dispatches are collectible from the Administration of the country of origin.

2. Every Administration which assures the transportation of air-mail correspondence by the air route, as intermediate Administration, is entitled, on that account, to payment of transportation charges. These charges are computed in accordance with the actual length of the routes over which the dispatch or the articles have been carried. If the plane stops at several airports, the payment is due as far as the airport where the unloading takes place.

3. Transportation charges must also be paid for transportation within the country of destination. These payments must be uniform for all the routes traversed in the domestic service; they are computed in accordance with the average length of all the routes traversed in the domestic service and their importance for the international service.

4. The transportation charges relative to one and the same air route are uniform for all Administrations using that service without participating in the operating costs.

5. With the exceptions provided for in Sections 6 and 7 following, the aerial transportation charges are payable to the Postal Administration of the country in which the airport where the dispatches have been taken in charge by the air service is located.

6. An Administration which delivers to an air-transport enterprise mails intended for conveyance by several separate air services in succession may, if it has agreed

elle est d'accord avec les Administrations intermédiaires, régler directement avec cette entreprise les frais de transport pour la totalité du parcours. Les Administrations intermédiaires ont, de leur côté, le droit de demander l'application pure et simple des dispositions du § 5.

7.—Par dérogation aux stipulations des §§ 5 et 6, est réservé à chaque Administration dont dépend un service aérien le droit de percevoir directement de chaque Administration qui utilise ce service les frais de transport afférents à la totalité du parcours.

8.—Le tarif de base à appliquer aux règlements de compte entre les Administrations du chef des transports aériens ordinaires (services ordinaires) est fixé, par kilogramme de poids brut et par kilomètre, à 6 millièmes de franc au maximum. Ce tarif est appliqué proportionnellement aux fractions de kilogramme.

Les dépêches ou correspondances transportées dans le service interne des pays sont soumises au même tarif, à moins que les pays correspondants ne se soient mis d'accord pour ne percevoir aucune bonification du chef de ce transport.

9.—Le tarif de transport spécifié ci-dessus ne s'applique pas aux transports effectués au moyen de services dont la création et l'entretien nécessitent des frais extraordinaires (services extraordinaires). Les prix de transport afférents à ces services sont fixés, par kilogramme, par les Administrations dont ces services dépendent; ils sont appliqués proportionnellement aux fractions de kilogramme.

10.—Les frais de transport précités sont dus aussi pour les correspondances exemptes de frais de transit. Les dépêches ou correspondances mal dirigées ou détournées sont considérées, en ce qui concerne le paiement des frais de transport comme si elles avaient suivi leur voie normale. Cependant, pour le transport de dépêches à réexpédier par des services extraordinaires, l'Admi-

with the intermediate Administrations, settle directly with that enterprise for the transportation charges for the whole route. The intermediate Administrations, for their part, have the right to request the application pure and simple of the provisions of Section 5.

7. By exception to the provisions of Sections 5 and 6, every Administration maintaining an air service reserves the right to collect directly from each Administration utilizing that service the transportation charges for the whole route.

8. The basic rate to be applied in the settlement of accounts between Administrations for ordinary aerial transportation (ordinary services) is fixed, for each kilogram of gross weight and for each kilometer, at 6 thousandths of a franc at most. That rate is applied proportionally to fractions of a kilogram.

The dispatches or articles carried by the domestic service of the countries are subject to the same rate, unless the corresponding countries agree to collect no payment for such transportation.

9. The transportation rate specified above does not apply to transportation effected by means of services whose creation and upkeep give rise to extraordinary expenses (extraordinary services). The transportation charges relative to those services are fixed, for each kilogram, by the Administrations to which such services belong; they are applied proportionally to fractions of a kilogram.

10. The transportation charges mentioned are also payable for articles which are exempt from transit charges. Misdirected or missent dispatches or articles are considered, for purposes of payment of transportation charges, as having followed their normal route. However, for the conveyance of dispatches to be forwarded by extraordinary services, the intermediary Administration may re-

Basic rate.

Domestic service.

Extraordinary services.

Payment of transportation charges in designated cases.

*nistration intermédiaire peut exiger la restitution des frais de transport. Le compte des frais de transport aérien s'effectue alors selon l'article 21, §§ 1 et 3, des Dispositions.*

Post, pp. 2246, 2247.

No payment to countries flown over.

11.—Les Administrations des pays survolés n'ont droit à aucune rémunération pour les dépêches transportées par voie aérienne au-dessus de leur territoire.

quire reimbursement of the transportation charges. The accounting for the aerial transportation charges then takes place according to Article 21, Sections 1 and 3, of these Air-Mail Provisions.

11. Administrations of countries flown over have no right to any compensation for dispatches transported by air over their territory.

#### ARTICLE 15.

Frais de transport des correspondances-avion à découvert.

Exchanges in open mail.

1.—Les frais de transport des correspondances-avion qui sont échangées à découvert entre deux Administrations doivent être calculés d'après les dispositions de l'article 14, §§ 1 à 4 et 8 à 10.

Pour déterminer les frais de transport, le poids net de ces envois est majoré de 10%.

Payments.

2.—L'Administration qui remet des correspondances-avion en transit à découvert à une autre Administration doit lui payer en entier les frais de transport calculés pour tout le parcours aérien ultérieur.

#### ARTICLE 15

*Transportation charges for aerial correspondence in open mail*

1. The transportation charges for air-mail correspondence exchanged in open mail between two Administrations shall be calculated in accordance with the provisions of Article 14, Sections 1 to 4 and 8 to 10.

In order to determine the transportation charges, the net weight of such articles is increased by 10 per cent.

2. An Administration which delivers air-mail correspondence in transit in open mail to another Administration shall pay it the entire amount of the transportation charges calculated for all the subsequent aerial transmission.

### CHAPITRE IV.

#### BUREAU INTERNATIONAL.

#### ARTICLE 16.

Communications à adresser au Bureau international et aux Administrations.

Communications to Bureau and to Administrations.

1.—Les Administrations doivent communiquer au Bureau international, au moyen d'une liste conforme au modèle AV 1 ci-annexé, les renseignements utiles concernant la poste aérienne.

2.—La liste prévue au § 1 doit être envoyée régulièrement deux fois par an *une semaine* au moins avant l'ouverture du service d'été et du service d'hiver. Toute modification doit être notifiée sans retard.

Post, p. 2258.

### CHAPTER IV

#### INTERNATIONAL BUREAU

#### ARTICLE 16

*Communications to be addressed to the International Bureau and to the Administrations*

1. The Administrations shall communicate to the International Bureau, by means of a list conforming to Model A V 1 hereto appended, the necessary information concerning the air-mail service.

2. The list contemplated in Section 1 shall be transmitted regularly twice a year, at least one week before the opening of the summer and winter services. Notice of any modification shall be given without delay.

3.—Le Bureau international dresse, d'après les renseignements consignés sur les formules AV 1 et les autres communications qui lui parviennent, une liste de renseignements généraux concernant le service postal aérien.

Cette liste générale, qui doit correspondre au modèle AV 1, est répartie sans délai entre les Administrations.

Le Bureau international est chargé également de dresser des cartes indiquant les lignes postales de communications aériennes intérieures et internationales de tous les pays.

4.—A titre de renseignement provisoire, une copie de la liste AV 1 visée au § 1 est transmise directement par chaque Administration à toutes les Administrations qui en expriment le désir.

5.—Les Administrations communiquent, en outre, régulièrement, au moins quinze jours avant le commencement de chaque saison, à toutes les Administrations avec lesquelles elles sont reliées par des lignes aériennes, les horaires complets des lignes aériennes de leurs réseaux intérieur et international. Dans les relations avec les autres Administrations, ces indications sont fournies seulement sur demande.

3. The International Bureau prepares, on the basis of the information contained in the forms A V 1 and the other communications which it receives, a list of general information concerning the air-mail service.

That general list, which shall conform to Model A V 1, is distributed without delay among the Administrations.

The International Bureau is also charged with making up maps indicating the lines of domestic and international air-mail communications of all countries.

4. For provisional information, a copy of the list A V 1 contemplated in Section 1 is sent directly by each Administration to all Administrations which express their desire to receive it.

5. The Administrations also communicate regularly, at least fifteen days before the beginning of each season, to all Administrations with which they are connected by air lines, the complete schedules of the air lines of their domestic and international services. In relations with other Administrations, such information is furnished only on request.

General information list.

Post, p. 2258.

Maps.

Provisional information.  
Post, p. 2258.

Schedules, etc.

## CHAPITRE V.

### COMPTABILITÉ. RÉGLEMENT DES COMPTES.

#### ARTICLE 17.

#### Statistique de décompte.

1.—Le décompte général des frais de transport aérien a lieu d'après des relevés statistiques établis dans les sept jours qui suivent le 14 juin et le 14 novembre de chaque année. Les données de la statistique de juin forment la base des bonifications dues pour le service d'été; celles de novembre comptent pour le service d'hiver.

2.—Les statistiques concernant des services qui ne fonctionnent pas pendant les périodes de statis-

## CHAPTER V

### ACCOUNTING. SETTLEMENT OF ACCOUNTS

#### ARTICLE 17

#### Accounting statistics

1. The general accounting for aerial transportation charges is effected in accordance with statistical tables made up during the seven days following the 14th of June and the 14th of November of each year. The results of the June statistics form the basis for the payments due for the summer service; those of November are used for the winter service.

2. Statistics concerning services which do not operate during the regular statistical periods are made

Method, etc.

Special cases.

tique régulières sont établies après entente entre les Administrations intéressées.

Extraordinary services.

3.—*En ce qui concerne les services extraordinaires*, l'Administration chargée du transport par voie aérienne a la faculté de demander que les règlements de compte aient lieu, trimestriellement ou semestriellement, sur la base du poids brut des dépêches ou du poids net majoré de 10% des envois à découvert transportés réellement pendant la période envisagée. Dans ce cas, les dispositions des articles 19, 21 et 22 ci-après sont appliquées à la constatation du poids et à l'établissement des comptes, étant entendu que les relevés AV 3 et AV 4 doivent être établis mensuellement pour tous les transports aériens effectués.

#### ARTICLE 18.

Confection des dépêches ordinaires ou des dépêches-avion pendant les périodes de statistique des frais de transport aérien.

Aerial transportation charges.  
*Ante*, p. 2160.

Les dispositions de l'article 165 du Règlement d'exécution de la Convention ne s'appliquent pas aux statistiques biannuelles pour l'évaluation des frais du transport aérien. Toutefois, pendant la période de ces statistiques, les étiquettes ou suscriptions de dépêches qui contiennent des correspondances-avion doivent porter, d'une manière apparente, la mention "Statistique-avion".

Air-mail correspondence, notation.

#### ARTICLE 19.

Constatation du poids des dépêches-avion et des correspondances-avion.

Indication of date and weight.

1.—Pendant les périodes de statistique, la date d'expédition et le poids brut de la dépêche sont indiqués sur l'étiquette ou sur la suscription extérieure de la dépêche. L'insertion de dépêches-avion entrantes dans une autre dépêche de même nature est interdite.

*Si les lettres et les cartes postales ainsi que les autres objets sont*

up after agreement between the Administrations concerned.

3. As concerns extraordinary services, the Administration charged with the transportation by air has the option of requesting that the settlement of accounts be made, quarterly or semiannually, on the basis of the gross weight of the dispatches, or the net weight increased by 10 percent of the articles in open mail, actually transported during the period involved. In such a case, the provisions of Articles 19, 20, and 21 hereafter are applied to the ascertainment of weight and preparation of accounts, with the understanding that the statements AV 3 and AV 4 are to be made up monthly for all air transportation effected.

#### ARTICLE 18

*Preparation of ordinary or aerial dispatches during the statistical periods for air-mail transportation charges*

The provisions of Article 165 of the Regulations of Execution of the Convention do not apply to the semiannual statistics for the fixing of aerial transportation charges. However, during such statistical periods, the labels or addresses of dispatches containing air-mail correspondence shall bear the conspicuous notation *Statistique-avion* (air-mail statistics).

#### ARTICLE 19

*Fixing the weight of air-mail dispatches and correspondence*

1. During the statistical periods, the date of dispatch and the gross weight of the mail are indicated on the label or outside address of the dispatch. The inclusion of air-mail dispatches in another dispatch of the same kind is prohibited.

If the letters and post cards, as well as the other articles, are com-

réunis dans une dépêche transportée sur des lignes pour lesquelles un tarif réduit de transport s'applique aux A. O., le poids de chacune des deux catégories doit être indiqué en outre du poids total sur l'étiquette ou sur la suscription extérieure de la dépêche. Dans ce cas, le poids de l'emballage extérieur (sac ou paquet) est ajouté au poids des autres objets.

En cas d'emploi d'un sac collecteur, le poids de ce sac est négligé.

2.—Dans le cas où des correspondances à découvert, destinées à être réacheminées par voie aérienne, sont comprises dans une dépêche ordinaire ou dans une dépêche-avion, ces correspondances, réunies en une liasse spéciale étiquetée «Par avion», sont accompagnées d'un bordereau conforme au modèle AV 2 ci-annexé. Le poids des correspondances en transit à découvert est indiqué séparément pour chaque pays de destination. Si une dépêche-avion renferme des correspondances-avion en transit à découvert à destination de plusieurs pays pour lesquels les frais de transit sont uniformes, on inscrit ces frais en commun comme une position du bordereau AV 2. Dans les relations entre les pays qui se sont mis d'accord pour ne percevoir aucune bonification du chef du réacheminement par la voie aérienne dans leur réseau interne, le poids des correspondances à découvert pour le pays de destination même n'est pas indiqué. La feuille d'avis est revêtue de la mention «Bordereau AV 2». Les pays de transit ont la faculté de demander l'emploi de bordereaux spéciaux AV 2 mentionnant dans un ordre fixe les pays et les lignes aériennes les plus importants.

3.—Ces indications sont vérifiées par le bureau d'échange destinataire. Si ce bureau constate que le poids réel des dépêches diffère de plus de 100 grammes et celui des correspondances à découvert de plus de 20 grammes du poids annoncé, il rectifie l'étiquette ou le bordereau AV 2 et signale immédiatement l'erreur au bureau

binned in a dispatch carried by routes for which a reduced transportation charge is applied to A. O., the weight of each of the two classes must be shown in addition to the total weight on the label or outer address of the dispatch. In such case, the weight of the outer wrapping (sack or package) is added to the weight of the other articles.

If a collector sack is used, its weight is ignored.

2. In case that open-mail correspondence intended to be redispached by the air route is included in an ordinary or air-mail dispatch, such correspondence, made up into a special bundle labeled *Par avion* (by air mail), is accompanied by a list conforming to Model A V 2 hereto appended. The weight of the correspondence in transit in open mail is indicated separately for each country of destination. If an air-mail dispatch contains transit air mail destined to several countries for which the transit charges are uniform, these charges are shown as one entry on the list A V 2. In relations between countries which have agreed not to collect any payment for redispach by their domestic service, the weight of the articles in open mail for the country of destination itself is not indicated. The letter bill is provided with the note "*Bordereau A V 2*" (List A V 2). Transit countries have the option of requesting the use of special lists A V 2 showing the most important countries and air routes in a fixed order.

3. Those entries are verified by the exchange office of destination. If that office finds that the actual weight of the dispatches differs by more than 100 grams, and that of the open mail articles by more than 20 grams, from the weight announced, it corrects the label or the list A V 2 and immediately reports the error to the

Redispached mail.

Post, p. 2259.

Post, p. 2259.

Verification.

d'échange expéditeur par bulletin de vérification. Lorsqu'il s'agit de dépêches closes, une copie de ce bulletin est adressée à chaque Administration intermédiaire. Si les différences de poids constatées restent dans les limites précitées, les indications du bureau expéditeur sont tenues pour valables.

dispatching exchange office by bulletin of verification. When it is a question of closed mails, a copy of that bulletin is addressed to each intermediate Administration. If the differences in weight detected remain within the limits above mentioned, the entries of the dispatching office are considered as valid.

## ARTICLE 20.

Liste des dépêches-avion closes.

List of closed air mails.

Aussitôt que possible et, en tout cas, dans un délai d'un mois après chaque période de statistique, les Administrations qui ont expédié des dépêches-avion closes envoient, sur une formule C 22 appropriée, la liste de ces dépêches aux différentes Administrations dont elles ont emprunté les services aériens, y compris, le cas échéant, celle de destination.

Ante, p. 2216.

## ARTICLE 20

List of closed air mails

As soon as possible, and in any case within a period of one month after each statistical period, the Administrations which have dispatched closed air mails send a list of such dispatches, on an appropriate Form C 22, to the different Administrations whose air services they have used, including that of destination, if occasion arises.

## ARTICLE 21.

Compte des frais de transport aérien réglés sur la base des statistiques.

Settlement on basis of statistics.

1.—Pendant les périodes de statistique, les Administrations intermédiaires prennent note, dans un relevé conforme au modèle AV 3 ci-annexé, des poids indiqués sur les étiquettes ou suscriptions extérieures des dépêches-avion qu'elles ont réacheminées par la voie aérienne, soit dans leur réseau interne, soit au-delà des frontières de leur pays. *En ce qui concerne les correspondances-avion à découvert qui leur parviennent des autres Administrations et qu'elles réacheminent par la voie aérienne,* un relevé conforme au modèle AV 4 ci-annexé est dressé d'après les indications figurant sur les bordereaux AV 2. *Les correspondances-avion contenues dans les dépêches ordinaires sont soumises au même procédé. Des relevés séparés sont dressés pour chaque bureau d'échange expéditeur de dépêches-avion ou de correspondances-avion à découvert.*

Post, p. 2260.

Post, pp. 2261, 2259.

## ARTICLE 21

Account of air-transportation charges settled on the basis of statistics

1. During the statistical periods, the intermediate Administrations take note, on a form agreeing with Model A V 3 hereto appended, of the weights indicated on the labels or outside addresses of the air-mail dispatches which they have reforwarded by the air route, either in their domestic services or beyond the frontiers of their countries. As concerns air-mail articles in open mail which reach them from other Administrations and which they forward by air, a statement like Form A V 4 hereto appended is prepared in accordance with the indications appearing on the lists A V 2. Air-mail articles contained in ordinary dispatches are subjected to the same procedure. Separate statements are prepared for each dispatching exchange office of air dispatches or air-mail articles in open mail.

2.—Les Administrations de destination qui assurent le réacheminement de dépêches-avion ou de correspondances-avion par la voie aérienne dans leur réseau interne procèdent de la même manière.

3.—Aussitôt que possible et, au plus tard, six semaines après la clôture des opérations de statistique, les relevés AV 3 et AV 4 sont transmis en double expédition aux bureaux d'échange expéditeurs pour être revêtus de leur acceptation. Ces bureaux, après avoir accepté les relevés, les transmettent à leur tour à leur Administration centrale qui en fait parvenir un exemplaire à l'Administration centrale créancière.

4.—Si l'Administration créancière n'a reçu aucune observation rectificative dans un intervalle de trois mois à compter de l'envoi, les relevés sont considérés comme admis de plein droit. Dans les relations entre pays éloignés, ce délai est porté à quatre mois.

2. The Administrations of destination which assure the reforwarding of air dispatches or of air-mail articles by air in their domestic services proceed in the same manner.

3. As soon as possible, and at the latest six weeks after the close of statistical operations, the forms A V 3 and A V 4 are sent in duplicate to the dispatching exchange offices for acceptance. Those offices, after accepting the statements, send them in turn to their central Administration, which forwards a copy to the central Administration of the creditor country.

4. If the creditor Administration has not received any statement of differences within an interval of three months, counting from the date of transmittal, the statements are considered as automatically accepted. In relations between distant countries, that period is extended to four months.

Forwarding of statements.

Post, pp. 2260, 2261.

Presumption of acceptance.

#### ARTICLE 22.

Compte des frais de transport aérien.

1.—Les poids bruts des dépêches et les poids nets majorés de 10% des envois à découvert, figurant dans les relevés AV 3 ou AV 4, sont multipliés par un chiffre établi d'après la fréquence des services d'été et d'hiver; les produits ainsi obtenus servent de base à des comptes particuliers établissant en francs les prix de transport revenant à chaque Administration pour le semestre en cours.

2.—Le soin de dresser ces comptes incombe à l'Administration créancière qui les transmet à l'Administration débitrice.

3.—Les comptes particuliers sont dressés en double expédition et transmis aussitôt que possible à l'Administration débitrice. Si l'Administration créancière n'a reçu aucune observation rectificative

#### ARTICLE 22

*Aerial transportation account*

1. The gross weights of the dispatches, and the net weights increased by 10 per cent of the articles in open mail, shown in the statements A V 3 or A V 4, are multiplied by a figure determined by the frequency of the summer and winter services; the products thus obtained serve as the basis for individual accounts showing, in francs, the transportation charges due to each Administration for the current six-month period.

2. The duty of preparing those accounts is incumbent upon the creditor Administration, which transmits them to the debtor Administration.

3. The individual accounts are made up in duplicate and transmitted as soon as possible to the debtor Administration. If the creditor Administration has not received any statement of differ-

Basis for accounts.

Post, pp. 2260, 2261.

Preparation and transmission.

Presumption of acceptance.

tive dans un intervalle de trois mois à compter de l'envoi, ce compte est considéré comme admis de plein droit. *Dans les relations entre pays éloignés, ce délai est porté à quatre mois.*

ences within an interval of three months, counting from the date of transmittal, such accounts are considered as automatically accepted. In relations between distant countries, this period is extended to four months.

## ARTICLE 23.

## Décompte général.

General account.

Sauf entente contraire entre les Administrations intéressées, le décompte général des frais de transport aérien est établi deux fois par an par le Bureau international d'après les règles fixées pour le décompte des frais de transit.

## ARTICLE 23

*General account*

In the absence of contrary agreement between the Administrations concerned, the general account of air-transportation charges is made up twice a year by the International Bureau, in accordance with the rules fixed for the transit-charge account.

## CHAPITRE VI.

## DISPOSITIONS DIVERSES.

## ARTICLE 24.

## Signalisation des correspondances-avion.

Designation of air-mail correspondence.

Les correspondances-avion sont revêtues, au départ, d'une étiquette spéciale ou d'une empreinte de couleur bleue comportant les mots "Par avion" avec traduction facultative dans la langue du pays d'origine.

## CHAPTER VI

## VARIOUS PROVISIONS

## ARTICLE 24

*Designation of air-mail correspondence*

Air-mail correspondence is provided, at the time of mailing, with a special blue label or imprint bearing the words *Par avion* (by air mail), with an optional translation into the language of the country of origin.

## ARTICLE 25.

## Signalisation des dépêches-avion.

Designation of air-mail dispatches.

Lorsque les *correspondances-avion* donnent lieu à la formation de dépêches distinctes, celles-ci doivent être confectionnées avec du papier bleu ou au moyen de sacs, soit entièrement bleus, soit portant de larges bandes bleues.

## ARTICLE 25

*Designation of air-mail dispatches*

When the air-mail articles give rise to the formation of separate dispatches, the latter shall be made up with blue paper or by means of sacks either entirely blue or bearing wide blue stripes.

## ARTICLE 26.

## Mode d'expédition des correspondances-avion.

Dispatch of air mail. *Ante*, pp. 2147, 2149.

1.—Les dispositions des articles 157, § 2, lettre a), et 159 du Règlement d'exécution de la Convention s'appliquent, par analogie, aux correspondances-avion insérées dans des dépêches ordinaires. Les étiquettes des liasses doivent porter l'annotation "Par avion".

## ARTICLE 26

*Method of dispatching air-mail correspondence*

1. The provisions of Articles 157, Section 2, letter (a), and 159 of the Regulations of Execution of the Convention are applied, by analogy, to air-mail correspondences included in ordinary dispatches. The labels of the bundles shall bear the annotation *Par avion* (by air mail).

En cas d'insertion de correspondances-avion recommandées dans des dépêches ordinaires, la mention "Par avion" doit être portée à la place prescrite au § 2 dudit article 159 pour la mention "Exprès".

S'il s'agit de correspondances-avion avec valeur déclarée insérées dans des dépêches ordinaires, la mention "Par avion" est portée dans la colonne "Observations" des feuilles d'envoi en regard de l'inscription de chacune d'elles.

2.—Les correspondances-avion expédiées en transit à découvert dans une dépêche-avion ou dans une dépêche ordinaire et qui doivent être réacheminées par voie aérienne par le pays destinataire de la dépêche, sont réunies en une liasse spéciale étiquetée "Par avion".

3.—Le pays de transit peut demander la formation de liasses spéciales par pays de destination. Dans ce cas, chaque liasse est revêtue d'une étiquette portant la mention "Par avion pour ----".

## ARTICLE 27.

*Transbordement des dépêches-avion.*

Sauf entente contraire entre les Administrations intéressées, le transbordement en cours de route, dans un même aéroport, des dépêches qui empruntent successivement plusieurs services aériens distincts, se fait par l'intermédiaire de l'Administration du pays où a lieu le transbordement. Cette règle ne s'applique pas lorsque ce transbordement a lieu entre des appareils assurant les sections successives d'un même service.

## ARTICLE 28.

Annotations à porter sur les feuilles d'avis, sur les feuilles d'envoi et sur les étiquettes des dépêches-avion.

Les feuilles d'avis et les feuilles d'envoi accompagnant des dépêches-avion doivent être revêtues dans

In case of inclusion of registered air-mail articles in ordinary dispatches, the note *Par avion* shall be entered in the place prescribed by Section 2 of the aforesaid Article 159 for the note *Exprès* (special delivery).

If it is a question of insured air-mail articles included in ordinary dispatches, the note *Par avion* is entered in the *Observations* column of the insured bills, opposite the entry of each of them.

2. Air-mail articles sent in transit in open mail in an air-mail or ordinary dispatch, which are to be reforwarded by the air route by the country of destination of the dispatch, are tied in a special bundle labeled *Par avion*.

3. The transit country may request the formation of separate bundles by countries of destination. In that case, each bundle is provided with a label bearing the note: *Par avion pour ----* (by air mail for -----).

## ARTICLE 27

*Transfer of air dispatches*

Barring contrary agreement between the Administrations concerned, the transfer en route, in one and the same airport, of mails which employ several separate air services in succession, is effected through the intermediary of the Administration of the country where the transshipment takes place. This rule does not apply when the transfer is made between machines performing successive sections of one and the same service.

## ARTICLE 28

*Annotations to be made on the letter bills, insured bills, and labels of air-mail dispatches*

The letter bills and insured bills accompanying air-mail dispatches shall be provided, in their head-

Registered articles.

*Ante*, p. 2150.

Insured articles.

Articles to be reforwarded.

Formation of separate bundles.

Transfer of air dispatches.

Annotations on letter bills, etc.

*Ante*, p. 2248.

leur en-tête de l'étiquette "Par avion" ou de l'empreinte visée à l'article 24. La même étiquette ou empreinte est appliquée sur les étiquettes ou suscriptions de ces dépêches.

ings, with the *Par avion* label or the imprint mentioned in Article 24. The same label or imprint is affixed to the labels or addresses of such dispatches.

## ARTICLE 29.

## ARTICLE 29

Dédouanement des correspondances passibles de droits de douane.

*Customs clearance of correspondence liable to duty*

Customs clearance of correspondence liable to duty.

Les Administrations prennent des mesures pour accélérer autant que possible le dédouanement des correspondances-avion passibles de droits de douane.

The Administrations take steps to accelerate, as far as possible, the clearance of air-mail correspondence liable to customs duty.

## ARTICLE 30.

## ARTICLE 30

Application des dispositions de la Convention et des Arrangements.

*Application of the provisions of the Convention and Agreements*

Scope.

Les dispositions de la Convention et des Arrangements ainsi que de leurs Règlements, exception faite de l'Arrangement des colis postaux et de son Règlement, sont applicables en tout ce qui n'est pas expressément réglé par les articles précédents.

The provisions of the Convention and Agreements, as well as of their Regulations, with the exception of the Parcel-Post Agreement and its Regulations, are applicable in everything which is not expressly regulated by the foregoing Articles.

## ARTICLE 31.

## ARTICLE 31

Mise à exécution et durée des Dispositions adoptées.

*Effective date and duration of the Provisions adopted*

Effective date and duration.

Les présentes Dispositions seront exécutoires à partir du jour de la mise en vigueur de la Convention.

The present Provisions will be put into force from the effective date of the Convention.

Elles auront la même durée que cette Convention, à moins qu'elles ne soient renouvelées d'un commun accord entre les Parties intéressées.

They will have the same duration as that Convention, unless they are renewed by mutual agreement among the parties concerned.

Fait à Buenos Aires, le 23 mai 1939.

Done at Buenos Aires, May 23, 1939.

Signatures.

*Pour l'Afghanistan:**Pour l'Union de l'Afrique du Sud:*J. N. REDELINGHUY.  
H. C. WAIN.*Pour l'Albanie:**Pour l'Allemagne:**Pour les Etats-Unis d'Amérique:**Pour James W. Cole:*JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.*Pour l'ensemble des Possessions des  
Etats-Unis d'Amérique:**Pour James W. Cole:*JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.*Pour le Royaume de l'Arabie  
Saoudite:**Pour la République Argentine:*A. C. ESCOBAR.  
A. FUNES LASTRA.  
R. R. TULA.  
M. SÁENZ BRIONES.  
RAÚL C. MIGONE.  
CARLOS H. SAL.  
R. A. PAN.  
G. A. GARCÍA.  
I. RUÍZ MORENO.  
A. T. COSENTINO.*Pour la Commonwealth de  
l'Australie:*M. B. HARRY.  
A. SLADDIN.*Pour la Belgique:*

O. SCHOCKAERT.

*Pour la Colonie du Congo belge:*

E. MONS.

*Pour la Bolivie:*PÉREZ ABASTO.  
J. GMO. CANEDO.  
J. LIEVANA.*Pour le Brésil:*RAÚL CAMARATE.  
JOAQUÍM VIANNA.*Pour Confucio Augusto  
Pamplona:*

RAÚL CAMARATE.

*Pour la Bulgarie:*

M. GHÉORGHIEW.

*Pour le Canada:*JOHN A. SULLIVAN.  
H. BEAULIEU.  
R. H. MAC NABB.*Pour le Chili:*ALBERTO SEPÚLVEDA  
CONTRERAS.*Pour la Chine:*

H. K. CHANG CHIEN.

*Pour la République de Colombie:**Pour R. Uribe Escobar:*  
E. CARRIZOSA.  
E. CARRIZOSA.*Pour la République de Costa-Rica:*ALBERTO SEPÚLVEDA  
CONTRERAS.*Pour la République de Cuba:*J. A. MONTALVO.  
A. TORRADEMÉ.  
JESÚS LAGO LUNAR.*Pour le Danemark:*

ARNE KROG.

*Pour la Ville libre de Danzig:*

RENÉ MACHALSKI.

*Pour la République Dominicaine:*TULIO M. CESTERO.  
M. ALVAREZ ARÁNGUIZ.*Pour l'Égypte:*

M. WAGUIH.

*Pour la République de El Salvador:*

JOSÉ VILLEGAS MUÑOZ.

*Pour l'Équateur:*F. GUARDERAS.  
L. G. DILLON.*Pour l'Espagne:**Pour l'ensemble des Colonies  
espagnoles:**Pour l'Estonie:*

G. JALLAJAS.

*Pour la Finlande:*

NILO ORASMAA.

*Pour la France:*ED. QUENOT.  
L. GENTHON.  
P. GRANDSIMON.  
F. NAVECH.*Pour l'Algérie:*

PAOLI.

- Pour les Colonies et Protectorats français de l'Indochine:*
- Pour l'ensemble des autres Colonies françaises:*  
R. BOURGOIN.
- Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat:*
- Pour la Grèce:*  
V. DENDRAMIS.  
S. CAMILIÉRIS.
- Pour le Guatemala:*  
M. ARROYO.
- Pour la République d'Haïti:*  
FAUSTIN G. TRONGÉ.
- Pour la République du Honduras:*  
ARTURO MEJÍA NIETO.
- Pour la Hongrie:*
- Pour l'Inde britannique:*  
MOHD. AL HASAN.  
H. L. JERATH.  
N. CHANDRA.
- Pour l'Iran:*  
DR. A. A. DAFTARY.
- Pour l'Iraq:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'Irlande:*  
P. DE BLÁCA.  
S. S. PUIRSEAL.
- Pour l'Islande:*  
ARNE KROG.
- Pour l'Italie:*
- Pour l'ensemble des Colonies et Possessions italiennes autres que l'Afrique orientale italienne:*
- Pour l'Afrique orientale italienne:*
- Pour le Japon:*  
IWATARO UCHIYAMA.  
SEIITI OKAZAKI.  
JIRO NAKAYAMA.  
TOSIO YAMATO.
- Pour le Chosen:*  
SEIITI OKAZAKI.  
KEISI FUKUDA.
- Pour l'ensemble des autres Dépendances japonaises:*  
IWATARO UCHIYAMA.  
KANJI ITO.
- Pour la Lettonie:*  
DR J. BUSER.  
L. ROULET.
- Pour les Etats du Levant sous Mandat français (Syrie et Liban):*  
M. USCLAT.
- Pour la République de Libéria:*  
DIXON BROWN.
- Pour la Lithuanie:*  
J. AUKSTUOLIS.  
B. BLAVESCUNAS.
- Pour le Luxembourg:*  
O. SCHOCKAERT.
- Pour le Maroc (à l'exclusion de la Zone espagnole):*  
H. F. DUSSOL.
- Pour le Maroc (Zone espagnole):*
- Pour le Mexique:*  
ALFONSO GÓMEZ MORENTÍN.  
ALMADA BECERRA.  
E. VALDÉS GENES.
- Pour le Nicaragua:*  
RUBÉN DARÍO.
- Pour la Norvège:*  
STEN HAUG.  
OSKAR HOMME.
- Pour la Nouvelle-Zélande:*  
J. MADDEN.
- Pour la République de Panama:*  
VIAL.
- Pour le Paraguay:*  
HIGINIO ARBO.  
RAMÓN LARA CASTRO.  
J. F. PÉREZ ACOSTA.
- Pour les Pays-Bas:*  
DUYNSTEE.  
VAN GOOR.
- Pour Curaçao et Surinam:*  
HOOGWOONING.

*Pour les Indes néerlandaises:*

VAN DOOREN.  
HAJENIUS  
P. J. LEEMEYER.  
HOOGWOONING.

*Pour le Pérou:*

ERNESTO CÁCERES.  
POUR JORGE CHAMOT.  
ERNESTO CÁCERES.

*Pour la Commonwealth des Philippines:*

F. CUADERNO.

*Pour la Pologne:*

RENÉ MACHALSKI.  
M. HERWICH.  
T. JARON.

*Pour le Portugal:*

DUARTE CALHEIROS.  
A. BASTOS GAVIÃO.  
J. QUADRIO MORÃO.

*Pour les Colonies portugaises de l'Afrique occidentale:*

ARNALDO DE PAIVA CARVALHO.

*Pour les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie:*

MARIO MONTEIRO DE MACEDO

*Pour la Roumanie:*

C. STEFANESCO.  
N. M. GEORGESCO.

*Pour la République de Saint-Marin:**Pour le Siam:*

LUANG KOVID APAIVONGSE.

*Pour la Suède:*

GUNNAR LAGER.  
THURE NYLUND.  
ALLAN HULTMAN

*Pour la Confédération Suisse:*

DR J. BUSER.  
L. ROULET

*Pour la Tchéco-Slovaquie:*

*Pour la Tunisie:*  
ED. QUENOT

*Pour la Turquie:*

APTULAHAT AKSIN  
ad referendum

*Pour l'Union des Républiques Socialistes:*

P. GLINKINE  
V. IVANOV

*Pour la République O. de l'Uruguay:*

F. A. COSTANZO  
ADOLFO AGORIO

*Pour l'Etat de la Cité du Vatican:*

RÓMULO ETCHEVERRY BONEO.

*Pour les Etats-Unis de Vénézuëla:*

E. GANTEAUME-TOVAR

F. VÉLEZ-SALAS

*Pour l'Yémen:**Pour le Royaume de Yougoslavie:*

SVET. M. DRAGICEVIC  
MILOMIR LJ. MICIC.

Having examined and considered the provisions of the foregoing Air-Mail Provisions, signed at Buenos Aires on the 23rd day of May, 1939, relative to the Universal Postal Convention of Buenos Aires, signed the same day; the same are by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

Ratification and approval by Postmaster General.

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone.

Ante, p. 2053.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 12th day of January, 1940.

[SEAL]

JAMES A. FARLEY  
Postmaster General.

I hereby approve the above-mentioned Air-Mail Provisions, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

Approval by the President.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
Secretary of State.

Washington January 25, 1940.

PROTOCOLE FINAL DES DIS- POSITIONS CONCERNANT LE TRANSPORT DE LA POSTE AUX LETTRES PAR VOIE AÉRIENNE.	FINAL PROTOCOL OF THE PROVISIONS CONCERN- ING THE TRANSPORTA- TION OF REGULAR MAILS BY AIR
---	--

## I.

Frais de transport aérien des  
dépêches closes.

Aerial transporta-  
tion charges for closed  
mails.

Les Administrations de l'Inde  
britannique et de l'Union des  
Républiques Soviétiques Socia-  
listes ont la faculté de percevoir,  
pour chaque parcours de leur  
réseau aérien interne, les frais de  
transport prévus à l'article 14.

*Ante*, p. 2240.

## I

*Aerial transportation charges for  
closed mails*

The Administrations of British  
India and the Union of Soviet  
Socialist Republics have the op-  
tion of collecting, for each section  
of their domestic air systems, the  
transportation charges provided  
for in Article 14.

## II.

Faculté de réduire l'échelon de  
poids unitaire des correspon-  
dances-avion.

Option of reducing  
weight unit.

Les Administrations dont le  
système de poids le permet ont la  
faculté d'adopter des échelons d'un  
poids inférieur à celui de 20  
grammes prévu à l'article 5, § 2.  
Dans ce cas, la surtaxe est fixée  
suivant l'échelon de poids adopté.

*Ante*, p. 2235.

## II

*Option of reducing the weight-unit  
for air-mail correspondence*

Administrations whose system  
of weights permits it have the  
option of adopting units of weight  
lower than that of 20 grams pro-  
vided for in Article 5, Section 2.  
In that case, the surcharge is fixed  
in accordance with the scale of  
weight adopted.

## III.

Surtaxes exceptionnelles en faveur  
de certains pays d'Europe.

Exceptional sur-  
charges.

Les Administrations d'Europe  
qui, par suite de la situation  
géographique de leurs pays, éprou-  
vent des difficultés à adopter une  
surtaxe uniforme pour toute l'Eu-  
rope sont autorisées à percevoir  
des surtaxes proportionnelles aux  
distances, suivant les dispositions  
de l'article 5, § 2.

*Ante*, p. 2235.

Cette faculté est accordée égale-  
ment aux autres pays d'Europe  
pour leur trafic avec les pays  
mentionnés à l'alinéa précédent.

Fait à Buenos Aires, le 23 mai  
1939.

## III

*Exceptional surcharges in favor of  
certain European countries*

Administrations of Europe  
which, due to the geographic  
situation of their countries, find  
it difficult to adopt a uniform  
surcharge for all Europe, are  
authorized to collect surcharges  
in proportion to the distances, in  
accordance with the provisions of  
Article 5, Section 2.

That option is also granted to  
other European countries in their  
relations with the countries men-  
tioned in the preceding paragraph.

Done at Buenos Aires, May 23,  
1939.

Signatures.

- Pour l'Afghanistan:*
- Pour l'Union de l'Afrique du Sud:*  
J. N. REDELINGHUYTS.  
H. C. WAIN.
- Pour l'Albanie:*
- Pour l'Allemagne:*
- Pour les Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour l'ensemble des Possessions des Etats-Unis d'Amérique:*  
*Pour James W. Cole:*  
JOHN E. LAMIELL.  
JOHN E. LAMIELL.  
STEWART M. WEBER.
- Pour le Royaume de l'Arabie Saoudite:*
- Pour la République Argentine:*  
A. C. ESCOBAR.  
A. FUNES LASTRA.  
R. R. TULA.  
M. SÁENZ BRIONES.  
RAÚL C. MIGONE.  
CARLOS H. SAL.  
R. A. PAN.  
G. A. GARCÍA.  
I. RUÍZ MORENO.  
A. T. COSENTINO.
- Pour la Commonwealth de l'Australie:*  
M. B. HARRY.  
A. SLADDIN.
- Pour la Belgique:*  
O. SCHOCKAERT.
- Pour la Colonie du Congo belge:*  
E. MONS.
- Pour la Bolivie:*  
PÉREZ ABASTO.  
J. GMO. CANEDO.  
J. LIEVANA.
- Pour le Brésil:*  
RAÚL CAMARATE.  
JOAQUÍM VIANNA.  
*Pour Confucio Augusto Pamplona:*  
RAÚL CAMARATE.
- Pour la Bulgarie:*  
M. GHÉORGHIEW.
- Pour le Canada:*  
JOHN A. SULLIVAN.  
H. BEAULIEU.  
R. H. MAC NABB.
- Pour le Chili:*  
ALBERTO SEPÚLVEDA  
CONTRERAS.
- Pour la Chine:*  
H. K. CHANG CHIEN.
- Pour la République de Colombie:*  
*Pour R. Uribe Escobar:*  
E. CARRIZOSA.  
E. CARRIZOSA.
- Pour la République de Costa-Rica:*  
ALBERTO SEPÚLVEDA CON-  
TRERAS.
- Pour la République de Cuba:*  
J. A. MONTALVO.  
A. TORRADEMÉ.  
JESÚS LAGO LUNAR.
- Pour le Danemark:*  
ARNE KROG.
- Pour la Ville libre de Danzig:*  
RENÉ MACHALSKI.
- Pour la République Dominicaine:*  
TULIO M. CESTERO.  
M. ALVAREZ ARÁNGUIZ.
- Pour l'Égypte:*  
M. WAGUIH.
- Pour la République de El Salvador:*  
JOSÉ VILLEGAS MUÑOZ.
- Pour l'Équateur:*  
F. GUARDERAS.  
L. G. DILLON.
- Pour l'Espagne:*
- Pour l'ensemble des Colonies espagnoles:*
- Pour l'Estonie:*  
G. JALLAJAS.
- Pour la Finlande:*  
NILO ORASMAA.

- Pour la France:*  
ED. QUENOT.  
L. GENTHON.  
P. GRANDSIMON.  
F. NAVECH.
- Pour l'Algérie:*  
PAOLI.
- Pour les Colonies et Protectorats français de l'Indochine:*
- Pour l'ensemble des autres Colonies françaises:*  
R. BOURGOIN.
- Pour le Royaume-Uni de la Grande-Bretagne et de l'Irlande du Nord:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'ensemble des Colonies britanniques, y compris les Territoires d'outre-mer, les Protectorats et les Territoires sous suzeraineté ou sous mandat:*
- Pour la Grèce:*  
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S. CAMILIÉRIS.
- Pour le Guatemala:*  
M. ARROYO.
- Pour la République d'Haiti:*  
FAUSTIN G. TRONGÉ.
- Pour la République du Honduras:*  
ARTURO MEJÍA NIETO.
- Pour la Hongrie:*
- Pour l'Inde britannique:*  
MOHD. AL HASAN.  
H. L. JERATH.  
N. CHANDRA.
- Pour l'Iran:*  
DR. A. A. DAFTARY.
- Pour l'Iraq:*  
D. J. LIDBURY.  
D. O. LUMLEY.  
E. P. BELL.  
A. L. WILLIAMS.
- Pour l'Irlande:*  
P. DE BLÁCA.  
S. S. PURSEAL.
- Pour l'Islande:*  
ARNE KROG.
- Pour l'Italie:*
- Pour l'ensemble des Colonies et Possessions italiennes autres que l'Afrique orientale italienne:*
- Pour l'Afrique orientale italienne:*
- Pour le Japon:*  
IWATARO UCHIYAMA.  
SEIITI OKAZAKI.  
JIRO NAKAYAMA.  
TOSIO YAMATO.
- Pour le Chosen:*  
SEIITI OKAZAKI.  
KEISI FUKUDA.
- Pour l'ensemble des autres Dépendances japonaises:*  
IWATARO UCHIYAMA.  
KANJI ITO.
- Pour la Lettonie:*  
DR J. BUSER.  
L. ROULET.
- Pour les Etats du Levant sous Mandat français (Syrie et Liban):*  
M. USCLAT.
- Pour la République de Libéria:*  
DIXON BROWN.
- Pour la Lithuanie:*  
J. AUKSTUOLIS.  
B. BLAVESCIUNAS.
- Pour le Luxembourg:*  
O. SCHOCKAERT.
- Pour le Maroc (à l'exclusion de la Zone espagnole):*  
H. F. DUSSOL.
- Pour le Maroc (Zone espagnole):*
- Pour le Mexique:*  
ALFONSO GÓMEZ MORENTÍN.  
ALMADA BECERRA.  
E. VALDÉS GENES.
- Pour le Nicaragua:*  
RUBÉN DARÍO.

- Pour la Norvège:*  
STEN HAUG.  
OSKAR HOMME.
- Pour la Nouvelle-Zélande:*  
J. MADDEN.
- Pour la République de Panama:*  
VIAL.
- Pour le Paraguay:*  
HIGINIO ARBO.  
RAMÓN LARA CASTRO.  
J. F. PÉREZ ACOSTA.
- Pour les Pays-Bas:*  
DUYNSTEE.  
VAN GOOR.
- Pour Curaçao et Surinam:*  
HOOGWOONING.
- Pour les Indes néerlandaises:*  
VAN DOOREN.  
HAJENIUS  
P. J. LEEMEYER.  
HOOGWOONING.
- Pour le Pérou:*  
ERNESTO CÁCERES.  
POUR JORGE CHAMOT.  
ERNESTO CÁCERES.
- Pour la Commonwealth des Philippines:*  
F. CUADERNO.
- Pour la Pologne:*  
RENÉ MACHALSKI.  
M. HERWICH.  
T. JARON.
- Pour le Portugal:*  
DUARTE CALHEIROS.  
A. BASTOS GAVIÃO.  
J. QUADRIO MORÃO.
- Pour les Colonies portugaises de l'Afrique occidentale:*  
ARNALDO DE PAIVA CARVALHO.
- Pour les Colonies portugaises de l'Afrique orientale, de l'Asie et de l'Océanie:*  
MARIO MONTEIRO DE MACEDO
- Pour la Roumanie:*  
C. STEFANESCO.  
N. M. GEORGESCO.
- Pour la République de Saint-Marin:*
- Pour le Siam:*  
LUANG KOVID APAIVONGSE.
- Pour la Suède:*  
GUNNAR LAGER.  
THURE NYLUND.  
ALLAN HULTMAN
- Pour la Confédération Suisse:*  
DR J. BUSER.  
L. ROULET
- Pour la Tchéco-Slovaquie:*
- Pour la Tunisie:*  
ED. QUENOT
- Pour la Turquie:*  
APTULAHAT AKSIN  
ad referendum
- Pour l'Union des Républiques Socialistes:*  
P. GLINKINE  
V. IVANOV
- Pour la République O. de l'Uruguay:*  
F. A. COSTANZO  
ADOLFO AGORIO
- Pour l'Etat de la Cité du Vatican:*  
RÓMULO ETCHEVERRY BONEO.
- Pour les Etats-Unis de Vénézuëla:*  
E. GANTEAUME-TOVAR  
F. VÉLEZ-SALAS
- Pour l'Yémen:*
- Pour le Royaume de Yougoslavie:*  
SVET. M. DRAGICEVIC  
MILOMIR LJ. MICIC.

ADMINISTRATION DES POSTES

**AV 1**  
(art. 16, § 1)

**LISTE DES LIGNES AERIENNES, DES PAYS DESSERVIS  
ET DES SURTAXES AERIENNES**

N° d'ordre	Noms des pays desservis par voie aérienne	Parcours et numéro de la ligne	Distances en Km. et nature du service (S. O. ou S. E.)	Frais de transport par kilogramme (L. C. et A. O.)		Pays auquel les frais de transport doivent être payés	Surtaxe aérienne perçue (L. C. et A. O.)	Observations
				jusqu'au pays de destination	dans les pays de destination			
1	2	3	4	5	6	7	8	9
<b>1. SERVICE INTERIEUR</b> Distance moyenne pour la bonification du transport sérien des correspondances-avion destinées à l'intérieur ..... km.								
1	_____	_____	_____	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____	_____	_____	_____
etc.	_____	_____	_____	_____	_____	_____	_____	_____
<b>2. SERVICE INTERNATIONAL</b>								
1	_____	_____	_____	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____	_____	_____	_____
etc.	_____	_____	_____	_____	_____	_____	_____	_____

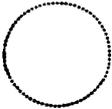
(Dimensions: 192 X 278 mm.)

**AV 2**  
(art. 10, § 2)

ADMINISTRATION EXPÉDITRICE  
DE LA DÉPÊCHE:

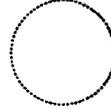
ADMINISTRATION DESTINATAIRE  
DE LA DÉPÊCHE:

Timbre du bureau  
expéditeur



**BORDEREAU**

Timbre du bureau  
destinataire



DES POIDS DES CORRESPONDANCES-AVION

contenues dans la dépêche ordinaire  
-avion  
du bureau d'échange d \_\_\_\_\_  
pour le bureau d'échange d \_\_\_\_\_  
expédiée le \_\_\_\_\_, 19\_\_\_\_ à \_\_\_\_\_ h. \_\_\_\_\_ m.

Numéro d'ordre  1	Noms des pays de destination des correspondances-avion  2	Poids net Grammes  3	Observations  4

(Dimensions: 210x297 mm.)



**AV 4**

(art. 21, § 1)

**ADMINISTRATION EXPÉDITRICE  
DE LA DÉPÊCHE:**

**ADMINISTRATION DESTINATAIRE  
DE LA DÉPÊCHE:**

**TRANSPORT AÉRIEN DE CORRESPONDANCES-AVION**

Relevé du poids net des correspondances-avion contenues dans les dépêches-<sup>4</sup>  
-avion  
ordinaires  
 du bureau d'échange d..... pour le bureau d'échange d.....  
 expédiées pendant la période de la statistique 1) du..... au..... 19.....

N° d'ordre	N° de la dépêche	Date d'expédi- tion du bureau d'origine	N° de la ligne aérienne utilisée	Poids des corres- pondances-avion destinées au pays de réception de la dépêche 2)  Grammes	Poids net des correspondances-avion destinées à d'autres pays		Pays de destination	Oser- vationz
					Parcours aériens intermédiaires	Parcours aérien dans le pays de des- tination 2)		
					Grammes	Grammes		
1	2	3	4	5	6	7	8	9
			Total					

<sup>1)</sup> Lorsque le décompte a lieu sur la base des poids réellement transportés, le relevé est établi par mois.  
<sup>2)</sup> Les colonnes 5 et 7 ne sont remplies que dans le cas où le pays de destination des correspondances-avion se charge de leur réacheminement par la voie aérienne à l'intérieur de son territoire. Les correspondances-avion destinées à la localité de l'aéroport de réception d'une dépêche-avion n'entrent pas dans le calcul de poids.

....., le..... 19....., le..... 19.....

Le Chef du bureau transitaire:

Vu et accepté:  
Le Chef du bureau d'origine:

(Dimensions: 210x297 mm.)

Ratification and approval by Postmaster General.

Having examined and considered the provisions of the foregoing Final Protocol to the Air-Mail Provisions, signed at Buenos Aires on the 23rd day of May, 1939, relative to the Universal Postal Convention of Buenos Aires, signed the same day; the same is by me, by virtue of the powers vested by law in the Postmaster General, hereby ratified and approved, by and with the advice and consent of the President of the United States of America.

*Ante*, p. 2053.

This ratification is applicable to the United States of America, the insular possessions of the United States of America mentioned in Article 8 (1°), and to Samoa and the Panama Canal Zone.

In witness whereof, I have caused the seal of the Post Office Department of the United States of America to be hereunto affixed this 12th day of January, 1940.

[SEAL]

JAMES A. FARLEY  
*Postmaster General.*

Approval by the President.

I hereby approve the above-mentioned Final Protocol to the Air-Mail Provisions, and in testimony thereof have caused the seal of the United States of America to be hereto affixed.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Washington January 25, 1940.

*Arrangement between the United States of America and New Zealand respecting certificates of airworthiness for export. Effected by exchange of notes signed January 30 and February 28, 1940; effective March 1, 1940.*

January 30 and  
February 28, 1940  
[E. A. S. No. 167]

*The American Consul General (Pinkerton) to the Prime Minister of the Dominion of New Zealand (Savage)*

AMERICAN CONSULATE GENERAL  
WELLINGTON, NEW ZEALAND  
*January 30, 1940*

SIR:

I have the honor to set forth below the terms of the Arrangement between the United States and New Zealand relating to the importation into New Zealand of aircraft and aircraft components manufactured in the United States as understood by me to have been approved in the course of the negotiations recently conducted by the Consulate General with the Office of the Prime Minister:

**ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINION OF NEW ZEALAND RELATING TO THE IMPORTATION INTO NEW ZEALAND OF AIRCRAFT AND AIRCRAFT COMPONENTS MANUFACTURED IN THE UNITED STATES**

**ARTICLE I—SCOPE OF ARRANGEMENT**

(a) This Arrangement applies to civil aircraft and to aircraft components constructed in the continental United States of America, including Alaska, and exported to the Dominion of New Zealand.

Application.

(b) This Arrangement shall extend to complete aircraft of all types, and to aircraft components when imported into New Zealand as merchandise and not as a part of a complete aircraft.

(c) For the purpose of classifying import procedure, aircraft and aircraft components are divided into three general classes of aircraft Units, as follows:

Classification of aircraft units.

- (1) Class I Units are defined as any complete aircraft or aircraft components having type approvals in themselves, or any major assemblies of aircraft structural parts exported not as a part of a complete aircraft.

Items in this class include, among others, complete aircraft, aircraft engines, propellers, appliances, and such major assemblies of structural parts as wings, tail surfaces, ailerons and fuselages.

- (2) Class II Units are defined as any assemblies or parts, other than those included in Class I, which directly influence the airworthiness of an aircraft or aircraft component, except small standard parts and materials. Items in this class include components not having type approvals in themselves, such as any structural part or assembly of an aircraft, and any functioning or structural part of an engine or propeller, except small standard parts.

- (3) Class III Units are defined as small standard parts and materials not having type approvals in themselves. Items in this class include, among others, sound-proofing materials, cowling, ventilation equipment, tires, bolts, nuts, rivets, cotter pins, and standard ball or roller bearings.

#### ARTICLE II—IMPORTATION OF CLASS I UNITS

Importation of Class I Units into New Zealand.

The competent aeronautical authorities of New Zealand will confer the same validity upon Certificates of Airworthiness for Export issued by the competent aeronautical authorities of the United States for complete aircraft subsequently to be registered in New Zealand, and for other Class I Units imported into New Zealand, as if such certificates had been issued pursuant to the regulations in force on the subject in New Zealand, upon receipt of the applicable documents and technical data specified in special requirements prescribed by the New Zealand authorities pursuant to Article III of this Arrangement.

“Certificate of Airworthiness for Export” defined.

As used in this Arrangement, the term “Certificate of Airworthiness for Export” means a document issued by the competent aeronautical authorities of the United States, certifying that, at the time of the issuance thereof, a specified aircraft Unit identified by specific markings or otherwise, has been found, after inspection by a qualified representative of such authorities, to comply with any special requirements specified by the New Zealand authorities as provided in Article III of this Arrangement; and

- (1) to conform to a type which the competent aeronautical authorities of the United States have found to be of proper design, material, specifications, construction and performance for safe operation; or
- (2) to be airworthy (either generally or subject to special conditions).

#### ARTICLE III—SPECIAL REQUIREMENTS

Special requirements.

The competent aeronautical authorities of New Zealand may make the validity conferred upon Certificates of Airworthiness for Export and the importation and use of Class II and Class III Units dependent upon the fulfillment of any special requirements which are for the time being specified by them for the issuance of certificates of airworthiness, or for the use of similar Units, in New Zealand, provided such requirements shall have been communicated to the United States authorities 60 days or more prior to the date of shipment of the aircraft Unit or Units involved. Pursuant to Article VII, the details of such special requirements shall be communicated by the competent aeronautical authorities of New Zealand directly to the competent aeronautical authorities of the United States.

#### ARTICLE IV—IMPORTATION OF CLASS II UNITS

Inspection Tag, etc., required.

The competent aeronautical authorities of New Zealand will approve the importation and use of Class II Units provided each Unit or shipment of like Units is accompanied by an Inspection Tag and

by the technical data specified in the special requirements prescribed by the competent aeronautical authorities of New Zealand pursuant to Article III of this Arrangement.

As used in this Arrangement, the term "Inspection Tag" means a document signed by a qualified representative of the competent aeronautical authorities of the United States, certifying that at the time of issuance thereof, the specified Unit to which the tag is affixed has been inspected and approved as airworthy by such authorities.

"Inspection Tag" defined.

#### ARTICLE V—IMPORTATION OF CLASS III UNITS

The competent aeronautical authorities of New Zealand will approve the importation and use of Class III Units provided each Unit or shipment of like Units is accompanied by a manufacturer's invoice which shall set forth

Manufacturer's invoice required.

- (1) that such Units were manufactured for use with aircraft or aircraft components for which the competent aeronautical authorities of the United States issue Certificates of Airworthiness for Export;
- (2) that the Units are new and were manufactured in accordance with approved specifications, naming the applicable specifications;
- (3) full details of the conditions under which the Unit may be operated, such as permissible loads and information of like nature, if necessary; and
- (4) with respect to materials, their conformity with certain stated specifications and a report of tests of specimens taken from the material under consideration.

#### ARTICLE VI—COMPULSORY AND NON-COMPULSORY MODIFICATION

(a) As used in this Arrangement, the term "compulsory modification" means a modification of an aircraft Unit required by the competent aeronautical authorities of the United States. The term "noncompulsory modification" means a modification approved, but not required, with respect to an aircraft Unit, by the competent aeronautical authorities of the United States.

Terms defined.

(b) The competent aeronautical authorities of the United States shall arrange for the effective communication to the competent aeronautical authorities of New Zealand of the Particulars of compulsory modifications affecting aircraft Units of such make and model as have been imported under this Arrangement.

Notice of modifications.

(c) The competent aeronautical authorities of the United States shall, to the extent that they may from time to time deem practicable and desirable, advise the competent aeronautical authorities of New Zealand of the provisions of noncompulsory modifications affecting aircraft Units of such make and model as have been imported pursuant to this Arrangement.

#### ARTICLE VII—DIRECT CORRESPONDENCE

(a) The competent aeronautical authorities of each Party shall keep the competent aeronautical authorities of the other Party fully and currently informed of all their regulations in force in regard to

Exchange of information concerning regulations.

the airworthiness of aircraft Units and any changes therein that may from time to time be made.

(b) In the event that, as a result of difficulties encountered in service (such as structural failure, etc.), the competent aeronautical authorities of New Zealand should suspend or prohibit the further operation of aircraft imported pursuant to the terms of this Arrangement, they shall promptly inform the competent aeronautical authorities of the United States of the nature of the difficulties encountered.

(c) The furnishing of the information required by this Arrangement and the notification of special requirements pursuant to Article III shall be communicated by the competent aeronautical authorities of one Party directly to the competent aeronautical authorities of the other Party. All questions of procedure to be followed in the application of the provisions of the present Arrangement shall be the subject of direct correspondence, whenever necessary, between the competent aeronautical authorities of the Parties.

#### ARTICLE VIII—TERMINATION

Duration of arrangement.

The present Arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.

Effective date.

I should be pleased if you would inform me whether your Government accepts the foregoing text as the text which was agreed to in the course of the recent negotiations. If so, my Government suggests that the Arrangement become effective on March 1, 1940.

I have the honor to be, Sir,  
Your obedient servant,

L. C. PINKERTON,  
*American Consul General.*

The Right Honorable MICHAEL JOSEPH SAVAGE, P. C.,  
*Prime Minister of the Dominion  
of New Zealand,  
Wellington.*

**Special Requirements Specified by the New Zealand Aeronautical Authorities for the Importation of United States Aircraft and Aircraft Components Into the Dominion of New Zealand as of March 1, 1940.\***

License, etc., required.

1. (a) A Licence to Import, issued by the competent authorities of New Zealand, shall be required for each shipment of aircraft Units. With respect to Class I Units the License to Import, together with a Certificate of Compliance, must be produced at the time release is secured of such shipment of Class I Units from the customs authorities of New Zealand.

"Certificate of Compliance" defined.

As used in this Arrangement, the term "Certificate of Compliance" means a document issued by the competent aeronautical authorities

\* Subject to change. For definition of terms, see Arrangement between the United States of America and the Dominion of New Zealand relating to the importation into New Zealand of aircraft and aircraft units manufactured in the United States, effective March 1, 1940.

of the United States to a United States manufacturer certifying that a particular Class I Unit, produced by such manufacturer, complies with all of the special requirements for the importation of Class I Units into New Zealand.

(b) The prospective importer shall file a separate application for a License to Import with the competent aeronautical authorities of New Zealand for each shipment of aircraft Units. Such application shall be supported by full information:

Application for license.

(1) *With Respect to Each Complete Aircraft:*

- (i) The type of aircraft,
- (ii) The type of engine/s, and
- (iii) The type of propeller/s.

(2) *With Respect to Other Aircraft Units or Shipments of Aircraft Units:*

- (i) The type of aircraft Unit, and
- (ii) The aircraft in which the Unit may be installed or used, if any,

and will be considered by the New Zealand authorities at whose discretion the granting of a license remains.

(c) The actual License to Import will not be issued until the documents and technical data specified in special requirements 3 (a), (b), and (c) have been received from the United States manufacturer and approved by the competent aeronautical authorities of New Zealand.

Prerequisites for issuance of license.

(d) In cases which are considered to be of sufficient urgency, permission to anticipate the issue of a License to Import for a Class I Unit or Class II Unit which is the first of its make and model to be imported, or incorporates changes or modifications in a model previously imported into New Zealand, may be given subject to receipt by the competent aeronautical authorities of New Zealand of assurance from the manufacturer that the required information has actually been despatched, but the actual license will not be issued until the technical data relative to the make and model have been received.

Anticipation of issue in urgent cases.

(e) The competent aeronautical authorities of the United States will be advised directly by the competent aeronautical authorities of New Zealand of the issue or contemplated issue of a License to Import in respect to a Class I or a Class II Unit of American manufacture.

Notice of issuance.

2. The competent aeronautical authorities of the United States shall furnish the following documents and data upon receipt of advice from the competent aeronautical authorities of New Zealand that a License to Import has been or will be issued:

Documents, etc., to be furnished by U. S.

(a) *With Respect to Each Class I Unit Imported into New Zealand:*

- (1) Certificate of Airworthiness for Export.
- (2) Loading schedule if applicable.

The competent aeronautical authorities of the United States shall issue Certificates of Airworthiness for Export

under the Arrangement effective March 1, 1940, only in respect to new aircraft Units. For the purpose of this clause, no aircraft Unit shall be regarded as new if it has been flown or used in an aircraft in flight for more than fifty (50) hours before the date of shipment to New Zealand.

(b) *With Respect to the First Aircraft of Its Make and Model to Be Imported into New Zealand from the United States (in addition to the items listed in (a) above):*

- (1) Type flight test report.
- (2) Rigging information when applicable.
- (3) Three-view drawing, containing general dimensions.
- (4) Approved aircraft specification describing the aircraft limitations in detail and containing a list of approved standard and optional equipment.
- (5) A list of the approved drawings of the aircraft structure, including drawing numbers and titles.

(c) *With Respect to the First Aircraft of a Make and Model Previously Imported into New Zealand which Incorporates Changes or Modifications:*

- (1) Revised type of flight test report, if prepared.
- (2) Revised rigging information, if applicable.
- (3) Revised three-view drawing, if prepared.
- (4) Approved aircraft specifications showing the changes or modifications from the original specifications submitted for the model, pursuant to Special Requirement 2 (b) (4).
- (5) Drawing list revised to show the changes and modifications from the original list submitted for the model, pursuant to Special Requirement 2 (b) (5).

Drawings, etc., to be furnished by U. S. manufacturers.

3. The United States manufacturer shall forward directly to the competent aeronautical authorities of New Zealand the following:

(a) *With Respect to the First Aircraft of Its Make and Model to be Imported into New Zealand from the United States:*

- (1) A complete set of drawings of the aircraft structure, showing dimensions and materials of all component parts, which drawings are contained on the list furnished by the United States authorities pursuant to the provisions of Special Requirement 2 (b) (5).
- (2) A stress analysis summary showing for all members of the primary structure their design load, size, material, strength, and margin of safety.
- (3) Instruction manuals for the care and operation of the aircraft and its engine/s and propeller/s, if available.

(b) *With respect to the First Aircraft of a Make and Model Previously Imported into New Zealand, which Incorporates Changes or Modifications:*

- (1) A complete set of drawings showing the changes and modifications in the original drawings of the model submitted pursuant to Special Requirement (3) (a) (1).
- (2) A revised stress analysis summary if such changes and modifications have affected the primary structure.
- (3) Revised instruction manuals for the care and operation of the aircraft and its engines and propellers, if available.

(c) *With Respect to the First of Each Class I, and Class II Unit to be Imported into New Zealand from the United States not as a Component of a Complete Aircraft:*

(1) A set of specifications descriptive of the Unit, if not adequately included in data previously furnished for the aircraft in which the Unit may be installed or used.

(2) A repair manual for the Unit, stating limits of accuracy, recommended overhaul times, and similar information, if such a manual has been issued, and if such information is not contained in data previously furnished for the complete aircraft in which the Unit may be installed or used.

(d) *With Respect to Each Class I Unit Imported into New Zealand:*

(1) A Certificate of Compliance.

(2) Information in the nature of Service Bulletins, etc. issued from time to time by the manufacturer pertaining to such aircraft and aircraft Unit subsequent to the shipment thereof.

4. Aircraft, aircraft engines, propellers, and appliances of all descriptions shall comply fully either (1) with the applicable provisions of the following Parts of the Civil Air Regulations issued by the competent aeronautical authorities of the United States, as revised to May 31, 1938:

Part 04—Airplane Airworthiness

Part 13—Aircraft Engine Airworthiness

Part 14—Aircraft Propeller Airworthiness

Part 15—Aircraft Equipment Airworthiness

Compliance with  
Regulations.

or (2) with the requirements of said Parts of the Civil Air Regulations as revised to May 31, 1938 plus any or all further amendments or revisions thereof, provided that if the competent aeronautical authorities of New Zealand shall have notified the competent aeronautical authorities of the United States that any such amendments or revisions are not acceptable, or if such further amendments or revisions have not been communicated to the competent aeronautical authorities of New Zealand sixty (60) days prior to the date of shipment of the aircraft Unit, compliance with the amendments or revisions in question shall not entitle aircraft Units to be imported under these requirements.

5. Provision shall be made in all aircraft for protection against the effect of static electricity while refueling.

6. Provision shall be made in all aircraft to prevent accidental or unauthorized operation of air controls and throttles, and to avoid accidental interference with the ignition switches and fuel shut-off valves.

7. The aircraft structure shall be investigated for and comply with the British center of pressure back (CPB) condition for normal category aircraft.

8. All engines shall be fitted with dual ignition.

9. All ignition switches of the "toggle" type shall be so arranged that ignition is "off" when the knob of the switch is in the downward position.

Designated require-  
ments.

10. All filler openings in the fuel and oil systems shall be plainly marked with the capacity in imperial gallons and the word "fuel" and "oil" as the case may be. Fuel and oil gauges showing tank contents in gallons shall be calibrated in imperial gallons.

11. All flexible fuel lines forward of the fireproof bulkhead shall be of a fireproof type approved by the competent aeronautical authorities of the United States.

12. Oil lines carried forward of the fireproof bulkhead shall be provided with fireproof flexible joints of a type approved by the competent aeronautical authorities of the United States. In other parts of the oil system, joints shall be of a flexible type approved by the competent aeronautical authorities of the United States.

13. Valves and cocks in fuel lines shall be so arranged that the effect of vibration and/or gravity shall not cause the valve or cock to move to the "closed" or "off" position.

14. All New Zealand registration marks affixed to the aircraft prior to shipment from the United States shall be affixed in accordance with the requirements of the New Zealand Air Navigation Regulations, 1933.

15. A carburetor mixture control, if one is installed, shall be so connected to the throttle control that it will automatically return to the proper position for sea level flying when the throttle is closed.

*The Prime Minister of the Dominion of New Zealand (Savage) to  
the American Consul General (Pinkerton)*

DOMINION OF NEW ZEALAND

PRIME MINISTER'S OFFICE,  
WELLINGTON.

28th. February, 1940.

SIR:

Agreement by New  
Zealand.

I have the honour to acknowledge the receipt of your note of January 30th, 1940, requesting to be informed whether my Government accepts the text set forth in the note under acknowledgement as the text of the Arrangement between New Zealand and the United States relating to the importation into New Zealand of aircraft and aircraft components manufactured in the United States, which was agreed to in the course of the negotiations recently conducted by the Office of the Prime Minister with the Consulate General. The text as set forth in the note from the Consul General is as follows:—

**"ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND  
THE DOMINION OF NEW ZEALAND RELATING TO THE IMPORTATION  
INTO NEW ZEALAND OF AIRCRAFT AND AIRCRAFT COMPONENTS  
MANUFACTURED IN THE UNITED STATES**

**ARTICLE I—SCOPE OF ARRANGEMENT**

(a) This Arrangement applies to civil aircraft and to aircraft components constructed in the continental United States of America,

including Alaska, and exported to the Dominion of New Zealand.

(b) This Arrangement shall extend to complete aircraft of all types, and to aircraft components when imported into New Zealand as merchandise and not as a part of a complete aircraft.

(c) For the purpose of classifying import procedure, aircraft and aircraft components are divided into three general classes of aircraft Units, as follows:—

- (1) Class I Units are defined as any complete aircraft or aircraft components having type approvals in themselves, or any major assemblies of aircraft structural parts exported not as a part of a complete aircraft.

Items in this class include, among others, complete aircraft, aircraft engines, propellers, appliances, and such major assemblies of structural parts as wings, tail surfaces, ailerons and fuselages.

- (2) Class II Units are defined as any assemblies or parts, other than those included in Class I, which directly influence the airworthiness of an aircraft or aircraft component, except small standard parts and materials. Items in this class include components not having type approvals in themselves, such as any structural part or assembly of an aircraft, and any functioning or structural part of an engine or propeller, except small standard parts.

- (3) Class III Units are defined as small standard parts and materials not having type approvals in themselves. Items in this class include, among others, sound-proofing materials, cowling, ventilation equipment, tires, bolts, nuts, rivets, cotter pins, and standard ball or roller bearings.

#### ARTICLE II—IMPORTATION OF CLASS I UNITS

The competent aeronautical authorities of New Zealand will confer the same validity upon Certificates of Airworthiness for Export issued by the competent aeronautical authorities of the United States for complete aircraft subsequently to be registered in New Zealand, and for other Class I Units imported into New Zealand, as if such certificates had been issued pursuant to the regulations in force on the subject in New Zealand, upon receipt of the applicable documents and technical data specified in special requirements prescribed by the New Zealand authorities pursuant to Article III of this arrangement.

As used in this Arrangement, the term "Certificate of Airworthiness for Export" means a document issued by the competent aeronautical authorities of the United States, certifying that, at the time of the issuance thereof, a specified aircraft Unit identified by specific markings or otherwise, has been found, after inspection by a qualified representative of such authorities, to comply with any special requirements specified by the New Zealand authorities as provided in Article III of this Arrangement; and

- (1) to conform to a type which the competent aeronautical authorities of the United States have found to be of proper design, material, specifications, construction and performance for safe operation; or

- (2) to be airworthy (either generally or subject to special conditions).

### ARTICLE III—SPECIAL REQUIREMENTS

The competent aeronautical authorities of New Zealand may make the validity conferred upon Certificates of Airworthiness for Export and the importation and use of Class II and Class III Units dependent upon the fulfilment of any special requirements which are for the time being specified by them for the issuance of certificates of airworthiness, or for the use of similar Units, in New Zealand, provided such requirements shall have been communicated to the United States authorities 60 days or more prior to the date of shipment of the aircraft Unit or Units involved. Pursuant to Article VII, the details of such special requirements shall be communicated by the competent aeronautical authorities of New Zealand directly to the competent aeronautical authorities of the United States.

### ARTICLE IV—IMPORTATION OF CLASS II UNITS

The competent aeronautical authorities of New Zealand will approve the importation and use of Class II Units provided each Unit or shipment of like Units is accompanied by an Inspection Tag and by the technical data specified in the special requirements prescribed by the competent aeronautical authorities of New Zealand pursuant to Article III of this Arrangement.

As used in this Arrangement, the term "Inspection Tag" means a document signed by a qualified representative of the competent aeronautical authorities of the United States, certifying that at the time of issuance thereof, the specified Unit to which the tag is affixed has been inspected and approved as airworthy by such authorities.

### ARTICLE V—IMPORTATION OF CLASS III UNITS

The competent aeronautical authorities of New Zealand will approve the importation and use of Class III Units provided each Unit or shipment of like Units is accompanied by a manufacturer's invoice which shall set forth

- (1) that such Units were manufactured for use with aircraft or aircraft components for which the competent aeronautical authorities of the United States issue Certificates of Airworthiness for Export;
- (2) that the Units are new and were manufactured in accordance with approved specifications, naming the applicable specifications;
- (3) full details of the conditions under which the Unit may be operated, such as permissible loads and information of like nature, if necessary; and
- (4) with respect to materials, their conformity with certain stated specifications and a report of tests of specimens taken from the material under consideration.

## ARTICLE VI—COMPULSORY AND NON-COMPULSORY MODIFICATION

(a) As used in this Arrangement, the term “compulsory modification” means a modification of an aircraft Unit required by the competent aeronautical authorities of the United States. The term “non-compulsory modification” means a modification approved, but not required, with respect to an aircraft Unit, by the competent aeronautical authorities of the United States.

(b) The competent aeronautical authorities of the United States shall arrange for the effective communication to the competent aeronautical authorities of New Zealand of the Particulars of compulsory modifications affecting aircraft Units of such make and model as have been imported under this Arrangement.

(c) The competent aeronautical authorities of the United States shall, to the extent that they may from time to time deem practicable and desirable, advise the competent aeronautical authorities of New Zealand of the provisions of non-compulsory modifications affecting aircraft Units of such make and model as have been imported pursuant to this Arrangement.

## ARTICLE VII—DIRECT CORRESPONDENCE

(a) The competent aeronautical authorities of each Party shall keep the competent aeronautical authorities of the other Party fully and currently informed of all their regulations in force in regard to the airworthiness of aircraft Units and any changes therein that may from time to time be made.

(b) In the event that, as a result of difficulties encountered in service (such as structural failure, etc.) the competent aeronautical authorities of New Zealand should suspend or prohibit the further operation of aircraft imported pursuant to the terms of this Arrangement, they shall promptly inform the competent aeronautical authorities of the United States of the nature of the difficulties encountered.

(c) The furnishing of the information required by this Arrangement and the notification of special requirements pursuant to Article III shall be communicated by the competent aeronautical authorities of one Party directly to the competent aeronautical authorities of the other Party. All questions of procedure to be followed in the application of the provisions of the present Arrangement shall be the subject of direct correspondence, whenever necessary, between the competent aeronautical authorities of the Parties.

## ARTICLE VIII—TERMINATION

The present Arrangement shall be subject to termination by either Party upon six months' notice given in writing to the other Party.”

I am glad to assure you that my Government accepts the foregoing text as the text which was agreed to by it in the course of the recent negotiations. My Government also accepts your Gov-

ernment's suggestion that the Arrangement become effective on March 1, 1940, and will accordingly regard it as becoming effective on that date.

I have the honour to be Sir,  
Your obedient servant,

P. FRASER  
*for the Prime Minister*

L. C. PINKERTON, Esquire,  
*Consul General of the United States of America,  
Wellington, C. 1.*

**Special Requirements Specified by the New Zealand Aeronautical Authorities for the Importation of United States Aircraft and Aircraft Components Into the Dominion of New Zealand as of March 1, 1940\***

1. (a) A Licence to Import, issued by the competent authorities of New Zealand, shall be required for each shipment of aircraft Units. With respect to Class I Units the Licence to Import, together with a Certificate of Compliance, must be produced at the time release is secured of such shipment of Class I Units from the customs authorities of New Zealand.

As used in this Arrangement, the term "Certificate of Compliance" means a document issued by the competent aeronautical authorities of the United States to a United States manufacturer certifying that a particular Class I Unit, produced by such manufacturer, complies with all of the special requirements for the importation of Class I Units into New Zealand.

(b) The prospective importer shall file a separate application for a Licence to Import with the competent aeronautical authorities of New Zealand for each shipment of aircraft Units. Such application shall be supported by full information:

(1) *With Respect to Each Complete Aircraft:*

- (i) The type of aircraft,
- (ii) The type of engine/s, and
- (iii) The type of propeller/s;

(2) *With Respect to Other Aircraft Units or Shipments of Aircraft Units:*

- (i) The type of Aircraft Unit, and
- (ii) The aircraft in which the Unit may be installed or used, if any,

and will be considered by the New Zealand authorities at whose discretion the granting of a licence remains.

(c) The actual Licence to Import will not be issued until the documents and technical data specified in special requirements 3 (a), (b), and (c) have been received from the United States manufacturer and approved by the competent aeronautical authorities of New Zealand.

\*Subject to change. For definition of terms, see Arrangement between the United States of America and the Dominion of New Zealand relating to the importation into New Zealand of aircraft and aircraft units manufactured in the United States, effective March 1, 1940.

(d) In cases which are considered to be of sufficient urgency, permission to anticipate the issue of a Licence to Import for a Class I Unit or Class II Unit which is the first of its make and model to be imported, or incorporates changes or modifications in a model previously imported into New Zealand, may be given subject to receipt by the competent aeronautical authorities of New Zealand of assurance from the manufacturer that the required information has actually been despatched, but the actual licence will not be issued until the technical data relative to the make and model have been received.

(e) The competent aeronautical authorities of the United States will be advised directly by the competent aeronautical authorities of New Zealand of the issue or contemplated issue of a Licence to Import in respect to a Class I or Class II Unit of American manufacture.

2. The competent aeronautical authorities of the United States shall furnish the following documents and data upon receipt of advice from the competent aeronautical authorities of New Zealand that a Licence to Import has been or will be issued:

(a) *With Respect to Each Class I Unit Imported into New Zealand:*

- (1) Certificate of Airworthiness for Export.
- (2) Loading schedule if applicable.

The competent aeronautical authorities of the United States shall issue Certificates of Airworthiness for Export under the Arrangement effective March 1, 1940, only in respect to new aircraft Units. For the purpose of this clause, no aircraft Unit shall be regarded as new if it has been flown or used in an aircraft in flight for more than fifty (50) hours before the date of shipment to New Zealand.

(b) *With Respect to the First Aircraft of Its Make and Model to Be Imported into New Zealand from the United States (in addition to the items listed in (a) above):*

- (1) Type flight test report.
- (2) Rigging information when applicable.
- (3) Three-view drawing, containing general dimensions.
- (4) Approved aircraft specification describing the aircraft limitations in detail and containing a list of approved standard and optional equipment.
- (5) A list of the approved drawings of the aircraft structure, including drawing numbers and titles.

(c) *With Respect to the First Aircraft of a Make and Model Previously Imported into New Zealand which Incorporates Changes or Modifications:*

- (1) Revised type of flight test report, if prepared.
- (2) Revised rigging information, if applicable.
- (3) Revised three-view drawing, if prepared.
- (4) Approved aircraft specifications showing the changes or modifications from the original specifications submitted for the model, pursuant to Special Requirement 2 (b) (4).
- (5) Drawing list revised to show the changes and modifications from the original list submitted for the model, pursuant to Special Requirement 2 (b) (5).

3. The United States manufacturer shall forward directly to the competent aeronautical authorities of New Zealand the following:

- (a) *With Respect to the First Aircraft of Its Make and Model to be Imported into New Zealand from the United States:*
  - (1) A complete set of drawings of the aircraft structure, showing dimensions and materials of all component parts, which drawings are contained on the list furnished by the United States authorities pursuant to the provisions of Special Requirement 2 (b) (5).
  - (2) A stress analysis summary showing for all members of the primary structure their design load, size, material, strength, and margin of safety.
  - (3) Instruction manuals for the care and operation of the aircraft and its engine/s and propeller/s, if available.
- (b) *With Respect to the First Aircraft of a Make and Model Previously Imported into New Zealand, which Incorporates Changes or Modifications:*
  - (1) A complete set of drawings showing the changes and modifications in the original drawings of the model submitted pursuant to Special Requirement (3) (a) (1).
  - (2) A revised stress analysis summary if such changes and modifications have affected the primary structure.
  - (3) Revised instruction manuals for the care and operation of the aircraft and its engines and propellers, if available.
- (c) *With Respect to the First of Each Class I and Class II Unit to be Imported into New Zealand from the United States not as a Component of a Complete Aircraft:*
  - (1) A set of specifications descriptive of the Unit, if not adequately included in data previously furnished for the aircraft in which the Unit may be installed or used.
  - (2) A repair manual for the Unit, stating limits of accuracy, recommended overhaul times, and similar information, if such a manual has been issued, and if such information is not contained in data previously furnished for the complete aircraft in which the Unit may be installed or used.
- (d) *With Respect to Each Class I Unit Imported into New Zealand:*
  - (1) A Certificate of Compliance.
  - (2) Information in the nature of Service Bulletins, etc. issued from time to time by the manufacturer pertaining to such aircraft and aircraft Unit subsequent to the shipment thereof.

4. Aircraft, aircraft engines, propellers, and appliances of all descriptions shall comply fully either (1) with the applicable provisions of the following Parts of the Civil Air Regulations issued by the competent aeronautical authorities of the United States, as revised to May 31, 1938:

- Part 04—Airplane Airworthiness
- Part 13—Aircraft Engine Airworthiness
- Part 14—Aircraft Propeller Airworthiness
- Part 15—Aircraft Equipment Airworthiness

or (2) with the requirements of said Parts of the Civil Air Regulations as revised to May 31, 1938 plus any or all further amendments or revisions thereof, provided that if the competent aeronautical authorities of New Zealand shall have notified the competent aeronautical authorities of the United States that any such amendments or revisions are not acceptable, or if such further amendments or revisions have not been communicated to the competent aeronautical authorities of New Zealand sixty (60) days prior to the date of shipment of the aircraft Unit, compliance with the amendments or revisions in question shall not entitle aircraft Units to be imported under these requirements.

5. Provision shall be made in all aircraft for protection against the effect of static electricity while refuelling.

6. Provision shall be made in all aircraft to prevent accidental or unauthorised operation of air controls and throttles, and to avoid accidental interference with the ignition switches and fuel shut-off valves.

7. The aircraft structure shall be investigated for and comply with the British centre of pressure back (CPB) condition for normal category aircraft.

8. All engines shall be fitted with dual ignition.

9. All ignition switches of the "toggle" type shall be so arranged that ignition is "off" when the knob of the switch is in the downward position.

10. All filler openings in the fuel and oil systems shall be plainly marked with the capacity in imperial gallons and the word "fuel" and "oil" as the case may be. Fuel and oil gauges showing tank contents in gallons shall be calibrated in imperial gallons.

11. All flexible fuel lines forward of the fireproof bulkhead shall be of a fireproof type approved by the competent aeronautical authorities of the United States.

12. Oil lines carried forward of the fireproof bulkhead shall be provided with fireproof flexible joints of a type approved by the competent aeronautical authorities of the United States. In other parts of the oil system, joints shall be of a flexible type approved by the competent aeronautical authorities of the United States.

13. Valves and cocks in fuel lines shall be so arranged that the effect of vibration and/or gravity shall not cause the valve or cock to move to the "closed" or "off" position.

14. All New Zealand registration marks affixed to the aircraft prior to shipment from the United States shall be affixed in accordance with the requirements of the New Zealand Air Navigation Regulations, 1933.

15. A carburetor mixture control, if one is installed, shall be so connected to the throttle control that it will automatically return to the proper position for sea level flying when the throttle is closed.

Oct. 19 and 23, Dec.  
20, 1939, and Jan. 4,  
1940

[E. A. S. No. 168]

*Arrangement between the United States of America and Panama respecting the Trans-Isthmian Joint Highway Board. Effected by exchanges of notes signed October 19 and 23, 1939, December 20, 1939, and January 4, 1940.*

*The American Ambassador (Dawson) to the Panamanian Secretary of Foreign Relations and Communications (Garay)*

No. 80                      EMBASSY OF THE UNITED STATES OF AMERICA  
*Panamá, October 19, 1939*

EXCELLENCY:

I have the honor to refer to Article III of the Convention between Panamá and the United States regarding the construction of a Trans-Isthmian Highway,<sup>1</sup> which as Your Excellency will recall provides that:

“Prior to the undertaking of further construction on the Trans-Isthmian Highway, each Government will appoint an equal number of representatives, who will constitute a joint board with authority to adjust questions of detail regarding the location, design and construction of the portions of the Highway falling under the jurisdiction of each Government. Questions of detail on which the board may fail to reach an agreement will be referred to the two Governments for settlement.”

My Government has given consideration to the constitution of the Joint Highway Board contemplated in the foregoing Article of the Convention and it believes that the Board might well consist of only two members, one to be appointed by the Government of the Republic of Panamá and one to be appointed by the President of the United States. My Government has directed me to submit its views in the matter to Your Excellency with the request that the Panamanian Government be good enough to indicate whether it approves the constitution of the Joint Highway Board in the manner suggested.

Accept, Excellency, the renewed assurances of my highest consideration.

WILLIAM DAWSON

His Excellency

Señor Doctor DON NARCISO GARAY,

*Secretary of Foreign Relations*

*and Communications.*

<sup>1</sup>[Treaty Series No. 946.]

*The Panamanian Secretary of Foreign Relations and Communications  
(Garay) to the American Ambassador (Dawson)*

SECRETARIA DE RELACIONES EXTERIORES  
Y COMUNICACIONES

D. D. N° 2491.—

*Departamento Diplomático*

PANAMÁ, *Octubre 23 de 1939.*

SEÑOR EMBAJADOR:

Refiriéndome a la atenta nota de Vuestra Excelencia N° 80 de 19 de los corrientes, tengo la honra de manifestarle que mi Gobierno accede gustoso a la solicitud que por conducto de esa Embajada le hace el Gobierno de los Estados Unidos de América, a efecto de que la Junta Mixta de que trata el artículo III de la Convención sobre Carretera Transisthmica firmada en Washington el 2 de marzo de 1936, se componga sólo de dos miembros, uno que nombrará este Gobierno y otro que nombrará el Presidente de los Estados Unidos.

Tan pronto como Vuestra Excelencia me haga saber el nombre del comisionado de los Estados Unidos en la Junta Mixta de la Carretera Transisthmica, tendré el placer de comunicarle el nombre del comisionado de Panamá.

Sírvase aceptar Vuestra Excelencia el testimonio reiterado de mi más alta y distinguida consideración.

NARCISO GARAY,  
*Secretario de Relaciones Exteriores  
y Comunicaciones.*

Su Excelencia don WILLIAM DAWSON,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América,  
Presente.—*

[Translation]

SECRETARIAT OF FOREIGN RELATIONS  
AND COMMUNICATIONS  
*Diplomatic Department*

D. D. 2491

PANAMÁ, *October 23, 1939*

MR. AMBASSADOR:

Referring to Your Excellency's courteous note No. 80 of the 19th instant, I have the honor to state that my Government is pleased to accede to the request made by the Government of the United States of America through your Embassy, to the end that the Joint Board contemplated in article III of the convention concerning a Trans-Isthmian Highway signed in Washington on March 2, 1936, consist of only two members, one to be appointed by this Government and the other to be appointed by the President of the United States.

Agreement by Pan-  
ama.

As soon as Your Excellency lets me know the name of the commissioner of the United States on the Joint Board of the Trans-Isthmian Highway, I shall be pleased to communicate the name of the commissioner of Panamá.

Accept, Excellency, the renewed expression of my highest and most distinguished consideration.

NARCISO GARAY,  
*Secretary of Foreign Relations  
and Communications*

His Excellency WILLIAM DAWSON,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
Panama.—*

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*The American Ambassador (Dawson) to the Panamanian Secretary of  
Foreign Relations and Communications (Garay)*  
No. 129 EMBASSY OF THE UNITED STATES OF AMERICA  
*Panamá, December 20, 1939*

EXCELLENCY:

I have the honor to refer to my note No. 80 of October 19, 1939, and to Your Excellency's esteemed note No. 2491 of October 23, both concerning the constitution of the Joint Highway Board contemplated in Article III of the Convention between Panamá and the United States regarding the construction of a Trans-Isthmian Highway.

In note No. 2491, Your Excellency informed me that the Government of Panamá acceded with pleasure to the proposal of my Government to the effect that the Joint Board be composed of only two members. Your Excellency stated also that, as soon as I should furnish the name of the American representative on the Board, you would be glad to advise me as to the Panamanian representative.

I now take pleasure in stating that on December 2, 1939, the President of the United States signed the Commission appointing Colonel Glen E. Edgerton, U. S. A., Engineer of Maintenance of the Panama Canal, as the American representative on the Joint Highway Board.

I shall be grateful if Your Excellency will be good enough to inform me in due course regarding the Panamanian representative.

Accept, Excellency, the renewed assurances of my highest consideration.

WILLIAM DAWSON

His Excellency  
Señor Doctor DON NARCISO GARAY,  
*Secretary of Foreign Relations  
and Communications.*

*The Panamanian Secretary of Foreign Relations and Communications  
(Garay) to the American Ambassador (Dawson)*

SECRETARIA DE RELACIONES EXTERIORES

D. D. N° 28.—

Y COMUNICACIONES

*Departamento Diplomático*

PANAMÁ, 4 de Enero de 1940.

SEÑOR EMBAJADOR:

Refiriéndome a la atenta comunicación de Vuestra Excelencia N° 129 de 20 de diciembre último, por la cual informa a esta Cancillería que el Presidente de los Estados Unidos de América en fecha 2 del mismo mes nombró al Coronel Glen E. Edgerton, su representante en la Junta Mixta de que trata el artículo III de la Convención sobre Carretera Transístmica firmada en Washington el 2 de marzo de 1936, me es grato llevar a conocimiento de Vuestra Excelencia que el Excelentísimo señor Primer Designado, Encargado del Poder Ejecutivo, por Decreto Ejecutivo N° 195, de 30 de diciembre próximo pasado, nombró al señor Ingeniero don Leopoldo Arosemena su representante en dicha Junta Mixta.

Sírvase aceptar Vuestra Excelencia el testimonio reiterado de mi más alta y distinguida consideración,

NARCISO GARAY,  
*Secretario de Relaciones Exteriores  
y Comunicaciones.*

A Su Excelencia Don WILLIAM DAWSON,  
*Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América.*  
*Presente.—*

[Translation]

SECRETARIAT OF FOREIGN RELATIONS

D. D. No. 28

AND COMMUNICATIONS

*Diplomatic Department*

PANAMÁ, January 4, 1940

MR. AMBASSADOR:

Referring to Your Excellency's courteous communication No. 129 of December 20, last, in which you inform the Foreign Office that the President of the United States of America, under date of the 2d of the same month, appointed Colonel Glen E. Edgerton as his representative on the Joint Board provided for in article III of the convention concerning a Trans-Isthmian Highway signed at Washington on March 2, 1936, it is a pleasure to bring to Your Excellency's attention that His Excellency the First Designate, in charge of the Executive Power, by Executive Decree No. 195 of December 30, last, appointed Engineer Leopoldo Arosemena as his representative on the said Joint Board.

Representative of  
Panama.

Accept, Excellency, the renewed expression of my highest and most distinguished consideration.

NARCISO GARAY,  
*Secretary of Foreign Relations  
and Communications.*

His Excellency WILLIAM DAWSON,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America.*  
*Panama.—*

April 23, 1940  
[E. A. S. No. 169]

*Agreement between the United States of America and Chile respecting a military aviation mission. Signed April 23, 1940; effective April 23, 1940.*

**AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE**

**CONTRATO ENTRE LOS GOBIERNOS DE LOS ESTADOS UNIDOS DE AMERICA Y DE LA REPUBLICA DE CHILE**

In conformity with a request made by the Chilean Ambassador at Washington of the Secretary of State of the United States of America, the President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, entitled "an Act to authorize the President to detail officers and enlisted men of the United States Army, Navy and Marine Corps to assist the Governments of the Latin American Republics in military and naval matters", as amended by an Act of May 14, 1935, to include the Commonwealth of the Philippine Islands, has authorized the detail of officers constituting a United States military mission to the Republic of Chile upon the following agreed conditions:

De conformidad con una solicitud del Embajador de Chile en Washington al Secretario de Estado de los Estados Unidos de América, el Presidente de los Estados Unidos de América, en virtud de la autorización conferida por la Ley del Congreso, aprobada el 19 de mayo de 1926, intitulada "Ley que autoriza al Presidente para designar oficiales y personal del Ejército, de la Marina de Guerra y del Cuerpo de Infantería de Marina de los Estados Unidos de América, para colaborar con los Gobiernos de las Repúblicas de la América Latina en asuntos militares y navales", enmendada por Ley del 14 de mayo de 1935 para incluir la Comunidad (Commonwealth) de las Filipinas, ha autorizado el nombramiento de oficiales para constituir una misión militar estadounidense en la República de Chile, de acuerdo con las condiciones estipuladas a continuación:

**TITLE I**

**CAPITULO I**

*Purpose and Duration*

*Objeto y duración*

Art. 1. The purpose of the Mission is to cooperate with the Chilean Ministry of National Defense and Commander in Chief of the Chilean Air Force in the de-

Art. 1. El objeto de la Misión es cooperar con el Ministerio de Defensa Nacional de Chile y con el Comandante en Jefe de la Fuerza Aérea Chilena en el desarrollo y

44 Stat. 565.  
49 Stat. 218.  
10 U. S. C. § 540;  
Supp. V, § 540; 84  
U. S. C. § 441a; Supp.  
V, § 441a.

Purpose and duration.

velopment and functioning of the Chilean Air Force. Officers of the Mission will act wherever required by the Chilean Ministry of National Defense as tactical and technical advisers to the Chilean Air Force with regard to aviation.

Art. 2. The Mission shall continue for three years from the date of the signature of this agreement by the accredited representatives of the Governments of the United States of America and the Republic of Chile.

Art. 3. The agreement may be terminated if necessary in the interest of either Government upon notification duly delivered through diplomatic channels three months in advance.

Art. 4. Temporary assignments of officers additional to those enumerated in Title II may be arranged for shorter periods by mutual agreement, depending upon the circumstances in each case.

Art. 5. It is herein stipulated and agreed that while the Mission shall be in operation under this agreement, or under an extension thereof, the Government of the Republic of Chile will not engage the services of any mission or personnel of any other foreign government for the duties and purposes contemplated by this agreement, unless agreed to the contrary between the Government of the Republic of Chile and the Government of the United States of America.

funcionamiento de la Fuerza Aérea Chilena. Los oficiales de la Misión actuarán, dondequiera que lo exigiere el Ministerio de Defensa Nacional Chileno, como asesores tácticos y técnicos de la Fuerza Aérea Chilena, en lo referente a aviación.

Art. 2. La Misión durará tres años a contar de la fecha en que se firme este contrato por los representantes acreditados de los Gobiernos de los Estados Unidos de América y de la República de Chile.

Art. 3. Si así lo exigiere el interés de uno u otro Gobierno, el Contrato puede darse por terminado, previo aviso, dado por la vía diplomática, con tres meses de anticipación.

Art. 4. Por mutuo acuerdo puede convenirse la designación provisional, para períodos más cortos, de oficiales en adición a los enumerados en el Capítulo II, según lo determinen las circunstancias en cada caso.

Art. 5. Se estipula y conviene que mientras la Misión desempeñe sus funciones de acuerdo con este contrato, o por prórroga del mismo, el Gobierno de la República de Chile no contratará los servicios de otra Misión o personal de otro Gobierno extranjero para las funciones y los fines a que se contrae este acuerdo, salvo que se convenga lo contrario entre el Gobierno de la República de Chile y el Gobierno de los Estados Unidos de América.

## TITLE II

### *Composition and Personnel*

Art. 6. The Mission will be composed at the outset of the

## CAPITULO II

### *Composición y personal*

Art. 6. La Misión estará integrada en un comienzo por los

Composition.

following officers of the Regular Army of the United States of America: one Major of the Air Corps; one Captain of the Air Corps and one First Lieutenant of the Air Corps. The senior officer will be Chief of the Mission, who will assure normally the direct relations of the Mission with the Ministry of National Defense and the Commander in Chief of the Air Force.

Art. 7. Any modifications in the composition of the Mission that may be considered advisable or necessary shall be mutually agreed upon in accordance with the provisions of Article 4.

### TITLE III

#### *Duties, Rank and Precedence*

Art. 8. The members of the Mission shall be responsible solely to the Chilean Ministry of National Defense through the Chief of the Mission and shall act as tactical and technical advisers to the Chilean Air Force with regard to aviation.

Art. 9. In case of war between Chile and any other nation, the duties of the members of the Mission shall be immediately suspended and the Mission shall terminate within thirty days. In the case of other hostilities involving the Government of the Republic of Chile, the duties of the members of the Mission shall be immediately suspended, and at the option of the Government of the United States of America the Mission may be withdrawn immediately.

siguientes oficiales del Ejército regular de los Estados Unidos de América: un Mayor del Cuerpo de Aviación, un Capitán del Cuerpo de Aviación y un Teniente Primero del Cuerpo de Aviación. El oficial de mayor graduación será el Jefe de la Misión, quien asegurará normalmente las relaciones directas de la Misión con el Ministerio de Defensa Nacional y con el Comandante en Jefe de la Fuerza Aérea.

Art. 7. Cualesquiera modificaciones en la composición de la Misión que pudieran ser consideradas aconsejables o necesarias serán convenidas por acuerdo mutuo, en conformidad con las disposiciones del artículo cuatro.

### CAPITULO III

#### *Obligaciones, rango y precedencia*

Art. 8. Los miembros de la Misión serán responsables de sus actos únicamente ante el Ministerio de Defensa Nacional Chileno, por intermedio del Jefe de la Misión, y actuarán como consejeros tácticos y técnicos de la Fuerza Aérea Chilena en lo referente a aviación.

Art. 9. En caso de guerra entre Chile y cualquiera otra nación se suspenderán inmediatamente los deberes de los miembros de la Misión y la Misión será dada por terminada dentro de un plazo de 30 días. En caso de otras hostilidades que envuelvan al Gobierno de la República de Chile se suspenderán inmediatamente los deberes de los miembros de la Misión, y, a opción del Gobierno de los Estados Unidos de América, la Misión podrá ser retirada inmediatamente.

Accountability; duties.

Suspension in case of war, etc.

Art. 10. Precedence of officers composing the Mission with respect to Chilean officers shall be in accordance with their respective rank and seniority therein.

Art. 10. La precedencia de los oficiales que integren la Misión, respecto a los oficiales chilenos, será determinada por su respectivo grado y antigüedad en el mismo.

Precedence.

#### TITLE IV

##### *Pay and Allowances*

Art. 11. The Government of the Republic of Chile shall pay to the members of the Mission re-compensation additional to such pay and allowances as the members may receive from the Government of the United States, in an amount to be determined for each member by the Government of the United States, but in no case to exceed fifty percent of the regular pay and allowances, exclusive of any increase authorized for duty involving flying which the members may receive from the Government of the United States of America. The said additional compensation shall be paid in equal monthly instalments and at the end of each month by the Government of the Republic of Chile in United States currency or in Chilean pesos at a rate agreed upon between the two Governments.

Art. 12. The additional compensation payable to the members of the Mission shall be computed from the date of their departure from New York and they shall continue to receive such additional compensation up to the date of their return to New York, after the completion of their services on the Mission, having proceeded each way by the usual sea route. Any member of the Mission who fails to fulfil the terms of the

#### CAPITULO IV

##### *Pago y bonificaciones*

Art. 11. El Gobierno de la República de Chile pagará a los Miembros de la Misión una remuneración adicional a los pagos y asignaciones que reciban del Gobierno de los Estados Unidos de América, la cual será determinada para cada uno de ellos por el Gobierno de los Estados Unidos de América, no debiendo exceder, en ningún caso, del cincuenta por ciento de los pagos y asignaciones regulares, con exclusión de cualquier aumento autorizado por actividades referentes a vuelos, que los miembros reciban del Gobierno de los Estados Unidos de América. Dicha remuneración adicional será pagada por el Gobierno de la República de Chile en mensualidades iguales y vencidas en moneda de los Estados Unidos de América o en pesos chilenos, al tipo de cambio que se convenga entre los dos Gobiernos.

Art. 12. La remuneración adicional que se pague a los miembros de la Misión comenzará a computarse a contar de la fecha de su salida de Nueva York y continuarán recibéndola hasta la fecha de su regreso a esa ciudad, al terminar sus servicios en la Misión, haciendo el viaje de ida y vuelta por la ruta marítima usual. Cualquier miembro de la Misión que dejare de cumplir sin justificación los términos del contrato,

Compensation;  
computation.

contract without just cause will receive additional compensation only up to the date of his departure from Santiago, except in the case of illness or termination of the contract of the Mission, in which cases payment will be made up to his arrival in New York.

Tax exemption.

Art. 13. It is further stipulated that the compensation received by members of the Mission shall not be subject to any Chilean tax now in force or which may hereafter be imposed. Should there, however, be at present or during the life of this agreement, any taxes which may affect the said compensation, such taxes shall be borne by the Chilean Ministry of National Defense in order to comply with the provisions before stipulated that the salaries agreed upon shall be net.

Transportation expenses.

Art. 14. Except in the special cases specified in this contract, the Government of the Republic of Chile shall pay in advance the expenses of transportation in both directions, by land and by sea, of the members of the Mission and of their families, as well as of their household effects, baggage and automobiles, including costs of packing and crating, between their stations in the United States of America and their stations in the Republic of Chile. Officers and their families shall be furnished with first-class accommodations, families being construed as wives and dependent children throughout the contract. It is understood, however, that the accommodations and allowances for travel and transportation of effects shall not exceed allowances prevailing in the United States Army.

solamente recibirá la remuneración adicional hasta la fecha de su salida de Santiago, salvo en el caso de enfermedad o de vencimiento del contrato de la Misión, en cuyos casos el pago se hará efectivo hasta la fecha de su llegada a Nueva York.

Art. 13. Se estipula, además, que la remuneración recibida por los miembros de la Misión no estará sujeta a ningún impuesto chileno vigente o que fuere establecido en el futuro. En el caso de que actualmente, o durante la vigencia de este contrato, hubiere impuestos que pudieran afectar tal remuneración, tales impuestos serán sufragados por el Ministerio de Defensa Nacional Chileno para satisfacer así las condiciones ya estipuladas de que los sueldos convenidos sean netos.

Art. 14. Excepto en los casos especiales especificados en este contrato, el Gobierno de la República de Chile pagará por adelantado los gastos de transporte de ida y vuelta, por tierra y por mar, de los miembros de la Misión y de sus familias, así como de sus efectos domésticos, equipajes y automóviles, incluyendo el costo de embalaje y empaque de los mismos, entre sus puestos en los Estados Unidos de América y sus puestos en la República de Chile. Los oficiales y sus familias tendrán pasajes de primera clase, entendiéndose por "familia", para los efectos de este contrato, a la esposa e hijos menores a su cargo. Se entiende, sin embargo, que los pasajes y asignaciones de viaje y transporte de efectos no excederán de las asignaciones que para tal propósito rigen en el Ejército de los Estados Unidos de América.

With respect to an officer detailed for less than one year, the Government of the Republic of Chile will not make provision for payment for transportation of the officer's family, household goods or automobile.

The household effects, baggage and automobiles of members of the Mission shall be exempt from customs duties and imposts of any kind in Chile. The Government of the Republic of Chile shall grant, upon the request of the Chief of Mission, free entry throughout the stay of the Mission in Chile for articles for the personal use of members of the Mission and their families.

Art. 15. Members of the Mission who may become ill during the period of duty in Chile shall be cared for by the Government of the Republic of Chile. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Art. 16. If a member of the Mission or one of his family should die in Chile, the Government of the Republic of Chile shall have the body transported to such a place in the United States of America as the family shall designate. Should the deceased be a member of the Mission, the Government of the Republic of Chile shall pay the expenses of travel of the family and transportation of their effects to New York.

Art. 17. Each member of the Mission shall be entitled to two and one-half days leave with full pay for each month of service he performs with the Mission, which leave may be cumulative during

Respecto a cualquier oficial designado por menos de un año, el Gobierno de la República de Chile no sufragará los gastos de transporte de la familia, efectos domésticos o automóvil.

Los efectos domésticos, equipaje y automóviles de los miembros de la Misión estarán exentos de derechos de aduana y de cualesquier impuesto en Chile. El Gobierno de la República de Chile otorgará, a solicitud del Jefe de Misión, la entrada libre, durante la permanencia de la Misión en Chile, de los artículos de uso personal de los miembros de la Misión y sus familias.

Art. 15. Los miembros de la Misión que se enfermaren durante el período de sus servicios en Chile, serán atendidos por el Gobierno de la República de Chile. Cualquier miembro de la Misión que no pudiere desempeñar sus funciones en la Misión por motivo de incapacidad física prolongada, será reemplazado.

Art. 16. Si cualquier miembro de la Misión o de su familia falleciere en Chile, el Gobierno de la República de Chile hará transportar los restos al lugar de los Estados Unidos de América que fuere indicado por la familia. En el caso de que el difunto fuere miembro de la Misión, el Gobierno de la República de Chile pagará los gastos de viaje de la familia y el transporte de sus efectos hasta Nueva York.

Art. 17. Cada miembro de la Misión tendrá derecho a dos días y medio de licencia con sueldo completo por cada mes de servicio que desempeñe con la Misión, cuya licencia podrá ser acumu-

Exemption from customs duties, etc.

Care during illness.

Expenses in case of death.

Leave.

the period of his service with the Mission. Members of the Mission may spend the said leave in Chile or other countries at such times as may be agreed upon with the appropriate Chilean authorities.

Travel allowance.

Art. 18. In case members of the Mission are required to travel on official business for the Government of the Republic of Chile, they shall receive the same per diem allowances and transportation allowances as those granted to officers of similar rank of the Chilean Air Force.

lativa durante el período de su servicio con la Misión. Los miembros de la Misión pueden hacer uso de dicha licencia en Chile o en otros países en aquellas épocas en que se convenga con las autoridades chilenas correspondientes.

Art. 18. En el caso de que se requiera que los miembros de la Misión viajen en asuntos oficiales del Gobierno de la República de Chile, recibirán los mismos viáticos diarios y gastos de viaje que se otorguen a los oficiales de igual categoría de la Fuerza Aérea Chilena.

#### TITLE V

#### CAPITULO V

##### *Recall and Replacement of Members of the Mission*

##### *Retiro y reemplazo de los miembros de la Misión*

Recall and replacement.

Art. 19. If the public interest so requires, the Government of the United States of America may recall at any time any or all of the members of the Mission, substituting for them other officers acceptable to the Government of the Republic of Chile, all expenses in connection therewith being incumbent upon the Government of the United States of America. If on the request of the Government of the Republic of Chile, any member of the Mission is recalled for due and just cause other than the termination of his services or illness, all expenses connected with the return shall be incumbent upon the Government of the United States of America.

Cancellation.

Art. 20. If cancellation of this contract be effected on the request of the Government of the United States of America, all expenses of the return of the Mission and of all personal effects thereof,

Art. 19. Si así lo requiere el interés público, el Gobierno de los Estados Unidos de América podrá retirar, en cualquier momento, uno o todos los miembros de la Misión, reemplazándolos con otros oficiales que sean aceptables para el Gobierno de la República de Chile, y todos los gastos en que se incurra por este concepto serán sufragados por el Gobierno de los Estados Unidos de América. Si a solicitud del Gobierno de la República de Chile se retirase cualquier miembro de la Misión, por un motivo justificado que no fuere vencimiento de sus servicios o enfermedad, todos los gastos ocasionados por el viaje de regreso serán sufragados por el Gobierno de los Estados Unidos de América.

Art. 20. Si se cancelare este contrato a iniciativa del Gobierno de los Estados Unidos de América, todos los gastos de viaje de regreso de la Misión y de sus efectos personales serán sufragados

to the United States, shall be borne by the Government of the United States of America. Should cancellation be effected on the initiative of the Government of the Republic of Chile, or because of the provisions set forth in Article 9 of this contract, the said costs shall be borne by the Government of the Republic of Chile.

Art. 21. IN FAITH WHEREOF, the undersigned, being duly authorized, have signed the present contract, affixing their respective seals hereto. Done in duplicate, in the English and Spanish languages, both texts being authentic, at Washington, District of Columbia, United States of America, the twenty-third day of April of 1940.

[SEAL]

CORDELL HULL

[SEAL]

A. CABERO.

por el Gobierno de los Estados Unidos de América. Si se cancelare el contrato por iniciativa del Gobierno de la República de Chile, o a consecuencia de las condiciones estipuladas en el artículo noveno de este contrato, dichos gastos serán sufragados por el Gobierno de la República de Chile.

Art. 21. EN TESTIMONIO DE LO CUAL, los suscritos, debidamente autorizados, han firmado este contrato, estampando sus sellos respectivos. Hecho en duplicado, en los idiomas inglés y español, siendo ambos textos auténticos, en la ciudad de Washington, Distrito de Columbia, Estados Unidos de América el día veintitrés de abril de 1940.

*Anle*, p. 228A.

Signatures.

November 30, 1939  
[E. A. S. No. 170]

*Proclamation by the President of the United States issued on November 30, 1939, pursuant to article III of the reciprocal trade agreement between the United States of America and Canada signed November 17, 1938, respecting allocation of tariff quota on heavy cattle during the calendar year 1940.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

*Ante*, p. 107.  
19 U. S. C. §§ 1351-  
1354; Supp. V. §§ 1351-  
1352.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists.

The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a Trade Agreement on November 17, 1938, with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada;

53 Stat. 2348.

WHEREAS, by my proclamation of November 25, 1938, I did make public the said Trade Agreement, including two Schedules annexed thereto, and in my proclamation provided that the provisions of Article VII of the said Agreement should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after January 1, 1939;

53 Stat. 2393.

WHEREAS, Article VII of the said Agreement provides as follows:

"1. Articles the growth, produce or manufacture of Canada enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

53 Stat. 2378.

"2. Schedule II shall have full force and effect as an integral part of this Agreement."

WHEREAS, Schedule II annexed to the said Agreement provides in part as follows:

"United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
701	Cattle, weighing seven hundred pounds or more each:	
	Cows, imported specially for dairy purposes	1½¢ per lb.
	Other	1½¢ per lb.
	<i>Provided</i> , That after December 31, 1938, such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 60,000 head in any quarter year shall not be entitled to a reduction in duty by virtue of this item, and such cattle (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 225,000 head in any calendar year shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed	3¢ per lb.

*Provided further, That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement."*

WHEREAS, Article III of the said Agreement reads as follows:

"If imports of any article into either country should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by that country in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which the other country is a relatively large supplier of any such article, the Government of the country imposing the regulation shall, whenever practicable, consult with the Government of the other country before the share to be allocated to that country is determined."

53 Stat. 2397.

WHEREAS, by my proclamation of February 27, 1939, I did proclaim the allocation among countries of export, on the basis therein set forth, of the quantity of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entitled to a reduction in duty by virtue of the said item 701 of Schedule II annexed to the said Agreement during the period April 1 to December 31, 1939 inclusive;

WHEREAS, after consultation with the Government of the United States of America, the Government of Canada has requested the Government of the United States of America to continue such allocation during the calendar year 1940;

WHEREAS such allocation is required and appropriate to carry out the said Agreement;

WHEREAS I find that, taking into account special factors affecting the trade, imports into the United States of America from all countries of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) during the years 1936 and 1937 were representative of the trade in such articles;

WHEREAS I find that the proportions of total imports into the United States of America for consumption of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) supplied by Canada and by other foreign countries, respectively, during the years 1936 and 1937 were as follows:

Canada.....	86.2 per centum
Other foreign countries.....	13.8 per centum

Proclamation of allocation of tariff quota on heavy cattle, 1940.  
*Post*, p. 2445.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim that no more than 193,950 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 31,050 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption during the calendar year 1940, shall be entitled to a reduction in duty by virtue of the said item 701 of Schedule II of the said Agreement; and that no more than 51,720 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 8,280 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar quarter year during 1940, shall be entitled to a reduction in duty by virtue of the said item 701 of Schedule II of the said Agreement.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

February 14 and 19,  
1940  
[E. A. S. No. 171]

*Agreement between the United States of America and Nicaragua respecting exchange of official publications. Effected by exchange of notes signed February 14 and 19, 1940; effective February 14, 1940.*

*The American Minister (Nicholson) to the Nicaraguan Minister for Foreign Affairs (Argüello)*

No. 268      LEGATION OF THE UNITED STATES OF AMERICA  
*Managua, D. N., Nicaragua, February 14, 1940.*

EXCELLENCY:

Exchange of official  
publications with  
Nicaragua.  
Agreement by U. S.

I have the honor to refer to Your Excellency's Note No. B-24 of February 8, 1940,<sup>1</sup> and to earlier correspondence regarding the exchange of official publications between the United States of America and Nicaragua.

It gives me pleasure to inform you that my Government will be glad to undertake an exchange of official publications with the Government of Nicaragua, which shall be carried out in accordance with the following provisions:

1. The official exchange offices for the transmission of publications shall be, on the part of the United States of America, the Smithsonian Institute, and on the part of Nicaragua, the Ministry for Foreign Affairs.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; and on behalf of Nicaragua by the Minister for Foreign Affairs.

3. The Government of the United States of America shall furnish regularly one copy of each of the official publications included in the attached List No. 1.<sup>2</sup>

4. The Government of Nicaragua shall furnish regularly one copy of each of the official publication included in the attached List No. 2.<sup>3</sup>

5. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

6. Both parties express their willingness as far as possible to expedite shipments.

7. This agreement shall not be understood to modify any agreements concerning the exchange of official publications which may be in effect between departments or instrumentalities of the two Governments.

<sup>1</sup> [Not printed.]

<sup>2</sup> [See p. 2297.]

<sup>3</sup> [For list as furnished by the Government of Nicaragua, see p. 2299.]

If the Government of Nicaragua is in accord with the foregoing text, my Government will, upon the receipt of a corresponding note from Your Excellency, consider the agreement concluded and in effect from February 14, 1940.

Accept, Excellency, the renewed assurance of my highest esteem and most distinguished consideration.

MEREDITH NICHOLSON

His Excellency

Doctor MARIANO ARGUELLO VARGAS

*Minister for Foreign Affairs,*

*Managua, D. N.*

*The Nicaraguan Minister for Foreign Affairs (Argüello) to the American Minister (Nicholson)*

MINISTERIO

DE

RELACIONES EXTERIORES

*Departamento Diplomático*

No. B-31.

MANAGUA, D. N. *Febrero 19, 1940.*

SEÑOR MINISTRO:

Con referencia a la atenta nota de la Legación a su digno cargo, No. 268 de fecha 14 del mes en curso, tengo el honor de comunicar a Vuestra Excelencia que, el Gobierno de Nicaragua está de acuerdo con el intercambio de publicaciones oficiales propuesto por el Gobierno de los Estados Unidos de América,—a que se refiere la nota mencionada—, siéndome grato hacer constar sobre el particular lo siguiente:

Habrá un intercambio de publicaciones oficiales entre el Gobierno de Nicaragua y el Gobierno de los Estados Unidos de América, el cual deberá efectuarse de acuerdo con las siguientes estipulaciones:

1.—Las oficinas de canje oficial para la transmisión de publicaciones serán de parte de los Estados Unidos de América, el Instituto Smithsonian, y de parte de Nicaragua, el Ministerio de Relaciones Exteriores.

2.—Las publicaciones canjeadas deberán ser recibidas a nombre de los Estados Unidos de América por la Biblioteca del Congreso, y de parte de Nicaragua, por el Ministerio de Relaciones Exteriores.

3.—El Gobierno de los Estados Unidos de América suministrará regularmente una copia de cada una de las publicaciones incluidas en la lista adjunta No. 1.<sup>4</sup>

4.—El Gobierno de Nicaragua suministrará regularmente una copia de cada una de las publicaciones oficiales incluidas en lista adjunta No. 2.<sup>5</sup>

<sup>4</sup> [Para la lista suministrada por el Gobierno de los Estados Unidos de América, véase pág. 2297.]

<sup>5</sup> [Véase pág. 2299.]

5.—Cada parte en el acuerdo deberá sufragar los gastos de correo, ferrocarril, vapor y otros que surjan dentro de su propio país.

6.—Ambas partes expresan su voluntad de expeditar los envíos hasta donde sea posible.

7.—Este acuerdo no deberá interpretarse en el sentido que modifica cualesquiera convenios concernientes al canje de publicaciones oficiales que estén en vigor entre departamentos o dependencias de los dos Gobiernos.

En consecuencia me es grato participar a Vuestra Excelencia que mi Gobierno considera el acuerdo anterior, concluido y en vigor a partir del 14 de febrero de 1940.

Dígnese Vuestra Excelencia aceptar en esta oportunidad las seguridades de mi más distinguido consideración,

MARIANO ARGÜELLO

EXCMO. SEÑOR MEREDITH NICHOLSON,  
*Enviado Extraordinario y Ministro Plenipotenciario  
de los Estados Unidos de América.  
Managua, D. N.—*

[Translation]

MINISTRY OF FOREIGN  
AFFAIRS

*Diplomatic Division*

No. B-31

MANAGUA, D. N., *February 19, 1940.*

MR. MINISTER:

Agreement by Nicaragua.

With reference to the courteous note from the Legation worthily in your charge, No. 268 of the 14th of the present month, I have the honor to advise Your Excellency that the Government of Nicaragua agrees to the exchange of official publications proposed by the Government of the United States of America—to which the note mentioned refers—and I am pleased to state as follows regarding the matter:

There shall be an exchange of official publications between the Government of Nicaragua and the Government of the United States of America, which shall be effected in accordance with the following provisions:

1. The official exchange offices for the transmission of publications shall be, on the part of the United States of America, the Smithsonian Institute, and on the part of Nicaragua, the Ministry for Foreign Affairs.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; and on behalf of Nicaragua by the Ministry for Foreign Affairs.

3. The Government of the United States of America shall furnish regularly one copy of each of the publications included in the attached List No. 1.<sup>6</sup>

<sup>6</sup> [For list as furnished by the Government of the United States of America, see p. 2297.]

4. The Government of Nicaragua shall furnish regularly one copy of each of the official publications included in the attached List No. 2.<sup>7</sup>

5. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

6. Both parties express their willingness as far as possible to expedite shipments.

7. This agreement shall not be understood to modify any agreements concerning the exchange of official publications which may be in effect between departments or instrumentalities of the two Governments.

I am accordingly pleased to advise Your Excellency that my Government considers the foregoing agreement concluded and in effect from February 14, 1940.

Please accept, Excellency, on this occasion the assurances of my most distinguished consideration.

MARIANO ARGÜELLO

His Excellency MEREDITH NICHOLSON,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Managua, D. N.*

#### LIST NO. 1.

#### OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE UNITED STATES GOVERNMENT

##### CONGRESS OF THE UNITED STATES

House Journal

Senate Journal

Code of Laws and supplements

##### PRESIDENT OF UNITED STATES

Annual messages to Congress

##### DEPARTMENT OF AGRICULTURE

Annual Report of the Secretary of Agriculture

Farmers' Bulletins

Yearbook

##### WEATHER BUREAU

Monthly Weather Review

##### DEPARTMENT OF COMMERCE

Annual Report of the Secretary of Commerce

*Bureau of the Census*

Reports

Abstracts

*Bureau of Foreign and Domestic Commerce*

Commerce Reports (weekly)

Foreign Commerce and Navigation of the United States (annual)

Statistical Abstract of the United States (Annual)

Survey of Current Business (monthly)

Trade Information Bulletins

Foreign Commerce Yearbook (annual)

*National Bureau of Standards*

Technical News Bulletin

<sup>7</sup> [See p. 2299.]

- DEPARTMENT OF JUSTICE**  
Annual Report of the Attorney General
- DEPARTMENT OF LABOR**  
Annual Report of the Secretary of Labor  
*Bureau of Labor Statistics*  
Bulletins  
Monthly Labor Review
- DEPARTMENT OF STATE**  
Department of State Bulletin  
Inter-American Series  
Foreign Relations of the United States (annual)  
Statutes at Large  
Treaty Series
- DEPARTMENT OF THE INTERIOR**  
Annual Report of the Secretary of the Interior  
*Bureau of Fisheries*  
Bulletins  
Investigational Reports  
*Bureau of Mines*  
Minerals Yearbook  
*Bureau of Reclamation*  
New Reclamation Era (monthly)  
*National Park Service*  
General Publications
- DISTRICT OF COLUMBIA**  
Annual Report of the Commissioners  
Annual Report of the Public Utilities Commission  
Annual Report of the Insurance Department  
Annual Report of the Health Officer  
Annual Report of the Engineer Department
- FEDERAL SECURITY AGENCY**  
*Office of Education*  
School Life (monthly)  
*Public Health Service*  
Public Health Reports (weekly)
- FEDERAL WORKS AGENCY**  
*Public Roads Administration*  
Public Roads (monthly)
- INTERSTATE COMMERCE COMMISSION**  
Annual Report
- NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS**  
Annual Report with technical reports
- NATIONAL ARCHIVES**  
Annual Report
- NATIONAL MUSEUM**  
Annual Report
- NAVY DEPARTMENT**  
Annual Report of the Secretary of the Navy  
*Nautical Almanac Office*  
American Ephemeris and Nautical Almanac
- PAN AMERICAN UNION**  
Bulletin (monthly)
- POST OFFICE DEPARTMENT**  
Annual Report of the Postmaster General
- SMITHSONIAN INSTITUTION**  
Annual Report

## TREASURY DEPARTMENT

Annual Report on the State of the Finances

*Bureau of Internal Revenue*

Annual Report of the Commissioner

*Bureau of the Mint*

Annual Report of the Director

*Comptroller of Currency*

Annual Report

## WAR DEPARTMENT

Annual Report

## LISTA NO. 2.

PUBLICACIONES OFICIALES QUE DEBEN SER SUMINISTRADAS  
REGULARMENTE POR EL GOBIERNO DE NICARAGUA.—

"La Gaceta" (Diario Oficial)

Boletín Judicial (órgano de la Corte Suprema de Justicia)

Boletín de Estadística (Órgano de la D. G. de Estadística)

Memoria del Ministerio de Relaciones Exteriores (anual)

Memoria del Ministerio de Instrucción Pública (anual)

Memoria del Ministerio de Gobernación y Policía (anual)

Memoria del Ministerio de Guerra, Marina y Aviación (anual)

Memoria del Ministerio de Agricultura y Trabajo (anual)

Memoria del Ministerio de Fomento y Obras Públicas (anual)

Memoria de la Dirección General de Sanidad (anual)

Revista del Banco Nacional de Nicaragua (trimestral)

Revista del Banco Hipotecario de Nicaragua (semestral)

Memoria del Ministerio de Hacienda y Crédito Público (anual)

Revista Comercial (órgano de la Cámara Nacional de Comercio)

Revista de Policía (mensual)

[Translation]

## LIST NO. 2

OFFICIAL PUBLICATIONS WHICH ARE TO BE REGULARLY FURNISHED  
BY THE GOVERNMENT OF NICARAGUA

"La Gaceta" (Official Journal)

Judicial Bulletin (organ of the Supreme Court of Justice)

Statistical Bulletin (organ of the Bureau of Statistics)

Report of the Ministry of Foreign Affairs (annual)

Report of the Ministry of Public Instruction (annual)

Report of the Ministry of the Interior and Police (annual)

Report of the Ministry of War, Navy, and Aviation (annual)

Report of the Ministry of Agriculture and Labor (annual)

Report of the Ministry of *Fomento* and Public Works (annual)

Report of the Bureau of Health (annual)

Review of the National Bank of Nicaragua (quarterly)

Review of the Mortgage Bank of Nicaragua (semiannual)

Report of the Ministry of Finance and Public Credit (annual)

Commercial Review (organ of the National Chamber of Commerce)

Police Review (monthly)

Apr. 29, Aug. 24, Oct.  
22, 1938, Sept. 2,  
Oct. 18, 1939, Jan.  
10, Mar. 4, 1940  
[E. A. S. No. 172]

*Arrangement between the United States of America and Canada for the reciprocal recognition of load line regulations for vessels engaged in international voyages on the Great Lakes. Effected by exchanges of notes signed April 29, 1938, August 24, 1938, October 22, 1938, September 2, 1939, October 18, 1939, January 10, 1940, and March 4, 1940.*

*The American Chargé d'Affaires ad interim to the Canadian Secretary of State for External Affairs*

No. 686 LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, CANADA.

April 29, 1938.

SIR:

I have the honor to inform you that the appropriate authorities of my Government have received copies of the *Canada Gazette* of August 28, 1937, containing an Order-in-Council, P. C. 1903, under date of August 6, 1937, making effective as of October 1, 1937, load line rules for ships making voyages on lakes or rivers.

The Coastwise Load Line Act, 1935, as amended, of the United States, provides in the U. S. C., title 46, sec. 88 d:

"§ 88d. Foreign vessels; application of sub-chapter. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 88 to 88i of this title, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of sections 88 to 88i of this title, except as hereinafter provided: *Provided*, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under sections 88 to 88i of this title and the regulations made thereunder. (Aug. 27, 1935, c. 747, § 5, 49 Stat. 889.)"

The American authorities have concluded that, except for subdivision load lines applicable to passenger vessels, the aforementioned Canadian load line regulations are as effective as the regulations set forth in Section C of the Load Line Regulations of the United States (Rules and Regulations Series, No. 4, January 1938 edition),<sup>1</sup> of which three copies are enclosed.

The Government of the United States will recognize the Canadian load line regulations as promulgated in the *Canada Gazette* of August 28, 1937, to be as effective as Section C of the United States Load Line Regulations (January 1938 edition), provided that the

<sup>1</sup> [U. S. Department of Commerce, Bureau of Marine Inspection and Navigation (Government Printing Office, 1938).]

Canada.  
Reciprocal recognition of load line regulations for certain vessels.

46 U. S. C., Supp. V, § 88d.

Canadian Government will similarly recognize United States load line regulations.

As no provision is made in the Canadian load line regulations for sub-division marks for passenger vessels, and as the United States Load Line Regulations under Section D require passenger vessels to be provided with such marks, I am desired by my Government to inquire whether, in order to prevent Canadian passenger vessels from becoming liable to a penalty when entering United States ports, the Canadian Great Lakes Load Line Regulations could be extended to give effect to sub-division and other matters pertaining thereto.

Accept, Sir, the renewed assurances of my highest consideration.

JOHN FARR SIMMONS  
*Charge d'Affaires a. i.*

*Enclosure.*

The Right Honorable  
The SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
*Ottawa.*

*The Canadian Secretary of State for External Affairs to the American  
Chargé d'Affaires ad interim*

DEPARTMENT OF EXTERNAL AFFAIRS  
CANADA

No. 125

OTTAWA, *24th August, 1938.*

SIR,

With reference to your note No. 686 of the 29th April, 1938, in the matter of load line regulations which apply to the Great Lakes, I have the honour to state that this matter was considered by the Canadian authorities concerned.

It is observed that the United States authorities have concluded that, except for sub-division load lines applicable to passenger vessels, the Canadian load line regulations applicable to ships making voyages on the Great Lakes are as effective as the regulations set forth in Section (C) of the Load Line Regulations of the United States (Rules and Regulations Series No. 4, January, 1938, edition), and that the Government of the United States will recognize the Canadian load line regulations promulgated in the *Canada Gazette* of the 28th August, 1937, that is to say the "Load Line Rules for Ships making Voyages on Lakes or Rivers", approved by Order-in-Council of the 6th August, 1937, provided that the Canadian Government will similarly recognize the United States Load Line Regulations referred to above.

The Canadian authorities consider that the Load Line Regulations of the United States applicable to ships engaged in making voyages on the Great Lakes (Rules and Regulations Series No. 4, January, 1938, edition) are as effective as the Canadian regulations, "Load Line Rules for Ships Making Voyages on Lakes or Rivers", approved by Order-in-Council of the 6th August, 1937.

The Canadian Government recognize that the United States Load Line Regulations mentioned above are equivalent to the Load Line Rules for ships Making Voyages on Lakes or Rivers approved by Order-in-Council of the 6th August, 1937.

With reference to the last paragraph of your note, the Canadian authorities advise that the Canada Shipping Act, 1934, inasfar as it concerns load lines, does not deal with the sub-division of passenger ships, this question being dealt with under the part of the Act which refers to the construction and inspection of ships. General regulations dealing with the construction and inspection of the hulls of steamships are now under consideration, and the matter of sub-division will be dealt with in them.

The Canadian authorities will not be in a position to have these regulations in force before the end of the season of navigation this year for passenger ships employed on the Great Lakes, plying to United States ports. It is understood, however, that there are few such ships, and that their season of navigation ends not later than the 30th of September.

As most of the passenger ships making voyages on the Great Lakes from Canadian to United States ports are old ships, there is doubt in the minds of the Canadian technical officers as to whether it would be reasonable and practicable to have them comply fully with the sub-division regulations laid down by the United States authorities, which are based, generally, on the International Convention for Safety of Life at Sea. The Canadian authorities would appreciate if information could be obtained as to what action the United States authorities propose to take in the matter of such ships of United States registry.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

for

*Secretary of State  
for External Affairs.*

JOHN FARR SIMMONS, Esquire,

*Chargé d'Affaires,*

*Legation of the United States of America,*

*Ottawa.*

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*The American Chargé d'Affaires ad interim to the Canadian Acting  
Secretary of State for External Affairs*

No. 819      LEGATION OF THE UNITED STATES OF AMERICA

OTTAWA, CANADA.

*October 22, 1938.*

SIR:

With reference to Dr. Skelton's note No. 125, dated August 24, 1938, in the matter of load-line regulations applicable to the Great

Lakes, I have the honor to inform you that the American authorities have noted that the Canadian Government recognizes that the load-line regulations of the United States applicable to vessels making voyages on the Great Lakes of North America are equivalent to Canadian "Load-line Rules for Ships Making Voyages on Lakes or Rivers", approved by Order-in-Council on the 6th of August, 1937, except as to subdivision load-lines applicable to passenger vessels.

The American authorities have noted also that the Canadian Government will not be in a position to have in force subdivision load-line regulations applicable to vessels of the Great Lakes before the close of navigation this year. In this regard, when the subdivision load-line regulations are issued by the Canadian authorities, the competent American authorities must give consideration to them before accepting them as being equal to the United States subdivision load-line regulations.

The American Government will appreciate, therefore, receiving copies of these subdivision load-line regulations as soon as possible after they are issued.

With regard to the request contained in Dr. Skelton's note under reference for information as to the procedure for marking existing passenger vessels with subdivision load-lines and to what extent such ships are required to comply with the subdivision load-line regulations, the competent American authorities have stated that each existing passenger ship is considered on its merits in relation to its physical compliance with the subdivision load-line requirements. In interpreting the meaning of the words reasonable and practicable, the decisions of the Department of Commerce have resulted in most cases in a one-compartment standard of subdivision.

The American authorities have directed attention to the following slight difference in the scope of the basic load-line laws of the United States and of Canada: The laws of the United States are more general and probably embrace more vessels; for instance, tug boats do not seem to be required to have load-lines under the Canadian law, but are required to have them under the United States law. In the case of such Canadian vessels which are exempt from Canadian load-line regulations and which visit United States ports, it will satisfy the American load-line authorities if such vessels are marked with load-lines under the Canadian load-line regulations, even though Canadian load-line law would not require them to be marked.

Accept, Sir, the renewed assurances of my highest consideration.

DAVID MCK. KEY  
*Charge d'Affaires a. i.*

The Right Honorable  
The ACTING SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
Ottawa,

*The Canadian Secretary of State for External Affairs to the American  
Chargé d'Affaires ad interim*

DEPARTMENT OF EXTERNAL AFFAIRS  
CANADA

No. 185

OTTAWA, 2nd September, 1939.

SIR,

With reference to the despatch No. 819 of the 22nd October, 1938, from the United States Chargé d'Affaires at Ottawa, and previous correspondence, in the matter of Load Line Regulations applicable to the Great Lakes, I have the honour to state that, by Order-in-Council of the 7th July, 1939, P. C. 1790, certain regulations relating to sub-division have been made, bearing the title, "Regulations respecting the Sub-Division and Pumping Arrangements of Passenger Steamships employed making Inland Voyages between Canada and the United States of America".

These regulations were published in the "Canada Gazette" of the 12th August, 1939, and I enclose herewith a copy of the "Gazette",<sup>1</sup> so that the competent authorities of the United States Government may be in a position to give consideration to the acceptance of these regulations as being equal to the United States Sub-Division Load Line Regulations.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

for

*Secretary of State  
for External Affairs.*

JOHN FARR SIMMONS, Esquire,

*Chargé d'Affaires,*

*Legation of the United States of America,*

*Ottawa.*

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*The Canadian Secretary of State for External Affairs to the  
American Chargé d'Affaires ad interim*

DEPARTMENT OF EXTERNAL AFFAIRS  
CANADA

No. 217

OTTAWA, 18th October, 1939.

Sir:

With reference to my note No. 185 of the 2nd September, 1939, advising that certain regulations relating to the sub-division of ships making inland voyages between Canada and the United States of America had been made, and enclosing a copy of the *Canada Gazette* of the 12th August containing these Regulations, I have the honour to state that these Regulations contained two errors and that action was taken to have these errors corrected by Order-in-Council.

<sup>1</sup> [Not printed.]

An Order-in-Council P. C. 2669, dated September 14th, was issued, amending the errors in question, and was published in the *Canada Gazette* of September 30th, 1939.

I enclose herewith three copies of an extract from the *Canada Gazette* of that date,<sup>2</sup> containing the Order-in-Council, and wish to request that a copy of the extract be forwarded to the Government of the United States.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

for

*Secretary of State  
for External Affairs.*

JOHN FARR SIMMONS, Esquire,  
*Chargé d'Affaires, a. i.,  
Legation of the United States of America,  
Ottawa.*

*The American Chargé d'Affaires ad interim to the Canadian Secretary of State for External Affairs*

No. 208

LEGATION OF THE UNITED STATES OF AMERICA  
OTTAWA, CANADA.  
*January 10, 1940.*

SIR:

I have the honor to refer to your note No. 217 dated October 18, 1939, and to previous correspondence concerning a proposed arrangement between Canada and the United States for the reciprocal recognition of load line regulations for vessels engaged in international voyages on the Great Lakes.

I am desired by my Government to advise you that the Canadian regulations set forth by Orders-in-Council of July 7, 1939, P. C. 1790 and 1791, as published in the *Canada Gazette* of August 12, 1939, have been examined carefully and compared by the competent American authorities with the similar regulations of the Secretary of Commerce, as set forth in Section D of the Load Line Regulations of the United States, approved September 28, 1937 (Part 46, Section 46.42 of the Codification of the Load Line Regulations), and have been found, subject to the following comments, to be the equivalent of the said United States regulations:

(a) United States regulations are applicable to all passenger vessels of 150 gross tons and above, whereas Canadian regulations are applicable only to steamships (motorships) of 150 gross tons and above.

(b) A United States passenger vessel on the Great Lakes is one carrying more than 16 passengers, whereas a Canadian passenger vessel is one carrying more than 12 passengers.

<sup>2</sup> [Not printed.]

(c) Canadian regulation 4, subparagraph (2), defines the freeboard as the distance from the subdivision water line to the margin line and it is presumed that when marked on the ship as provided by regulation 49, subparagraph (2), that proper allowances will be made.

It is the opinion of the competent American authorities that any differences which may arise with reference to the foregoing comments can be adjusted administratively.

It appears from Canadian regulation no. 2 (P. C. 1790) that these regulations apply only to steel vessels, and that in the case of wooden vessels, if any, the breadth will be taken to the outside of the planking.

The Coastwise Load Line Act, 1935, as amended, of the United States, provides in the U. S. C., title 46, sec. 88 d:

<sup>46</sup> U. S. C., Supp.  
V, § 88d.

“§ 88d. Foreign vessels; application of sub-chapter. Whenever the Secretary of Commerce shall certify that the laws and regulations in force in any foreign country relating to load lines are equally effective with the regulations established under sections 88 to 88i of this title, the Secretary of Commerce may direct, on proof that a vessel of that country has complied with such foreign laws and regulations, that such vessel and her master and owner shall be exempted from compliance with the provisions of sections 88 to 88i of this title, except as hereinafter provided: Provided, That this section shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under sections 88 to 88i of this title and the regulations made thereunder. (Aug. 27, 1935, c. 747, § 5, 49 Stat. 889.)”

The Government of the United States recognizes the Canadian Load Line Regulations, as promulgated in the *Canada Gazette* dated August 12, 1939, respecting subdivision, pumping arrangements, watertight doors, and other appliances of passenger steamers making inland voyages on the Great Lakes between Canada and the United States, to be as effective as comparable United States regulations applicable to passenger vessels engaged in voyages on the Great Lakes between the United States and Canada, provided that the Canadian Government similarly recognizes the Subdivision Load Line Regulations of the United States applicable to passenger vessels engaged in voyages on the Great Lakes.

With further reference to your note No. 217 of October 18, 1939, which stated that an Order-in-Council, P. C. 2669, dated September 14, 1939, was issued, amending two errors which occurred in the Order-in-Council of July 7, 1939, P. C. 1790, I am requested to inform you of the receipt by the Secretary of Commerce of the United States of this information.

Accept, Sir, the renewed assurances of my highest consideration.

JOHN FARR SIMMONS

*Chargé d'Affaires a. i.*

The Right Honorable

The SECRETARY OF STATE

FOR EXTERNAL AFFAIRS,

*Ottawa, Canada.*

*The Canadian Secretary of State for External Affairs to the  
American Minister*

DEPARTMENT OF EXTERNAL AFFAIRS  
CANADA

No. 20

OTTAWA, *March 4, 1940.*

SIR:

With reference to the note No. 208, of the 10th January, 1940, from the United States Chargé d'Affaires ad interim, concerning a proposed arrangement between the United States and Canada for the reciprocal recognition of load line regulations for vessels engaged in international voyages on the Great Lakes, I have the honour to state that it is noted that the United States Government recognizes the Canadian regulations respecting subdivision, pumping arrangements, watertight doors and other appliances on passenger steamships engaged in making inland voyages on the Great Lakes between Canada and the United States to be as effective as comparable United States regulations applicable to passenger vessels engaged on voyages in the Great Lakes between Canada and the United States, provided that the Canadian Government similarly recognizes the subdivision load line regulations of the United States applicable to passenger vessels engaged in voyages on the Great Lakes.

I may say that the Canadian Government recognizes the subdivision load line regulations of the United States applicable to passenger vessels engaged in voyages on the Great Lakes, as set forth in Section D of the Load Line Regulations of the United States, approved September 28th, 1937, as being as effective as the Canadian regulations respecting subdivision, pumping arrangements, watertight doors and other appliances for passenger steamships making inland voyages between Canada and the United States, as set forth in the Regulations respecting Subdivision and Pumping Arrangements of Passenger Steamships employed making Inland Voyages between Canada and the United States, P. C. 1790 of July 7th, 1939, and the Regulations respecting Watertight Doors and Other Appliances, P. C. 1791, of July 7th, 1939, respectively.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON  
for  
*Secretary of State  
for External Affairs.*

THE MINISTER OF THE UNITED STATES TO CANADA,  
*United States Legation,  
Ottawa.*

October 6, 1938

[E. A. S. No. 173]

*Protocol between the United States of America and other powers revising the minimum nomenclature of causes of death annexed to the international agreement signed at London June 19, 1934. Signed at Paris October 6, 1938; effective January 1, 1940.*

### PROTOCOLE.

A la Conférence du 6 octobre 1938 réunie à Paris par application du paragraphe 4 de l'article 4 de l'Arrangement International du 19 juin 1934, relatif aux statistiques des causes de décès, les Délégations présentes des Gouvernements parties audit Arrangement, à savoir les délégations représentant les pays suivants: Allemagne, Australie, Canada, États-Unis d'Amérique, Hongrie, Italie, Nouvelle-Zélande, Pays-Bas, Royaume Uni de Grande-Bretagne et d'Irlande du Nord, Venezuela, ont adopté à l'unanimité les modifications de la nomenclature de base en vigueur telles qu'elles résultent de la nomenclature de base révisée (Liste Intermédiaire) dont le texte certifié conforme par le Secrétaire Général de la Conférence est annexé au Présent Protocole.

En foi de quoi, les délégués soussignés dûment autorisés à cet effet ont déclaré lesdites modifications adoptées par leurs Gouvernements respectifs.

Le présent Protocole, déposé aux Archives du Gouvernement français, restera ouvert, jusqu'au 31 décembre 1938 inclus, à la signature des représentants diplomatiques des pays dont les délégués à la Présente Conférence n'étaient pas autorisés à engager leurs Gouvernements.

Étant entendu que si au 1<sup>er</sup> janvier 1939 le nombre de signatures acquises selon les deux procédures précitées n'atteint pas les quatre cinquièmes du nombre des Gouvernements représentés par des délégations à la présente Conférence, lesdites modifications à la nomenclature de base en vigueur seront nulles et non avenues.

Fait à Paris, le 6 octobre 1938, en un seul exemplaire qui sera déposé dans les Archives du Gouvernement français et dont copies certifiées seront remises à chacun des Gouvernements contractants.

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord:

SYLVANUS P. VIVIAN.

Pour le Commonwealth d'Australie:

SYLVANUS P. VIVIAN.

Pour le Venezuela:

CARLOS ARISTIMUNO-COLL.

Pour la Nouvelle-Zélande:

ERIC PHIPPS.

Pour l'Italie:

GUARIGLIA.

Pour le Canada:

PHILIPPE ROY.

Pour l'Allemagne:

JOHANNES GRAF VON WELCZECK.

Pour les États-Unis:

EDWIN C. WILSON.

Pour la Hongrie:

Comte KHUEN-HÉDERVARY.

Pour les Pays-Bas.

J. LOUDON.

[Annex]

CONFÉRENCE INTERNATIONALE POUR LA CINQUIÈME REVISION  
DES NOMENCLATURES DE CAUSES DE DÉCÈS.

PARIS, DU 3 AU 7 OCTOBRE 1938.

**Nomenclature Intermédiaire.**

(Voir les numéros de la nomenclature détaillée, indiqués entre parenthèses, pour la spécification complète du contenu de chaque rubrique).

*I. Maladies infectieuses et parasitaires.*

1. Fièvres typhoïde et paratyphoïde (1 et 2).
2. Peste (3).
3. Scarlatine (8).
4. Coqueluche (9).
5. Diphtérie (10).
6. Tuberculose de l'appareil respiratoire (13).
7. Toutes autres tuberculoses (14 à 22).
8. Infection purulente et septicémie non puerpérale (24).
9. Dysenterie (27).
10. Paludisme (28).
11. Syphilis (30).
12. Grippe ou influenza (33).
13. Variole (34).
14. Rougeole (35).
15. Typhus exanthématique (39).
16. Maladies dues à des helminthes (40, 41, 42).
17. Autres maladies infectieuses et parasitaires (4 à 7, 11, 12, 23, 25, 26, 29, 31, 32, 36, 37, 38, 43 et 44).

*II. Cancer et autres tumeurs.*

18. Cancer et autres tumeurs malignes de la cavité buccale et du pharynx (45).

19. Cancer et autres tumeurs malignes du tube digestif et du péritoine (46).
20. Cancer et autres tumeurs malignes de l'appareil respiratoire (47).
21. Cancer et autres tumeurs malignes de l'utérus (48).
22. Cancer et autres tumeurs malignes des seins. (50).
23. Cancer et autres tumeurs malignes d'autres organes ou d'organes non spécifiés (49, 51 à 55).
24. Tumeurs non malignes ou dont le caractère malin n'est pas spécifié (56 et 57).

### III. *Maladies rhumatismales, maladies de la nutrition, des glandes endocrines, autres maladies générales, avitaminoses.*

25. Rhumatisme articulaire aigu fébrile (58).
26. Rhumatisme chronique et goutte (59, 60).
27. Diabète sucré (61).
28. Maladies de la glande thyroïde et des glandes parathyroïdes (63).
29. Autres maladies générales (62, 64 à 66).
30. Avitaminoses (67 à 71).

### IV. *Maladies du sang et des organes hématopoïétiques.*

31. Anémies pernicieuses et autres (73).
32. Leucémies, aleucémies et autres maladies du sang et des organes hématopoïétiques (72, 74 à 76).

### V. *Empoisonnements chroniques et intoxications.*

33. Alcoolisme aigu ou chronique (77).
34. Autres empoisonnements chroniques (78, 79).

### VI. *Maladies du système nerveux et des organes des sens.*

35. Méningite non méningococcique (81).
36. Maladies de la moelle épinière, excepté ataxie locomotrice (82).
37. Lésions intra-craniennes d'origine vasculaire (83).
38. Maladies et déficiences mentales (84).
39. Épilepsie (85).
40. Autres maladies du système nerveux (80, 86, 87).
41. Maladies de l'œil, de l'oreille et de leurs annexes (88, 89).

### VII. *Maladies de l'appareil circulatoire.*

42. Péricardite, y compris péricardite rhumatismale chronique (90).
43. Affections chroniques des valvules cardiaques et de l'endocarde (92).
44. Maladies du myocarde, y compris anévrisme du cœur (93).
45. Maladies des artères coronaires et angine de poitrine (94).
46. Autres maladies du cœur (91 et 95).
47. Artériosclérose et gangrène (97 et 98).
48. Autres maladies de l'appareil circulatoire (96, 99 à 103).

VIII. *Maladies de l'appareil respiratoire.*

- 49. Bronchite (106).
- 50. Pneumonies (107 à 109).
- 51. Pleurésie non tuberculeuse (110).
- 52. Autres maladies de l'appareil respiratoire, excepté tuberculose (104, 105, 111 à 114).

IX. *Maladies de l'appareil digestif.*

- 53. Ulcère de l'estomac et du duodénum (117).
- 54. Diarrhée et entérite au-dessous de deux ans (119).
- 55. Diarrhée, entérite et ulcération intestinale deux ans et plus (120).
- 56. Appendicite (121).
- 57. Hernie, obstruction intestinale (122).
- 58. Cirrhose du foie (124).
- 59. Autres maladies du foie et de la vésicule biliaire, y compris calculs biliaires (125 à 127).
- 60. Autres maladies de l'appareil digestif (115, 116, 118, 123, 128, 129).

X. *Maladies de l'appareil urinaire et de l'appareil génital (non vénériennes, gravidiques ou puerpérales).*

- 61. Néphrites (130 à 132).
- 62. Autres maladies des reins, des bassinets et des uretères (133).
- 63. Calculs des voies urinaires (134).
- 64. Maladies de la vessie, excepté tumeurs (135).
- 65. Maladies de l'urètre, abcès urinaires, etc. (136).
- 66. Maladies de la prostate (137).
- 67. Autres maladies des organes génitaux, non désignées comme vénériennes, gravidiques ou puerpérales (138 et 139).

XI. *Maladies de la grossesse, accouchement, état puerpéral.*

- 68. Maladies et accidents de la grossesse (142 à 145).
- 69. Avortement non spécifié comme septique (141).
- 70. Infection après avortement (140).
- 71. Infection pendant l'accouchement et l'état puerpéral (147).
- 72. Autres accidents et maladies de l'accouchement et de l'état puerpéral (146, 148, 149, 150).

XII. *Maladies de la peau et du tissu cellulaire.*

- 73. Maladies de la peau et du tissu cellulaire (151 à 153).

XIII. *Maladies des os et des organes du mouvement.*

- 74. Maladie des os et des organes du mouvement, excepté tuberculose et rhumatisme (154 à 156).

XIV. *Vice de conformation congénitaux.*

- 75. Vices de conformation congénitaux, mort-nés non compris (157).

XV. *Maladies particulières à la première année de vie.*

- 76. Débilité congénitale (158).
- 77. Naissance prématurée, mort-nés non compris (159).
- 78. Conséquences de l'accouchement, mort-nés non compris (160).
- 79. Autres maladies particulières à la première année de vie (161).

XVI. *Sénilité, vieillesse.*

- 80. Sénilité, vieillesse (162).

XVII. *Morts violentes et accidentelles.*

- 81. Suicides (163, 164).
- 82. Homicides (165 à 168).
- 83. Accidents d'automobiles (tous véhicules à moteurs) [170].
- 84. Autres morts violentes ou accidentelles (169, 171 à 195) sauf accidents d'automobiles.
- 85. Décès de militaires au cours (et de civils du fait) d'opérations de guerre (196, 197).
- 86. Exécutions judiciaires (198).

XVIII. *Causes de décès indéterminées.*

- 87. Causes non spécifiées ou mal définies (199, 200).

[Translation]

### PROTOCOL

At the Conference held in Paris on October 6, 1938, convened under paragraph 4 of article 4 of the international agreement dated June 19, 1934,<sup>1</sup> relating to statistics of causes of death, the delegations present of governments contracting under the said agreement, viz, the delegations representing the following countries: Germany, Australia, Canada, United States of America, Hungary, Italy, New Zealand, Netherlands, United Kingdom of Great Britain and Northern Ireland, Venezuela, have unanimously adopted the modifications in the minimum nomenclature in force which are embodied in the revised minimum nomenclature certified as authentic by the Secretary General of the Conference and annexed hereto.

In faith whereof the undersigned delegates duly authorized to that effect have signified the adoption of the said modifications by their respective governments.

The present protocol deposited in the archives of the French Government shall be open until December 31, 1938, inclusive, for signature by the diplomatic representatives of the countries above mentioned, the delegates of which had not been authorized to engage their respective governments.

Provided, however, that if by January 1, 1939, the number of signatures obtained by either procedure is less than four-fifths of the number

<sup>1</sup> [Executive Agreement Series No. 80.]

Minimum nomenclature of causes of death.

49 Stat. 3789.

of governments represented at the present Conference, the said modifications in the minimum nomenclature in force shall be of no force or effect.

Done at Paris, October 6, 1938, in a single copy, which shall be deposited in the archives of the French Government and of which certified copies shall be furnished to each contracting government.

For the United Kingdom of Great Britain and Northern Ireland:

SYLVANUS P. VIVIAN.

For the Commonwealth of Australia:

SYLVANUS P. VIVIAN.

For Venezuela:

CARLOS ARISTIMUNO-COLL.

For New Zealand:

ERIC PHIPPS.

For Italy:

GUARIGLIA.

For Canada:

PHILIPPE ROY.

For Germany:

JOHANNES GRAF VON WELCZECK.

For the United States:

EDWIN C. WILSON.

For Hungary:

Comte KHUEN-HÉDERVARY.

For the Netherlands:

J. LOUDON.

[Annex—Translation]

INTERNATIONAL CONFERENCE FOR THE 5TH REVISION  
OF THE NOMENCLATURES OF CAUSES OF DEATH

PARIS, OCTOBER 3-7, 1938

**Intermediate Nomenclature**

(See the numbers of the detailed nomenclature, indicated in parentheses, for the complete specification of the contents of each rubric).

*I. Infectious and parasitic diseases*

1. Typhoid and paratyphoid fevers (1 and 2)
2. Plague (3)
3. Scarletina (8)
4. Whooping cough (9)
5. Diphtheria (10)
6. Tuberculosis of the respiratory tract (13)
7. All other tubercloses (14 to 22)
8. Purulent infection and nonpuerperal septicemia (24)

9. Dysentery (27)
10. Malaria (28)
11. Syphilis (30)
12. Grippe or influenza (33)
13. Smallpox (34)
14. Measles (35)
15. Exanthematic typhus (39)
16. Diseases due to helminthes (40, 41, 42)
17. Other infectious and parasitic diseases (4 to 7, 11, 12, 23, 25, 26, 29, 31, 32, 36, 37, 38, 43, and 44)

## II. *Cancer and other tumors*

18. Cancer and other malignant tumors of the buccal cavity and of the pharynx (45)
19. Cancer and other malignant tumors of the digestive tube and of the peritoneum (46)
20. Cancer and other malignant tumors of the respiratory apparatus (47)
21. Cancer and other malignant tumors of the uterus (48)
22. Cancer and other malignant tumors of the breast (50)
23. Cancer and other malignant tumors of other organs and of organs not specified (49, 51 to 55)
24. Tumors which are not malignant or the malignant character of which is not specified (56 and 57)

## III. *Rheumatic diseases, nutritional diseases, diseases of the endocrine glands, other general diseases, [and] avitaminoses*

25. Acute febrile articular rheumatism (58)
26. Chronic rheumatism and gout (59, 60)
27. Diabetes mellitus (61)
28. Diseases of the thyroid gland and of the parathyroid glands (63)
29. Other general diseases (62, 64 to 66)
30. Avitaminoses (67 to 71)

## IV. *Diseases of the blood and of the hematopoietic organs*

31. Pernicious and other anemias (73)
32. Leukemia, aleukemia, and other diseases of the blood and of the hematopoietic organs (72, 74 to 76)

## V. *Chronic poisonings and intoxications*

33. Acute or chronic alcoholism (77)
34. Other chronic poisonings (78, 79)

## VI. *Diseases of the nervous system and of the sense organs*

35. Nonmeningococcic meningitis (81)
36. Diseases of the spinal cord, except locomotor ataxia (82)
37. Intracranial lesions of vascular origin (83)

- 38. Mental diseases and deficiencies (84)
- 39. Epilepsy (85)
- 40. Other diseases of the nervous system (80, 86, 87)
- 41. Diseases of the eye, of the ear, and of their annexes (88, 89)

VII. *Diseases of the circulatory system*

- 42. Pericarditis, including chronic rheumatic pericarditis (90)
- 43. Chronic affections of the cardiac valves and of the endocardium (92)
- 44. Diseases of the myocardium, including aneurysm of the heart (93)
- 45. Diseases of the coronary arteries and angina pectoris (94)
- 46. Other heart diseases (91 and 95)
- 47. Arteriosclerosis and gangrene (97 and 98)
- 48. Other diseases of the circulatory system (96, 99 to 103)

VIII. *Diseases of the respiratory system*

- 49. Bronchitis (106)
- 50. Pneumonias (107 to 109)
- 51. Nontubercular pleurisy (110)
- 52. Other diseases of the respiratory system except tuberculosis (104, 105, 111 to 114)

IX. *Diseases of the digestive system*

- 53. Ulcer of the stomach and of the duodenum (117)
- 54. Diarrhea and enteritis under 2 years (119)
- 55. Diarrhea, enteritis, and intestinal ulceration, 2 years and over (120)
- 56. Appendicitis (121)
- 57. Hernia [and] intestinal obstruction (122)
- 58. Cirrhosis of the liver (124)
- 59. Other diseases of the liver and the gall bladder, including biliary calculi (125 to 127)
- 60. Other diseases of the digestive system (115, 116, 118, 123, 128, 129)

X. *Diseases of the urinary system and the genital system (not venereal or connected with pregnancy or childbirth)*

- 61. Nephritis (130 to 132)
- 62. Other diseases of the kidneys, of the calyces, and of the ureters (133)
- 63. Stones of the urinary passages (134)
- 64. Diseases of the bladder, with the exception of tumors (135)
- 65. Diseases of the urethra, urinary abscesses, etc. (136)
- 66. Diseases of the prostate gland (137)
- 67. Other diseases of the genital organs, not designated as venereal or connected with pregnancy or with childbirth (138 and 139)

*XI. Diseases of pregnancy, accouchement, and the puerperal state*

- 68. Diseases and accidents of pregnancy (142 to 145)
- 69. Miscarriage not specified as septic (141)
- 70. Infection after miscarriage (140)
- 71. Infection during accouchement and the puerperal state (147)
- 72. Other accidents and diseases of accouchement and of the puerperal state (146, 148, 149, 150)

*XII. Diseases of the skin and of the cellular tissue*

- 73. Diseases of the skin and of the cellular tissue (151 to 153)

*XIII. Diseases of the bones and of the organs of movement*

- 74. Diseases of the bones and of the organs of movement, with the exception of tuberculosis and rheumatism (154 to 156)

*XIV. Defects of congenital conformation*

- 75. Defects of congenital conformation, stillborn not included (157)

*XV. Diseases special to the first year of life*

- 76. Congenital debility (158)
- 77. Premature birth, stillborn not included (159)
- 78. Consequences of accouchement, stillborn not included (160)
- 79. Other diseases special to the first year of life (161)

*XVI. Senility, old age*

- 80. Senility, old age (162)

*XVII. Violent and accidental deaths*

- 81. Suicides (163, 164)
- 82. Homicides (165 to 168)
- 83. Automobile accidents (all motor vehicles) (170)
- 84. Other violent or accidental deaths, automobile accidents not included (169, 171 to 195)
- 85. Deaths of soldiers (and of civilians) in the course of war operations (196, 197)
- 86. Executions by law (198)

*XVIII. Undetermined causes of death*

- 87. Nonspecified or indefinite causes (199, 200)

*Agreement between the United States of America and Canada respecting exemptions from exchange control measures. Effected by exchange of notes signed June 18, 1940; effective June 18, 1940.*

June 18, 1940  
[E. A. S. No. 174]

*The Canadian Secretary of State for External Affairs to the American Minister*

DEPARTMENT OF EXTERNAL AFFAIRS

CANADA

No. 84

OTTAWA, *June 18th, 1940.*

SIR:

With reference to recent conversations between representatives of the Government of Canada and the Government of the United States of America regarding the extension to individuals ordinarily resident in Canada who are nationals of the United States and are not British subjects of certain exemptions from orders and regulations now or hereafter in force respecting the acquisition and disposition of foreign currency and foreign securities, I have the honour to propose an agreement concerning these exemptions in the following terms:—

Terms proposed.

1. Such individuals will be exempt from any required declaration or sale of, and will be permitted freely to use or dispose of, foreign currency and foreign securities held by them (in which no non-exempted resident has any beneficial interest) which were

(a) acquired by them before the time of the coming into force of the Foreign Exchange Control Order, viz., before September 16, 1939; or

(b) acquired by them subsequent to such time from non-residents of Canada, excluding any foreign currency and foreign securities so acquired (1) in connection with exports from or imports into Canada of property not exempted by this agreement, or (2) as the result of business carried on in Canada.

2. The foregoing paragraph shall apply to private individuals and not to corporations, companies, associations, firms or partnerships.

3. Any of the exemptions mentioned above shall lapse if and when such individual becomes a British subject or ceases to be a United States national.

4. In the event similar exchange control measures should be enforced in the United States with respect to individuals ordinarily resident in the United States who are nationals of Canada and are not nationals of the United States, without like exemptions being granted such individuals, the Government of Canada shall consider themselves released from the obligation to continue to grant such of the exemptions provided for in this agreement as may not be accorded to the said individuals.

5. "Foreign currency", as used in this agreement, is defined as meaning any currency (excluding coin) other than Canadian currency, including bank notes and other notes intended to circulate as money in any country outside Canada and also postal notes,

money orders, cheques, travellers' cheques, prepaid letters of credit, bank drafts and other similar instruments payable in any currency other than Canadian currency, and includes any foreign currency on deposit; and "foreign currency on deposit" or "deposit" means any amount in foreign currency of which a resident has a right to obtain payment by reason of a deposit, credit or balance of any kind at or with a bank, savings bank, trust company, loan company, stockbroker, investment dealer or other similar depositary or any other person or institution designated by the Canadian Foreign Exchange Control Board as a depositary.

I have the honour to suggest that if an agreement in the sense of the foregoing paragraphs is acceptable to the Government of the United States this note and your reply thereto in similar terms shall be regarded as placing on record the understanding arrived at between the two Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

O. D. SKELTON

for

*Secretary of State  
for External Affairs.*

HON. J. PIERREPONT MOFFAT,  
*Minister of the United States,  
Ottawa.*

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*The American Minister to the Canadian Secretary of State for  
External Affairs*

No. 7                      LEGATION OF THE UNITED STATES OF AMERICA,  
*Ottawa, Canada, June 18, 1940.*

SIR:

Agreement by U. S.

I have the honor to refer to your note of today's date proposing an agreement between the Government of the United States of America and the Government of Canada concerning the extension to individuals ordinarily resident in Canada who are nationals of the United States and are not British subjects of certain exemptions from orders and regulations now or hereafter in force respecting the acquisition and disposition of foreign exchange and foreign securities in the following terms:

1. Such individuals will be exempt from any required declaration or sale of, and will be permitted freely to use or dispose of, foreign currency and foreign securities held by them (in which no non-exempted resident has any beneficial interest) which were

(a) acquired by them before the time of the coming into force of the Foreign Exchange Control Order, viz., before September 16, 1939; or

(b) acquired by them subsequent to such time from non-residents of Canada, excluding any foreign currency and foreign securities so acquired (1) in connection with exports from or imports into Canada of property not exempted by this agreement, or (2) as the result of business carried on in Canada.

2. The foregoing paragraph shall apply to private individuals and not to corporations, companies, associations, firms or partnerships.

3. Any of the exemptions mentioned above shall lapse if and when such individual becomes a British subject or ceases to be a United States national.

4. In the event similar exchange control measures should be enforced in the United States with respect to individuals ordinarily resident in the United States who are nationals of Canada and are not nationals of the United States, without like exemptions being granted such individuals, the Government of Canada shall consider themselves released from the obligation to continue to grant such of the exemptions provided for in this agreement as may not be accorded to the said individuals.

5. "Foreign currency", as used in this agreement, is defined as meaning any currency (excluding coin) other than Canadian currency, including bank notes and other notes intended to circulate as money in any country outside Canada and also postal notes, money orders, cheques, travellers' cheques, prepaid letters of credit, bank drafts and other similar instruments payable in any currency other than Canadian currency, and includes any foreign currency on deposit; and "foreign currency on deposit" or "deposit" means any amount in foreign currency of which a resident has a right to obtain payment by reason of a deposit, credit or balance of any kind at or with a bank, savings bank, trust company, loan company, stockbroker, investment dealer or other similar depository or any other person or institution designated by the Canadian Foreign Exchange Control Board as a depository.

I have the honor to inform you that an agreement in the terms of the foregoing paragraphs is acceptable to the Government of the United States of America and that this note, and your note under reference, will be regarded as placing on record the understanding arrived at between our Governments concerning this matter.

Accept, Sir, the renewed assurances of my highest consideration.

PIERREPONT MOFFAT.

The Right Honorable  
The SECRETARY OF STATE  
FOR EXTERNAL AFFAIRS,  
*Ottawa.*

June 29, 1940  
[E. A. S. No. 175]

*Agreement between the United States of America and Argentina respecting military aviation instructors. Signed June 29, 1940; effective June 29, 1940.*

<sup>44</sup> Stat. 565; 49 Stat. 218.  
<sup>10</sup> U. S. C. § 540; Supp. V, § 540.

The President of the United States of America, by virtue of the authority conferred by the Act of Congress, approved May 19, 1926, as amended by an Act of Congress, May 14, 1935, having authorized the detail of United States Army Air Corps officers to assist the Argentine War Department, the following conditions are agreed between the Ambassador of the Argentine Republic at Washington, as representative and agent of the Argentine Ministry of War, hereinafter referred to as the Party of the First Part, and the Acting Secretary of War of the United States of America as representative and agent of certain officers of the Air Corps, United States Army, hereinafter referred to as the Parties of the Second Part or as Officers of the Regular Army of the United States of America who have been detailed to their duties by the Secretary of War of the United States after approval of the compensation and emoluments herein stipulated.

Habiendo el Presidente de los Estados Unidos de América, por virtud de la autoridad conferida por Ley del Congreso aprobada el 19 de Mayo de 1926 y reformada por Ley del Congreso del 14 de Mayo de 1935, autorizado la designación de oficiales del Cuerpo Aéreo del Ejército de los E.E. U.U., para cooperar con el Ministerio de Guerra de la República Argentina, se aceptan las condiciones que a continuación se expresan y que han sido convenidas entre el Embajador de la República Argentina en Washington como representante y agente del Ministerio de Guerra de la República Argentina, en adelante referido como la Primera Parte contratante y el Ministro de Guerra Interino de los Estados Unidos de América como representante y agente de los oficiales del Cuerpo Aéreo del Ejército de los E.E. U.U. en adelante referidos como las Segundas Partes o como los oficiales del Ejército Regular de los Estados Unidos de América, previa aprobación de la remuneración y emolumentos aquí estipulados.

## TITLE I

### DUTIES AND DURATION

*Article 1.* The Parties of the Second Part hereby agree:

a) To place at the disposal of the Party of the First Part all

## TITULO I

### OBLIGACIONES Y DURACIÓN

*Artículo 1º.* Por el presente contrato las Segundas Partes se comprometen a:

a) Poner a disposición de la Primera Parte todos sus conoci-

Duties and duration.

their technical and professional capacities, acting as technical advisers and instructors with regard to aviation when so requested by the Minister of War, Argentine Republic;

b) To advise the Commanding Officer of the Army Air Forces cooperating with him in all matters pertaining to same, prescribing the courses and assisting in the instruction;

c) To instruct personally in their capacities as instructors of bombing, aerial gunnery, aerial tactics, blind and night flying and navigation, as regards both theory and flying, the students who are detailed to them in a complete course dealing with the subject for which they shall draw up a program in accordance with the directives of the Commander of the Air Forces of the Army;

d) To obey without any reservations except such as may be required by the obligations of their oaths as officers of the United States Army, the orders of the service which may be given to them by the Minister of War or his lawful deputy, relative to the performances of their duties. In case of noncompliance with this provision the Party of the First Part shall be empowered to cancel the present contract, under the conditions set forth in Article 9;

e) The Parties of the Second Part shall participate in such air flights as may be required in the performance of their duties; provided further, that the Argentine Government shall place an airplane at their disposal for such periodic flights as may be required to maintain their status as pilots under United States Army Regulations. In making flights no liability is assumed by the

mientos técnicos y profesionales actuando como informantes e instructores con relación a la aviación cuando así sean requeridos por el Ministro de Guerra de la República Argentina;

b) Asesorar al Comandante de Aviación de Ejército cooperando con él en todas las materias relativas a las mismas, prescribiendo los cursos y cooperando en la instrucción;

c) A instruir personalmente en sus caracteres de profesores de bombardeo, de tiro aéreo, de táctica aérea, de vuelo a ciegas y nocturno y de navegación, tanto en la parte teórica como en vuelo, a los alumnos que se les designen en un curso completo de las materias, para el cual deberán confeccionar los programas según las directivas del Comandante de Aviación de Ejército;

d) Cumplir sin restricción alguna, excepto las obligaciones que les imponen sus juramentos como oficiales del Ejército de los E.E.U.U., las órdenes del servicio que se les impartan por el Ministro de Guerra o su debido representante, relativas al desempeño de sus funciones. Caso contrario faculta a la Primera Parte para cancelar el presente contrato en las condiciones que establece el Artículo 9°;

e) Las Segundas Partes participarán en los vuelos que sean necesarios para el cumplimiento de sus obligaciones y con la condición de que el Gobierno Argentino pondrá aeroplanos a disposición de las Segundas Partes para efectuar los vuelos periódicos que sean necesarios para mantener sus entrenamientos de pilotos como lo requieran los Reglamentos del Ejército de los E.E.U.U. Al efec-

Parties of the Second Part for damage caused to equipment, or for death or injury to others incident to any accident in which he may be involved under the provisions of this contract.

The senior officer will assure normally the direct relations with the Minister of War, the Chief of Staff of the Army and the Commanding Officer of the Air Force.

*Article 2.* This agreement shall continue in effect for a period of one year from the date of its signature and shall supersede the agreement signed September 12, 1939.<sup>1</sup>

*Article 3.* The present agreement is subject to extension by mutual consent at its expiration for a period of one year.

*Article 4.* It is agreed that the services to be rendered by the Parties of the Second Part, as set forth in Article 1, may be suspended in the event that any of the armed forces of Argentina engage in activities other than those normally carried on during times of peace. It is agreed further that in case of war being declared between the Argentine Republic and any other nation, or between the United States and any other nation, the present agreement may be terminated, subject to the return of the officers, their families and household effects to the United States, as indicated in Articles 13, 14, 15, 16 and 19.

*Article 5.* It is stipulated and agreed that while the Parties of the Second Part shall be employed

tuar vuelos las Segundas Partes no asumen responsabilidad alguna por daños causados al equipo o por daños o muerte a otros como resultado de cualquier accidente en que tomen parte dentro de las estipulaciones del presente contrato.

El oficial de mayor categoría será el encargado de mantener regularmente las relaciones con el Ministro de Guerra, el Estado Mayor General del Ejército y el Comando de Aviación de Ejército.

*Artículo 2º.* Este contrato durará un año desde la fecha de su firma y reemplazará al contrato firmado el 12 de Septiembre de 1939.

*Artículo 3º.* El presente contrato puede ser extendido por consentimiento mútuo a su vencimiento, por un nuevo período de un año.

*Artículo 4º.* Se conviene que los servicios que deban prestar las Segundas Partes según se establece en el Artículo 1º podrán ser suspendidos, en el caso de que cualquiera de las Fuerzas Armadas de la República Argentina tome parte en otras actividades que aquellas que se ejercen normalmente en tiempo de paz. Se conviene además que en caso de declaración de guerra entre la República Argentina y cualquiera otra nación, o entre los Estados Unidos y cualquiera otra nación, podrá considerarse rescindido el presente contrato, disponiéndose el regreso de los oficiales, sus familias y efectos personales a los E.E.U.U. en la forma indicada en los Artículos 13, 14, 15, 16 y 19.

*Artículo 5º.* Se establece y conviene que durante la vigencia del presente contrato o cualquiera

*Ante*, p. 1813.

Suspension or termination in event of hostilities.

Services of personnel of other foreign governments, restriction.

<sup>1</sup>[Executive Agreement Series No. 161.]

under this agreement, or any extension thereof, the Party of the First Part will not engage the services of any personnel of any other foreign government for the duties and purposes contemplated by this agreement, unless expressly agreed to between the Argentine Government and the Government of the United States.

prórroga del mismo, la Primera Parte no podrá utilizar los servicios de personal alguno de otros gobiernos extranjeros para las obligaciones y propósitos contemplados en este contrato, fuera del caso en que ello sea expresamente convenido por el Gobierno Argentino y el Gobierno de los E. E. U. U.

## TITLE II

## TITULO II

### REQUISITES AND CONDITIONS

### REQUISITOS Y CONDICIONES

*Article 6.* The Parties of the Second Part hereby agree not to divulge nor by any means to disclose to any foreign government or person whatsoever any secret or confidential matter of which they may become cognizant as a natural consequence of their functions, or in any other way, it being understood that this requisite honorably continues even after the expiration or cancellation of the present or any other subsequent agreement.

*Artículo 6°.* Las Segundas Partes se comprometen por el presente contrato a no divulgar o revelar por ningún medio, cualquier secreto o asunto confidencial que llegue a ser de su conocimiento como una consecuencia natural de sus funciones, o por cualquier otro medio; quedando establecido que este requisito subsistirá honorablemente y de buena fe aún después del vencimiento o cancelación del presente contrato o de cualquier otro subsiguiente.

Requisites and conditions.

*Article 7.* During the entire stay in the Argentine Republic at the service of the Party of the First Part, the Parties of the Second Part shall be entitled to the benefits which the Argentine Army Regulations provide for its officers of corresponding rank.

*Artículo 7°.* Durante toda la estada en la República Argentina al servicio de la Primera Parte, las Segundas Partes gozarán de los beneficios que los reglamentos del Ejército Argentino conceden a sus oficiales del mismo grado.

*Article 8.* In case the Party of the First Part should desire that the services of the Parties of the Second Part be extended beyond the period stipulated in Article 2, as referred to in Article 3, written proposal to that effect must be made three months before the expiration of the present agreement.

*Artículo 8°.* En caso de que la Primera Parte deseara que los servicios de las Segundas Partes fueran prorrogados más allá del período estipulado en el Artículo 2° según se establece en el Artículo 3°, deberá presentar una propuesta escrita en tal sentido, tres meses antes del vencimiento del presente contrato.

*Article 9.* The present agreement may be cancelled by either

*Artículo 9°.* El presente contrato puede ser cancelado por cual-

Cancellation provision.

of the Parties subject to thirty (30) days' notice in writing.

*Article 10.* For the purposes of the present contract the family of an officer is construed to include his wife and dependent children.

*Article 11.* After each year of service with the Argentine Government, or proportional part thereof, should this contract be terminated prior to one year, the Parties of the Second Part are individually entitled to one month's leave or proportional part thereof with pay.

*Article 12.* The leave cited in the preceding Article may be spent in foreign countries, subject to the standing instructions of the United States War Department concerning visits to foreign countries. In all cases, a previously written application, containing full details, addressed to the appropriate Argentine Army authority, will be necessary. Unused portions of such leave including that deriving from the previous individual contracts shall be cumulative from year to year.

### TITLE III

#### COMPENSATIONS

*Article 13.* For the services specified in Article 1 of this contract the officers of the Regular Army of the United States of America shall receive from the Argentine Government such monthly compensation in pesos, national money, of legal tender, as may be agreed upon between the Governments of the United States and the Argentine Republic for each individual officer.

quiera de las dos Partes previa notificación por escrito, presentada con treinta días de anticipación.

*Artículo 10º.* A los efectos del presente contrato la familia de un oficial se considera compuesta por la esposa y los hijos que de él dependen.

*Artículo 11º.* Después de cada año de servicio con el Gobierno Argentino, o fracción en caso de terminar este contrato antes del plazo de un año, las Segundas Partes tendrán derecho a un mes de licencia, o fracción proporcional, con goce de sueldo.

*Artículo 12º.* De la licencia mencionada en el artículo precedente se podrá hacer uso en el extranjero, sujeto a las instrucciones vigentes del Ministerio de Guerra de los E.E.U.U. acerca de las visitas a países extranjeros. En todos los casos será menester formular un pedido previo por escrito conteniendo todos los detalles, a la autoridad militar argentina correspondiente. Las licencias de que no han hecho uso y las que deriven de los previos contratos individuales podrán acumularse de un año a otro.

### TITULO III

#### REMUNERACIÓN DE SERVICIOS

*Artículo 13º.* Por los servicios especificados en el Artículo 1º del presente contrato, los oficiales del Ejército de los E.E.U.U. recibirán del Gobierno Argentino una remuneración mensual en pesos moneda nacional de curso legal según se convenga entre los Gobiernos de los Estados Unidos y de la República Argentina para cada oficial.

The said salary shall be payable on the last day of each month, it being hereby stipulated that neither said compensation nor the pay and allowances which they receive from the Government of the United States, shall be subject to any Argentine Government tax now in force, and that if any other tax or taxes are imposed by the Argentine Government, the compensation shall be so increased as to cover this taxation.

*Article 14.* The compensation set forth in Article 13 shall begin from the date of signature of this agreement in the case of such officers as may be in the Argentine Republic at that time, and in the case of any newly assigned officer shall begin on the date of leaving New York, traveling by sea. The compensation shall continue until the termination of this contract, plus the time required to travel by the usual sea route from Buenos Aires to New York, plus such additional time as may cover the leave periods.

*Article 15.* The Party of the First Part will furnish the expenses of transportation if necessary by land and sea of the Parties of the Second Part, their families, household effects and baggage, including automobile, in advance, the officers and their families being furnished with first-class accommodations.

*Article 16.* Such allowance as may be agreed upon will be provided in advance by the Argentine Government to cover expenses arising from changing the residence of any additional officer and his family as may proceed to the

Esos salarios serán pagados el último día de cada mes, siendo entendido que dicha remuneración y la que reciban del Gobierno de los E.E.U.U. no serán gravadas con ningún impuesto del Gobierno Argentino en vigor al presente y que si se aprobara por el Gobierno Argentino un impuesto o impuestos, la remuneración será aumentada para cubrir tales impuestos.

*Artículo 14°.* El goce de la remuneración estipulada en el Artículo 13° comenzará el día de la firma de este contrato en el caso de que los oficiales estuvieran en ese tiempo en la República Argentina; en el caso de la designación de un nuevo oficial el goce de la remuneración empezará el día de salida de Nueva York viajando por mar. La remuneración continuará hasta la terminación de este contrato más el tiempo necesario para el viaje por la ruta marítima ordinaria de Buenos Aires a Nueva York, agregando la correspondiente a los períodos de licencia.

*Artículo 15°.* La Primera Parte pagará los gastos necesarios de transporte por mar y por tierra a los oficiales del Ejército de los E.E.U.U., sus familias, sus efectos personales, incluyendo el automóvil, por adelantado, proveyéndoselos siempre de pasajes de primera clase.

*Artículo 16°.* Una bonificación cuyo monto se convendrá será provista por adelantado por el Gobierno Argentino para compensar los gastos originados por cambio de residencia de las Segundas Partes y sus familias, si un

Argentine Republic under this contract.

*Article 17.* The cases of cancellation mentioned in Article 9 shall be compensated as follows:

a) The United States may, if the public interest so requires, recall at any time any or all of the officers, substituting for them other officers acceptable to the Argentine Government, all expenses in connection therewith being incumbent upon the Government of the United States of America. If on the request of the Argentine Government, any of the officers is recalled for due or just cause other than the termination of his services or illness, all expenses connected with the return shall be incumbent upon the United States of America.

b) If cancellation of this contract be effected on the request of the United States of America, all expenses of the return of the officers and all effects thereof to the United States shall be borne by the Government of the United States of America; should cancellation be effected on the initiative of the Argentine Government, or as a result of war between the Argentine Republic and a foreign government or as the result of the contingency envisaged in Article 4, the Argentine Government shall bear these costs.

*Article 18.* The Party of the First Part will not provide for annual leave any additional allowance or compensation further than that stipulated in Article 13 and mentioned in Article 14.

*Article 19.* The additional allowance of Article 16 for the

nuevo oficial fuera enviado a la República Argentina de acuerdo a este contrato.

*Artículo 17°.* Los casos de cancelación mencionados en el Artículo 9° serán compensados en la siguiente forma:

a) Si los Estados Unidos, requeridos por su interés público, ordena el regreso en cualquier tiempo de uno o de todos los oficiales, sustituyéndolos por otros, de acuerdo con el Gobierno Argentino; todos los gastos originados por este motivo corresponderán al Gobierno de los Estados Unidos de América. Si por el pedido del Gobierno Argentino alguno de los oficiales es llamado a su país por otra causa que la terminación de sus servicios o enfermedad, todos los gastos relacionados con este retorno, si hubiera justa causa, incumben al Gobierno de los Estados Unidos de América.

b) Si la propuesta de cancelación fuera presentada a pedido de los Estados Unidos de América, todos los gastos para el regreso de los oficiales y sus efectos personales serán satisfechos por el Gobierno de los Estados Unidos de América; si la propuesta de cancelación se efectuara a pedido del Gobierno Argentino, o como resultado de una guerra entre la República Argentina y un Gobierno extranjero o como resultado de los casos previstos en el Artículo 4°, todos los gastos estarán a cargo del Gobierno Argentino.

*Artículo 18°.* La Primera Parte no otorgará por la licencia anual ninguna remuneración o bonificación adicional, salvo la estipulada en el Artículo 13° y mencionada en el Artículo 14°.

*Artículo 19°.* La bonificación adicional del Artículo 16° otor-

Parties of the Second Part shall be paid by the Party of the First Part prior to departure from present station in the United States proceeding by the usual traveled route.

*Article 20.* The household effects, personal effects, and baggage, including an automobile, of the Parties of the Second Part and their families, shall be exempt from customs duties in the Argentine Republic, or if such customs duties are imposed and required, an equivalent additional allowance to cover such charge shall be paid by the Argentine Government.

*Article 21.* The compensation for transportation and traveling expenses in the Argentine Republic necessitated by the Argentine official business in compliance with Article 1 will be provided according to conditions specified in Article 7.

*Article 22.* a) Should any of the Parties of the Second Part become ill, he shall be cared for by the Argentine Government in such hospital, after consultation, as may be considered suitable; any officer unable to perform his duties by reason of long continued physical disability shall be changed.

b) If any of the Parties of the Second Part, or one of his family, should die in the Argentine Republic while the present or any extension of this agreement is in force, the Party of the First Part shall have the body transported to such place in the United States as the family may decide. Should the deceased be any of the Parties of the Second Part this agreement will be considered terminated with

gada a las Segundas Partes será pagada por la Primera Parte por adelantado y antes de la salida de su actual residencia oficial en los Estados Unidos por la ruta ordinaria.

*Artículo 20°.* El mobiliario, los efectos personales, el equipaje, incluyendo un automóvil de las Segundas Partes y sus familias, estarán libres de derechos aduaneros en la República Argentina; pero si tales derechos fueran impuestos y exigidos, la Primera Parte abonará una bonificación adicional equivalente para cubrir dicho gasto.

*Artículo 21°.* La compensación por transporte y gastos de viaje en la República Argentina, originada por comisiones oficiales en cumplimiento del Artículo 1° será otorgada de acuerdo con las condiciones especificadas en el Artículo 7°.

*Artículo 22°.* a) En caso de que las Segundas Partes o alguna de ellas contrayesen alguna enfermedad, serán hospitalizadas por el Gobierno Argentino en el lugar que se considere apropiado, previa consulta; cualquier oficial incapacitado de cumplir con sus obligaciones por razones de continuada imposibilidad física deberá ser cambiado.

b) Si alguna de las Segundas Partes o cualquier miembro de su familia llegara a fallecer en la República Argentina durante el tiempo en que este contrato o cualquiera de sus prórrogas esté en vigor, la Primera Parte tomará las medidas necesarias para que el cuerpo sea transportado al lugar de los Estados Unidos que decida la familia. En caso de ser el fallecido alguna de las Segundas

*Ante, p. 2320.*

*Ante, p. 2323.*

reference to him fifteen days after his death, and compensation will be provided as specified in Articles 13, 14, 15, 16, 19 and 20, payable to the widow of the Party of the Second Part or other person who may be designated in writing by the Party of the Second Part any time during the continuance of this contract, provided such widow or other person will not be compensated for the accrued leave of the deceased, and provided further that these compensations be paid within fifteen days of the death of the Party of the Second Part.

Partes este contrato se considerará a su respecto terminado quince días después del deceso y las compensaciones y remuneraciones que se otorgarán serán las especificadas en los Artículos 13, 14, 15, 16, 19 y 20, pagaderos a la viuda o cualquier otra persona designada por escrito por las Segundas Partes en cualquier momento durante la vigencia de éste contrato, siempre que la viuda o la persona designada no esté compensada por la licencia proporcional que correspondería al fallecido y estipulándose que estas remuneraciones serán pagadas dentro de los quince días de ocurrida la muerte del oficial.

Signatures.

*Article 23.* In faith whereof, the undersigned, being duly authorized, sign the present agreement in two texts in duplicate, each one in the Spanish and English languages, this twenty-ninth day of June, nineteen hundred and forty, in Washington, D. C., United States of America.

*Artículo 23°.* En testimonio de todo lo que, los abajo firmados, estando debidamente autorizados, firman el presente contrato en dos textos por duplicado, cada uno en idioma español e inglés, hoy veintinueve de junio de mil novecientos cuarenta en Washington, D. C., Estados Unidos de América.

[SEAL]      LOUIS JOHNSON  
[SEAL]      FELIPE A ESPIL

*Agreement between the United States of America and Brazil respecting exchange of official publications. Effected by exchange of notes signed June 15 and 24, 1940; effective June 24, 1940.*

June 15 and 24, 1940  
[E. A. S. No. 176]

*The Secretary of State (Hull) to the Brazilian Ambassador (Martins)*

DEPARTMENT OF STATE

Washington, June 15, 1940

EXCELLENCY:

I have the honor to refer to the Department's note of April 20, 1940<sup>1</sup> and previous correspondence regarding the exchange of official publications.

Agreement by U. S.

It gives me pleasure to inform Your Excellency that the Government of the United States of America will be glad to undertake a complete exchange of official publications with the Government of the United States of Brazil to be conducted in accordance with the following provisions:

1. The official exchange office for the transmission of publications of the United States of America is the Smithsonian Institution. The official exchange office on the part of the United States of Brazil is the Instituto Nacional do Livro.

2. The publications exchanged shall be received on behalf of the United States of America by the Library of Congress; on behalf of the United States of Brazil by the Instituto Nacional do Livro.

3. The Government of the United States of America shall furnish regularly in one copy a full set of the official publications of its several branches, departments, bureaus, offices, and institutions. A list of such instrumentalities with an indication of their principal serial publications to be included in the exchange is attached (List No. 1).<sup>2</sup> This list shall be extended to include, without the necessity of subsequent negotiation, any new instrumentalities that the Government may create in the future.

4. The Government of the United States of Brazil shall furnish regularly in one copy a full set of the official publications of its several branches, departments, bureaus, offices, and institutions. A list of such instrumentalities with an indication of their principal serial publications to be included in the exchange is attached (List No. 2).<sup>3</sup> This list shall be extended to include, without the necessity of subsequent negotiation, any new instrumentalities that the Government may create in the future.

5. With respect to instrumentalities which at this time do not issue publications and which are not mentioned in the attached lists, it is understood that publications which they may issue in the future shall be furnished in one copy.

6. Neither Government shall be obligated by this agreement to furnish confidential publications, blank forms, or circular letters not of a public nature.

<sup>1</sup> [Not printed.]

<sup>2</sup> [See p. 2331.]

<sup>3</sup> [For list as furnished by the Brazilian Government, see p. 2338.]

7. Each party to the agreement shall bear the postal, railroad, steamship, and other charges arising in its own country.

8. Both parties express their willingness as far as possible to expedite shipments.

9. This agreement shall not be understood to modify the already existing exchange agreements between the various Government departments and instrumentalities of the two countries.

Upon the receipt of a note from Your Excellency indicating that the Government of the United States of Brazil is prepared to undertake a complete exchange of official publications with the Government of the United States of America in accordance with the foregoing provisions, the agreement shall be considered to be concluded and in effect as of the date of such note from Your Excellency.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

Enclosures:

1. List No. 1.
2. List No. 2.

His Excellency

CARLOS MARTINS,

*Ambassador of Brazil.*

*The Brazilian Ambassador (Martins) to the Secretary of State (Hull)*

EMBAIXADA DOS ESTADOS UNIDOS DO BRASIL

Nº 109/471. (42) (22)

*Washington, em 24 de Junho de 1940.*

SENHOR SECRETÁRIO DE ESTADO,

Tenho a honra de acusar recebimento da nota de Vossa Excelência de 15 de Junho corrente relativa à troca de publicações oficiais entre o Brasil e os Estados Unidos da América.

2. Informa Vossa Excelência que o Governo americano concorda na referida troca sujeita às disposições estabelecidas pelo texto da convenção incluso na mesma nota de Vossa Excelência, sendo apenas necessário para a entrada em vigor dessa convenção que o Governo brasileiro por meu intermédio indique estar igualmente de acôrdo nessa troca.

3. Em resposta, comunico a Vossa Excelência, usando dos plenos poderes a mim conferidos, que o Governo dos Estados Unidos do Brasil concorda na troca em questão, submetida às disposições da convenção incluída por Vossa Excelência em sua citada nota.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

CARLOS MARTINS PEREIRA E SOUSA

A Sua Excelência o Senhor CORDELL HULL,  
*Secretário de Estado*  
*dos Estados Unidos da América.*

[Translation]

## EMBASSY OF THE UNITED STATES OF BRAZIL

No. 109/471. (42) (22)

Washington, June 24, 1940.

MR. SECRETARY OF STATE:

I have the honor to acknowledge receipt of Your Excellency's note of June 15 instant relative to the exchange of official publications between Brazil and the United States of America.

Agreement by  
Brazil.

2. Your Excellency advises that the American Government agrees to the said exchange subject to the provisions established by the text of the convention included in Your Excellency's note, it being necessary in order that this convention may enter into force merely for the Brazilian Government, through me, to indicate that it likewise agrees to this exchange.

3. In reply, I inform Your Excellency, exercising the full powers conferred on me, that the Government of the United States of Brazil agrees to the exchange in question, subject to the provisions of the convention included by Your Excellency in the above-mentioned note.

I take the occasion to renew to Your Excellency the assurances of my highest consideration.

CARLOS MARTINS PEREIRA E SOUSA

His Excellency CORDELL HULL,  
*Secretary of State*  
*of the United States of America.*

## LIST NO. 1

LIST OF BRANCHES, DEPARTMENTS, BUREAUS, OFFICES, AND INSTITUTIONS OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA THE PUBLICATIONS OF WHICH ARE TO BE FURNISHED IN ACCORDANCE WITH THE AGREEMENT FOR THE EXCHANGE OF OFFICIAL PUBLICATIONS BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED STATES OF BRAZIL; TOGETHER WITH AN INDICATION OF THE PRINCIPAL SERIAL PUBLICATIONS OF THOSE BRANCHES, DEPARTMENTS, BUREAUS, OFFICES, AND INSTITUTIONS.

## AGRICULTURE DEPARTMENT

Crops and Markets, monthly  
Department Leaflet  
Farmers' Bulletin, irregular  
Journal of Agricultural Research, semi-monthly  
Miscellaneous publications  
Technical Bulletin, irregular  
Yearbook of Agriculture, bound

*Agricultural Chemistry and Engineering Bureau*

Report, annual

*Agricultural Economics Bureau*

Agricultural Situation, monthly

Report, annual

*Animal Industry Bureau*

Service and Regulatory Announcements

## AGRICULTURE DEPARTMENT—Continued.

*Chemistry and Soils Bureau*

Soil Survey Reports

Report, annual

*Dairy Industry Bureau*

Report, annual

*Entomology and Plant Quarantine Bureau*

Report, annual

*Experiment Stations Office*

Experiment Station Record, monthly

Report on Agricultural Experiment Stations, annual

*Extension Service*

Extension Service Review, monthly

*Farm Credit Administration*

Report, annual

News for Farmer Cooperatives, monthly

*Food and Drug Administration*

Service and Regulatory Announcements

*Forest Service*

Fire Control Notes, quarterly

Report, annual

*Home Economics Bureau*

Report, annual

*Information Office*

Report, annual

*Plan Industry Bureau**Rural Electrification Administration*

Report, annual

Rural Electrification News, monthly

*Soil Conservation Service*

Report, annual

Soil Conservation, monthly

*Weather Bureau*

Climatological Data for the United States, monthly

Monthly Weather Review

## BUREAU OF THE BUDGET

Budget, annual, bound

## CIVIL AERONAUTICS AUTHORITY

Air Commerce Bulletin, monthly

## CIVIL SERVICE COMMISSION

Official Register of the United States, annual, bound

Report, annual

## COMMERCE DEPARTMENT

Annual Report of the Secretary of Commerce

*Census Bureau*

Decennial Census

Biennial Census of Manufactures

Birth, Stillbirth and Infant Mortality Statistics, annual

Financial Statistics of Cities over 100,000, annual

Financial Statistics of State and Local Governments, annual

Mortality Statistics, annual

County and City Jails, Prisoners, annual

Prisoners in State and Federal Prisons, annual

Statistical Abstract, annual

*Coast and Geodetic Survey*

Special publications

## COMMERCE DEPARTMENT—Continued.

*Foreign and Domestic Commerce Bureau*

- Commerce Reports, weekly
- Comparative Law Series, monthly
- Foreign Commerce and Navigation, annual, bound
- Monthly Summary of Foreign Commerce
- Survey of Current Business
- Trade Information Bulletin
- Trade Promotion Series

*Marine Inspection and Navigation Bureau*

- Merchant Marine Statistics, annual
- Merchant Vessels of the United States, annual

*National Bureau of Standards*

- Circular
- Journal of Research, monthly
- Technical News Bulletin, monthly

*Patent Office*

- Official Gazette, weekly
- Index of Trade Marks, annual
- Index of Patents, annual

## CONGRESS

- Congressional Record, bound
- Congressional Directory, bound
- Statutes at Large, bound
- Code of Laws and supplements, bound

*House of Representatives*

- Journal, bound
- Documents, bound
- Reports, bound

*Senate*

- Journal, bound
- Documents, bound
- Reports, bound

## COURT OF CLAIMS

- Reports of Cases Decided

## COURT OF CUSTOMS AND PATENT APPEALS

- Reports (decisions), bound

## DISTRICT OF COLUMBIA

- Reports of the various departments of the local government

## EMPLOYEES' COMPENSATION COMMISSION

- Report, annual

## FEDERAL COMMUNICATIONS COMMISSION

- Report, annual
- Decisions

## FEDERAL DEPOSIT INSURANCE CORPORATION

## FEDERAL LOAN AGENCY

- Federal Home Loan Bank Board*
- Federal Home Loan Bank Review, monthly
- Federal Housing Administration*
- Report, annual
- Insured Mortgage Portfolio, monthly
- Reconstruction Finance Corporation*
- Reports

## FEDERAL POWER COMMISSION

- Report, annual

**FEDERAL RESERVE SYSTEM**

Federal Reserve Bulletin, monthly  
Report, annual

**FEDERAL SECURITY AGENCY**

*Civilian Conservation Corps*

*Education Office*

*National Youth Administration*

*Public Health Service*

*Social Security Board*

Social Security Bulletin, monthly  
Report, annual

**FEDERAL TRADE COMMISSION**

Report, annual  
Decisions, bound

**FEDERAL WORKS AGENCY**

*Public Buildings Administration*

*Public Roads Administration*

Public Roads, A Journal of Highway Research, monthly

*Public Works Administration*

*United States Housing Authority*

*Work Projects Administration*

**GENERAL ACCOUNTING OFFICE**

Decisions of the Comptroller-General, bound

**GOVERNMENT PRINTING OFFICE**

Report, annual

*Documents Office*

Documents Catalog, biennial

Monthly Catalog, United States Public Documents

**INTERIOR DEPARTMENT**

Decisions of the Department of the Interior

Report, annual

*Biological Survey Bureau*

North American Fauna

*Fisheries Bureau*

Bulletin

Fishery Circular

Investigational Report

*General Land Office*

*Geological Survey*

Bulletin

Professional Paper

Water Supply Papers

*Mines Bureau*

Bulletin

Minerals Yearbook

Technical Paper

*National Park Service*

*Reclamation Bureau*

Reclamation Era, monthly

**INTERSTATE COMMERCE COMMISSION**

Report, annual

Annual Report on Statistics of Railways

Interstate Commerce Commission Reports (decisions), bound

**JUSTICE DEPARTMENT**

Annual Report of the Attorney General

Opinions of the Attorney General

*Prisons Bureau*

Federal Offenders, annual

**LABOR DEPARTMENT**

Report, annual

*Children's Bureau*

Bulletin

The Child, Monthly News Summary

*Immigration and Naturalization Service**Labor Standards Division*

Bulletin

Industrial Health and Safety Series

Labor Standards, monthly

*Labor Statistics Bureau*

Bulletin

Monthly Labor Review

*Women's Bureau*

Bulletin

**LIBRARY OF CONGRESS**

Report, annual, bound

*Copyright Office*

Catalog of Copyright Entries

*Documents Division*

Monthly Checklist of State Publications

*Legislative Reference Service*

State Law Index, biennial, bound

**MARITIME COMMISSION**

Maritime Commission Reports

Report on Water-Borne Foreign Commerce, annual

**NATIONAL ACADEMY OF SCIENCES**

Report, annual

**NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS**

Report, annual

Bibliography of Aeronautics, annual

Technical Reports

**NATIONAL ARCHIVES**

Report, annual

Federal Register, bound

**NATIONAL LABOR RELATIONS BOARD**

Report, annual

Decisions

**NATIONAL MEDIATION BOARD**

Report, annual

**NATIONAL RAILROAD ADJUSTMENT BOARD**

Awards

**NATIONAL RESOURCES PLANNING BOARD**

Reports

## NAVY DEPARTMENT

Annual Report of the Secretary of the Navy  
*Engineering Bureau*

*Hydrographic Office*  
Publications  
*Marine Corps*

*Medicine and Surgery Bureau*

Naval Medical Bulletin, quarterly  
Annual Report of the Surgeon General

*Naval War College*

International Law Situations, annual, bound

*Nautical Almanac Office*

American Ephemeris and Nautical Almanac, annual  
American Nautical Almanac, annual

*Navigation Bureau*

Navy Directory, quarterly  
Register, annual

*Supplies and Accounts Bureau*

Naval Expenditures, annual

## OFFICE OF GOVERNMENT REPORTS

United States Government Manual

## POST OFFICE DEPARTMENT

Postal Guide, annual with monthly supplements  
Annual Report of the Postmaster General

*Postal Savings System*

Annual Report

## PRESIDENT OF THE UNITED STATES

Addresses and messages

## RAILROAD RETIREMENT BOARD

Report, annual

## SECURITIES AND EXCHANGE COMMISSION

Decisions  
Report, annual

## SMITHSONIAN INSTITUTION

Report, annual

*Ethnology Bureau*

Report, annual

Bulletin

*National Museum*

Report, Annual

## STATE DEPARTMENT

Arbitration Series  
Conference Series  
Department of State Bulletin, weekly  
Executive Agreement Series  
Foreign Relations, annual, bound  
Inter-American Series  
Territorial Papers of the United States, bound  
Treaty Series

## SUPREME COURT

Official Reports, bound

## TARIFF COMMISSION

Report, annual  
Miscellaneous Series  
Reports

**TAX APPEALS BOARD**

Board of Tax Appeals Reports

**TREASURY DEPARTMENT**

Annual Report on the State of the Finances

Combined Statement of Receipts, Expenditures, Balances, etc.

Treasury Decisions, bound

*Bookkeeping and Warrants Division*

Digest of Appropriations, annual

*Coast Guard*

Register, annual

*Comptroller of the Currency*

Report, annual

*Internal Revenue Bureau*

Internal Revenue Bulletin, weekly

Annual Report of the Commissioner of Internal Revenue

Statistics of Income

*Mint Bureau*

Report, annual

*Narcotics Bureau**Procurement Division***VETERANS' ADMINISTRATION**

Report, annual

Medical Bulletin, quarterly

**WAR DEPARTMENT**

Report of the Secretary of war, annual

*Adjutant General's Department*

Official Army Register, annual

Army List and Directory, semi-annual

*Army Medical Department*

Index-Catalogue

*Engineer Department*

Report of the Chief of Engineers (including the commercial statistics of water-borne commerce), annual

*Rivers and Harbors Board*

Port Series

*General Staff Corps**Medical Department*

Report of the Surgeon General, annual

*Military Intelligence Division**National Guard Bureau**Ordnance Department**Quartermaster General**Signal Office*

## [LIST NO. 2]

## CONVÊNIO PARA A TROCA DE PUBLICAÇÕES OFICIAIS ENTRE O BRASIL E OS ESTADOS UNIDOS

Relação de Repartições oficiais cujas publicações poderão, desde já, ser permutadas com as dos Estados Unidos e que deverá figurar anexa ao Convênio.

CI/31/471.(42)(22)/1940/Anexo/único

Repartição editora	Nome da publicação	Data da fundação.	Principal destino ou finalidade	Espécie	Periodicidade.	Tiragem de cada edição	Distribuição
<i>Ministério da Marinha</i>							
Estado Maior da Armada	Revista Marítima Brasileira.	1881	Assuntos técnicos navais.	Revista	Bi-mensal	2.000	Paga (Brasil e exterior)
Diretoria do Pessoal da Armada.	Legislação de Marinha	1723	Legislação	Livro	Anual	2.000	Na Marinha
Diretoria de Navegação	Aviso aos Navegantes		Alterações marítimas.	Boletim	Quinzenal		Gratuita (Brasil e exterior)
Diretoria de Navegação	Anais Hidrográficos	1933	Trabalhos hidrográficos.	Revista	Anual	600	Paga (Brasil e exterior)
<i>Ministério da Guerra</i>							
Secretaria Geral	Almanaque de Guerra	1849	Divulgação dos quadros de oficiais, sargentos, etc.	Almanaque	Anual	2.000	Paga (Brasil)
Diretoria de Saúde do Exército	Revista de Medicina Militar	1915	Trabalhos de medicina militar	Revista	Trimestral	1.000	Paga e gratuita (Brasil e exterior)
Hospital Central do Exército	Anais do Hospital Central do Exército	1936		Boletim	Anual	1.000	Gratuita (Brasil e exterior)

*Ministério da Agricultura*

Publicidade Agrícola  
Diretoria de Estatística da Produção.  
Instituto de Biologia Animal.

Boletim do Ministério da Agricultura  
Revista de Economia e Estatística  
Revista D.N.P.A.

1911  
1936  
1934

Publicidade agrícola  
Estatística e econômica

Boletim  
Revista  
Revista

Trimestral  
Trimestral  
Trimestral

4. 000  
4. 000

Gratuita (Brasil e exterior)  
Gratuita (Brasil e exterior)

*Ministério da Educação*

Biblioteca Nacional

Anais da Biblioteca Nacional do Rio de Janeiro.

1876

Trabalhos bibliográficos.

Livro

Anual

1. 000

Paga e gratuita (Brasil e exterior)

Biblioteca Nacional

Documentos Históricos

1928

Divulgação de documentos históricos

Livro

Trimestral

1. 000

Paga e gratuita (Brasil e exterior)

Biblioteca Nacional

Boletim Bibliográfico.

1919

Aquisições feitas por contribuição legal

Boletim

Semestral

1. 000

Paga e gratuita (Brasil e exterior)

Departamento Nacional de Saúde Pública

Arquivos de Higiene

1927

Trabalhos e observações científicas

Boletim

Mensal

2. 000

Gratuita (Brasil e exterior)

Departamento Nacional de Saúde Pública

Boletim Mensal

1892

Dados estatísticos demográficos e sanitários

Boletim

Mensal

2. 000

Gratuita (Brasil e exterior)

Departamento Nacional de Saúde Pública

Boletim Semanal

1902

Idem, idem

Boletim

Semanal

2. 000

Gratuita (Brasil e exterior)

Escola Nacional de Música

Revista Brasileira de Música

1934

Cultura musical

Revista

Trimestral

1. 500

Paga e gratuita (Brasil e exterior)

Faculdade de Direito

Revista Jurídica

1933

Cultura jurídica

Revista

Irregular

1. 000

Paga (Brasil e exterior)

Museu Nacional

Arquivos do Museu Nacional

1876

História Natural

Livro

Irregular

1. 600

Gratuita (Brasil e exterior)

Museu Nacional

Boletim do Museu Nacional

1923

História Natural

Boletim

Trimestral

1. 600

Gratuita (Brasil e exterior)

Observatório Nacional

Anuário do Observatório Nacional

1885

Assuntos técnicos do Observatório

Boletim

Anual

3. 500

Gratuita (Brasil e exterior)

Observatório Nacional

Táboa das Marés

Assuntos técnicos do Observatório

Boletim

Anual

2. 500

Gratuita (Brasil e exterior)

CONVÊNIO PARA A TROCA DE PUBLICAÇÕES OFICIAIS ENTRE O BRASIL E OS ESTADOS UNIDOS—Continua

Relação de Repartições oficiais cujas publicações poderão, desde já, ser permutadas com as dos Estados Unidos e que deverá figurar anexa ao Convênio—Continua

OI/31/471.(42)(22)/1940/Anexo/único

Repartição editora	Nome da publicação	Data da fundação.	Principal destino ou finalidade	Espécie	Períodi- cidade.	Tira- gem de cada edição	Distribuição
<i>Ministério da Educação— Continua</i>							
Instituto Oswaldo Cruz	Memórias do Instituto Oswaldo Cruz	.	Pesquisas científicas	Livro	Trimestral	2. 000	Gratuita (Brasil e exterior)
Serviço do Patrimônio Histórico e Artístico Nacional	Revista do Serviço do Patrimônio Histórico e Artístico Nacional	.	.	Revista	Anual	2. 000	Paga (Brasil)
Manicômio Judiciário	Arquivos do Manicômio Judiciário do Rio de Janeiro	1930	Psicologia e estudos de medicina legal	Revista	Semestral	600	Gratuita (Brasil e exterior)
Colégio Pedro II	Anuário do Colégio Pedro II	1914	Assuntos colegiais e educacionais	Livro	Anual	3. 000	Gratuita (Brasil e exterior)
<i>Ministério da Fazenda</i>							
Diretoria de Estatística Econômica e Financeira	Comércio Exterior do Brasil	1901	Divulgação de dados estatísticos	Boletim	Anual	3. 500	Gratuita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Comércio de Cabotagem do Brasil	.	Divulgação de dados estatísticos	Boletim	Anual	3. 500	Gratuita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Movimento Marítimo	1901	Divulgação de dados estatísticos	Boletim	Anual	3. 500	Gratuita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Movimento Bancário	1901	Divulgação de dados estatísticos	Boletim	Anual	3. 500	Gratuita (Brasil e exterior)

Diretoria de Estatística Econômica e Financeira	Movimento Bancário	1901	Divulgação de dados estatísticos	Boletim	Trimestral	3. 500	Gratúita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Comércio Exterior do Brasil	1901	Divulgação de dados estatísticos	Boletim	Trimestral	3. 500	Gratúita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Comércio de Cabotagem do Brasil	1927	Divulgação de dados estatísticos	Boletim	Trimestral	3. 500	Gratúita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Estatísticas Econômicas	1934	Divulgação de dados estatísticos	Boletim	Trimestral	3. 500	Gratúita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Comércio Exterior do Brasil	1901	Divulgação de dados estatísticos	Folheto	Mensal	3. 500	Gratúita (Brasil e exterior)
Diretoria de Estatística Econômica e Financeira	Exportação de Café para o estrangeiro	1901	Divulgação de dados estatísticos	Folheto	Mensal	3. 500	Gratúita (Brasil e exterior)
Caixa de Amortização	Demonstrações das Emissões de Apólices da Dívida Pública	1924	Finanças e circulação de títulos da dívida Pública.	Boletim	Anual	200	Gratúita (Brasil).
<i>Ministério da Justiça</i>							
Imprensa Nacional	Diário Oficial (1)	1862	Âtos do Governo Federal	Jornal	Diário	13. 000	Paga (Brasil e exterior)
Imprensa Nacional	Diário de Justiça	1925	Âtos do Poder Judiciário	Jornal	Diário	2. 000	Paga (Brasil e exterior)
Imprensa Nacional	Revista da Propriedade Industrial	1934	Expediente do Departamento	Revista	Diária	13. 000	Paga (Brasil e exterior)
Imprensa Nacional	Revista do Instituto Histórico e Geográfico.	1839	História e geografia	Revista	Irregular	1. 000	Gratúita (Brasil e exterior)
Imprensa Nacional	Diário do Poder Legislativo	1930	Âtos do Poder Legislativo	Jornal	Diário	2. 000	Paga (Brasil e exterior)
Diretoria Geral de Comunicações e Estatística da Polícia do Distrito Federal.	Arquivos da Polícia Civil do Distrito Federal.	1933	Criminalologia e estatística	Revista	Trimestral	500	Gratúita (Brasil e exterior)

CONVÊNIO PARA A TROCA DE PUBLICAÇÕES OFICIAIS ENTRE O BRASIL E OS ESTADOS UNIDOS—Continua

Relação de Repartições oficiais cujas publicações poderão, desde já, ser permutadas com as dos Estados Unidos e que deverá figurar anexa ao Convênio—Continua

OI/31/471.(42)(22)/1940/Anexo/único

Repartição editora	Nome da publicação	Data da fundação.	Principal destino ou finalidade	Espécie	Periodicidade.	Tiragem de cada edição	Distribuição
<i>Ministério da Justiça— Continua</i>							
Instituto de Identificação da Polícia do Distrito Federal	Arquivos de Medicina Legal e Identificação.	1931	Identificação e estatística criminal	Livro	Irregular	2.000	Gratuita (Brasil e exterior)
Imprensa Nacional	Diário Oficial (2)	.	Atos do Prefeito	Jornal	Diário	4.000	Paga (Brasil e exterior)
<i>Ministério do Trabalho</i>							
Departamento de Estatística e Publicidade	Boletim do Ministério do Trabalho, Indústria e Comércio	1934	Propaganda, estatística e assuntos de ordem social	Boletim	Mensal	5.000	Gratuita (Brasil e exterior)
Departamento Nacional da Propriedade Industrial	Revista do Departamento Nacional da Propriedade Industrial	1929	Propriedade industrial	Revista	Mensal	1.000	Gratuita (Brasil e exterior)
Departamento Nacional de Indústria e Comércio	Boletim do Departamento Nacional de Indústria e Comércio	1934	Indústria e comércio	Boletim	Mensal	2.500	Gratuita (Brasil e exterior)
<i>Ministério da Viação</i>							
Departamento de Aeronáutica Civil	Estatística do Tráfego Aéreo-Comercial no Brasil	1927	Estatística do movimento aeronáutico	Folheto	Trimestral	500	Gratuita (Brasil e exterior)

Departamento de Aeronáutica Civil	Boletim do D. A. C.	.	Assuntos concernentes a Aeronáutica Civil	Boletim	Trimestral	1. 000	Gratúita (Brasil e exterior)
Departamento dos Correios e Telegráfos	Almanaque do Pessoal	1936	Assuntos concernentes ao pessoal dos serviços postais e telegráficos	Almanaque	Irregular	1. 000	Gratúita nas repartições
Departamento dos Correios e Telegráfos	Boletim Postal e Telegráfico	1932	Assuntos técnicos e concernentes ao pessoal dos serviços postais e telegráficos	Boletim	Mensal	10. 000	Gratúita (Brasil)
<i>Ministério do Exterior</i>							
Secretaria de Estado	Almanaque de Pessoal	1916	Assuntos referentes ao pessoal da carreira diplomática	Folheto	Anual	1. 000	Gratúita (Brasil e exterior)
Secretaria de Estado	Anais do Itamaraty	1937	.	Brochura	Anual	1. 000	Gratúita (Brasil e exterior)
Secretaria de Estado	"Brasil"	1930	Propaganda do Brasil	Brochura	Anual	10. 000	Gratúita (Brasil e exterior)
<i>Prefeitura</i>							
Diretoria de Engenharia	Revista da D. E.	1932	Assuntos técnicos sobre engenharia	Revista	Mensal	.	Paga (Brasil e exterior)
Secretaria de Saúde e Assistência	Boletim da Secretaria de Saúde e Assistência	1935	Trabalhos sobre saúde e assistência	Boletim	Trimestral	2. 000	Gratúita (Brasil e exterior)
Biblioteca Municipal	Boletim Bibliográfico	1931	Movimento da Biblioteca	Boletim	Anual	1. 000	Gratúita (Brasil)
<i>Diversas</i>							
Departamento Administrativo do Serviço Público	Revista do Serviço Público	1937	Técnica administrativa	Revista	Mensal	5. 000	Paga (Brasil e exterior)
Instituto Brasileiro de Geografia e Estatística	Anuário Estatístico	.	Sinopse da estatística brasileira	Brochura	Anual	.	Gratúita (Brasil e exterior)
Instituto Brasileiro de Geografia e Estatística	Revista Brasileira de Geografia	1939	Divulgação de conhecimentos geográficos	Revista	Trimestral	.	Gratúita (Brasil e exterior)

July 31, 1940  
[E. A. S. No. 177]

*Agreement between the United States of America and Peru respecting a naval mission. Signed July 31, 1940; effective July 31, 1940.*

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF PERU**      **ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LA REPUBLICA DEL PERU**

In conformity with the request of the Ambassador of the Republic of Peru in Washington, to the Secretary of State, the President of the United States of America has authorized the appointment of officers and enlisted men to constitute a Naval Mission to the Republic of Peru under the conditions specified below:

De conformidad con la solicitud de su Excelencia el Embajador de la República del Perú en Washington al Secretario de Estado, el Presidente de los Estados Unidos de América ha autorizado el nombramiento de oficiales y personal subalterno para constituir una Misión Naval en la República del Perú de acuerdo con las condiciones estipuladas a continuación:

**TITLE I**

**TITULO I**

*Purpose and Duration*

*Objeto y Duración*

Purpose and duration.

Article 1. The purpose of this Mission is to cooperate with the Minister of Marine and Aviation of Peru and with the officers of the Peruvian Navy, with a view to enhancing the efficiency of the Peruvian Navy.

Artículo 1. El objeto de esta Misión es cooperar con el Ministro de Marina y Aviación del Perú y con los oficiales de la Armada Peruana, con la mira de aumentar la eficiencia de la Armada Peruana.

Article 2. This Mission shall continue for a period of four years from the date of the signing of this Agreement by the accredited representatives of the Government of the United States and the Government of Peru, unless previously terminated or extended as hereinafter provided. Any member of the Mission may be recalled by the Government of the United States after the expiration of two years of service, in which case another member shall be furnished to replace him.

Artículo 2. Esta Misión continuará por un período de cuatro años desde la fecha de la firma de este Acuerdo por los representantes acreditados del Gobierno de los Estados Unidos y del Gobierno del Perú, siempre que no sea terminado antes o extendido en la forma que se establece más adelante. Cualquier miembro de la Misión puede ser retirado por el Gobierno de los Estados Unidos después de la expiración de dos años de servicios, en cuyo caso otro miembro será proporcionado para reemplazarlo.

Article 3. If the Government of Peru should desire that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Article 4. This Agreement may be terminated before the expiration of the period of four years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

(a) By either of the Governments, subject to three months' written notice to the other Government;

(b) By the recall of the entire personnel of the Mission by the Government of the United States in the public interest of the United States, without necessity of compliance with provision (a) of this Article.

Article 5. This Agreement is subject to cancellation upon the initiative of either the Government of Peru or the Government of the United States in case either country becomes involved in domestic or foreign hostilities.

## TITLE II

### *Composition and Personnel*

Article 6. This Mission shall consist of a Chief of the Mission of the rank of Captain or Commander on active service in the United States Navy and such other personnel of the United States Navy as may subsequently be requested by the Ministry of Marine and Aviation of Peru through its authorized representative in Washington and agreed upon by the Navy Department of the United States.

Artículo 3. Si el Gobierno del Perú deseara que los servicios de la Misión fueren extendidos más allá del período estipulado, hará una propuesta por escrito con este objeto seis meses antes de la expiración de este Acuerdo.

Artículo 4. Este Acuerdo puede ser terminado antes de la expiración del período de cuatro años, prescrito en el Artículo 2, o antes de la expiración de la extensión autorizada en el Artículo 3, de la manera siguiente:

(a) Por cualquiera de los dos Gobiernos, sujeto a tres meses de aviso por escrito al otro Gobierno;

(b) Por llamada de todo el personal de la Misión por el Gobierno de los Estados Unidos en razón de interés público de los Estados Unidos, sin tener que cumplir con la disposición del inciso (a) de este Artículo.

Artículo 5. Este Acuerdo está sujeto a cancelación por iniciativa ya sea del Gobierno del Perú o del Gobierno de los Estados Unidos en caso de que cualquiera de los dos países se vea envuelto en una guerra interna o extranjera.

## TITULO II

### *Composición y Personal*

Artículo 6. Esta Misión constará de un Jefe de la Misión del grado de Capitán de Navío o de Fragata de la Armada de los Estados Unidos en servicio activo, y del personal adicional de dicha Armada que pueda ser solicitado posteriormente por el Ministerio de Marina y Aviación del Perú por medio de su representante autorizado en Washington y de acuerdo con el Departamento de Marina de los Estados Unidos.

Composition and personnel.

Article 7. United States naval personnel now serving on individual contracts with the Government of Peru may continue their services in accordance with the terms of this Agreement, effective from the date on which it is signed by the duly authorized representatives of the Government of Peru and the Government of the United States. The service performed by such personnel under individual contracts shall be counted for the purpose of enjoying the benefits and privileges that are agreed upon, under this Agreement, for members of the Mission with two or more years of service on the Mission.

Artículo 7. El personal de la Armada de los Estados Unidos que se encuentra ahora en el Perú en cumplimiento de contratos individuales con el Gobierno del Perú, podrá continuar prestando sus servicios en conformidad con las estipulaciones de este Acuerdo desde la fecha en que sea firmado por los representantes debidamente autorizados del Gobierno del Perú y del Gobierno de los Estados Unidos. Los servicios prestados actualmente por el personal que sirve en cumplimiento de contratos individuales serán computados para el efecto de los goces y privilegios que se acuerdan, en conformidad con las disposiciones de este Acuerdo, a los miembros de la Misión con dos o más años de servicio en la Misión.

### TITLE III

#### *Duties, Rank and Precedence*

Article 8. The personnel of the Mission shall perform such duties as may be agreed upon between the Minister of Marine and Aviation of Peru and the Chief of the Mission.

Article 9. The members of the Mission shall be responsible solely to the Minister of Marine and Aviation of Peru, through the Chief of the Mission.

Article 10. Each member of the Mission shall serve on the Mission with the rank he holds in the United States Navy and shall wear the uniform of his rank in the United States Navy, but shall have precedence over all Peruvian officers of the same rank.

Article 11. Each member of the Mission shall be entitled to all

### TITULO III

#### *Servicios, Grado y Precedencia*

Artículo 8. El personal de la Misión desempeñará los servicios que puedan ser acordados entre el Ministerio de Marina y Aviación del Perú y el Jefe de la Misión.

Artículo 9. Los miembros de la Misión serán responsables solamente ante el Ministro de Marina y Aviación del Perú, por conducto del Jefe de la Misión.

Artículo 10. Cada miembro de la Misión desempeñará sus funciones en la Misión con el grado que tiene en la Armada de los Estados Unidos y llevará el uniforme de su grado en la Armada de los Estados Unidos, pero tendrá precedencia sobre todos los oficiales peruanos del mismo grado.

Artículo 11. Cada miembro de la Misión tendrá derecho a todos

Duties, rank, and precedence.

benefits or privileges which the Regulations of the Peruvian Navy provide for Peruvian officers and subordinate personnel of corresponding rank.

Article 12. The personnel of the Mission shall be governed by the disciplinary regulations of the United States Navy.

los beneficios o privilegios que los reglamentos de la Armada Peruana dan a los oficiales peruanos y al personal subalterno del grado correspondiente.

Artículo 12. El personal de la Misión estará regido por los reglamentos de disciplina de la Armada de los Estados Unidos.

#### TITLE IV

##### *Compensation and Perquisites*

Article 13. Members of the Mission shall receive from the Government of Peru such net annual compensation expressed in United States currency as may be agreed upon between the Government of the United States and the Government of Peru for each member. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. Payment may be made in Peruvian national currency and when so made shall be computed at the highest value of the dollar at the free market rate of exchange in Lima on the day on which due. Payments made outside of Peru shall be in the national currency of the United States. The compensation shall not be subject to any tax, now or hereafter in effect, of the Government of Peru or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of Marine and Aviation of Peru in order to comply with the provision of this Article that the compensation agreed upon shall be net.

#### TITULO IV

##### *Compensación y Concesiones*

Artículo 13. Los miembros de la Misión recibirán del Gobierno del Perú una retribución neta anual computada en moneda corriente de los Estados Unidos que fuere acordada entre el Gobierno de los Estados Unidos y el Gobierno del Perú para cada miembro. Esta retribución será abonada en doce (12) mensualidades iguales, debidas y pagaderas el último día de cada mes. El pago puede ser en moneda nacional peruana y en este caso estará computado al valor más alto del dólar al tipo de cambio libre de Lima en el día en que sea pagadero. Los pagos hechos fuera del Perú deben serlo en la moneda nacional de los Estados Unidos. La retribución no estará sujeta a ningún impuesto, ahora en vigencia o que se cree en el futuro, del Gobierno del Perú o de ninguna de sus dependencias políticas y administrativas. Sin embargo, si al presente o durante la vigencia de este convenio existen algunos impuestos que puedan afectar esta retribución, dichos impuestos serán pagados por el Ministerio de Marina y Aviación del Perú, con el objeto de cumplir con la disposición de este Artículo que los salarios convenidos serán netos.

Compensation and perquisites.

Article 14. The compensation agreed upon in the preceding Article shall begin upon the date of departure from the City of New York of each member of the Mission, and shall continue after the termination of his service with the Mission during his return trip to the City of New York and thereafter for the period of any accumulated leave to which he is entitled.

Article 15. The compensation due for the period of the return trip and accumulated leave shall be paid to a detached member of the Mission before his departure from Peru, and such payment shall be computed for travel by the shortest usually travelled sea route regardless of the route and method of travel used by the member of the Mission.

Article 16. Each member of the Mission and each member of his family shall be provided by the Government of Peru with first-class accommodations for travel required and performed under this Agreement, by the shortest usually travelled sea route between the City of New York and his official residence in Peru, both for the outward and for the return voyage. The expenses of shipment of the household effects, baggage and automobile of each member of the Mission between the City of New York and his official residence in Peru shall also be paid by the Government of Peru; this shall include all necessary expenses incident to unloading from the steamer upon arrival in Peru, cartage between the ship and the residence in Peru, and packing and loading on board the

Artículo 14. La retribución convenida en el Artículo precedente comenzará a regir desde la fecha de la partida de la Ciudad de Nueva York de cada miembro de la Misión, y continuará después de la terminación de sus servicios con la Misión durante el viaje de regreso a la Ciudad de Nueva York y en lo sucesivo por el período de cualquiera licencia acumulada a que el miembro tenga derecho.

Artículo 15. La retribución debida por el período del viaje de regreso y licencia acumulada debe ser pagada a un miembro cesante antes de su partida del Perú, y tal pago debe ser calculado por un viaje por la ruta marítima más corta actualmente empleada, independientemente de la ruta y método de viaje usado por el miembro de la Misión.

Artículo 16. A cada miembro de la Misión y a cada miembro de su familia el Gobierno del Perú proporcionará pasajes de primera clase para el viaje requerido y efectuado de conformidad con este Acuerdo, por la ruta marítima más corta actualmente empleada entre la Ciudad de Nueva York y su residencia oficial en el Perú, tanto para el viaje de ida como para el de regreso. Los gastos de transporte de los efectos domésticos, equipaje y automóvil de cada miembro de la Misión entre la Ciudad de Nueva York y su residencia oficial en el Perú serán también por cuenta del Gobierno del Perú; esto deberá incluir todos los gastos necesarios relacionados con la descarga de a bordo del vapor a su llegada al Perú, transporte entre el vapor y la residencia en el Perú y embalaje y carga a

steamer upon departure from Peru. The transportation of such household effects, baggage and automobile shall be made in a single shipment and all subsequent shipments shall be at the expense of the respective members of the Mission except when the result of circumstances beyond their control. Payment by the Government of Peru of the expenses for the transportation of the families, household effects, baggage and automobiles of personnel who may join the Mission for temporary service at the request of the Minister of Marine and Aviation of Peru shall not be obligatory under this Agreement, but shall be determined by negotiations between the Navy Department of the United States and the authorized representative in Washington of the Ministry of Marine and Aviation of Peru, at such time as the detail of personnel for such temporary service is agreed upon.

Article 17. The Government of Peru shall allot in the budget of the Ministry of Marine and Aviation an amount adequate to pay customs duties on articles imported by the members of the Mission for their personal use and for the use of their families, provided that the Chief of the Mission authorizes such importations.

Article 18. If the services of any member of the Mission should be terminated by the Government of the United States, except as established in the provisions of Article 5, before the completion of two years of service, the provisions of Article 16 shall not apply to the return trip. If the services of any mem-

bordo del vapor a su partida del Perú. El transporte de estos efectos domésticos, equipaje y automóvil deberá ser hecho en un solo embarque y todos los embarques sucesivos serán a costo de los respectivos miembros de la Misión, exceptuando casos derivados de circunstancias ajenas a su voluntad. El pago por el Gobierno del Perú de los gastos para el transporte de las familias, efectos domésticos, equipaje y automóviles del personal que pueda unirse a la Misión para servicio temporal a solicitud del Ministro de Marina y Aviación del Perú, no será obligatorio según las disposiciones de este Acuerdo, pero será determinado por negociaciones entre el Departamento de Marina de los Estados Unidos y el representante autorizado en Washington del Ministerio de Marina y Aviación del Perú, en el momento en que el nombramiento del personal para ese servicio temporal sea convenido.

Artículo 17. El Gobierno del Perú consignará en el Presupuesto del Ministerio de Marina y Aviación una suma adecuada para pagar derechos de aduana por concepto de artículos importados por los miembros de la Misión para su uso personal y de sus familias, siempre que el Jefe de la Misión autorice estas importaciones.

Artículo 18. Si los servicios de cualquier miembro de la Misión fueren terminados por el Gobierno de los Estados Unidos, exceptuando lo establecido en las disposiciones del Artículo 5, antes de la terminación de dos años de servicios, las disposiciones del Artículo 16 no se aplicarán para el viaje

ber of the Mission should terminate or be terminated before the completion of two years of service, for any other reason, including those established in Article 5, such member shall receive from the Government of Peru all compensations, emoluments, and perquisites as though he had completed two years of service, but the annual salary shall terminate as provided in Article 14. But should the Government of the United States recall any member for breach of discipline, the cost of the return trip to the United States of such member, his family, household effects, baggage or automobile shall not be borne by the Government of Peru.

Article 19. Compensation for transportation and travelling expenses in the Republic of Peru on official business of the Government of Peru shall be provided by the Government of Peru in accordance with the provisions of Article 11.

Article 20. The Government of Peru shall provide the Chief of the Mission with a suitable automobile with chauffeur, for use on official business. Suitable motor transportation with chauffeur, and when necessary a launch properly equipped, shall on call be made available by the Government of Peru for use by the members of the Mission for the conduct of the official business of the Mission.

Article 21. The Government of Peru shall provide suitable office space and facilities for the use of the members of the Mission.

Article 22. If any member of the Mission or any member of his

de regreso. Si los servicios de cualquier miembro de la Misión terminen o fueren terminados antes de completar dos años de servicios por cualquiera otra razón, incluyendo las establecidas en el Artículo 5, este miembro recibirá del Gobierno del Perú todas las retribuciones, emolumentos y concesiones como si hubiera completado dos años de servicios, pero el sueldo anual cesará de abonarse como se dispone en el Artículo 14. Pero si el Gobierno de los Estados Unidos retira a cualquier miembro por faltas cometidas contra la disciplina, el costo del viaje de regreso a los Estados Unidos de este miembro, de su familia, efectos domésticos, equipaje y automóvil no será pagado por el Gobierno del Perú.

Artículo 19. La compensación por gastos de transporte y de viaje en la República del Perú en comisiones oficiales del Gobierno del Perú será proporcionada por el Gobierno del Perú de acuerdo con las disposiciones del Artículo 11.

Artículo 20. El Gobierno del Perú proporcionará al Jefe de la Misión un automóvil con chauffeur, para uso oficial. Transporte adecuado en automóvil con chauffeur, y cuando sea necesario una lancha convenientemente equipada, serán provistas, a pedida, por el Gobierno del Perú para el uso de los miembros de la Misión para el cumplimiento de las funciones oficiales de la misma.

Artículo 21. El Gobierno del Perú proporcionará alojamiento y facilidades adecuadas de oficina para el uso de los miembros de la Misión.

Artículo 22. Si cualquier miembro de la Misión o cualquier miem-

family should die in Peru, the Government of Peru shall have the body transported to such place in the United States as the surviving members of the family may decide, but the cost to the Government of Peru shall not exceed the cost of transporting the remains from the place of decease to the City of New York. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen (15) days after his death. Return transportation to the City of New York for the family of the deceased member and for their household effects, baggage and automobile shall be provided as prescribed in Article 16. All compensation due the deceased member, including salary for the fifteen (15) days following his death, and reimbursement due the deceased member for expenses and transportation on trips made on official business of the Government of Peru, shall be paid to the widow of the deceased member or to any other person who may have been designated in writing by the deceased while he was serving under the terms of this Agreement; but the widow or other person shall not be compensated for accrued leave due but not taken by the deceased. All compensations due the widow or other person designated by the deceased, under the provisions of this Article, shall be paid before the departure of the widow or such other person from Peru and within fifteen (15) days after the death of the member.

bro de su familia falleciese en el Perú, el Gobierno del Perú hará que los restos sean transportados hasta el lugar de los Estados Unidos determinado por los miembros sobrevivientes de la familia, pero el costo para el Gobierno del Perú no excederá del costo del transporte de los restos del lugar del fallecimiento a la Ciudad de Nueva York. Si el fallecido es un miembro de la Misión, sus servicios con la Misión deben ser considerados como que han terminado quince (15) días después de su muerte. El transporte de regreso a la Ciudad de Nueva York para la familia del miembro fallecido y para sus efectos domesticos, equipaje, y automóvil será provisto como se prescribe en el Artículo 16. Toda retribución debida al miembro fallecido, incluyendo el sueldo por los quince días (15) subsiguientes a su muerte y reembolso adeudado al miembro fallecido por gastos y transporte en viajes realizados en asuntos oficiales del Gobierno del Perú, serán pagados a la viuda del miembro fallecido o a cualquiera otra persona que pueda haber sido designada por escrito por el fallecido mientras estaba sirviendo en conformidad con los términos de este Acuerdo; pero la viuda o la otra persona no será compensada por la licencia acumulada a que tenía derecho el fallecido pero no usada por él. Todas las compensaciones debidas a la viuda o a la otra persona designada por el fallecido, según las disposiciones de este Artículo, serán pagadas antes de la partida de dicha viuda o dicha persona del Perú y dentro de quince (15) días después del fallecimiento del miembro.

## TITLE V

## TITULO V

*Requisites and Conditions**Requisitos y Condiciones*

Requisites and conditions.

Article 23. So long as this Agreement, or any extension thereof, is in effect, the Government of Peru shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Peruvian Navy, except by mutual agreement between the Government of the United States and the Government of Peru.

Article 24. Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a member of the Mission. This requirement shall continue in force after the termination of service with the Mission and after the expiration or cancellation of this Agreement or any extension thereof.

Article 25. Throughout this Agreement the term "family" is limited to mean wife and dependent children.

Article 26. Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission.

Article 27. The leave specified in the preceding Article may be spent in Peru, in the United States or in other countries, but the expenses of travel and transportation

Artículo 23. Mientras este Acuerdo, o cualquiera extensión de él, esté en efecto, el Gobierno del Perú no empleará los servicios de ningún personal de ningún otro Gobierno extranjero para servicios de cualquiera naturaleza relacionados con la Armada Peruana, excepto por mutuo convenio entre el Gobierno de los Estados Unidos y el Gobierno del Perú.

Artículo 24. Cada miembro de la Misión convendrá en no divulgar o por cualquier medio revelar a cualquier Gobierno extranjero o a cualquiera persona cualquier secreto o asunto confidencial del cual pueda tener conocimiento en su capacidad de miembro de la Misión. Este requisito continuará en vigencia después de la terminación de los servicios con la Misión y después de la expiración o cancelación de este Acuerdo o cualquiera extensión de él.

Artículo 25. En todo este Acuerdo el término "familia" estará restringido a significar esposa e hijos dependientes.

Artículo 26. Cada miembro de la Misión tendrá derecho a un mes anual de licencia con goce de sueldo, o a una parte proporcional con goce de sueldo por cualquiera parte fraccional de un año. Las partes no usadas de dicha licencia serán acumuladas de año a año, durante el servicio como miembro de la Misión.

Artículo 27. La licencia especificada en el Artículo precedente puede ser disfrutada en el Perú, en los Estados Unidos o en otros países, pero los gastos de viaje y

not otherwise provided for in this Agreement shall be borne by the member of the Mission taking such leave. All travel time, including sea travel, shall count as leave and shall not be in addition to the time authorized in the preceding Article.

Article 28. The Government of Peru agrees to grant the leave specified in Article 26 upon receipt of written application, approved by the Chief of the Mission with due consideration for the convenience of the Government of Peru.

Article 29. Members of the Mission that may be replaced shall terminate their services on the Mission only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

Article 30. The Government of Peru shall provide suitable medical attention to members of the Mission and their families. In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, after consultation with the Peruvian naval authorities, and all expenses incurred as the result of such illness or injury while the patient is a member of the Mission and remains in Peru shall be paid by the Government of Peru. If the hospitalized member is a commissioned officer he shall pay his cost of subsistence, but if he is an enlisted man the cost of subsistence shall be paid by the Government of Peru.

de transporte que no sean abonables de acuerdo con las disposiciones de otros Artículos de este Acuerdo serán pagados por el miembro de la Misión que disfruta de la licencia. Todo el tiempo de viaje, incluyendo viaje por mar, será contado como licencia y no será en adición al tiempo autorizado en el Artículo precedente.

Artículo 28. El Gobierno del Perú conviene en conceder la licencia especificada en el Artículo 26 al recibir la solicitud escrita, y aprobada por el Jefe de la Misión con la debida consideración por la conveniencia del Gobierno del Perú.

Artículo 29. Los miembros de la Misión que sean reemplazados solo podrán cesar en sus funciones en la Misión a la llegada de los reemplazantes, exceptuando los casos en que sea convenida de otra manera y de antemano por los Gobiernos respectivos.

Artículo 30. El Gobierno del Perú proporcionará a los miembros de la Misión y a sus familias la atención medica apropiada. En caso de que un miembro de la Misión se enferme o sufra lesiones, será hospitalizado a discreción del Jefe de la Misión en cualquier hospital que el Jefe de la Misión considere adecuado, después de consultar con las autoridades de la Armada Peruana, y todos los gastos en que se incurra como resultado de esta enfermedad siempre que el paciente sea un miembro de la Misión y permanezca en el Perú, serán pagados por el Gobierno del Perú. En caso de que el miembro hospitalizado sea un oficial comisionado, él mismo pagará sus gastos de subsistencia, pero en caso de que sea un sub-

Families shall enjoy the same alterno sus gastos de subsistencia privileges agreed upon in this serán pagados por el Gobierno del Article for members of the Mis- Perú. Las familias disfrutarán de sion, except that a member of the los mismos privilegios convenidos Mission shall in all cases pay the en este Artículo para los miembros cost of subsistence incident to de la Misión, exceptuando que un hospitalization of a member of miembro de la Misión pagará en his family except as may be pro- todos los casos los gastos de sub- vided under Article 11. sistencia relacionados a la hos- pitalización de un miembro de su familia, con excepción de lo que sea dispuesto en el Artículo 11.

*Ante*, p. 2346.

Article 31. Any member of the Artículo 31. Cualquier miembro Mission unable to perform his de la Misión inhabilitado para duties with the Mission by reason desempeñar sus servicios con la of long continued physical disa- Misión por razón de incapacidad bility shall be replaced. fisica prolongada, será reemplaz- ado.

Signatures.

IN WITNESS WHEREOF, the EN TESTIMONIO DE LO CUAL, los undersigned, Sumner Welles, Act- suscritos, Sumner Welles, Secre- ing Secretary of State of the tario de Estado interino de los United States of America, and Estados Unidos de América, y Eduardo Garland, Chargé d'Af- Eduardo Garland, Encargado de faires of the Republic of Peru, Negocios de la República del Perú, duly authorized thereto, have debidamente autorizados para ello, signed this Agreement in duplicate han firmado este Acuerdo, por in the English and Spanish lan- duplicado en los idiomas inglés y guages, at Washington, District of español, en Washington, Distrito Columbia, United States of Amer- de Columbia, Estados Unidos de ica, this thirty-first day of July of América, el día treinta y uno de 1940. julio de 1940.

[SEAL] SUMNER WELLES

[SEAL] EDUARDO GARLAND

*Agreement between the United States of America and Peru respecting a naval aviation mission. Signed July 31, 1940; effective July 31, 1940.*

July 31, 1940  
[E. A. S. No. 178]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF PERU**

**ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LA REPUBLICA DEL PERU**

In conformity with the request of the Ambassador of the Republic of Peru in Washington, to the Secretary of State, the President of the United States of America has authorized the appointment of officers and enlisted men to constitute a Naval Aviation Mission to the Republic of Peru under the conditions specified below:

De conformidad con la solicitud de su Excelencia el Embajador de la República del Perú en Washington al Secretario de Estado, el Presidente de Los Estados Unidos de América ha autorizado el nombramiento de oficiales y personal subalterno para constituir una Misión de Aviación Naval en la República del Perú de acuerdo con las condiciones estipuladas a continuación:

**TITLE I**

*Purpose and Duration*

Article 1. The purpose of this Mission is to cooperate with the Minister of Marine and Aviation of Peru and with the officers of the Peruvian Air Force, with a view to enhancing the efficiency of the Peruvian Air Force.

Article 2. This Mission shall continue for a period of four years from the date of the signing of this Agreement by the accredited representatives of the Government of the United States and the Government of Peru, unless previously terminated or extended as hereinafter provided. Any member of the Mission may be recalled by the Government of the United States after the expiration of two years of service, in which case another member shall be furnished to replace him.

**TITULO I**

*Objeto y Duración*

Artículo 1. El objeto de esta Misión es cooperar con el Ministro de Marina y Aviación del Perú y con los oficiales de la Fuerza Aérea Peruana, con la mira de aumentar la eficiencia de la Fuerza Aérea Peruana.

Artículo 2. Esta Misión continuará por un período de cuatro años desde la fecha de la firma de este Acuerdo por los representantes acreditados del Gobierno de los Estados Unidos y del Gobierno del Perú, siempre que no sea terminado antes o extendido en la forma que se establece más adelante. Cualquier miembro de la Misión puede ser retirado por el Gobierno de los Estados Unidos después de la expiración de dos años de servicios, en cuyo caso otro miembro será proporcionado para reemplazarlo.

Purpose and duration.

Article 3. If the Government of Peru should desire that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Article 4. This Agreement may be terminated before the expiration of the period of four years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

(a) By either of the Governments, subject to three months' written notice to the other Government;

(b) By the recall of the entire personnel of the Mission by the Government of the United States in the public interest of the United States, without necessity of compliance with provision (a) of this Article.

Article 5. This Agreement is subject to cancellation upon the initiative of either the Government of Peru or the Government of the United States in case either country becomes involved in domestic or foreign hostilities.

## TITLE II

### *Composition and Personnel*

Article 6. This Mission shall consist of such aviation personnel of the Navy or Marine Corps of the United States as may be requested by the Ministry of Marine and Aviation of Peru through its authorized representative in Washington and agreed upon by the Navy Department of the United States.

Composition and personnel.

Artículo 3. Si el Gobierno del Perú deseara que los servicios de la Misión fueren extendidos más allá del período estipulado, hará una propuesta por escrito con este objeto seis meses antes de la expiración de este Acuerdo.

Artículo 4. Este Acuerdo puede ser terminado antes de la expiración del período de cuatro años, prescrito en el Artículo 2, o antes de la expiración de la extensión autorizada en el Artículo 3, de la manera siguiente:

(a) Por cualquiera de los dos Gobiernos, sujeto a tres meses de aviso por escrito al otro Gobierno;

(b) Por llamada de todo el personal de la Misión por el Gobierno de los Estados Unidos en razón de interés público de los Estados Unidos, sin tener que cumplir con la disposición del inciso (a) de este Artículo.

Artículo 5. Este acuerdo está sujeto a cancelación por iniciativa ya sea del Gobierno del Perú o del Gobierno de los Estados Unidos en caso de que cualquiera de los dos países se vea envuelto en una guerra interna o extranjera.

## TITULO II

### *Composición y Personal*

Artículo 6. Esta Misión consistirá del personal de aviación de la Armada o Cuerpo de Infantería de Marina de los Estados Unidos que pueda ser solicitado por el Ministerio de Marina y Aviación del Perú, por conducto de su representante autorizado en Washington y de acuerdo con el Departamento de Marina de los Estados Unidos.

## TITLE III

## TITULO III

*Duties, Rank and Precedence**Servicios, Grado y Precedencia*

Article 7. The personnel of the Mission shall perform such duties as may be agreed upon between the Minister of Marine and Aviation of Peru and the Chief of the Mission.

Artículo 7. El personal de la Misión desempeñará los servicios que puedan ser acordados entre el Ministerio de Marina y Aviación del Perú y el Jefe de la Misión.

Duties, rank, and precedence.

Article 8. The members of the Mission shall be responsible solely to the Minister of Marine and Aviation of Peru, through the Chief of the Mission.

Artículo 8. Los miembros de la Misión serán responsables solamente ante el Ministro de Marina y Aviación del Perú, por conducto del Jefe de la Misión.

Article 9. Each member of the Mission shall serve on the Mission with the rank he holds in the United States Navy or Marine Corps and shall wear the uniform of his rank in the United States Navy or Marine Corps, but shall have precedence over all Peruvian officers of the same rank.

Artículo 9. Cada miembro de la Misión desempeñará sus funciones en la Misión con el grado que tiene en la Armada o Cuerpo de Infantería de Marina de los Estados Unidos y llevará el uniforme de su grado en la Armada o Cuerpo de Infantería de Marina de los Estados Unidos, pero tendrá precedencia sobre todos los oficiales peruanos del mismo grado.

Article 10. Each member of the Mission shall be entitled to all benefits or privileges which the Regulations of the Peruvian Air Force provide for Peruvian officers and subordinate personnel of corresponding rank.

Artículo 10. Cada miembro de la Misión tendrá derecho a todos los beneficios o privilegios que los reglamentos de la Fuerza Aérea Peruana dan a los oficiales peruanos y al personal subalterno del grado correspondiente.

Article 11. The personnel of the Mission shall be governed by the disciplinary regulations of the United States Navy.

Artículo 11. El personal de la Misión estará regido por los reglamentos de disciplina de la Armada de los Estados Unidos.

## TITLE IV

## TITULO IV

*Compensation and Perquisites**Compensación y Concesiones*

Article 12. Members of the Mission shall receive from the Government of Peru such net annual compensation expressed in United States currency as may be agreed upon between the Government of the United States and the Government of Peru for each

Artículo 12. Los miembros de la Misión recibirán del Gobierno del Perú una retribución neta anual computada en moneda corriente de los Estados Unidos que fuere acordada entre el Gobierno de los Estados Unidos y el Gobierno del Perú para cada miem-

Compensation and perquisites.

member. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. Payment may be made in Peruvian national currency and when so made shall be computed at the highest value of the dollar at the free market rate of exchange in Lima on the day on which due. Payments made outside of Peru shall be in the national currency of the United States. The compensation shall not be subject to any tax, now or hereafter in effect, of the Government of Peru or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of Marine and Aviation of Peru in order to comply with the provision of this Article that the compensation agreed upon shall be net.

Article 13. The compensation agreed upon in the preceding Article shall begin upon the date of departure from the City of New York of each member of the Mission, and shall continue after the termination of his service with the Mission during his return trip to the City of New York and thereafter for the period of any accumulated leave to which he is entitled.

Article 14. The compensation due for the period of the return trip and accumulated leave shall be paid to a detached member of the Mission before his departure from Peru, and such payment shall be computed for travel by the shortest usually travelled sea route regardless of the route and method of travel used by the member of the Mission.

bro. Esta retribución será abonada en doce (12) mensualidades iguales, debidas y pagaderas el último día de cada mes. El pago puede ser en moneda nacional peruana y en este caso estará computado al valor más alto del dólar al tipo de cambio libre de Lima en el día en que sea pagadero. Los pagos hechos fuera del Perú deben serlo en la moneda nacional de los Estados Unidos. La retribución no estará sujeta a ningún impuesto, ahora en vigencia o que se cree en el futuro, del Gobierno del Perú o de ninguna de sus dependencias políticas y administrativas. Sin embargo, si al presente o durante la vigencia de este convenio existen algunos impuestos que puedan afectar esta retribución, dichos impuestos serán pagados por el Ministerio de Marina y Aviación del Perú, con el objeto de cumplir con la disposición de este Artículo que los salarios convenidos serán netos.

Artículo 13. La retribución convenida en el Artículo precedente comenzará a regir desde la fecha de la partida de la Ciudad de Nueva York de cada miembro de la Misión, y continuará después de la terminación de sus servicios con la Misión durante el viaje de regreso a la Ciudad de Nueva York y en lo sucesivo por el período de cualquiera licencia acumulada a que el miembro tenga derecho.

Artículo 14. La retribución debida por el período del viaje de regreso y licencia acumulada debe ser pagada a un miembro cesante antes de su partida del Perú, y tal pago debe ser calculado por un viaje por la ruta marítima más corta actualmente empleada, independientemente de la ruta y método de viaje usado por el miembro de la Misión.

Article 15. Each member of the Mission and each member of his family shall be provided by the Government of Peru with first-class accommodations for travel required and performed under this Agreement, by the shortest usually travelled sea route between the City of New York and his official residence in Peru, both for the outward and for the return voyage. The expenses of shipment of the household effects, baggage and automobile of each member of the Mission between the City of New York and his official residence in Peru shall also be paid by the Government of Peru; this shall include all necessary expenses incident to unloading from the steamer upon arrival in Peru, cartage between the ship and the residence in Peru, and packing and loading on board the steamer upon departure from Peru. The transportation of such household effects, baggage and automobile shall be made in a single shipment and all subsequent shipments shall be at the expense of the respective members of the Mission except when the result of circumstances beyond their control. Payment by the Government of Peru of the expenses for the transportation of the families, household effects, baggage and automobiles of personnel who may join the Mission for temporary service at the request of the Minister of Marine and Aviation of Peru shall not be obligatory under this Agreement, but shall be determined by negotiations between the Navy Department of the United States and the authorized representative in Washington of the Ministry of Marine and Aviation of Peru, at such time as the

Artículo 15. A cada miembro de la Misión y a cada miembro de su familia el Gobierno del Perú proporcionará pasajes de primera clase para el viaje requerido y efectuado de conformidad con este Acuerdo, por la ruta marítima más corta actualmente empleada entre la Ciudad de Nueva York y su residencia oficial en el Perú, tanto para el viaje de ida como para el de regreso. Los gastos de transporte de los efectos domésticos, equipaje y automóvil de cada miembro de la Misión entre la Ciudad de Nueva York y su residencia oficial en el Perú serán también por cuenta del Gobierno del Perú; esto deberá incluir todos los gastos necesarios relacionados con la descarga de a bordo del vapor a su llegada al Perú, transporte entre el vapor y la residencia en el Perú y embalaje y carga a bordo del vapor a su partida del Perú. El transporte de estos efectos domésticos, equipaje y automóvil deberá ser hecho en un solo embarque y todos los embarques sucesivos serán a costo de los respectivos miembros de la Misión, exceptuando casos derivados de circunstancias ajenas a su voluntad. El pago por el Gobierno del Perú de los gastos para el transporte de las familias, efectos domésticos, equipaje y automóviles del personal que pueda unirse a la Misión para servicio temporal a solicitud del Ministro de Marina y Aviación del Perú, no será obligatorio según las disposiciones de este Acuerdo, pero será determinado por negociaciones entre el Departamento de Marina de los Estados Unidos y el representante autorizado en Washington del Ministerio de Marina y Aviación del Perú, en el momento

detail of personnel for such temporary service is agreed upon.

Article 16. The Government of Peru shall allot in the budget of the Ministry of Marine and Aviation an amount adequate to pay customs duties on articles imported by the members of the Mission for their personal use and for the use of their families, provided that the Chief of the Mission authorizes such importations.

Article 17. If the services of any member of the Mission should be terminated by the Government of the United States, except as established in the provisions of Article 5, before the completion of two years of service, the provisions of Article 15 shall not apply to the return trip. If the services of any member of the Mission should terminate or be terminated before the completion of two years of service, for any other reason, including those established in Article 5, such member shall receive from the Government of Peru all compensations, emoluments, and perquisites as though he had completed two years of service, but the annual salary shall terminate as provided in Article 13. But should the Government of the United States recall any member for breach of discipline, the cost of the return trip to the United States of such member, his family, household effects, baggage or automobile shall not be borne by the Government of Peru.

Article 18. Compensation for transportation and travelling expenses in the Republic of Peru on official business of the Government of Peru shall be provided by

en que el nombramiento del personal para ese servicio temporal sea convenido.

Artículo 16. El Gobierno del Perú consignará en el Presupuesto del Ministerio de Marina y Aviación una suma adecuada para pagar derechos de aduana por concepto de artículos importados por los miembros de la Misión para su uso personal y de sus familias, siempre que el Jefe de la Misión autorice estas importaciones.

Artículo 17. Si los servicios de cualquier miembro de la Misión fueren terminados por el Gobierno de los Estados Unidos, exceptuando lo establecido en las disposiciones del Artículo 5, antes de la terminación de dos años de servicios, las disposiciones del Artículo 15 no se aplicarán para el viaje de regreso. Si los servicios de cualquier miembro de la Misión terminen o fueren terminados antes de completar dos años de servicios por cualquiera otra razón, incluyendo las establecidas en el Artículo 5, este miembro recibirá del Gobierno del Perú todas las retribuciones, emolumentos y concesiones como si hubiera completado dos años de servicios, pero el sueldo anual cesará de abonarse como se dispone en el Artículo 13. Pero si el Gobierno de los Estados Unidos retira a cualquier miembro por faltas cometidas contra la disciplina, el costo del viaje de regreso a los Estados Unidos de este miembro, de su familia, efectos domésticos, equipaje y automóvil no será pagado por el Gobierno del Perú.

Artículo 18. La compensación por gastos de transporte y de viaje en la República del Perú en comisiones oficiales del Gobierno del Perú será proporcionada

the Government of Peru in accordance with the provisions of Article 10.

Article 19. The Government of Peru shall provide the Chief of the Mission with a suitable automobile with chauffeur, for use on official business. Suitable motor transportation with chauffeur, and when necessary a launch properly equipped, shall on call be made available by the Government of Peru for use by the members of the Mission for the conduct of the official business of the Mission.

Article 20. The Government of Peru shall grant to the personnel of the Mission blanket authorization to make flights in Peru, in United States aircraft or in Peruvian aircraft which shall be made available, as necessary in the conduct of the official business of the Mission, as well as for such periodic flights as may be required to maintain their proficiency as aviators. No liability shall be incurred by any member of the Mission or by the Government of the United States for damage to property or equipment or for injury or death to others as the result of any accident in which a member of the Mission may be involved while engaged in flights in accordance with the provisions of this Agreement.

Article 21. The Government of Peru shall provide suitable office space and facilities for the use of the members of the Mission.

Article 22. If any member of the Mission or any member of his family should die in Peru, the Government of Peru shall have the body transported to such place in the United States as the

por el Gobierno del Perú de acuerdo con las disposiciones del Artículo 10.

Artículo 19. El Gobierno del Perú proporcionará al Jefe de la Misión un automóvil con chauffeur, para uso oficial. Transporte adecuado en automóvil con chauffeur, y cuando sea necesario una lancha convenientemente equipada, serán provistas, a pedida, por el Gobierno del Perú para el uso de los miembros de la Misión para el cumplimiento de las funciones oficiales de la misma.

Artículo 20. El Gobierno del Perú concederá al personal de la Misión autorización general para hacer vuelos en el Perú, en aviones de los Estados Unidos o en aviones peruanos que se pondrán a su disposición, para el desempeño necesario de las funciones oficiales de la Misión, y también para los vuelos periódicos que sean requeridos para mantener su habilidad como aviadores. No incurrirá en ninguna responsabilidad ningún miembro de la Misión ni el Gobierno de los Estados Unidos por razón de daños a la propiedad o al material o por lesiones o muerte de otros como resultado de cualquier accidente en que un miembro de la Misión esté envuelto mientras realice estos vuelos de acuerdo con las disposiciones de este Acuerdo.

Artículo 21. El Gobierno del Perú proporcionará alojamiento y facilidades adecuadas de oficina para el uso de los miembros de la Misión.

Artículo 22. Si cualquier miembro de la Misión o cualquier miembro de su familia falleciese en el Perú, el Gobierno del Perú hará que los restos sean transportados hasta el lugar de los Estados

*Ante*, p. 2357.

surviving members of the family may decide, but the cost to the Government of Peru shall not exceed the cost of transporting the remains from the place of decease to the City of New York. Should the deceased be a member of the Mission, his services with the Mission shall be considered to have terminated fifteen (15) days after his death. Return transportation to the City of New York for the family of the deceased member and for their household effects, baggage and automobile shall be provided as prescribed in Article 15. All compensation due the deceased member, including salary for the fifteen (15) days following his death, and reimbursement due the deceased member for expenses and transportation on trips made on official business of the Government of Peru, shall be paid to the widow of the deceased member or to any other person who may have been designated in writing by the deceased while he was serving under the terms of this Agreement; but the widow or other person shall not be compensated for accrued leave due but not taken by the deceased. All compensations due the widow or other person designated by the deceased, under the provisions of this Article, shall be paid before the departure of the widow or such other person from Peru and within fifteen (15) days after the death of the member.

Unidos determinado por los miembros sobrevivientes de la familia, pero el costo para el Gobierno del Perú no excederá del costo del transporte de los restos del lugar del fallecimiento a la Ciudad de Nueva York. Si el fallecido es un miembro de la Misión, sus servicios con la Misión deben ser considerados como que han terminado quince (15) días después de su muerte. El transporte de regreso a la Ciudad de Nueva York para la familia del miembro fallecido y para sus efectos domésticos, equipaje, y automóvil será provisto como se prescribe en el Artículo 15. Toda retribución debida al miembro fallecido, incluyendo el sueldo por los quince días (15) subsiguientes a su muerte y reembolso adeudado al miembro fallecido por gastos y transporte en viajes realizados en asuntos oficiales del Gobierno del Perú, serán pagados a la viuda del miembro fallecido o a cualquiera otra persona que pueda haber sido designada por escrito por el fallecido mientras estaba sirviendo en conformidad con los términos de este Acuerdo; pero la viuda o la otra persona no será compensada por la licencia acumulada a que tenía derecho el fallecido pero no usada por él. Todas las compensaciones debidas a la viuda o a la otra persona designada por el fallecido, según las disposiciones de este Artículo, serán pagadas antes de la partida de dicha viuda o dicha persona del Perú y dentro de quince (15) días después del fallecimiento del miembro.

## TITLE V

*Requisites and Conditions*

Article 23. So long as this Agreement, or any extension there-

## TITULO V

*Requisitos y Condiciones*

Artículo 23. Mientras este Acuerdo, o cualquiera extensión de

of, is in effect, the Government of Peru shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Peruvian Air Force, except by mutual agreement between the Government of the United States and the Government of Peru.

Article 24. Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a member of the Mission. This requirement shall continue in force after the termination of service with the Mission and after the expiration or cancellation of this Agreement or any extension thereof.

Article 25. Throughout this Agreement the term "family" is limited to mean wife and dependent children.

Article 26. Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission.

Article 27. The leave specified in the preceding Article may be spent in Peru, in the United States or in other countries, but the expenses of travel and transportation not otherwise provided for in this Agreement shall be borne by the member of the Mission taking such leave. All travel time, including sea travel, shall count as leave and shall not be

él, esté en efecto, el Gobierno del Perú no empleará los servicios de ningún personal de ningún otro Gobierno extranjero para servicios de cualquiera naturaleza relacionados con la Fuerza Aérea Peruana, excepto por mutuo convenio entre el Gobierno de los Estados Unidos y el Gobierno del Perú.

Artículo 24. Cada miembro de la Misión convendrá en no divulgar o por cualquier medio revelar a cualquier Gobierno extranjero o a cualquiera persona cualquier secreto o asunto confidencial del cual pueda tener conocimiento en su capacidad de Miembro de la Misión. Este requisito continuará en vigencia después de la terminación de los servicios con la Misión y después de la expiración o cancelación de este Acuerdo o cualquiera extensión de él.

Artículo 25. En todo este Acuerdo el término "familia" estará restringido a significar esposa e hijos dependientes.

Artículo 26. Cada miembro de la Misión tendrá derecho a un mes anual de licencia con goce de sueldo, o a una parte proporcional con goce de sueldo por cualquiera parte fraccional de un año. Las partes no usadas de dicha licencia serán acumuladas de año a año, durante el servicio como miembro de la Misión.

Artículo 27. La licencia especificada en el Artículo precedente puede ser disfrutada en el Perú, en los Estados Unidos o en otros países, pero los gastos de viaje y de transporte que no sean abonables de acuerdo con las disposiciones de otros Artículos de este Acuerdo serán pagados por el miembro de la Misión que disfruta de la licencia. Todo el tiempo de

in addition to the time authorized in the preceding Article.

Article 28. The Government of Peru agrees to grant the leave specified in Article 26 upon receipt of written application, approved by the Chief of the Mission with due consideration for the convenience of the Government of Peru.

Article 29. Members of the Mission that may be replaced shall terminate their services on the Mission only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

Article 30. The Government of Peru shall provide suitable medical attention to members of the Mission and their families. In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, after consultation with the Peruvian naval authorities, and all expenses incurred as the result of such illness or injury while the patient is a member of the Mission and remains in Peru shall be paid by the Government of Peru. If the hospitalized member is a commissioned officer he shall pay his cost of subsistence, but if he is an enlisted man the cost of subsistence shall be paid by the Government of Peru. Families shall enjoy the same privileges agreed upon in this Article for members of the Mission, except that a member of the Mission shall in all cases pay the cost of subsistence incident to hospitalization of a member of his family, ex-

viaje, incluyendo viaje por mar, será contado como licencia y no será en adición al tiempo autorizado en el Artículo precedente.

Artículo 28. El Gobierno del Perú conviene en conceder la licencia especificada en el Artículo 26 al recibir la solicitud escrita, y aprobada por el Jefe de la Misión con la debida consideración por la conveniencia del Gobierno del Perú.

Artículo 29. Los miembros de la Misión que sean reemplazados solo podrán cesar en sus funciones en la Misión a la llegada de los reemplazantes, exceptuando los casos en que sea convenida de otra manera y de antemano por los Gobiernos respectivos.

Artículo 30. El Gobierno del Perú proporcionará a los miembros de la Misión y a sus familias la atención médica apropiada. En caso de que un miembro de la Misión se enferme o sufra lesiones, será hospitalizado a discreción del Jefe de la Misión en cualquier hospital que el Jefe de la Misión considere adecuado, después de consultar con las autoridades de la Armada Peruana, y todos los gastos en que se incurra como resultado de esta enfermedad siempre que el paciente sea un miembro de la Misión y permanezca en Perú, serán pagados por el Gobierno del Perú. En caso de que el miembro hospitalizado sea un oficial comisionado, él mismo pagará sus gastos de subsistencia, pero en caso de que sea un subalterno sus gastos de subsistencia serán pagados por el Gobierno del Perú. Las familias disfrutarán de los mismos privilegios convenidos en este Artículo para los miembros de la Misión, exceptuando que un miembro de la Misión pagará en

cept as may be provided under Article 10.

todos los casos los gastos de subsistencia relacionados a la hospitalización de un miembro de su familia, con excepción de lo que sea dispuesto en el Artículo 10.

Article 31. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Artículo 31. Cualquier miembro de la Misión inhabilitado para desempeñar sus servicios con la Misión por razón de incapacidad física prolongada, será reemplazado.

IN WITNESS WHEREOF, the undersigned, Sumner Welles, Acting Secretary of State of the United States of America, and Eduardo Garland, Chargé d'Affaires of the Republic of Peru, duly authorized thereto, have signed this Agreement in duplicate in the English and Spanish languages, at Washington, District of Columbia, United States of America, this thirty-first day of July of 1940.

EN TESTIMONIO DE LO CUAL, los suscritos, Sumner Welles, Secretario de Estado interino de los Estados Unidos de América, y Eduardo Garland, Encargado de Negocios de la República del Perú, debidamente autorizados para ello, han firmado este Acuerdo, por duplicado en los idiomas inglés y español, en Washington, Distrito de Columbia, Estados Unidos de América, el día treinta y uno de julio de 1940.

Signatures.

SUMNER WELLES [SEAL]  
EDUARDO GARLAND [SEAL]

August 6, 1940  
[E. A. S. No. 179]

*Commercial agreement between the United States of America and the Union of Soviet Socialist Republics continuing in force until August 6, 1941, the agreement of August 4, 1937. Effected by exchange of notes signed at Moscow August 6, 1940; approved by the Council of People's Commissars of the Union of Soviet Socialist Republics August 7, 1940; proclaimed by the President of the United States August 7, 1940; effective August 6, 1940. And related notes.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Continuance of previous agreement.

WHEREAS by my authority, the Chargé d'Affaires ad interim of the United States of America at Moscow exchanged at that capital on August 6, 1940, with the authorized representative of the Union of Soviet Socialist Republics identic notes, constituting an agreement in regard to commerce between the United States of America and the Union of Soviet Socialist Republics and the continuance of favorable commercial relations between the two countries, which notes are word for word as follows:

"Moscow, August 6, 1940.

"MR. PEOPLE'S COMMISSAR:

"In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the United States of America and the Union of Soviet Socialist Republics recorded in the exchange of notes between the Ambassador of the United States of America and the People's Commissar for Foreign Affairs of the Union of Soviet Socialist Republics, of August 4, 1937, which came into force on August 6, 1937, on the date of proclamation thereof by the President of the United States of America and approval thereof by the Council of People's Commissars of the Union of Soviet Socialist Republics and which was renewed on August 5, 1938,<sup>1</sup> and August 2, 1939<sup>2</sup> shall continue in force until August 6, 1941.

"The present agreement should be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics.

"Accept, Mr. People's Commissar, the renewed assurances of my highest consideration.

WALTER THURSTON

Mr. A. I. MIKOYAN,  
*People's Commissar for Foreign Trade of the  
Union of Soviet Socialist Republics,  
Moscow."*

<sup>1</sup> [Executive Agreement Series No. 132.]

<sup>2</sup> [Executive Agreement Series No. 151.]

Confirmation by U. S.

Post, p. 2370.

53 Stat. 1947, 2404.

[Translation]

"Moscow, August 6, 1940.

"MR. CHARGÉ D'AFFAIRES:

"In accordance with the conversations which have taken place, I have the honor to confirm on behalf of my Government the agreement which has been reached between the Governments of our respective countries that the agreement regarding commercial relations between the Union of Soviet Socialist Republics and the United States of America recorded in the exchange of notes between the People's Commissar for Foreign Affairs of the Union of Soviet Socialist Republics and the Ambassador of the United States of America, of August 4, 1937, which came into force on August 6, 1937, on the date of approval thereof by the Council of People's Commissars of the Union of Soviet Socialist Republics and proclamation thereof by the President of the United States of America and which was renewed on August 5, 1938, and August 2, 1939 shall continue in force until August 6, 1941.

"The present agreement should be approved by the Council of People's Commissars of the Union of Soviet Socialist Republics and proclaimed by the President of the United States of America.

"Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOYAN

Mr. WALTER THURSTON,  
*Chargé d'Affaires of the  
United States of America,  
Moscow."*

AND WHEREAS, it is provided in the said agreement that the agreement should be proclaimed by the President of the United States of America and approved by the Council of People's Commissars of the Union of Soviet Socialist Republics:

NOW, THEREFORE, BE IT KNOWN THAT I, Franklin D. Roosevelt, President of the United States of America, do hereby make known and proclaim the said agreement, and having been notified that the same has been approved on this day by the Council of People's Commissars of the Union of Soviet Socialist Republics, direct that it be observed and fulfilled with good faith by the United States of America on and after August 6, 1940.

Proclamation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Effective date.

DONE at the city of Washington this seventh day of August, in the year of our Lord one thousand nine hundred and forty [SEAL] and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## RELATED NOTES

## 1. CONCERNING THE AMOUNT OF PURCHASES TO BE MADE BY THE UNION OF SOVIET SOCIALIST REPUBLICS IN THE UNITED STATES OF AMERICA

*The American Chargé d'Affaires ad interim (Thurston) to the People's Commissar for Foreign Trade (Mikoyan)*

EMBASSY OF THE UNITED STATES OF AMERICA

*Moscow, August 6, 1940*

MR. PEOPLE'S COMMISSAR :

I have the honor to refer to our recent conversations in regard to the commerce between the United States of America and the Union of Soviet Socialist Republics and to ask you to let me know the value of articles, the growth, produce, or manufacture of the United States of America which the Government of the Union of Soviet Socialist Republics intends to purchase in the United States of America during the next twelve months for export to the Union of Soviet Socialist Republics.

Accept, Mr. People's Commissar, the renewed assurances of my highest consideration.

WALTER THURSTON

Mr. A. I. MIKOYAN,  
*People's Commissar for Foreign Trade of the  
Union of Soviet Socialist Republics,  
Moscow.*

*The People's Commissar for Foreign Trade (Mikoyan) to the  
American Chargé d'Affaires ad interim (Thurston)*

[Translation]

*Moscow, August 6, 1940.*

MR. CHARGÉ D'AFFAIRES :

In reply to your inquiry regarding the intended purchases by the Union of Soviet Socialist Republics in the United States of America in the course of the next twelve months, I have the honor to inform you that the economic organizations of the Union of Soviet Socialist Republics intend to buy in the United States of America in the course of the next twelve months American goods to the value of forty million dollars or more.

If, however, restrictions imposed on exports by the Government of the United States should render it difficult for Soviet economic organizations to satisfy their needs in the United States, it may be impossible for these organizations to carry out their intentions. The Government of the Union of Soviet Socialist Republics is there-

fore not in a position at the present time to guarantee the above-mentioned value of its purchases in the United States.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOYAN

Mr. WALTER THURSTON,  
*Chargé d'Affaires of the  
United States of America,  
Moscow.*

2. EXEMPTION FROM EXCISE TAX OF COAL, COKE, AND COAL OR COKE  
BRIQUETTES IMPORTED INTO THE UNITED STATES FROM THE UNION  
OF SOVIET SOCIALIST REPUBLICS

*The American Chargé d'Affaires ad interim (Thurston) to the  
People's Commissar for Foreign Trade (Mikoyan)*

EMBASSY OF THE UNITED STATES OF AMERICA

*Moscow, August 6, 1940*

MR. PEOPLE'S COMMISSAR:

With reference to the agreement signed today continuing the agreement concerning commerce between the United States of America and the Union of Soviet Socialist Republics which came into force on August 6, 1937, I have the honor to state that the Embassy has been informed that the authorities of the Treasury Department of the United States will admit coal of all sizes, grades, and classifications (except culm and duff), coke manufactured therefrom, and coal or coke briquettes, imported from the Union of Soviet Socialist Republics free from the import tax provided in Section 601 (c) (5) of the Revenue Act of 1932, as amended, during the life of the agreement unless other treatment is required by controlling judicial decision hereafter rendered.

Accept, Mr. People's Commissar, the renewed assurances of my highest consideration.

WALTER THURSTON

Mr. A. I. MIKOYAN,  
*People's Commissar for Foreign Trade of the  
Union of Soviet Socialist Republics,  
Moscow.*

*The People's Commissar for Foreign Trade (Mikoyan) to the  
American Chargé d'Affaires ad interim (Thurston)*

[Translation]

Moscow, August 6, 1940

MR. CHARGÉ D'AFFAIRES:

In reply to your inquiry regarding the intended exports of Soviet coal to the United States of America during the ensuing twelve months, I may state that the economic organizations of the Union of Soviet Socialist Republics will not in any case export to the United States of America during the year beginning August 6, 1940, more than 400,000 tons of Soviet coal.

Accept, Mr. Chargé d'Affaires, the renewed assurances of my highest consideration.

A. MIKOYAN

MR. WALTER THURSTON,  
*Chargé d'Affaires of the  
United States of America,  
Moscow.*

### ACCOMPANIMENT

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION  
OF SOVIET SOCIALIST REPUBLICS REGARDING COMMERCIAL RELATIONS,  
EFFECTED BY EXCHANGE OF NOTES SIGNED AUGUST 4, 1937

*The American Ambassador (Davies) to the People's Commissar for  
Foreign Affairs (Litvinoff)*

Moscow, August 4, 1937.

EXCELLENCY:

With reference to recent conversations which have taken place in regard to commerce between the United States of America and the Union of Soviet Socialist Republics, I have the honor to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

One. The United States of America will grant to the Union of Soviet Socialist Republics unconditional and unrestricted most-favored-nation treatment in all matters concerning customs duties and charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in the Union of Soviet Socialist Republics shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other

or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of the United States of America and consigned to the territory of the Union of Soviet Socialist Republics shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes, or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of the Union of Soviet Socialist Republics.

It is understood that so long as and in so far as existing law of the United States of America may otherwise require, the foregoing provisions, in so far as they would otherwise relate to duties, taxes or charges on coal, coke manufactured therefrom, or coal or coke briquettes, shall not apply to such products imported into the United States of America. If the law of the United States of America shall not permit the complete operation of the foregoing provisions with respect to the above-mentioned products, the Union of Soviet Socialist Republics reserves the right within fifteen days after January 1, 1938, to terminate this agreement in its entirety on thirty days' written notice.

It is understood, furthermore, that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this agreement.

Nothing in this agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as the Government of the United States of America may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional cases, all other military supplies. It is understood that any action which may be taken by the President of the United States of America under the authority of Section 2 (b) of the Neutrality Act of 1937 in regard to the passage of title to goods shall not be considered as contravening any of the provisions of this agreement relating to the exportation of natural or manufactured products from the territory of the United States of America.

Subject to the requirement that no arbitrary discrimination shall be effected by the United States of America against importations from the Union of Soviet Socialist Republics and in favor of those

from any third country, the foregoing provisions shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds, (2) designed to protect human, animal, or plant life, (3) relating to prison-made goods, or (4) relating to the enforcement of police or revenue laws.

Two. On its part the Government of the Union of Soviet Socialist Republics will take steps to increase substantially the amount of purchases in the United States of America for export to the Union of Soviet Socialist Republics of articles the growth, produce, or manufacture of the United States of America.

Three. This agreement shall come into force on the day of proclamation thereof by the President of the United States of America and of approval thereof by the Soviet of People's Commissars of the Union of Soviet Socialist Republics, which proclamation and approval shall take place on the same day. It shall continue in effect for twelve months. Both parties agree that not less than thirty days prior to the expiration of the aforesaid period of twelve months they shall start negotiations regarding the extension of the period during which the present agreement shall continue in force.

Accept, Excellency, the renewed assurances of my highest consideration.

JOSEPH E. DAVIES

*Ambassador Extraordinary and Plenipotentiary  
of the United States of America*

His Excellency

MAXIM LITVINOFF,

*People's Commissar for Foreign Affairs,*

*Moscow.*

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*The People's Commissar for Foreign Affairs (Litvinoff) to the  
American Ambassador (Davies)*

*Moscow, August 4, 1937.*

MR. AMBASSADOR:

With reference to recent conversations which have taken place in regard to commerce between the Union of Soviet Socialist Republics and the United States of America, I have the honor to confirm and to make of record by this note the following agreement which has been reached between the Governments of our respective countries:

One. The United States of America will grant to the Union of Soviet Socialist Republics unconditional and unrestricted most-favored-nation treatment in all matters concerning customs duties and charges of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities, charges imposed in connection with the clearing of goods through the customs, and with respect to all laws or regulations affecting the sale or use of imported goods within the country.

Accordingly, natural or manufactured products having their origin in the Union of Soviet Socialist Republics shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territory of the United States of America and consigned to the territory of the Union of Soviet Socialist Republics shall in no case be subject with respect to exportation and in regard to the above-mentioned matters, to any duties, taxes, or charges other or higher, or to any rules or formalities other or more burdensome, than those to which the like products when consigned to the territory of any third country are or may hereafter be subject.

Any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America in regard to the above-mentioned matters, to a natural or manufactured product originating in any third country or consigned to the territory of any third country shall be accorded immediately and without compensation to the like product originating in or consigned to the territory of the Union of Soviet Socialist Republics.

It is understood that so long as and in so far as existing law of the United States of America may otherwise require, the foregoing provisions, in so far as they would otherwise relate to duties, taxes or charges on coal, coke manufactured therefrom, or coal or coke briquettes, shall not apply to such products imported into the United States of America. If the law of the United States of America shall not permit the complete operation of the foregoing provisions with respect to the above-mentioned products, the Union of Soviet Socialist Republics reserves the right within fifteen days after January 1, 1938, to terminate this agreement in its entirety on thirty days' written notice.

It is understood, furthermore, that the advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions, the Philippine Islands, or the Panama Canal Zone to one another or to the Republic of Cuba shall be excepted from the operation of this agreement.

Nothing in this agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver, or to prevent the adoption of such measures as the Government of the United States of America may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and, in exceptional cases, all other military supplies. It is understood that any action which may be taken by the President of the United States of America under the authority of Section 2 (b) of the Neutrality Act of 1937 in regard to the passage to title to goods shall not be considered as contravening any of the provisions of this agreement relating to the exportation of natural or manufactured products from the territory of the United States of America.

Subject to the requirement that no arbitrary discrimination shall be effected by the United States of America against importations from the Union of Soviet Socialist Republics and in favor of those from any third country, the foregoing provisions shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds, (2) designed to protect human, animal, or plant life, (3) relating to prison-made goods, or (4) relating to the enforcement of police or revenue laws.

Two. On its part the Government of the Union of Soviet Socialist Republics will take steps to increase substantially the amount of purchases in the United States of America for export to the Union of Soviet Socialist Republics of articles the growth, produce, or manufacture of the United States of America.

Three. This agreement shall come into force on the day of proclamation thereof by the President of the United States of America and of approval thereof by the Soviet of People's Commissars of the Union of Soviet Socialist Republics, which proclamation and approval shall take place on the same day. It shall continue in effect for twelve months. Both parties agree that not less than thirty days prior to the expiration of the aforesaid period of twelve months they shall start negotiations regarding the extension of the period during which the present agreement shall continue in force.

Accept, Mr. Ambassador, the renewed assurances of my highest consideration.

M. LITVINOFF

MR. JOSEPH E. DAVIES,

*Ambassador of the United States of America,*

*Moscow.*

*Agreement between the United States of America and Venezuela respecting reciprocal trade. Signed at Caracas November 6, 1939; proclaimed by the President of the United States of America November 16, 1939; ratified by the President of the United States of Venezuela July 24, 1940; proclamation and ratification exchanged at Washington November 14, 1940; supplementary proclamation by the President of the United States of America November 27, 1940; effective provisionally December 16, 1939; effective definitively December 14, 1940. With related notes.*

November 6, 1939  
[E. A. S. No. 180]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Preamble.

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351, 1352.  
*Ante*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out

any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: Provided, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties and other import restrictions of the United States of America and the United States of Venezuela are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a foreign trade agreement between the United States of America and the United States of Venezuela;

48 Stat. 943; 50 Stat. 24.  
19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351, 1352.  
*Ante*, p. 107.

WHEREAS reasonable public notice of the intention to negotiate such foreign trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a definitive agreement, including two Schedules annexed thereto, on November 6, 1939, through my duly empowered Plenipotentiary, with the President of the United States of Venezuela, through his duly empowered Plenipotentiary, and, on the same day and in like manner, into a *modus vivendi* in the form of an exchange of notes, including two Schedules annexed thereto, to be effective on and after December 16, 1939, pending the entry into force of the definitive agreement between the two countries;

WHEREAS the said *modus vivendi*, including two Schedules annexed thereto, in the English and Spanish languages, is in words and figures as follows:

*Modus vivendi.*

No. 43

EMBASSY OF THE UNITED STATES OF AMERICA

Caracas, November 6, 1939

EXCELLENCY:

The undersigned, being duly empowered thereto by the President of the United States of America, has the honor to confirm and make of record by this note the following *modus vivendi* which has been

entered into by our respective Governments for the purpose of regulating the commercial relations between the two countries, pending the entry into force of the Trade Agreement between the United States of America and the United States of Venezuela signed this day:

#### ARTICLE I

Articles the growth, produce or manufacture of the United States of America, enumerated and described in Schedule I annexed to this Agreement and made a part thereof, shall, on their importation into the United States of Venezuela, be exempt from ordinary customs duties in excess of those set forth in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of Venezuela in force on the day of the signature of this Agreement.

Imports from  
United States.  
Post, p. 2383.

#### ARTICLE II

Articles the growth, produce or manufacture of the United States of Venezuela, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

Imports from Vene-  
zuela.  
Post, p. 2386.

#### ARTICLE III

The provisions of Articles I and II of this Agreement shall not prevent the Governments of the Contracting Parties from imposing at any time on the importation of any article a charge equivalent to an internal tax imposed in respect of a like domestic article or in respect of a commodity from which the imported article has been manufactured or produced in whole or in part.

Imposition of  
charges on imports.

#### ARTICLE IV

The United States of America and the United States of Venezuela agree that the notes included in Schedules I and II are hereby given force and effect as integral parts of this Agreement.

Force and effect of  
notes.

#### ARTICLE V

Articles the growth, produce or manufacture of the United States of America or the United States of Venezuela, shall, after importation into the other country, be exempt from all internal taxes, fees, charges or exactions other or higher than those payable on like articles of national or foreign origin.

Limitation on inter-  
nal taxes, etc.

Cigarettes.

The provisions of this Article relating to national treatment shall not apply to taxes imposed by the United States of Venezuela on cigarettes, but cigarettes originating in the United States of America shall, after importation into the United States of Venezuela, be exempt from all internal taxes, fees, charges or exactions other or higher than those in effect on the day of the signature of this Agreement.

Alcoholic beverages.

The provisions of this Article shall not apply to alcoholic beverages.

## ARTICLE VI

Quantitative restrictions.  
Post, p. 2383.

Post, p. 2386.

Articles the growth, produce or manufacture of the United States of America enumerated and described in Schedule I and articles the growth, produce or manufacture of the United States of Venezuela enumerated and described in Schedule II shall be permitted to be imported into the territory of the other country without quantitative restrictions. Nevertheless, should the Government of one of the Contracting Parties find it necessary because of special circumstances to establish a quantitative restriction on any such article, it shall notify the other Government. If agreement between the two Governments regarding the restriction is not reached, such other Government may terminate this Agreement on thirty days' written notice. No quantitative restriction established under this Article by the Government of either of the Contracting Parties shall be applicable for a period of thirty days after the public notice of such restriction to imports the invoices for which have been certified prior to the date of such public notice by a consular officer of the Government establishing the restriction.

## ARTICLE VII

Regulation of imports; notice.

In the event the Government of the United States of America or the Government of the United States of Venezuela regulates imports of any article in which the other country has an interest either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, the Government taking such action shall establish in advance, and give public notice of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase or decrease in such amount during the period, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the other country in a previous representative period, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article.

## ARTICLE VIII

Monopolies.

In the event that the Government of the United States of America or the Government of the United States of Venezuela establishes or maintains a monopoly for the importation, production or sale of a

particular commodity or grants exclusive privileges, formally or in effect, to one or more agencies to import, produce or sell a particular commodity, the Government of the country establishing or maintaining such monopoly, or granting such monopoly privileges, agrees that in respect of the foreign purchases of such monopoly or agency the commerce of the other country shall receive fair and equitable treatment.

#### ARTICLE IX

In the event that the Government of the United States of America or the Government of the United States of Venezuela establishes or maintains, directly or indirectly, any form of control of the means of international payment, it shall, in the administration of such control:

Control of means of international payment.

(a) Impose no restrictions or delays on the transfer of payment for any imported article the growth, produce or manufacture of the other country, or on the transfer of payments necessary for or incidental to the importation of such article, greater or more onerous than those imposed on the transfer of payment for the importation of any article from any third country.

(b) Accord unconditionally, with respect to rates of exchange and taxes or surcharges on exchange transactions in connection with payments for or payments necessary and incidental to the importation of any article the growth, produce or manufacture of the other country, and with respect to all rules and formalities relative thereto, treatment no less favorable than that accorded in connection with the importation of any article whatsoever the growth, produce or manufacture of any third country.

In the event that the Government of either country shall make representations concerning the application by the Government of the other country of the provisions of this Article, the Government of such other country shall give sympathetic consideration to such representations, and if, within thirty days after the receipt of such representations, a satisfactory adjustment has not been made or an agreement has not been reached with respect to such representations, the Government making them may, within fifteen days after the expiration of the aforesaid period of thirty days, terminate this Agreement in its entirety on thirty days' written notice.

#### ARTICLE X

With respect to customs duties or charges of any kind imposed on or in connection with importation or exportation, and with respect to the method of levying such duties or charges, and with respect to all rules and formalities in connection with importation or exportation, and with respect to all laws or regulations affecting the sale, taxation or use of imported goods within the country, any advantage, favor, privilege or immunity which has been or may hereafter be granted by the United States of America or the United States of Venezuela to any article originating in or destined for any third coun-

Most-favored-nation treatment.

try shall be granted immediately and unconditionally to the like article originating in or destined for the United States of Venezuela or the United States of America, respectively.

Neither the United States of America nor the United States of Venezuela shall establish or maintain any import or export prohibition or restriction on any article originating in or destined for the territory of the other country which is not applied to the like article originating in or destined for any third country. Any abolition of an import or export prohibition or restriction which may be granted even temporarily by either country in favor of an article originating in or destined for a third country shall be applied immediately and unconditionally to the like article originating in or destined for the territory of the other country.

#### ARTICLE XI

Laws, regulations, and decisions.

Laws, regulations of administrative authorities and decisions of administrative or judicial authorities of the United States of America and the United States of Venezuela pertaining to the classification of articles for customs purposes or to rates of duty shall be published promptly in such a manner as to enable traders to become acquainted with them. Such laws, regulations and decisions shall be applied uniformly at all ports of the respective country which are open to foreign commerce, except as otherwise specifically provided in laws, regulations, and administrative rulings of the United States of America and the United States of Venezuela.

#### ARTICLE XII

When rate of exchange prejudicial.

In the event that the rate of exchange between the currencies of the United States of America and the United States of Venezuela varies considerably from the rate of exchange of the said currencies on the day of the signature of this Agreement, the Government of either Contracting Party, if it considers the change in rate so substantial as to prejudice the industry or commerce of the country, shall be free to propose negotiations for the modification of this Agreement or, upon thirty days' written notice to the Government of the other Contracting Party, to terminate this Agreement in its entirety.

#### ARTICLE XIII

Errors in documentation.

The Government of each of the Contracting Parties shall accord the most favorable treatment permitted by law in regard to penalties applicable in the case of errors in the documentation for importation of articles the growth, produce or manufacture of the other country, when the nature of the infraction leaves no doubt with respect to good faith or when the errors are evidently clerical in origin.

Mutual consideration of representations.

The Government of each of the Contracting Parties shall accord sympathetic consideration to the representations which the Government of the other country may make with respect to the operation of customs regulations and quantitative restrictions on imports, the

observance of customs formalities and the application of sanitary laws and regulations for the protection of human, animal or plant life or health. If there should be disagreement with respect to the application of said sanitary laws and regulations there shall be established, upon the request of either of the Contracting Parties, a committee of experts on which both Governments shall be represented. The committee, after considering the matter, shall submit its report to both Governments.

#### ARTICLE XIV

The provisions of this Agreement relating to the treatment to be accorded by the United States of America and the United States of Venezuela, respectively, to the commerce of the other country shall apply, on the part of the United States of America, to the continental territory of the United States of America and such of its territories and possessions as are included in its customs territory. The provisions of this Agreement relating to most-favored-nation treatment shall apply to all territories under the sovereignty or authority of the United States of America, other than the Panama Canal Zone.

Scope of Agreement.

#### ARTICLE XV

The provisions of this Agreement do not extend to:

(a) The advantages now accorded or which may hereafter be accorded by the United States of America or the United States of Venezuela to adjacent countries in order to facilitate frontier traffic, or advantages resulting from a customs union to which either the United States of America or the United States of Venezuela may become a party so long as such advantages are not extended to any other country;

Trade with adjacent countries.

(b) The advantages now accorded or which may hereafter be accorded by the United States of America, its territories or possessions or the Panama Canal Zone to one another or to the Republic of Cuba, irrespective of any change in the political status of any of the territories or possessions of the United States of America.

U. S. trade with its possessions, Canal Zone, or Cuba.

The Government of the United States of Venezuela reserves the right to apply, with respect to articles imported into the United States of Venezuela from the Antilles not included in the customs territory of the United States of America, the special surtax applicable to such articles under existing Venezuelan law.

Venezuelan imports from the Antilles.

#### ARTICLE XVI

Subject to the requirement that, under like circumstances and conditions, there shall be no arbitrary discrimination by either country against the other country in favor of any third country, and without prejudice to the provisions of the second paragraph of Article XIII, the provisions of this Agreement shall not extend to prohibitions or restrictions (1) imposed on moral or humanitarian grounds; (2) de-

Provisions not extended to certain prohibitions, etc.

signed to protect human, animal or plant life or health; (3) relating to prison-made goods; (4) relating to the enforcement of police or revenue laws.

Trade in gold or silver.

Export of arms, etc.

Measures relating to neutrality.

Nothing in this Agreement shall be construed to prevent the adoption of measures prohibiting or restricting the importation or exportation of gold or silver, or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances, all other military supplies; and nothing in this Agreement shall prevent the adoption or enforcement of measures relating to neutrality.

#### ARTICLE XVII

Adjustment of measures impairing objects of Agreement.

In the event that the Government of the United States of America or the Government of the United States of Venezuela adopts any measure which, even though it does not conflict with the terms of this Agreement, is considered by the Government of the other country to have the effect of nullifying or impairing any object of the Agreement, the Government which has adopted any such measure shall consider such representations and proposals as the other Government may make with a view to effecting a mutually satisfactory adjustment of the matter.

#### ARTICLE XVIII

Differences of interpretation, etc.

All differences between the High Contracting Parties relative to the interpretation or execution of this Agreement shall be decided by pacific means recognized in International Law, in conformity with treaties and conventions in force between the Parties.

#### ARTICLE XIX

Date of coming into force.

52 Stat. 1493; 53 Stat. 2344.

Ante, pp. 2378, 2379, 2380.

Termination of *modus vivendi*.

The present Agreement shall enter into force on December 16, 1939 and shall supplant the *modus vivendi* between the United States of America and the United States of Venezuela effected by exchange of notes signed May 12, 1938 and extended by exchange of notes dated May 9, 1939, and, subject to the provisions of Articles VI, IX and XII, shall continue in force for a period of one year. It may be extended, upon the expiration of the aforementioned period of one year or upon the expiration of any extension, for further periods of six months. This *modus vivendi* shall terminate upon the entry into force of the Trade Agreement between the United States of America and the United States of Venezuela signed this day.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK P. CORRIGAN

His Excellency Dr. E. GIL BORGES,  
Minister for Foreign Affairs,  
Caracas, Venezuela.

## SCHEDULE I

NOTE: The provisions of this Schedule will be interpreted as though they had been included in the current Venezuelan tariff law by an amendment to that law.

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty Per Kilo- gram
3-D	Salmon, canned	B <sup>a</sup> 0. 90
3-E	Sardines, canned, in oil (except olive oil), in sauce or in their own juice	" 0. 28
3-F	Shellfish, canned	" 1. 50
4	Hog lard	" 0. 90
7	Bacon	" 1. 20
9	Prepared milk, including evaporated, condensed, dried skimmed and dried whole milk	" 0. 50
13-B	Apples, pears and grapes, fresh	" 0. 75
14-C	Dried fruits, not specified, including raisins, prunes, apricots, peaches, apples, pears and mixed fruits	" 0. 90
15-A	Fruits, canned or bottled, in their own juice	" 0. 90
15-B	Fruits, canned or bottled, in syrup	" 1. 00
22-B	Oats, crushed or rolled	" 0. 20
27-A	Wheat flour	" 0. 24
27-C	Oat flour	" 0. 40
36-A	Hams	" 1. 20
36-B	Pork sausages	" 1. 20
36-C	Canned pork	" 1. 20
36-C	Vegetables, soups, sauces and relishes, canned or bottled	" 0. 80
37-B	Special foods for children and for dietary uses, including malted milk and similar milk base preparations not containing cacao or containing not more than 10 per centum of cacao, and also including those with fruit or vegetable bases	" 0. 30
37-C	Special foods for children and for dietary uses containing more than 10 per centum but not more than 15 per centum of cacao	" 0. 70
39	Sweets, bon-bons and candies of any kind, including chocolate confectionery	" 4. 50
44	Crackers and biscuits, unsweetened	" 1. 20
57	Sterilized fruit juices	" 0. 40
99-E	Corsets, elastic garments, garters and similar articles (of cotton)	" 15. 00
143-A	Hosiery of pure silk or mixtures	" 40. 00
143-C	Corsets, elastic garments, garters and similar articles (of pure silk or mixtures)	" 15. 00
224-F	Rubber patches for repairing tires and tubes and emergency repair kits consisting of patches, cement and buffer	" 0. 75
229	Cigarettes	" 12. 00
230-B	Sawn timber and rough lumber, measuring 25 centimeters or less in thickness at both ends, including pitch pine, Ponderosa pine, sugar pine, Douglas fir, spruce, hemlock, redwood (Sequoia), cedar and Southern cypress	" 0. 15
243	Writing paper, not lined	" 0. 90

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty Per Kilo- gram
298-J	Iron or steel sheets, galvanized	B <sup>2</sup> 0. 20
298-L	Tinplate in sheets	" 0. 08
319-D	Metal filing cabinets	" 0. 40
319-E	Beds of ordinary metals, with or without spring mat- tresses	" 1. 00
319-E	Furniture of ordinary metals, not specified	" 1. 40
320-A	Automobile truck and bus chassis, without bodies, but including chassis with cabs	" 0. 09
321-A	Passenger automobiles with bodies, not exceeding 800 kilograms in weight	" 0. 55
321-B	Passenger automobiles with bodies whose weight exceeds 800 kgs. and is not more than 1400 kgs.	" 0. 60
321-C	Passenger automobiles with bodies whose weight exceeds 1400 kgs. and is not more than 1600 kgs.	" 0. 80
321-D	Passenger automobiles with bodies whose weight exceeds 1600 kgs. and is not more than 1700 kgs.	" 1. 00
321-E	Passenger automobiles with bodies whose weight exceeds 1700 kgs. and is not more than 2000 kgs.	" 1. 40
321-F	Passenger automobiles with bodies whose weight exceeds 2000 kgs.	" 1. 60
322-A	Wheels for rubber tires	" 1. 00
322-B	Rubber tires	" 1. 00
322-C	Inner tubes	" 1. 00
322-D	Spring seats	" 1. 00
322-E	Boxes (trunks) for automobiles	" 1. 00
322-F	Automobile tops	" 1. 00
322-G	Fenders	" 1. 00
322-H	Spare tire holders	" 1. 00
322-K	Not specified	" 1. 00
330-A	Radio receiving sets, phonographs, weighing up to 10 kgs. net each	" 2. 00
330-B	Radio receiving sets, phonographs, weighing more than 10 kgs. net each up to 25 kgs.	" 3. 00
330-C	Radio receiving sets, phonographs, weighing more than 25 kgs. net each up to 50 kgs.	" 4. 00
330-D	Radio receiving sets, phonographs, weighing more than 50 kgs.	" 5. 00
330-E	Accessories for radio receiving sets, including tubes or valves for the same	" 0. 40
332-A	Motion picture film, silent and sound, unprinted	" 2. 00
332-B	Motion picture film, silent and sound, printed	" 2. 60
333-A	Refrigerators, weighing up to 100 kgs. net each	" 0. 40
333-B	Refrigerators, weighing more than 100 kgs. up to 250 kgs. net each	" 0. 50
333-C	Refrigerators, weighing more than 250 kgs. up to 500 kgs. net each	" 0. 60
333-D	Refrigerators, weighing more than 500 kgs. net each	" 0. 40
338-A	Sewing machines	" 0. 20
342-B	Lanterns, wick and pressure types	" 0. 80
344	Typewriters and accessories, including parts, cases, covers and stands	" 1. 00

Venezuelan Customs Tariff Number	Description of Article	Rate of Import Duty Per Kilo- gram
345	Calculating machines, including electric ones	B <sup>2</sup> 2.00
346	Cash registers	" 2.00
348	Internal combustion engines	" 0.08
349	Spark plugs	" 1.20
356	Parts for agricultural machinery and implements:	
-A)	Weighing not more than 1 kg. net each	" 1.00
-B)	more than 1 kg. up to 5 kgs. net each	" 0.50
-C)	more than 5 kgs. up to 10 kgs. net each	" 0.35
-D)	more than 10 kgs. up to 30 kgs. net each	" 0.30
-E)	more than 30 kgs. up to 50 kgs. net each	" 0.25
-F)	more than 50 kgs. up to 100 kgs. net each	" 0.20
-G)	more than 100 kgs. up to 500 kgs. net each	" 0.15
-H)	more than 500 kgs. up to 1000 kgs. net each	" 0.10
-I)	more than 1000 kgs. net each	" 0.05
357	Pharmaceutical specialties, not specified	" 1.95
358-C	Absorbent and antiseptic or medicinal cotton	" 2.00
358-D	Pharmaceutical products, not specified	" 1.95
	NOTE to items 357 and 358-D above: The Venezuelan Government agrees that it will not impose any certification requirement or any formality for the importation, registration, licensing or sale of pharmaceutical specialties, patent medicines and pharmaceutical products which would be impossible of fulfilment in the United States of America because of the lack of a duly authorized federal agency.	
359	Dentifrices	" 2.00
364-A	Chewing gum	" 2.00
367-B	Toilet soap, including shaving soap in any form	" 4.00
370	Varnishes and lacquers	" 0.80
371-A	Ready mixed paints in oil, liquid	" 0.50
371-B	Paints for varnishing and enamelling	" 1.20
382-C	Industrial preparations for polishing or cleaning	" 0.60
382-H	Industrial preparations for coloring or shining footwear	" 1.20
394-E	Sporting goods, not specified	" 0.08
405	Electric batteries (except storage batteries) and parts	" 0.20
406	Storage batteries and parts	" 0.50
422	Transmission belting	" 1.20
424	Pharmaceutical articles, not specified	" 2.00
442	Toilet paper	Free
451	Tractors, wheel and tracklaying types	Free
472	Lumber of white pine, pitch pine and Douglas fir, sawn, measuring more than 25 centimeters in thickness at both ends	Free

## SCHEDULE II

**NOTE:** The provisions of this Schedule shall be construed and given the same effect, and the application of collateral provisions of the customs laws of the United States to the provisions of this Schedule shall be determined, insofar as may be practicable, as if each provision of this Schedule appeared respectively in the statutory provision noted in the column at the left of the respective descriptions of articles.

In the case of any article enumerated in this Schedule, which is subject on the day of the signature of this Agreement to any additional or separate ordinary customs duty, whether or not imposed under the statutory provision noted in the column at the left of the respective description of the article, such separate or additional duty shall continue in force, subject to any reduction indicated in this Schedule or hereafter provided for, until terminated in accordance with law, but shall not be increased.

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
35	Barbasco or cube root, natural and uncompounded, but advanced in value or condition by grinding beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, whether or not otherwise advanced, and not containing alcohol	5% ad val.
92	Tonka beans	12½¢ per lb.
754	Orchid plants	15% ad val.
1653	Cocoa or cacao beans, and shells thereof	Free
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319	Free
1670	Dyeing or tanning materials: Divi-divi, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, and not containing alcohol	Free
1685	Manures	Free
1697	Gutta balata, crude	Free
1722	Barbasco or cube root, crude or unmanufactured, not specially provided for	Free
1733	Oils, mineral: Petroleum, crude, and fuel oil derived from petroleum	Free
1765	Reptile skins, raw	Free
1803 (2)	Boxwood in the log	Free

Internal Revenue Code Section	Description of Article	Rate of Import Tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil	$\frac{1}{2}$ ¢ per gal.
	<i>Provided</i> , That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed	$\frac{1}{2}$ ¢ per gal.
	<i>Provided further</i> , That if this item becomes effective after the beginning of a calendar year the quantity of such petroleum and fuel oil which may be entered or withdrawn from warehouse for consumption at the reduced rate during the remainder of such calendar year shall be one-twelfth of the foregoing quantity multiplied by the number of months (treating any part of a month as a full month) during which this item shall be in effect during such calendar year.	
3451	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil; any of the foregoing sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, or vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, under regulations prescribed with the approval of the Secretary of the Treasury	Exempt from taxes imposed by Secs. 3420 and 3422 of the Internal Revenue Code

ESTADOS UNIDOS DE VENEZUELA  
MINISTERIO DE RELACIONES EXTERIORES

DIRECCION DE POLITICA ECONOMICA  
SECCION DE ECONOMIA

NO. 5.182-E

CARACAS, 6 de noviembre de 1939

SEÑOR EMBAJADOR:

El infrascrito, debidamente autorizado por el Presidente de los Estados Unidos de Venezuela, tiene a honra dejar constancia y confirmar por la presente nota que, mientras entre en vigor el tratado de reciprocidad comercial concluido en esta fecha entre los Estados Unidos de Venezuela y los Estados Unidos de América, los dos Gobiernos han convenido en regular sus relaciones comerciales por el siguiente *modus vivendi*:

ARTICULO I

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de América, enumerados y descritos en la Lista N<sup>o</sup> I anexa a este Convenio, del cual forma parte, no pagarán al ser importados en los Estados Unidos de Venezuela derechos ordinarios de importación en las aduanas que excedan de los especificados en dicha Lista. Tales artículos estarán asimismo exentos del pago de cualquier otro derecho, impuesto, contribución, carga o exacción establecidos sobre la importación o en relación con ella, que excedan de los que rijan en el día de la firma de este Convenio, o cuya ulterior aplicación esté ya prevista por leyes vigentes en los Estados Unidos de Venezuela en el día de la firma de este Convenio.

ARTICULO II

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de Venezuela, enumerados y descritos en la Lista N<sup>o</sup> II anexa a este Convenio, del cual forma parte, no pagarán al ser importados en los Estados Unidos de América, derechos ordinarios de importación en las aduanas que excedan de los incluidos y especificados en dicha Lista. Tales artículos estarán asimismo exentos del pago de cualquier otro derecho, impuesto, contribución, carga o exacción establecidos sobre la importación o en relación con ella, que exceda de los que rijan en el día de la firma de este Convenio, o cuya ulterior aplicación esté ya prevista por leyes vigentes en los Estados Unidos de América en el día de la firma de este Convenio.

ARTICULO III

Las disposiciones de los Artículos I y II de este Convenio no impedirán a los Gobiernos de las Partes Contratantes, establecer en cualquier tiempo, sobre la importación de cualquier artículo, un gravamen equivalente a los impuestos internos establecidos con respecto a productos nacionales análogos o con respecto a un producto del cual el artículo importado haya sido manufacturado o producido en todo o en parte.

## ARTICULO IV

Los Estados Unidos de Venezuela y los Estados Unidos de América convienen en que las notas incluidas en las Listas I y II, tendrán fuerza y efecto como partes integrantes de este Convenio.

## ARTICULO V

Los artículos cosechados, producidos o manufacturados en los Estados Unidos de Venezuela o en los Estados Unidos de América, estarán, después de su importación en el otro país, exentos de cualesquiera impuestos, contribuciones, cargas o exacciones internos, diferentes o mayores que los que graven artículos análogos de origen nacional o extranjero.

Las estipulaciones de este Artículo referentes al tratamiento nacional no se aplicarán a los impuestos con que los Estados Unidos de Venezuela gravan los cigarrillos; pero los cigarrillos originarios de los Estados Unidos de América estarán, después de su importación a Venezuela, exentos de cualesquiera impuestos, contribuciones, cargas o exacciones diferentes o mayores que los vigentes para el día de la firma de este Convenio.

Las estipulaciones de este Artículo no se aplicarán a las bebidas alcohólicas.

## ARTICULO VI

Se permitirá la importación en el otro país sin restricciones cuantitativas, a los artículos cosechados, producidos o manufacturados en los Estados Unidos de América enumerados y descritos en la Lista I, y a los artículos cosechados, producidos o manufacturados en los Estados Unidos de Venezuela, enumerados y descritos en la Lista II. Sin embargo, si el Gobierno de una de las Partes Contratantes creyere necesario en circunstancias especiales establecer una restricción cuantitativa sobre cualquiera de tales artículos, informará de su propósito al otro Gobierno. Si no se llegare entre los dos Gobiernos a un acuerdo sobre la restricción, el otro Gobierno podrá dar por terminado el presente Convenio notificándolo por escrito con treinta días de anticipación. Cualquiera restricción cuantitativa que establezca conforme a este Artículo el Gobierno de cualquiera de las Partes Contratantes no se aplicará hasta después de transcurridos treinta días contados desde la publicación de la noticia de tales restricciones, a las importaciones cuyas facturas hayan sido visadas antes de la fecha de ese aviso público por un funcionario consular del Gobierno que estableciere la restricción.

## ARTICULO VII

En caso de que el Gobierno de los Estados Unidos de Venezuela o el Gobierno de los Estados Unidos de América regulare la importación de artículos de interés para el otro país, ya sea respecto a la cantidad total que se permita importar o respecto a la cantidad que se permita importar bajo determinado aforo, el Gobierno que adopte tal medida fijará de antemano, y hará pública la cantidad total que se permita importar de todos los países durante un período determinado, no menor de tres meses, así como cualquier aumento o disminución de

dicha cantidad durante dicho período, y si dicha cantidad fuese distribuida entre los países exportadores, la parte atribuida al otro país tendrá por base la proporción que en el total de la importación de dichos artículos de todos los países extranjeros haya correspondido al otro país en un período representativo anterior, teniendo en cuenta, en la medida de lo posible, los factores especiales que hubieren afectado o que afectaren el comercio de dicho artículo.

#### ARTICULO VIII

En caso de que el Gobierno de los Estados Unidos de Venezuela o el de los Estados Unidos de América establezca o mantenga un monopolio para la importación, producción o venta de cierto artículo o conceda privilegios exclusivos en forma legal o de hecho a una o más agencias, para importar, producir o vender cierto artículo, el Gobierno del país que establezca o mantenga dicho monopolio o que conceda tales privilegios exclusivos, conviene, en lo que respecta a las compras en el exterior de tal monopolio o agencia, que el comercio del otro país deberá recibir un tratamiento justo y equitativo.

#### ARTICULO IX

En caso de que el Gobierno de los Estados Unidos de Venezuela o el Gobierno de los Estados Unidos de América establezca o mantenga, directa o indirectamente, cualquier forma de control de los medios de pagos internacionales, en la administración de dicho control, convienen:

a) En no imponer restricciones o dilaciones al transferimiento de pagos de los artículos importados, cosechados, producidos o manufacturados en el otro país, o para el transferimiento de pagos necesarios para la importación o incidentales a la importación de dichos artículos, que sean mayores o más onerosas que las que se apliquen al transferimiento de pagos para la importación de cualquier artículo de cualquier tercer país;

b) En acordar incondicionalmente, respecto a los tipos de cambio e impuestos o recargos sobre transacciones de cambio relacionados con el pago de la importación de todo artículo cosechado, producido o manufacturado en el otro país, o los pagos necesarios o incidentales para dicha importación, y respecto de todos los reglamentos y formalidades que los rijan, un tratamiento no menos favorable que el que fuere acordado en relación con la importación de cualquier artículo cosechado, producido o manufacturado en cualquier tercer país.

En caso de que el Gobierno de cualquiera de los dos países formule representaciones relativas a la aplicación por parte del Gobierno del otro país de las estipulaciones de este artículo, este último considerará amistosamente dichas representaciones y en caso de que, en un plazo de 30 días después de recibidas éstas, no se haya obtenido un resultado satisfactorio o no se haya llegado a un acuerdo sobre la materia objeto de dichas representaciones, el Gobierno que las haya formulado, dentro de los 15 días posteriores a la expiración del anterior período de 30 días, podrá dar por terminado este Convenio en su totalidad, dando aviso por escrito con 30 días de anticipación.

## ARTICULO X

Cualquier favor, ventaja, privilegio o inmunidad, relativos a derechos de aduana o contribuciones de cualquier clase sobre la importación o la exportación o conexos con ellas, a los métodos de percepción de dichos derechos o contribuciones, a los reglamentos y formalidades relacionados con la importación y exportación; a las leyes y reglamentos relativos a la venta, gravámenes o uso de los artículos importados, que hayan sido o fueren en lo futuro concedidos por los Estados Unidos de Venezuela o por los Estados Unidos de América a los artículos originarios de cualquier tercer país o destinados a él, se entenderán inmediata e incondicionalmente concedidos a los artículos similares originarios de los Estados Unidos de América o de los Estados Unidos de Venezuela o destinados a ellos, respectivamente.

Ni los Estados Unidos de Venezuela ni los Estados Unidos de América establecerán o mantendrán prohibición o restricción de importación o de exportación de ningún artículo originario del territorio del otro país, o destinado a él, que no fuere aplicable a artículos similares originarios de cualquier tercer país, o destinados a él. Toda abolición de prohibición o de restricción de importación o exportación, que fuere concedida aún temporalmente por cualquiera de los dos países a favor de un artículo originario de un tercer país o destinado a él, será aplicada inmediata e incondicionalmente al mismo artículo originario del territorio del otro país o destinado a él.

## ARTICULO XI

Las leyes, los reglamentos de las autoridades administrativas y las decisiones de las autoridades judiciales o administrativas de los Estados Unidos de Venezuela y de los Estados Unidos de América relativos a la clasificación arancelaria de artículos o a los aforos, se publicarán con tiempo suficiente de modo que lleguen a conocimiento de los comerciantes. Tales leyes, reglamentos y decisiones se aplicarán de manera uniforme, a todos los puertos abiertos al comercio exterior del respectivo país, excepto cuando específicamente se disponga de otra manera en las leyes, reglamentos y resoluciones de los Estados Unidos de Venezuela y de los Estados Unidos de América.

## ARTICULO XII

Si el tipo de cambio entre las monedas de los Estados Unidos de Venezuela y de los Estados Unidos de América variare sensiblemente con relación al tipo de cambio de dichas monedas en el día de la firma de este Convenio, el Gobierno de una de las Partes Contratantes que considere la diferencia tan substancial que perjudique las industrias o el comercio de su país, estará en libertad de proponer negociaciones para la modificación de este Convenio o darlo por terminado en su totalidad, notificando al Gobierno de la otra Parte Contratante por escrito, con treinta días de anticipación.

## ARTICULO XIII

El Gobierno de cada una de las Partes Contratantes otorgará el tratamiento más favorable que permitan las leyes con respecto a las multas aplicables en casos de errores en la documentación para la

importación de artículos cosechados, producidos o manufacturados en el otro país, cuando la índole de la infracción no dé lugar a duda sobre la buena fé o cuando tales errores tengan su origen, de manera evidente, en meras equivocaciones de copia.

El Gobierno de cada uno de las Partes Contratantes considerará atentamente las representaciones que el Gobierno del otro país hiciera relativas al cumplimiento de los reglamentos de aduana y de restricciones cuantitativas de la importación, a la aplicación de formalidades de aduana y de las leyes y reglamentos sanitarios para la protección de la vida o la salud humana, animal o vegetal. Si hubiere desacuerdo con respecto a la aplicación de dichas leyes y reglamentos sanitarios se constituirá a solicitud de cualquiera de las Partes Contratantes un Comité de expertos en el cual estarán representados ambos Gobiernos. El Comité, después de considerar el asunto, someterá su informe a los dos Gobiernos.

#### ARTICULO XIV

Las cláusulas de este Convenio relativas al tratamiento que los Estados Unidos de Venezuela y los Estados Unidos de América conceden respectivamente al comercio del otro país serán aplicables, por parte de los Estados Unidos de América a su territorio continental y todo otro territorio y posesiones comprendidos dentro de su territorio aduanero. Las cláusulas de este Convenio relativas al tratamiento de la nación más favorecida, serán aplicables a todos los territorios bajo la soberanía o la autoridad de los Estados Unidos de América excepto la Zona del Canal de Panamá.

#### ARTICULO XV

Las cláusulas de este Convenio no se aplicarán:

a) A las ventajas acordadas o que fueren acordadas en lo futuro por los Estados Unidos de Venezuela o por los Estados Unidos de América a países vecinos con el fin de facilitar el tráfico fronterizo, o a las ventajas que resultaren de una unión aduanera de la cual formaren parte los Estados Unidos de Venezuela o los Estados Unidos de América en tanto que dichas ventajas no se hagan extensibles a otro país.

b) A las ventajas acordadas o que se acordaren en lo futuro por los Estados Unidos de América, sus territorios o posesiones, o la Zona del Canal de Panamá, entre sí o a la República de Cuba, independientemente de todo cambio del estatuto político de cualquiera de los territorios o posesiones de los Estados Unidos de América.

El Gobierno de los Estados Unidos de Venezuela se reserva el derecho de aplicar a los artículos importados en los Estados Unidos de Venezuela de las Antillas que no estén comprendidas dentro del territorio aduanero de los Estados Unidos de América, la sobretasa especial aplicable a tales artículos según las leyes vigentes en Venezuela.

#### ARTICULO XVI

Con sujeción al requisito de que, bajo circunstancias y condiciones análogas, no habrá discriminación arbitraria por uno y otro país en contra del otro en favor de cualquier tercer país, y sin perjuicio de

las estipulaciones del párrafo segundo del Artículo XIII, las disposiciones de este Convenio no se aplicarán a las prohibiciones o restricciones (1) impuestas con fines humanitarios o morales; (2) destinadas a proteger la vida o la salud humana, animal o vegetal; (3) relacionadas con mercancías producidas en prisiones; (4) con respecto a la ejecución de leyes policiales o fiscales.

Nada de lo contenido en este Convenio se interpretará en un sentido que impida la adopción de medidas de prohibición o restricción de la importación o la exportación de oro o plata, o que impida la adopción de las medidas que los Estados Unidos de Venezuela o los Estados Unidos de América, respectivamente, estimen necesarias para el control de la exportación o venta para la exportación de armas, municiones o máquinas de guerra, y, en circunstancias excepcionales, de todo otro material de guerra; y nada en este Convenio impedirá la adopción o ejecución de medidas relativas a la neutralidad.

#### ARTICULO XVII

En caso de que el Gobierno de los Estados Unidos de Venezuela o el Gobierno de los Estados Unidos de América adopte cualquier medida que aún cuando no esté en contradicción con los términos de este Convenio sea considerada por el Gobierno del otro país como anulando o desvirtuando cualquiera de sus fines, el Gobierno que haya adoptado tal medida considerará las representaciones y proposiciones que el otro Gobierno haga en el sentido de un arreglo mutuamente satisfactorio.

#### ARTICULO XVIII

Todas las diferencias entre las Altas Partes Contratantes, relativas a la interpretación o ejecución de este Convenio, se decidirán por los medios pacíficos reconocidos en el Derecho Internacional, de conformidad con los tratados y convenciones en vigor entre las Partes.

#### ARTICULO XIX

El presente convenio entrará en vigor el día dieciseis de diciembre de 1939 y reemplazará el *modus vivendi* entre los Estados Unidos de Venezuela y los Estados Unidos de América celebrado por cambio de notas firmadas el 12 de mayo de 1938 y prorrogado por cambio de notas de fecha 9 de mayo de 1939, y, con sujeción a lo previsto en los artículos VI, IX y XII, continuará por un período de un año. Podrá ser prorrogado, a la expiración de dicho período de un año o a la expiración de cualquier prórroga, por períodos adicionales de seis meses. Este *modus vivendi* terminará al entrar en vigor el Tratado de Reciprocidad Comercial entre los Estados Unidos de Venezuela y los Estados Unidos de América, firmado en esta fecha.

Válgame de la oportunidad para renovar a Vuestra Excelencia las seguridades de mi alta consideración.

E. GIL BORGES

ANEXOS:

Lista N/I y II

Al Excelentísimo Señor FRANK P. CORRIGAN,  
*Embajador Extraordinario y Plenipotenciario*  
*de los Estados Unidos de América,*  
*Presente.*

## LISTA N° I

NOTA.—Las disposiciones contenidas en esta Lista se interpretarán como si se hubieran incluido en la Ley de Arancel de Aduanas venezolana por una reforma de esa Ley.

N° del Arancel venezolano	Descripción de los Artículos	Derechos de im- portación por Kg.
3-D	Salmón en latas	B <sup>2</sup> : 0, 90
3-E	Sardinas en latas, en aceite (excepto aceite de olivas), en salsa o en su propio jugo	" 0, 28
3-F	Mariscos en latas	" 1, 50
4	Manteca de cerdo	" 0, 90
7	Tocino	" 1, 20
9	Leche preparada, incluso leche evaporada, condensada, desecada y descremada y leche completa desecada	" 0, 50
13-B	Manzanas, peras y uvas, frescas	" 0, 75
14-C	Frutas secas, no especificadas, inclusive pasas, ciruelas-pasas, albaricoques, melocotones, manzanas, peras y frutas mezcladas	" 0, 90
15-A	Frutas en su jugo, en latas o en frascos	" 0, 90
15-B	Frutas en almíbar, en latas o en frascos	" 1. —
22-B	Avena quebrantada o molida	" 0, 20
27-A	Harina de trigo	" 0, 24
27-C	Harina de avena	" 0, 40
36-A	Jamones	" 1, 20
36-B	Salchichas a base de carne de cerdo	" 1, 20
36-C	Carne de cerdo en conservas	" 1, 20
36-C	Legumbres, sopas, salsas y aderezos, en latas o en frascos	" 0, 80
37-B	Alimentos especiales para niños y de uso en dietética, inclusive la leche malteada y las preparaciones similares a base de leche que no contengan cacao o que contengan no más de 10% de cacao, así como aquellas preparaciones a base de frutas o legumbres	" 0, 30
37-C	Alimentos especiales para niños y de uso en dietética que contengan más de 10% de cacao y no más de 15%	" 0, 70
39	Dulces, bombones y confituras de cualquier especie, inclusive chocolate en bombones	" 4, 50
44	Galletas, sin dulce	" 1, 20
57	Jugo esterilizado de frutas	" 0, 40
99-E	Corsés, elásticas, ligas y artículos semejantes (de algodón)	" 15. —
143-A	Calcetería de seda pura o mezclada	" 40. —
143-C	Corsés, elásticas, ligas y artículos semejantes (de seda pura o mezclada)	" 15. —
224-F	Parches de caucho para reparar neumáticos y cámaras de aire y cajitas de emergencia para reparaciones consistentes en parches, pega y rallo	" 0, 75
229	Cigarrillos	" 12. —
230-B	Madera aserrada o trozas de madera que midan 25 cm. o menos de espesor en ambos extremos, inclusive pichipén, pino ponderoso, pino dulce, abeto de Douglas, pinabete Spruce, pinabete Hemlock, sequoia (redwood), cedro y ciprés del Sur	" 0, 15

Nº del Arancel venezolano	Descripción de los Artículos	Derechos de im- portación por Kg.
243	Papel para correspondencia, sin rayar	B <sup>2</sup> : 0, 90
298-J	Láminas galvanizadas de acero o de hierro	" 0, 20
298-L	Hojalata en láminas	" 0, 08
319-D	Archivadores de metal	" 0, 40
319-E	Camas de metales ordinarios con o sin colchones de muelles	" 1. —
319-E	Muebles de metales ordinarios no especificados	" 1, 40
320-A	Chasis para camiones y autobuses, sin carrocería, pero in- cluidos los chasis con casillas	" 0, 09
321-A	Automóviles con carrocería de paseo, cuyo peso no exceda de Kgs. 800	" 0, 55
321-B	Automóviles con carrocería de paseo, cuyo peso exceda de Kgs. 800 y no pase de Kgs. 1.400	" 0, 60
321-C	Automóviles con carrocería de paseo, cuyo peso exceda de Kgs. 1.400 y no pase de Kgs. 1.600	" 0, 80
321-D	Automóviles con carrocería de paseo, cuyo peso exceda de Kgs. 1.600 y no pase de Kgs. 1.700	" 1. —
321-E	Automóviles con carrocería de paseo, cuyo peso exceda de Kgs. 1.700 y no pase de Kgs. 2.000	" 1, 40
321-F	Automóviles con carrocería de paseo, cuyo peso exceda de Kgs. 2.000	" 1, 60
322-A	Ruedas para llantas de caucho	" 1. —
322-B	Neumáticos	" 1. —
322-C	Cámaras de aire	" 1. —
322-D	Asientos con resortes	" 1. —
322-E	Cajas para automóviles	" 1. —
322-F	Capotas para automóviles	" 1. —
322-G	Parafangos	" 1. —
322-H	Portacauchos	" 1. —
322-K	no especificados	" 1. —
330-A	Aparatos radio-receptores, fonógrafos, hasta 10 Kgs. netos cada uno	" 2. —
330-B	Aparatos radio-receptores, fonógrafos, de más de 10 Kgs. netos cada uno, hasta 25 Kgs.	" 3. —
330-C	Aparatos radio-receptores, fonógrafos, de más de 25 Kgs. netos cada uno, hasta 50 Kgs.	" 4. —
330-D	Aparatos radio-receptores, fonógrafos, de más de 50 Kgs.	" 5. —
330-E	Accesorios para radio-receptores, inclusive los tubos o válvu- las para los mismos	" 0, 40
332-A	Películas cinematográficas sin imprimir, silentes y sonoras	" 2. —
332-B	Películas cinematográficas impresas, silentes o sonoras	" 2, 60
333-A	Refrigeradoras, hasta 100 Kgs. netos cada una	" 0, 40
333-B	Refrigeradoras, de más de 100 Kgs. hasta 250 Kgs. netos cada una	" 0, 50
333-C	Refrigeradoras, de más de 250 Kgs. hasta 500 Kgs. netos cada una	" 0, 60
333-D	Refrigeradoras, de más de 500 Kgs. netos cada una	" 0, 40
338-A	Máquinas de coser	" 0, 20
342-B	Linternas de mecha y de presión	" 0, 80
344	Máquinas de escribir y sus accesorios, inclusive repuestos, cajas, tapas y bases	" 1. —

Nº del Arancel venezolano	Descripción de los Artículos	Derechos de im- portación por Kg.
345	Máquinas de calcular, inclusive las eléctricas	B <sup>s</sup> 2. —
346	Cajas registradoras	" 2. —
348	Motores de combustión interna	" 0, 08
349	Bujías para motores	" 1, 20
356	Repuestos para maquinarias e implementos agrícolas:	
	A) Cuyo peso no exceda de un kilogramo neto cada uno	" 1. —
	B) de más de un kilogramo, hasta 5 kilogramos netos cada uno	" 0, 50
	C) de más de 5 kilogramos, hasta 10 kgs. netos cada uno	" 0, 35
	D) de más de 10 kgs. hasta 30 kgs. netos cada uno	" 0, 30
	E) de más de 30 kgs. hasta 50 kgs. netos cada uno	" 0, 25
	F) de más de 50 kgs. hasta 100 kgs. netos cada uno	" 0, 20
	G) de más de 100 kgs. hasta 500 kgs. netos cada uno	" 0, 15
	H) de más de 500 kgs. hasta 1.000 kgs. netos cada uno	" 0, 10
	I) de más de 1.000 kgs. netos cada uno	" 0, 05
357	Especialidades farmacéuticas, no especificadas	" 1, 95
358-C	Algodón absorbente y antiséptico o medicinal	" 2. —
358-D	Productos farmacéuticos, no especificados	" 1, 95
Nota con respecto a las partidas 357 y 358 D:		
	El Gobierno venezolano conviene en no exigir para la impor- tación, el registro, la concesión de licencias o la venta de especialidades farmacéuticas, medicinas patentadas y productos farmacéuticos, ningún certificado, requisito o formalidad que fueran imposible de cumplirse en los Estados Unidos de América debido a que no existe allí una agencia federal debidamente autorizada.	
359	Dentífricos	" 2. —
364-A	Pastillas de goma de mascar (chicle)	" 2. —
367-B	Jabón para el tocador, inclusive jabón para afeitarse de cualquier clase	" 4. —
370	Barnices y lacas	" 0, 80
371-A	Pinturas líquidas preparadas en aceite	" 0, 50
371-B	Pinturas para barnizar y esmaltar	" 1, 20
382-C	Preparaciones industriales para pulimentar o limpiar	" 0, 60
382-H	Preparaciones industriales para teñir o lustrar el calzado	" 1, 20
394-E	Artículos para deportes, no especificados	" 0, 08
405	Pilas eléctricas (excepto acumuladores) y sus repuestos	" 0, 20
406	Acumuladores y sus repuestos	" 0, 50
422	Bandas para transmisión	" 1, 20
424	Artículos de farmacia, no especificados	" 2. —
442	Papel higiénico	" libre
451	Tractores de ruedas o de orugas	" libre
472	Trozas de pino blanco, de pichipén y de abeto de Douglas aserradas que midan más de 25 cms. de espesor en ambos extremos	" libre

LISTA N<sup>o</sup> II

NOTA: Las disposiciones de esta Lista, para su interpretación y efecto, y la aplicación a ellas de las disposiciones colaterales de las leyes de Arancel de los Estados Unidos de América, serán determinadas, en cuanto fuere posible, como si cada disposición de esta Lista apareciera respectivamente en la disposición estatuida señalada en la columna de la izquierda de las respectivas descripciones de los artículos.

En el caso de que cualquier artículo enumerado en esta Lista esté sujeto en el día de la firma de este Convenio a cualquier derecho de aduana ordinario, adicional o separado, impuesto o no conforme a la disposición estatuida anotada en la columna a la izquierda de la respectiva descripción del artículo, tal derecho, separado o adicional, continuará en vigor, sujeto a cualquiera reducción indicada en esta Lista o establecida posteriormente, hasta su vencimiento de acuerdo con la ley, pero no deberá ser aumentado.

Ley de Tarifas Aduaneras de 1930 de los E.E. U.U. Parágrafo	Descripción de los Artículos	Derechos de Importación
35	Raíces de barbasco, al natural o sin mezcla, pero aumentadas en valor o en condición por fragmentación mayor que la esencial para el debido empacado y la protección de avería o deterioro para la manufactura, estén o no aumentadas de algún otro modo, y sin que contengan alcohol	5% ad val.
92	Sarrapia	\$0,125 por Lb.
754	Orquídeas	15% ad val.
1653	Cacao o almendras de cacao y sus cáscaras	Libre
1654	Café, con excepción del café importado a Puerto Rico y sobre el cual existe un derecho de acuerdo con la autorización de la sección 319	Libre
1670	Tinturas o materiales curtientes: dividive, ya sea al estado natural o aumentado en valor o en condición por fragmentación, pulverización, desmenuzamiento, trituración o cualquiera otro proceso similar y sin contener alcohol	Libre
1685	Boñiga	Libre
1697	Balatá, al natural	Libre
1722	Raíces de barbasco en bruto o sin manufacturar, no especificadas	Libre
1733	Aceites minerales: Petróleo crudo y petróleo combustible (fuel oil) derivado del petróleo	Libre
1765	Pielés de reptiles en bruto	Libre
1803	(2) Madera de zapatero en trozas	Libre

Código de Rentas Internas Sección	Descripción de los Artículos	Impuesto de Importación
3422	<p>Petróleo crudo, petróleo crudo desprovisto de sus fracciones más livianas, y petróleo combustible derivado del crudo, incluyendo el petróleo combustible conocido con el nombre de gas oil</p> <p><i>No obstante</i> el petróleo y el petróleo combustible (fuel oil) ingresado o retirado del depósito para el consumo en cualquier año civil en cantidad que exceda del 5% de la cantidad total de petróleo crudo refinado en los Estados Unidos continentales durante el año civil anterior, según verificación del Secretario del Interior de los Estados Unidos, no gozará de la reducción de impuesto prevista en esta concesión, pero el impuesto de importación que lo grave no será mayor de</p>	1/4 c. por galón
	<p>Sin embargo si esta concesión se hace efectiva después del comienzo de un año civil la cantidad de dicho petróleo y de petróleo combustible (fuel oil) que pueda ingresar o ser retirado del depósito para el consumo a la rata reducida durante el resto del tal año civil será de una duodécima parte de la cantidad anterior multiplicada por el número de meses (considerando cualquier parte de un mes como mes completo) durante el cual esta concesión esté en vigencia durante tal año.</p>	1/2 c. por galón
3451	<p>Petróleo crudo, petróleo crudo desprovisto de sus fracciones más livianas, y petróleo combustible derivado del crudo, incluyendo el petróleo combustible conocido con el nombre de gas-oil; cualquiera de éstos vendido para usarse como provisión de combustible, abastecimiento de barcos, provisiones de mar, o equipo legítimo de los barcos de guerra de los Estados Unidos o de cualquiera otra nación extranjera, o de barcos utilizados en la pesquería o en los negocios de pesca de la ballena, o efectivamente dedicados al comercio exterior o al tráfico entre los puertos del Atlántico y del Pacífico de los Estados Unidos o cualquiera de sus posesiones, bajo disposiciones prescritas con la aprobación del Secretario de la Tesorería.</p>	<p>Exentos de los impuestos fijados por las Secciones 3420 y 3422 del Código de Rentas Internas.</p>

WHEREAS the provisions of Articles I to XVIII, inclusive, of the said definitive agreement, and the two Schedules annexed thereto, are identical in text and numbering with the corresponding Articles and Schedules of the *modus vivendi* set forth above, and the preamble, Article XIX and the concluding paragraphs of the said definitive agreement, in the English and Spanish languages, are in words and figures as follows:

The President of the United States of America, and the President of the United States of Venezuela, being desirous of strengthening the traditional bonds of friendship between the two countries, of maintaining the principle of equality of treatment in their commercial relations, and of promoting such relations by granting reciprocal concessions and advantages, have agreed to conclude a reciprocal trade agreement, and have designated for this purpose as their Plenipotentiaries:

The President of the United States of America:

His Excellency Frank P. Corrigan, Ambassador Extraordinary and Plenipotentiary of the United States of America to Venezuela;

The President of the United States of Venezuela:

His Excellency Doctor Esteban Gil Borges, Minister of Foreign Relations of the United States of Venezuela;

Who, having exchanged their full powers, found to be in good and due form, have agreed upon the following Articles:

El Presidente de los Estados Unidos de Venezuela y el Presidente de los Estados Unidos de América, deseosos de estrechar los vínculos tradicionales de amistad entre los dos países, de mantener en sus relaciones comerciales el principio de igualdad de tratamiento y fomentarlas por medio de mutuas concesiones y ventajas, han acordado celebrar un Convenio de reciprocidad comercial, y con este fin han designado como sus Plenipotenciarios:

El Presidente de los Estados Unidos de Venezuela:

a Su Excelencia el Doctor Esteban Gil Borges, Ministro de Relaciones Exteriores de los Estados Unidos de Venezuela;

El Presidente de los Estados Unidos de América:

a Su Excelencia Frank P. Corrigan, Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América en Venezuela;

Quienes después de haber canjeado sus plenos poderes y de haberlos hallado en buena y debida forma han convenido en los Artículos siguientes:

#### ARTICLE XIX

The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by the Government of the United States of Venezuela in conformity with the laws of the respective countries. It shall en-

#### ARTÍCULO XIX

El presente Convenio será ratificado por el Gobierno de los Estados Unidos de Venezuela y proclamado por el Presidente de los Estados Unidos de América de conformidad con las leyes de sus respectivos países. Entrará en

Agreement to be proclaimed, etc.

Entry into force;  
duration.

ter into full force thirty days after the exchange of the proclamation and the instrument of ratification, which shall take place in the City of Washington as soon as possible, and shall continue in force until December 15, 1942, unless terminated in accordance with the provisions of Articles VI, IX or XII.

vigor treinta días después del canje de los instrumentos de ratificación y de proclamación, que se efectuará en la ciudad de Washington tan pronto como fuere posible, y permanecerá en vigor hasta el 15 de diciembre de 1942 a menos que cesaren sus efectos de conformidad con lo previsto en los Artículos VI, IX o XII.

Notice of intention  
to terminate.

Unless at least six months before December 15, 1942, the Government of either country shall have given to the other Government written notice of intention to terminate this Agreement on that date, the Agreement shall remain in force thereafter, subject to the provisions of Articles VI, IX and XII, until six months from such time as the Government of either country shall have given such notice to the other Government.

Si por lo menos seis meses antes del 15 de diciembre de 1942 el Gobierno de cualquiera de los dos países no notificare al otro por escrito su intención de terminar el presente Convenio en la fecha mencionada, el Convenio continuará en vigor en lo sucesivo, sujeto a las provisiones de los Artículos VI, IX y XII hasta seis meses después que uno de los dos Gobiernos hubiere dado tal aviso al otro Gobierno.

Signatures.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

En fé de lo cual los respectivos Plenipotenciarios han firmado este Convenio y le han puesto sus sellos.

Done in duplicate, in the English and Spanish languages, both authentic, at the City of Caracas, this sixth day of November, nineteen hundred and thirty nine.

Hecho en duplicado, en los idiomas español e inglés, siendo ambos textos auténticos, en la Ciudad de Caracas, a los seis días del mes de noviembre de mil novecientos treinta y nueve.

For the President of the United States of America:  
(Seal) FRANK P. CORRIGAN

Por el Presidente de los Estados Unidos de Venezuela,  
(Sello) E. GIL BORGES

For the President of the United States of Venezuela:  
(Seal) E. GIL BORGES

Por el Presidente de los Estados Unidos de América,  
(Sello) FRANK P. CORRIGAN

WHEREAS such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment as are set forth and provided for in the said *modus vivendi* and definitive agreement, including the two Schedules annexed to each of them, are required and appropriate to carry out the said *modus vivendi* and definitive agreement;

WHEREAS it is provided by Article XIX of the said *modus vivendi* that it shall enter into force on December 16, 1939, and that, subject to the provisions of Articles VI, IX, and XII, it shall continue in force for a period of one year, and that it may be extended, upon the expiration of the aforesaid period of one year or upon the expiration of any extension, for further periods of six months, and that it shall terminate upon the entry into force of the definitive agreement between the United States of America and the United States of Venezuela signed on November 6, 1939;

*Ante*, p. 2382.

*Ante*, pp. 2378, 2379, 2380.

WHEREAS it is provided in Article XIX of the said definitive agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by the Government of the United States of Venezuela in conformity with the laws of the respective countries, and that the said agreement shall enter into full force thirty days after the exchange of the proclamation and the instrument of ratification;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said *modus vivendi* and definitive agreement, including the two Schedules annexed to each of them, to the end that the said *modus vivendi* and every part thereof may be observed and fulfilled by the United States of America and the citizens thereof on December 16, 1939, and thereafter during its continuance in force and to the end that the said definitive agreement and every part thereof may be observed and fulfilled thirty days after the exchange of this my proclamation for the instrument of ratification of the Government of the United States of Venezuela, as provided for in Article XIX of the said definitive agreement.

48 Stat. 943; 50 Stat. 24.

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351, 1352.

*Ante*, p. 107.

PURSUANT to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this sixteenth day of November in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## [SUPPLEMENTARY PROCLAMATION]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS, by my Proclamation of November 16, 1939, I did make public the trade agreement consisting of a *modus vivendi* and definitive agreement, with two schedules annexed to each of them, which, pursuant to Section 350 (a) of the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To Amend the Tariff Act of 1930" (48 Stat. 943), which amending act was extended by Joint Resolution of Congress approved March 1, 1937 (50 Stat. 24), I entered into on November 6, 1939, through my duly empowered Plenipotentiary, with the President of the Republic of Venezuela, through his duly empowered Plenipotentiary, to the end that the said *modus vivendi* and every part thereof might be observed and fulfilled by the United States of America and the citizens thereof on December 16, 1939, and thereafter during its continuance in force pending the entry into force of the definitive agreement, as is provided for in Article XIX of the said *modus vivendi*, and further to the end that the said definitive agreement and every part thereof might be observed and fulfilled thirty days after the exchange of my said proclamation for the instrument of ratification of the Government of the United States of Venezuela, as is provided for in Article XIX of the said definitive agreement;

AND WHEREAS, the proclamation of the said trade agreement by the President of the United States of America and the ratification thereof by the Government of the United States of Venezuela were duly exchanged at the city of Washington on November 14, 1940;

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, supplementing my said proclamation of November 16, 1939, do hereby proclaim that the said definitive agreement of November 6, 1939, will enter into full force on December 14, 1940.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of November in the year of our Lord one thousand nine [SEAL] hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351, 1352.

Ante, p. 107.

Date of entry into force of definitive agreement.

## EXCHANGE OF NOTES

*The American Ambassador (Corrigan) to the Venezuelan Minister for Foreign Affairs (Gil Borges)*

No. 44                      EMBASSY OF THE UNITED STATES OF AMERICA  
*Caracas, November 6, 1939.*

## EXCELLENCY:

I have the honor to inform Your Excellency that it is the understanding of my Government that Article XVIII of the Trade Agreement signed today does not in any manner supplement or modify the provisions of treaties and conventions in force between the United States of America and the United States of Venezuela.

Accept, Excellency, the renewed assurances of my highest consideration.

FRANK P. CORRIGAN

His Excellency Dr. E. GIL BORGES,  
*Minister for Foreign Affairs,*  
*Caracas, Venezuela.*

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*The Venezuelan Minister for Foreign Affairs (Gil Borges) to the American Ambassador (Corrigan)*

ESTADOS UNIDOS DE VENEZUELA  
MINISTERIO DE RELACIONES EXTERJORES  
DIRECCION DE POLITICA ECONOMICA  
SECCIÓN DE ECONOMÍA

NO. 5183-E

CARACAS, 6 de noviembre de 1939.

## SEÑOR EMBAJADOR:

Tengo el honor de informar a Vuestra Excelencia que mi Gobierno entiende que el Artículo XVIII del Tratado de Comercio firmado hoy, en ninguna forma suplementa o modifica las disposiciones de los Tratados y Convenios en vigor entre los Estados Unidos de Venezuela y los Estados Unidos de América.

Válgome de la ocasión para renovar a Vuestra Excelencia las seguridades de mi más alta consideración.

E GIL BORGES

Al Excelentísimo Señor FRANK P. CORRIGAN  
*Embajador Extraordinario y Plenipotenciario*  
*de los Estados Unidos de América en Venezuela.*

*Presente.—*

[Translation]

UNITED STATES OF VENEZUELA  
MINISTRY OF FOREIGN RELATIONS  
BUREAU OF ECONOMIC POLICY  
ECONOMICS SECTION

NO. 5183-E

CARACAS, *November 6, 1939.*

MR. AMBASSADOR:

I have the honor to inform Your Excellency that my Government understands that Article XVIII of the Treaty of Commerce signed today in no wise supplements or modifies the provisions of the Treaties and Conventions in effect between the United States of Venezuela and the United States of America.

I avail myself of the occasion to renew to Your Excellency the assurances of my highest consideration.

E. GIL BORGES

His Excellency FRANK P. CORRIGAN,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America in Venezuela,  
City.*

*Arrangement between the United States of America and Great Britain respecting naval and air bases. Effected by exchange of notes signed September 2, 1940.*

September 2, 1940  
[E. A. S. No. 181]

*The British Ambassador (Lothian) to the Secretary of State (Hull)*

BRITISH EMBASSY,  
WASHINGTON, D. C.,  
*September 2nd, 1940*

SIR,

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have the honour to be, with the highest consideration, Sir,  
Your most obedient, humble servant,

LOTHIAN

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

*The Secretary of State (Hull) to the British Ambassador (Lothian)*

DEPARTMENT OF STATE

WASHINGTON

*September 2, 1940.*

EXCELLENCY:

I have received your note of September 2, 1940, of which the text is as follows:

I have the honour under instructions from His Majesty's Principal Secretary of State for Foreign Affairs to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to cooperate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use

Lease of naval and air bases, etc., without consideration.

of naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the southern coast of Newfoundland, and on the east coast and on the Great Bay of Bermuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional air and naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use naval and air bases and facilities for entrance thereto and the operation and protection thereof, on the eastern side of the Bahamas, the southern coast of Jamaica, the western coast of St. Lucia, the west coast of Trinidad in the Gulf of Paria, in the island of Antigua and in British Guiana within fifty miles of Georgetown, in exchange for naval and military equipment and material which the United States Government will transfer to His Majesty's Government.

Additional bases made available on exchange basis.

All the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years, free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the bases and facilities in question.

Duration of lease.

His Majesty's Government, in the leases to be agreed upon, will grant to the United States for the period of the leases all the rights, power, and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases, and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated, shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation, except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I am directed by the President to reply to your note as follows:

The Government of the United States appreciates the declarations and the generous action of His Majesty's Government as contained in your communication which are destined to enhance the national security of the United States and greatly to strengthen its ability to cooperate effectively with the other nations of the Americas in the defense of the Western Hemisphere. It therefore gladly accepts the proposals.

The Government of the United States will immediately designate experts to meet with experts designated by His Majesty's Government to determine upon the exact location of the naval and air bases mentioned in your communication under acknowledgment.

Transfer of U. S.  
destroyers.

In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty's Government fifty United States Navy destroyers generally referred to as the twelve hundred-ton type.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency

The Right Honorable The MARQUESS OF LOTHIAN, C. H.,

*British Ambassador.*

*Agreement between the United States of America and Canada concerning the establishment of a Board of Inquiry for the Great Lakes Fisheries. Effected by exchange of notes signed February 29, 1940; effective February 29, 1940.*

February 29, 1940  
[E. A. S. No. 182]

*The Secretary of State (Hull) to the Canadian Minister (Christie)*

DEPARTMENT OF STATE  
WASHINGTON  
February 29, 1940

SIR:

With reference to proposals which have been under consideration between representatives of our governments at Ottawa and Washington concerning the establishment of an International Board of Inquiry to consider and recommend measures for the conservation of the Great Lakes fisheries, I have the honor to confirm my understanding that an agreement for the establishment of such a Board has been reached in the following terms:

(1) The Board of Inquiry for the Great Lakes Fisheries shall be established, and shall consist of four members, two to be appointed by the Government of the United States of America and two to be appointed by the Canadian Government within three months from the date of this agreement.

Terms of agreement.

(2) The Board shall make a study of the taking of fish in the Great Lakes, such study to be undertaken as soon as practicable. The Board shall make a report of its investigations to the two governments and shall make recommendations as to the methods for preserving and developing the fisheries of the Great Lakes.

I shall appreciate it if you will inform me whether the terms of the agreement as herein set forth are in accordance with the understanding of your Government. If they are, it is suggested that the agreement be considered as becoming effective on this date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

LORING C. CHRISTIE,  
*Minister of Canada.*

*The Canadian Minister (Christie) to the Secretary of State (Hull)*

No. 74

CANADIAN LEGATION

WASHINGTON

*February 29, 1940*

SIR,

I have the honour to acknowledge the receipt of your Note of February 29th, 1940, and, with reference to proposals which have been under consideration between representatives of the Canadian and United States Governments concerning the establishment of an International Board of Inquiry to consider and recommend measures for the conservation of the Great Lakes fisheries, I have the honour to confirm your understanding that an agreement for the establishment of such a Board has been reached.

The terms of this agreement which you have communicated to me are as follows:

(1) A Board of Inquiry for the Great Lakes fisheries shall be established, and shall consist of four members, two to be appointed by the Government of the United States of America and two to be appointed by the Canadian Government within three months from the date of this agreement.

(2) The Board shall make a study of the taking of fish in the Great Lakes, such study to be undertaken as soon as practicable. The Board shall make a report of its investigations to the two Governments and shall make recommendations as to the methods for preserving and developing the fisheries of the Great Lakes.

I am instructed to state that the terms of the agreement as communicated to me are in accordance with the understanding of the Canadian Government.

I am further instructed to inform you that the Canadian Government concurs in your suggestion that the agreement be considered as becoming effective on this date and will accordingly consider it as becoming effective on this date.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

LORING C. CHRISTIE

The Hon. CORDELL HULL,

*Secretary of State of the United States,  
Washington: D. C.*

*Supplementary agreement between the United States of America and Haiti further modifying the agreement of August 7, 1933, respecting Haitian finances. Signed September 27, 1940; effective October 1, 1940.*

September 27, 1940  
[E. A. S. No. 183]

**SUPPLEMENTARY EXECUTIVE ACCORD EXECUTIF ADDITIONNEL  
AGREEMENT BETWEEN THE ENTRE LES ETATS-UNIS  
UNITED STATES AND THE RE- D'AMERIQUE ET LA REPUBLI-  
PUBLIC OF HAITI QUE D'HAITI**

The undersigned plenipotentiaries, duly authorized by their respective Governments, have agreed upon the following Supplementary Executive Agreement:

Les Plénipotentiaires, sous-signés, dûment autorisés par leurs Gouvernements respectifs, sont convenus de l'Accord Additionnel suivant:

**ARTICLE I**

**ARTICLE I**

On and after October 1, 1940 and until and including September 30, 1941, all monies received by or for the Haitian Government shall be deposited in the National Bank of the Republic of Haiti to the credit of the Haitian Government with the exception of the following sums which will be deposited to the credit of the Fiscal Representative: 1. the five per centum of customs revenues foreseen in Article IX of the Accord of August 7, 1933,<sup>1</sup> and 2. the amounts needed for payments connected with execution of the Loan Contracts which payments during the period mentioned shall consist of the amounts necessary to pay the interest on all outstanding bonds issued under the Loan Contracts of October 6, 1922 and May 26, 1925, and 3. all additional receipts which the Haitian Government will collect during the fiscal year 1940-1941 over and above the amount carried in the budget 1938-1939 and over and above all other amounts which

A partir du 1er. Octobre 1940 et jusqu'au 30 Septembre 1941 inclusivement, tous les fonds recouvrés par ou pour le Gouvernement Haitien seront déposés, au crédit du Gouvernement Haitien, à la Banque Nationale de la République d'Haiti à l'exception des sommes suivantes qui seront déposées au crédit du Représentant Fiscal: 1. les 5% des recettes douanières prévues à l'Article IX de l'Accord du 7 Août 1933, et 2. les valeurs exigibles pour les paiements afférents au service des contrats d'emprunt, lesquels paiements, durant la période susmentionnée, consisteront en les valeurs nécessaires pour payer les intérêts sur tous les titres en circulation émis d'après les contrats d'emprunt des 6 Octobre 1922 et 26 Mai 1925, et 3. toutes les recettes additionnelles que le Gouvernement Haitien aura recouvrées pendant l'année fiscale 1940-1941 en sus de la valeur portée au budget 1938-1939 et en sus de toutes autres valeurs qui peuvent être

Deposit of receipts.

48 Stat. 1780; 52  
Stat. 1473; 53 Stat.  
1928, 2402.

<sup>1</sup>[Executive Agreement Series No. 46; see also the modifying agreements of January 13 and July 1, 1938, and July 8, 1939 (Executive Agreement Series Nos. 117, 128, and 150).]

may be deemed necessary by the Secretary of State for Finance in accord with the Fiscal Representative, to be expended as extraordinary appropriations to meet serious emergencies.

jugées nécessaires par le Secrétaire d'Etat des Finances d'accord avec le Représentant Fiscal, pour être consacrées comme affectations extraordinaires, en vue de faire face à des circonstances extraordinaires et imprévues.

## ARTICLE II

## ARTICLE II

Suspension of certain provisions.  
48 Stat. 1781, 1783.

The provisions of the first sentence of Article XI and the first and last sentences of Article XVI of the Accord of August 7, 1933, to the extent and only to the extent that they may be inconsistent with the provisions of Article I of this Accord, shall be suspended so long as this Supplementary Executive Agreement remains in effect.

Les effets des dispositions de la première phrase de l'Article XI et de la première et de la dernière phrases de l'article XVI de l'Accord du 7 Août 1933 seront, en tant seulement qu'ils sont contraires aux dispositions de l'article premier du présent Accord, suspendus, tant que cet Accord Exécutif Additionnel restera en vigueur

Signatures.

Signed at Port-au-Prince, in duplicata, in the english and french languages, this 27 day of September nineteen hundred and forty.

Fait de bonne foi, en double, en anglais et en français, à Port-au-Prince, le 27 Septembre mil neuf cent quarante.

EDWARD J SPARKS

LÉON LALEAU

[SEAL]

[SEAL]

*Supplementary agreement between the United States of America and Canada amending with regard to fox furs and skins the agreement of November 17, 1938, respecting reciprocal trade. Signed at Washington December 30, 1939; proclaimed by the President of the United States December 30, 1939; effective provisionally January 1, 1940.*

December 30, 1939  
[E. A. S. No. 184]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Preamble.

19 U. S. C. §§ 1351-  
1354; Supp. V, §§ 1351,  
1352.  
*Ante*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty

or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, a Trade Agreement was entered into between the United States of America and Canada on November 17, 1938,<sup>1</sup> which Agreement I did proclaim and make public by my proclamations of November 25, 1938 and June 17, 1939, and which Agreement is now in force between the two countries;

53 Stat. 2348.

WHEREAS I, Franklin D. Roosevelt, President of the United States of America, have found as a fact that certain existing duties of the United States of America are unduly burdening and restricting the foreign trade of the United States of America and that the purpose declared in the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of Congress, approved March 1, 1937, will be promoted by a trade agreement to supplement and amend the Trade Agreement entered into between the United States of America and Canada on November 17, 1938;

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351, 1352.  
Ante, p. 107.

WHEREAS, reasonable public notice of the intention to negotiate such supplementary trade agreement was given and the views presented by persons interested in the negotiation of such agreement were received and considered;

WHEREAS, after seeking and obtaining information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from other sources, I entered into a Trade Agreement on December 30, 1939, through my duly empowered Plenipotentiary, with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, through his duly empowered Plenipotentiary, to supplement and amend the Trade Agreement entered into between the United States of America and Canada on November 17, 1938, which supplementary Agreement is in words and figures as follows:

Text.

The President of the United States of America and His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada;

Considering the reciprocal concessions and advantages for the promotion of trade provided for in the existing trade agreement between the United States of America and Canada;

<sup>1</sup> [Executive Agreement Series No. 149.]

Taking cognizance of the emergency which has arisen with respect to the marketing of silver or black fox furs and skins;

Desiring to promote the purposes of the existing trade agreement between the United States of America and Canada by providing measures to assist in the orderly marketing of these products;

Have resolved to conclude an agreement to supplement and amend the trade agreement entered into between the United States of America and Canada on November 17, 1938, and have for this purpose, through their respective Plenipotentiaries, agreed on the following Articles:

#### ARTICLE I

During the effectiveness of this Agreement, item 1519 (c) of Schedule II of the trade agreement entered into between the United States of America and Canada on November 17, 1938, shall be suspended, and in lieu thereof the following item shall be substituted:

53 Stat. 2389.

United States  
Tariff Act  
of 1930  
Paragraph

Description of Article

Rate of Duty

United States Tariff Act of 1930 Paragraph	Description of Article	Rate of Duty
1519 (c)	Silver or black fox furs or skins, dressed or undressed, not specially provided for	35% ad val.

#### ARTICLE II

1. The total aggregate quantity of silver or black fox furs and skins, parts thereof, and articles made wholly or in chief value of any of the foregoing, whether or not manufactured in any manner or to any extent, and silver or black foxes which may be entered, or withdrawn from warehouse, for consumption in the United States of America in any twelve-month period commencing on December 1 in the year 1940 or any subsequent year, shall be 100,000 units. For the period from January 1, 1940 to November 30, 1940, inclusive, the total aggregate quantity of such furs and skins, parts, articles, and foxes which may be entered, or withdrawn from warehouse, for consumption shall be 100,000 units, less the number of silver or black fox furs and skins (not including parts) and silver or black foxes entered, or withdrawn from warehouse, for consumption during the month of December 1939, as determined and made public by the Secretary of the Treasury of the United States of America. For the purposes of this Article, a unit shall be a whole silver or black fox fur or skin or any separated part thereof or any article made wholly or in chief value of one of the foregoing, or a silver or black fox; and any article made wholly or in chief value of two or more of the aforesaid furs, skins, or parts thereof shall be considered as consisting of the total number of such units in such article.

Quantitative regulation.

2. In accordance with the principles set forth in Article III of the trade agreement entered into between the United States of America and Canada on November 17, 1938, a share of the total quantity of imports provided for in paragraph 1 of this Article shall be allo-

Allocations.  
53 Stat. 2361.

cated to Canada equivalent to the proportion of the total imports for consumption into the United States of America of silver or black fox furs and skins which was supplied by Canada during the period from January 1, 1939 to November 30, 1939, inclusive, and shares to individual countries other than Canada may be allocated on the basis of the proportion of the total imports of such furs and skins supplied by such countries during the same period, account being taken in so far as practicable of any special factors which may have affected or may be affecting the trade in such articles. Accordingly, of the total number of units which may be entered, or withdrawn from warehouse, for consumption in the United States of America during any quota period, no more than 58,300 units shall be imported from Canada, nor more than 41,700 units from other foreign countries: *Provided*, That for the quota period from January 1, 1940 to November 30, 1940, inclusive, there shall be deducted from such specified quantities, respectively, the number of silver or black fox furs and skins (not including parts) and silver or black foxes imported from Canada, and from other foreign countries, which were entered, or withdrawn from warehouse, for consumption during December 1939, as determined and made public by the Secretary of the Treasury of the United States of America; *Provided further*, That no more than 25 per centum of any quantity entitled to entry during any quota period may be entered, or withdrawn from warehouse, for consumption during any single month; and *Provided further*, That the President of the United States of America may by proclamation allocate to individual countries other than Canada shares of such total number of units on the basis set forth above.

*Provisos.*  
Deduction, quota  
period Jan. 1-Nov. 30  
1940.

Monthly limitation.

Allocation by Pres-  
ident of U. S.

Canadian certifi-  
cates of origin.

It is agreed that, if after consultation with the Government of the United States of America the Government of Canada so requests, the President of the United States of America shall proclaim that on and after the date fixed in such proclamation no articles imported from Canada and subject to the quota herein provided for shall be permitted to be entered, or withdrawn from warehouse, for consumption unless such articles are accompanied by official certificates of the Government of Canada stating them to be of Canadian origin.

Exceptions to quota  
limitations.

3. The following shall not be subject to or affect any quota limitations provided for in this Article:

(a) articles of wearing apparel imported by returning residents or other persons arriving in the United States of America for their personal use and not intended for sale;

(b) articles admitted to entry under paragraph 1615 of the Tariff Act of 1930, as amended.

Reservations by  
U. S. Government.

4. The Government of the United States of America reserves the right to terminate paragraphs 1 and 2 of this Article and to substitute therefor an autonomous quota regime. Should the Government of the United States of America avail itself of this right, it agrees to allocate to Canada the same share of the total quantity permitted to be entered, or withdrawn from warehouse, for consumption as

is provided in paragraph 2, and it likewise agrees that the total quantity permitted to be entered, or withdrawn from warehouse, for consumption in any twelve-month period shall not be less than the quantity provided for in paragraph 1 of this Article.

### ARTICLE III

1. The present Agreement shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada. It shall enter definitively into force on the day following the exchange of the Proclamation and the instrument of ratification, which shall take place at Washington as soon as possible.

Agreement to be proclaimed, etc.

Definitive entry into force.

2. Pending the definitive coming into force of this Agreement, it shall enter provisionally into force on January 1, 1940.

Provisional entry into force.

3. So long as the present Agreement remains in force it shall constitute an integral part of the trade agreement entered into between the United States of America and Canada on November 17, 1938, and shall be subject to termination as a part of that Agreement.

53 Stat. 2348.

4. Should it appear to either the Government of the United States of America or the Government of Canada that the emergency conditions with respect to the marketing of silver or black fox furs and skins which have given rise to the conclusion of this Agreement have ceased to exist or have become substantially modified, that Government may, after consultation with the other Government, terminate the present Agreement on 90 days' written notice. Moreover, the present Agreement may be terminated at any time by agreement between the Governments of the two countries.

Termination.

5. Should the present Agreement be terminated in accordance with the provisions of paragraph 4 of this Article, the provisions of item 1519 (c) of Schedule II of the trade agreement entered into between the United States of America and Canada on November 17, 1938, which have been suspended by this Agreement, shall thereupon automatically reenter into force.

Reentry into force of suspended item.

53 Stat. 2389.

In witness whereof the respective Plenipotentiaries have signed this Agreement and have affixed their seals hereto.

Signatures.

Done in duplicate, at the city of Washington, this thirtieth day of December, 1939.

For the President of the United States of America :

CORDELL HULL [SEAL]  
*Secretary of State  
of the United States of America*

For His Majesty, in respect of Canada :

LORING C. CHRISTIE [SEAL]  
*Envoy Extraordinary and Minister  
Plenipotentiary to the United  
States of America*

WHEREAS, such modifications of existing duties and such additional import restrictions as are set forth and provided for in the said supplementary Agreement are required and appropriate to carry out the said supplementary Agreement;

WHEREAS, it is provided in Article III of the said supplementary Agreement that it shall be proclaimed by the President of the United States of America and shall be ratified by His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada, and that it shall enter definitively into force on the day following the exchange of the Proclamation and the instrument of ratification;

AND WHEREAS, it is further provided in Article III of the said supplementary Agreement that, pending the definitive coming into force of the Agreement, it shall enter provisionally into force on January 1, 1940;

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim the said supplementary Agreement to the end that the same and every part thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof, provisionally on and after January 1, 1940, pending the definitive coming into force of the Agreement, and definitively on and from the day following the exchange of this my proclamation for the ratification of His Majesty in respect of Canada, as provided for in Article III of the said supplementary Agreement.

48 Stat. 943; 50  
Stat. 24.  
19 U. S. C. §§ 1351-  
1354; Supp. V, §§ 1351,  
1352.  
*Ante*, p. 107.

PURSUANT to the proviso in Section 350 (a) (2) of the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, I shall from time to time notify the Secretary of the Treasury of the countries with respect to which application of the duties and other import restrictions herein proclaimed is to be suspended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of December in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

48 Stat. 943.  
19 U. S. C. § 1351;  
Supp. V, § 1351.

*Agreement between the United States of America and Brazil respecting reciprocal customs privileges for Foreign Service personnel. Effected by exchange of notes signed October 11, 1940; effective October 11, 1940.*

October 11, 1940  
[E. A. S. No. 186]

*The American Ambassador in Brazil to the Brazilian Minister  
for Foreign Affairs*

No. 606.

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Rio de Janeiro, October 11, 1940.*

EXCELLENCY :

With reference to Your Excellency's note No. C/75/924.81 (22) (42) of April 24th last,<sup>1</sup> I have the honor to inform Your Excellency that the Government of the United States is disposed to conclude an agreement with the Government of Brazil by means of an exchange of notes providing, on a basis of reciprocity, that the diplomatic and consular representatives of the United States and the clerical personnel attached to the American Embassy and the American consular offices in Brazil, who are nationals of the United States; and that the diplomatic and consular representatives of Brazil and the clerical personnel attached to the Brazilian Embassy and Brazilian consular offices in the United States, who are nationals of Brazil, will be permitted to import, free from the payment of duties, articles for their personal use, if they are not engaged in any other private occupation for gain and if the article is not one the importation of which is prohibited, respectively, by the laws of Brazil and by the laws of the United States of America.

Agreement by  
U. S. A.

I would appreciate it if Your Excellency would be good enough to indicate in writing that the Brazilian Government considers the agreement concluded by this exchange of notes.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

JEFFERSON CAFFERY.

His Excellency

Dr. OSWALDO ARANHA,

*Minister for Foreign Affairs,*

*Rio de Janeiro.*

<sup>1</sup> [Not printed.]

*The Brazilian Minister for Foreign Affairs to the  
American Ambassador in Brazil*

C/180/924.81(22) (42)

MINISTERIO DAS RELAÇÕES EXTERIORES,  
RIO DE JANEIRO.

*Em 11 de Outubro de 1940.*

SENHOR EMBAIXADOR,

Tenho a honra de acusar o recebimento da nota n° 606, datada de hoje, pela qual Vossa Excelência comunica que o Governo dos Estados Unidos da América está disposto a concluir um acôrdo por troca de notas, baseado no princípio de estrita reciprocidade, que permita aos funcionários de carreira e demais funcionários dos Estados Unidos da América em exercício na Embaixada e nas repartições consulares acreditadas no Brasil, os quais sejam cidadãos daquele país, e aos funcionários de carreira e demais funcionários brasileiros em exercício na Embaixada e nas repartições consulares acreditadas nos Estados Unidos da América, os quais sejam cidadãos brasileiros, importar livremente, isento do pagamento de quaisquer direitos, nos países em que residirem, todo e qualquer artigo para seu uso pessoal, desde que não exerçam nenhuma outra atividade com o propósito de lucro e que não se trate de artigo cuja importação seja proibida, respectivamente, pelas leis do Brasil e pelas leis dos Estados Unidos da América.

2. Em resposta e confirmando a nota dêste Ministério n° C/75/-924.81(22) (42), de 24 de Abril último,<sup>2</sup> tenho a satisfação de informar Vossa Excelência de que o Governo brasileiro, concordando com a sugestão do Governo dos Estados Unidos da América, aceita o acôrdo nos termos acima transcritos e o dá por concluído com a troca destas duas notas.

Aproveito a oportunidade para renovar a Vossa Excelência os protestos da minha mais alta consideração.

OSWALDO ARANHA

A Sua Excelência o Senhor JEFFERSON CAFFERY,  
*Embaixador dos Estados Unidos da América.*

[Translation]

C/180/924.81(22) (42)

MINISTRY OF FOREIGN AFFAIRS,  
RIO DE JANEIRO,  
*October 11, 1940.*

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of note no. 606, of even date, in which Your Excellency informs me that the Government of the United States of America is disposed to conclude an agreement by means of an exchange of notes, based on the principle of strict reciprocity, which would permit career and other personnel of the United States of America attached to the Embassy and accredited consular offices in Brazil, who are the nationals of the

<sup>2</sup> [Não impresso.]

former country, and Brazilian career and other personnel attached to the Embassy and accredited consular offices in the United States of America, who are Brazilian nationals, to import, free from the payment of duties, in the countries in which they reside, any and all articles for their personal use, if they are not engaged in another occupation for the purpose of gain, and if the article is not one the importation of which is prohibited, respectively, by the laws of Brazil and by the laws of the United States of America.

2. In reply, and confirming this Ministry's note no. C/75/924.81 (22) (42) of April 24 last,<sup>3</sup> I take pleasure in informing Your Excellency that the Brazilian Government, agreeing with the suggestion of the Government of the United States of America, accepts the agreement in the terms expressed above and considers it concluded by the exchange of these two notes.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

OSWALDO ARANHA

His Excellency Mr. JEFFERSON CAFFERY,  
*Ambassador of the United States of America.*

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<sup>3</sup> [Not printed.]

November 29 and December 2, 1940  
[E. A. S. No. 186]

*Arrangement between the United States of America and Canada giving effect to article III of the air transport arrangement signed August 18, 1939, respecting air transport services. Effected by exchange of notes signed November 29 and December 2, 1940; effective December 3, 1940.*

*The Secretary of State to the Canadian Chargé d'Affaires ad interim*

DEPARTMENT OF STATE

WASHINGTON

November 29, 1940

SIR:

Agreement by  
U. S. A.

I refer to a meeting of representatives of the competent aeronautical authorities of the Government of the United States of America and of the Government of Canada, respectively, held at Ottawa, Canada, on September 9 and 10, 1940, for the purpose of making recommendations to give effect to Article III of the air transport arrangement entered into between the two Governments on August 18, 1939,<sup>1</sup> by reference to existing and prospective international air transport services between the United States and Canada.

*Ante*, p. 1806,

The competent aeronautical authorities of the two Governments have made the following recommendations:

Recommendations.

(1) That Article III of the air transport arrangement entered into between the two Governments on August 18, 1939,<sup>1</sup> should be given effect in accordance with the enumerations attached hereto, and made a part hereof.

(2) That the recommendations shall, if accepted by the two Governments, have effect until December 31, 1942.

(3) That at least six months prior to December 31, 1942, a further conference of representatives of the competent aeronautical authorities of the two Governments shall be called for the purpose of considering any revision or modification of their recommendations and any new problems pertaining to air transport services which may have arisen in the interim.

The recommendations of the competent aeronautical authorities of the two Governments, as herein referred to, are acceptable to the Government of the United States. I shall appreciate it if you will inform me whether these recommendations are also acceptable to your Government. If so, it is suggested that the present note and your reply thereto constitute an arrangement between the Government of the United States of America and the Government of Can-

<sup>1</sup> [Executive Agreement Series No. 150.]

ada to become effective on December 3, 1940, and to remain in effect thereafter until December 31, 1942.

Accept, Sir, the renewed assurances of my high consideration.

CORDELL HULL

Attachment:

Enumerations of air  
 transport routes.

Mr. MERCHANT MAHONEY, C. B. E.,  
*Chargé d'Affaires ad interim of Canada.*

[Attachment]

**RECOMMENDATIONS OF THE COMPETENT AERONAUTICAL AUTHORITIES OF  
 THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND CANADA  
 FOR GIVING EFFECT TO ARTICLE III OF THE AIR TRANSPORT ARRANGE-  
 MENT BETWEEN THE TWO GOVERNMENTS, ENTERED INTO ON AUGUST 18,  
 1939**

(Enumerations Referred to in Exchange of Notes Between the Two Governments  
 Accepting These Recommendations)

International air transport services actually in operation between the two countries, for which certificates and permits have been issued by the respective Governments, to be confirmed. Services with respect to which applications for formal certificates or permits are now pending, other than those services specifically listed below, shall be subject to disposition at the sole discretion of the appropriate agency of the Government before which such applications are pending.

Enumerations.

With respect to new services:

Each Government to take the appropriate steps to permit the operation by air carrier enterprises of the other, holding proper authorization from their own Governments, respectively, during the period ending December 31st, 1942, in accordance with the following specification of the routes and of the nationalities of the air carriers by which service over each route will be operated between:

Bangor, Maine—Moncton, New Brunswick	United States
New York, New York—Toronto, Ontario	Canada
Buffalo, New York—Toronto, Ontario	United States
Windsor, Ontario—Any point or points in the United States	United States
Detroit, Michigan—Any point or points in Canada	Canada
Great Falls, Montana—Lethbridge, Alberta	United States

The Canadian Government to co-operate in, or to permit or undertake the establishment on behalf of a United States air carrier, subject to Canadian law, of the necessary aids to air navigation, along the coast of British Columbia.

Further decisions with respect to routes and services to Alaska to be reserved for future consideration.

*The Canadian Chargé d'Affaires ad interim to the Secretary of State*

No. 379

CANADIAN LEGATION

WASHINGTON

December 2, 1940.

SIR,

I have the honour to acknowledge the receipt of your note of November 29, 1940, in which you refer to a meeting of representatives of the competent aeronautical authorities of the Government of Canada and of the Government of the United States of America respectively, held at Ottawa, Canada, on September 9 and 10, 1940, for the purpose of making recommendations to give effect to Article III of the air transport arrangement entered into between the two Governments on August 18, 1939,<sup>1</sup> by reference to existing and prospective international air transport services between the United States and Canada.

The competent aeronautical authorities of the two Governments have made the following recommendations:

(1) That Article III of the air transport arrangement entered into between the two Governments on August 18, 1939,<sup>1</sup> should be given effect in accordance with the enumerations attached hereto, and made a part hereof.

(2) That the recommendations shall, if accepted by the two Governments, have effect until December 31, 1942.

(3) That at least six months prior to December 31, 1942, a further conference of representatives of the competent aeronautical authorities of the two Governments shall be called for the purpose of considering any revision or modification of their recommendations and any new problems pertaining to air transport services which may have arisen in the interim.

You ask to be informed whether the recommendations of the competent aeronautical authorities of the two Governments, as herein referred to, are acceptable to the Government of Canada. In reply, I have the honour to say that these recommendations are acceptable to my Government, which agrees to your suggestion that your note of November 29, 1940, and the present reply shall constitute an arrangement between the Government of Canada and the Government of the United States of America. My Government also agrees to your suggestion that the arrangement become effective on December 3, 1940, and remain in effect thereafter until December 31, 1942.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

MERCHANT MAHONEY

*Chargé d'Affaires ad interim*

The Hon. CORDELL HULL

*Secretary of State of the United States*

*Washington, D. C.*

<sup>1</sup> [Executive Agreement Series No. 159.]

[Attachment]

RECOMMENDATIONS OF THE COMPETENT AERONAUTICAL AUTHORITIES OF THE GOVERNMENTS OF CANADA AND THE UNITED STATES OF AMERICA FOR GIVING EFFECT TO ARTICLE III OF THE AIR TRANSPORT ARRANGEMENT BETWEEN THE TWO GOVERNMENTS, ENTERED INTO ON AUGUST 18, 1939

(Enumerations Referred to in Exchange of Notes Between the Two Governments Accepting These Recommendations)

International air transport services actually in operation between the two countries, for which certificates and permits have been issued by the respective Governments to be confirmed. Services with respect to which applications for formal certificates or permits are now pending, other than those services specifically listed below, shall be subject to disposition at the sole discretion of the appropriate agency of the Government before which such applications are pending.

With respect to new services:

Each Government to take the appropriate steps to permit the operation by air carrier enterprises of the other, holding proper authorization from their own Governments, respectively, during the period ending December 31st, 1942, in accordance with the following specification of the routes and of the nationalities of the air carriers by which service over each route will be operated between:

Bangor, Maine—Moncton, New Brunswick	United States
New York, New York—Toronto, Ontario	Canada
Buffalo, New York—Toronto, Ontario	United States
Windsor, Ontario—Any point or points in the United States	United States
Detroit, Michigan—Any point or points in Canada	Canada
Great Falls, Montana—Lethbridge, Alberta	United States

The Canadian Government to co-operate in, or to permit or undertake the establishment on behalf of a United States air carrier, subject to Canadian law, of the necessary aids to air navigation, along the coast of British Columbia.

Further decisions with respect to routes and services to Alaska to be reserved for future consideration.

October 14 and 31, and  
November 7, 1940  
[E. A. S. No. 187]

*Agreement between the United States of America and Canada respecting Great Lakes—St. Lawrence Waterway. Effected by exchanges of notes signed October 14 and 31 and November 7, 1940.*

*The Secretary of State to the Canadian Minister*

DEPARTMENT OF STATE

WASHINGTON

October 14, 1940

SIR:

I have the honor to refer to the conversations which have taken place recently between officials of the Governments of the United States and Canada in regard to the desirability of taking immediate steps looking to the early development of certain portions of the Great Lakes—St. Lawrence Basin project. These conversations have indicated that there is apprehension in both countries over the possibility of a power shortage; these apprehensions have been heightened by the necessity for increased supplies of power in consequence of Canada's war effort and of the major national defense effort in the United States.

U. S. proposals.

In the light of these considerations the Government of the United States proposes that each Government appoint forthwith a Temporary Great Lakes—St. Lawrence Basin Committee consisting of not more than five members. These two Committees would cooperate in preliminary engineering and other investigations for that part of the project which is located in the International Rapids Section of the St. Lawrence River, in order that the entire project may be undertaken without delay when final decision is reached by the two Governments. The Government of the United States is prepared to advance the necessary funds up to \$1,000,000 to pay for these preliminary engineering and other investigations, on the understanding that their cost shall ultimately be prorated by agreement between the two Governments.

Advance of funds.

Utilization of certain waters by Ontario.

Meanwhile, to assist in providing an adequate supply of power to meet Canadian defense needs and contingent upon the Province of Ontario's agreeing to provide immediately for diversions into the Great Lakes System of waters from the Albany River Basin which normally flow into Hudson Bay, the Government of the United States will interpose no objection, pending the conclusion of a final Great Lakes—St. Lawrence Basin agreement between the two countries, to the immediate utilization for power at Niagara Falls by the Province of Ontario of additional waters equivalent in quantity to the diversions into the Great Lakes Basin above referred to.

I shall be glad if you will let me know if your Government is in accord with the foregoing proposals.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

ADOLF A. BERLE, Jr.

The Honorable

LORING C. CHRISTIE,  
*Minister of Canada.*

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*The Canadian Minister to the Secretary of State*

No. 316.

CANADIAN LEGATION  
WASHINGTON  
October 14, 1940.

SIR:

I have the honour to refer to your note of October 14, in which you proposed that the Governments of Canada and the United States take immediate steps looking to the early development of certain portions of the Great Lakes—St. Lawrence Basin project.

I am instructed to inform you that the Canadian Government is in accord with the proposals which you have made.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

LORING C. CHRISTIE

The Honourable CORDELL HULL,  
*Secretary of State of the United States,*  
*Washington, D. C.*

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*The Canadian Minister to the Secretary of State*

No. 340

CANADIAN LEGATION  
WASHINGTON  
October 31, 1940.

SIR:

I have the honour to refer to the third paragraph of your note of October 14 concerning the Great Lakes—St. Lawrence Basin project, in which you state that to assist in providing an adequate supply of power to meet Canadian defence needs and contingent upon the Province of Ontario's agreeing to provide immediately for diversions into the Great Lakes System of waters from the Albany River Basin which normally flow into Hudson Bay, the Government of the United States would interpose no objection, pending the conclusion of a final Great Lakes—St. Lawrence Basin agreement between the two countries, to the immediate utilization for power at Niagara Falls by the Province of Ontario of additional waters equivalent in quantity to the diversions into the Great Lakes Basin above referred to.

Agreement by  
Canada.

I am instructed to inform you that the Canadian Government has received appropriate assurances that the Hydro-Electric Power Commission of Ontario is prepared to proceed immediately with the Long Lac - Ogoki diversions and that this action has been approved by the Government of the Province.

The Canadian Government is therefore giving appropriate instructions to authorize the additional diversion of 5,000 cubic feet per second at Niagara by the Hydro-Electric Power Commission of Ontario.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

LORING C. CHRISTIE

The Honourable CORDELL HULL,

*Secretary of State of the United States,*

*Washington, D. C.*

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*The Secretary of State to the Canadian Minister*

DEPARTMENT OF STATE

WASHINGTON

*November 7, 1940.*

SIR:

I have the honor to acknowledge the receipt of your Note No. 340 of October 31, 1940, stating that the Hydro-Electric Power Commission of Ontario is prepared to proceed immediately with the Long Lac - Ogoki diversions of waters from the Albany River Basin into the Great Lakes System and that this action has been approved by the Government of the Province.

I note also that the Canadian Government is giving appropriate instructions to authorize the additional diversion of 5,000 cubic feet per second of water at Niagara Falls by the Hydro-Electric Power Commission of Ontario.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

A. A. BERLE, Jr.

The Honorable

LORING C. CHRISTIE,

*Minister of Canada.*

*Agreement between the United States of America and Ecuador respecting a naval mission. Signed December 12, 1940; effective December 12, 1940.*

December 12, 1940  
[E. A. S. No. 188]

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF ECUADOR**      **ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LA REPUBLICA DEL ECUADOR**

In conformity with the request of the Government of the Republic of Ecuador to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and enlisted men to constitute a Naval Mission to the Republic of Ecuador under the conditions specified below:

De conformidad con la solicitud del Gobierno de la República del Ecuador al Gobierno de los Estados Unidos de América, el Presidente de los Estados Unidos de América ha autorizado el nombramiento de oficiales y personal subalterno para constituir una Misión Naval en la República del Ecuador de acuerdo con las condiciones estipuladas a continuación:

**TITLE I**

*Purpose and Duration*

Article 1. The purpose of this Mission is to cooperate with the Minister of National Defense of Ecuador and with the personnel of the Ecuadoran Navy, with a view to enhancing the efficiency of the Ecuadoran Navy.

Article 2. This Mission shall continue for a period of four years from the date of the signing of this Agreement by the accredited representatives of the Government of the United States and the Government of Ecuador, unless previously terminated or extended as hereinafter provided. Any member of the Mission may be recalled by the Government of the United States after the expiration of two years of service, in which

**TITULO I**

*Objeto y Duración*

Artículo 1. El objeto de esta Misión es cooperar con el Ministro de Defensa Nacional del Ecuador y con el personal de la Armada Ecuatoriana, con la mira de aumentar la eficiencia de la Armada Ecuatoriana.

Artículo 2. Esta Misión continuará por un período de cuatro años desde la fecha de la firma de este Acuerdo por los representantes acreditados del Gobierno de los Estados Unidos y del Gobierno del Ecuador, siempre que no sea terminado antes o extendido en la forma que se establece más adelante. Cualquier miembro de la Misión puede ser retirado por el Gobierno de los Estados Unidos después de la expiración de dos

Purpose and duration.

case another member shall be furnished to replace him.

años de servicios, en cuyo caso otro miembro será proporcionado para reemplazarlo.

*Extension.*

Article 3. If the Government of Ecuador should desire that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Artículo 3. Si el Gobierno del Ecuador deseara que los servicios de la Misión fueren extendidos más allá del período estipulado, hará una propuesta por escrito con este objeto seis meses antes de la expiración de este Acuerdo.

*Termination before expiration of period, etc.*

Article 4. This Agreement may be terminated before the expiration of the period of four years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

Artículo 4. Este Acuerdo puede ser terminado antes de la expiración del período de cuatro años, prescrito en el Artículo 2, o antes de la expiración de la extensión autorizada en el Artículo 3, de la manera siguiente:

(a) By either of the Governments, subject to three months' written notice to the other Government;

(a) Por cualquiera de los dos Gobiernos, sujeto a tres meses de aviso por escrito al otro Gobierno;

(b) By the recall of the entire personnel of the Mission by the Government of the United States in the public interest of the United States, without necessity of compliance with provision (a) of this Article.

(b) Por llamada de todo el personal de la Misión por el Gobierno de los Estados Unidos en razón de interés público de los Estados Unidos, sin tener que cumplir con la disposición del inciso (a) de este Artículo.

*Cancellation in event of hostilities.*

Article 5. This Agreement is subject to cancellation upon the initiative of either the Government of Ecuador or the Government of the United States in case either country becomes involved in domestic or foreign hostilities.

Artículo 5. Este Acuerdo está sujeto a cancelación por iniciativa ya sea del Gobierno del Ecuador o del Gobierno de los Estados Unidos en caso de que cualquiera de los dos países se vea envuelto en hostilidades internas o extranjeras.

TITLE II

TITULO II

*Composition and Personnel*

*Composición y Personal*

*Composition and personnel.*

Article 6. This Mission shall consist of a Chief of the Mission of the rank of Commander, Lieutenant Commander or Lieutenant on active service in the United States Navy and such other personnel of the United States Navy as may subsequently be agreed

Artículo 6. Esta Misión constará de un Jefe de la Misión del grado de Capitán de Fragata, Capitán de Corbeta o Teniente de Navío de la Armada de los Estados Unidos en servicio activo, y del personal adicional de dicha Armada que pueda ser acordado

upon between the Ministry of National Defense of Ecuador through its authorized representative in Washington, and the Navy Department of the United States.

posteriormente entre el Ministerio de Defensa Nacional del Ecuador por su representante autorizado en Washington, y el Departamento de Marina de los Estados Unidos.

### TITLE III

#### *Duties, Rank and Precedence*

Article 7. The personnel of the Mission shall perform such duties as may be agreed upon between the Minister of National Defense of Ecuador and the Chief of the Mission.

Article 8. The members of the Mission shall be responsible solely to the Minister of National Defense of Ecuador, through the Chief of the Mission.

Article 9. Each member of the Mission shall serve on the Mission with the rank he holds in the United States Navy and shall wear the uniform of his rank in the United States Navy, but shall have precedence over all Ecuadoran officers of the same rank.

Article 10. Each member of the Mission shall be entitled to all benefits or privileges which the Regulations of the Ecuadoran Navy provide for Ecuadoran officers and subordinate personnel of corresponding rank.

Article 11. The personnel of the Mission shall be governed by the disciplinary regulations of the United States Navy.

### TITLE IV

#### *Compensation and Perquisites*

Article 12. Members of the Mission shall receive from the Government of Ecuador such net annual compensation as may be agreed upon between the Government of

### TITULO III

#### *Servicios, Grado y Precedencia*

Artículo 7. El personal de la Misión desempeñará los servicios que puedan ser acordados entre el Ministerio de Defensa Nacional del Ecuador y el Jefe de la Misión.

Artículo 8. Los miembros de la Misión serán responsables solamente ante el Ministro de Defensa Nacional del Ecuador, por conducto del Jefe de la Misión.

Artículo 9. Cada miembro de la Misión desempeñará sus funciones en la Misión con el grado que tiene en la Armada de los Estados Unidos y llevará el uniforme de su grado en la Armada de los Estados Unidos, pero tendrá precedencia sobre todos los oficiales ecuatorianos del mismo grado.

Artículo 10. Cada miembro de la Misión tendrá derecho a todos los beneficios o privilegios que los reglamentos de la Armada Ecuatoriana dan a los oficiales ecuatorianos y al personal subalterno del grado correspondiente.

Artículo 11. El personal de la Misión estará regido por los reglamentos de disciplina de la Armada de los Estados Unidos.

### TITULO IV

#### *Compensación y Concesiones*

Artículo 12. Los miembros de la Misión recibirán del Gobierno del Ecuador una retribución neta anual que fuere acordada entre el Gobierno de los Estados Unidos y

Duties, rank, and precedence.

Compensation and perquisites.

the United States and the Government of Ecuador for each member. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. The compensation shall not be subject to any tax, now or hereafter in effect, of the Government of Ecuador or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of National Defense of Ecuador in order to comply with the provision of this Article that the compensation agreed upon shall be net.

Article 13. The compensation agreed upon in the preceding Article shall begin upon the date of departure from the United States of each member of the Mission and, except as otherwise expressly provided in this Agreement, shall continue after the termination of his service with the Mission during his return trip to the United States and thereafter for the period of any accumulated leave to which he is entitled.

Article 14. The compensation due for the period of the return trip and accumulated leave shall be paid to a detached member of the Mission before his departure from Ecuador, and such payment shall be computed for travel by the shortest usually travelled sea route regardless of the route and method of travel used by the member of the Mission.

Article 15. The Government of Ecuador shall grant, upon request

el Gobierno del Ecuador para cada miembro. Esta retribución será abonada en doce (12) mensualidades iguales, debidas y pagaderas el último día de cada mes. La retribución no estará sujeta a ningún impuesto, ahora en vigencia o que se cree en el futuro, del Gobierno del Ecuador o de ninguna de sus dependencias políticas y administrativas. Sin embargo, si al presente o durante la vigencia de este convenio existen algunos impuestos que puedan afectar esta retribución, dichos impuestos serán pagados por el Ministerio de Defensa Nacional del Ecuador, con el objeto de cumplir con la disposición de este Artículo que los salarios convenidos serán netos.

Artículo 13. La retribución convenida en el Artículo precedente comenzará a regir desde la fecha de la partida de los Estados Unidos de cada miembro de la Misión y, con excepción de lo que sea específicamente dispuesto de otra manera en este Acuerdo, continuará después de la terminación de sus servicios con la Misión durante el viaje de regreso a los Estados Unidos y en lo sucesivo por el período de cualquiera licencia acumulada a que el miembro tenga derecho.

Artículo 14. La retribución debida por el período del viaje de regreso y licencia acumulada debe ser pagada a un miembro cesante antes de su partida del Ecuador, y tal pago debe ser calculado por un viaje por la ruta marítima más corta actualmente empleada, independientemente de la ruta y método de viaje usado por el miembro de la Misión.

Artículo 15. El Gobierno del Ecuador otorgará, a solicitud del

of the Chief of the Mission, exemption from customs duties on articles imported by the members of the Mission for their personal use and for the use of members of their families.

Article 16. Compensation for transportation and travelling expenses in the Republic of Ecuador on official business of the Government of Ecuador shall be provided by the Government of Ecuador in accordance with the provisions of Article 10.

Article 17. The Government of Ecuador shall provide the Chief of the Mission with a suitable automobile with chauffeur, for use on official business. Suitable motor transportation with chauffeur, and when necessary a launch properly equipped, shall on call be made available by the Government of Ecuador for use by the members of the Mission for the conduct of the official business of the Mission.

Article 18. The Government of Ecuador shall provide suitable office space and facilities for the use of the members of the Mission.

Article 19. If any member of the Mission should die while he is serving under the terms of this Agreement, all compensation due the deceased member, including salary for the fifteen (15) days following his death, and reimbursement due the deceased member for expenses and transportation on trips made on official business of the Government of Ecuador, shall be paid to the widow of the deceased member or to any other person who may have been designated in writing by the deceased; but the widow or other person shall not be compensated for ac-

Jefe de la Misión, exención de derechos de aduana por concepto de artículos importados por los miembros de la Misión para su uso personal y para el uso de los miembros de sus familias.

Artículo 16. La compensación por gastos de transporte y de viaje en la República del Ecuador en comisiones oficiales del Gobierno del Ecuador será proporcionada por el Gobierno del Ecuador de acuerdo con las disposiciones del Artículo 10.

Artículo 17. El Gobierno del Ecuador proporcionará al Jefe de la Misión un automóvil con chauffeur, para uso oficial. Transporte adecuado en automóvil con chauffeur, y cuando sea necesario una lancha convenientemente equipada, serán provistas, a pedida, por el Gobierno del Ecuador para el uso de los miembros de la Misión para el cumplimiento de las funciones oficiales de la misma.

Artículo 18. El Gobierno del Ecuador proporcionará alojamiento y facilidades adecuadas de oficina para el uso de los miembros de la Misión.

Artículo 19. Si cualquier miembro de la Misión falleciese mientras está sirviendo en conformidad con los términos de este Acuerdo, toda retribución debida al miembro fallecido incluyendo el sueldo por los quince (15) días subsiguientes a su muerte y reembolso adeudado al miembro fallecido por gastos y transporte en viajes realizados en asuntos oficiales del Gobierno del Ecuador, serán pagados a la viuda del miembro fallecido o a cualquiera otra persona que pueda haber sido designada por escrito por el fallecido; pero la viuda o la otra persona no será

Transportation.

Office space, etc.

Compensation, etc., due deceased member.

crued leave due but not taken by the deceased. All compensations due the widow or other person designated by the deceased, under the provisions of this Article, shall be paid within fifteen (15) days after the death of the member.

compensada por la licencia acumulada a que tenía derecho el fallecido pero no usada por él. Todas las compensaciones debidas a la viuda o a la otra persona designada por el fallecido, según las disposiciones de este Artículo, serán pagadas dentro de quince (15) días después del fallecimiento del miembro.

#### TITLE V

##### *Requisites and Conditions*

Article 20. So long as this Agreement, or any extension thereof, is in effect, the Government of Ecuador shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Ecuadoran Navy, except by mutual agreement between the Government of the United States and the Government of Ecuador.

Article 21. Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a member of the Mission. This requirement shall continue in force after the termination of service with the Mission and after the expiration or cancellation of this Agreement or any extension thereof.

Article 22. Throughout this Agreement the term "family" is limited to mean wife and dependent children.

Article 23. Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part

#### TITULO V

##### *Requisitos y Condiciones*

Artículo 20. Mientras este Acuerdo, o cualquiera extensión de él, esté en efecto, el Gobierno del Ecuador no empleará los servicios de ningún personal de ningún otro Gobierno extranjero para servicios de cualquiera naturaleza relacionados con la Armada Ecuatoriana, excepto por mutuo convenio entre el Gobierno de los Estados Unidos y el Gobierno del Ecuador.

Artículo 21. Cada miembro de la Misión convendrá en no divulgar o por cualquier medio revelar a cualquier Gobierno extranjero o a cualquiera persona cualquier secreto o asunto confidencial del cual pueda tener conocimiento en su capacidad de miembro de la Misión. Este requisito continuará en vigencia después de la terminación de los servicios con la Misión y después de la expiración o cancelación de este Acuerdo o cualquiera extensión de él.

Artículo 22. En todo este Acuerdo el término "familia" estará restringido a significar esposa e hijos dependientes.

Artículo 23. Cada miembro de la Misión tendrá derecho a un mes anual de licencia con goce de sueldo, o a una parte proporcional con goce de sueldo por cualquiera

Requisites and conditions.

Secrecy.

"Family" defined.

Leave.

of a year. Unused portions of said leave shall be cumulative from year to year during service as a member of the Mission.

Article 24. The leave specified in the preceding Article may be spent in Ecuador, in the United States or in other countries, but the expenses of travel and transportation not otherwise provided for in this Agreement shall be borne by the member of the Mission taking such leave. All travel time, including sea travel, shall count as leave and shall not be in addition to the time authorized in the preceding Article.

Article 25. The Government of Ecuador agrees to grant the leave specified in Article 23 upon receipt of written application, approved by the Chief of the Mission with due consideration for the convenience of the Government of Ecuador.

Article 26. Members of the Mission that may be replaced shall terminate their services on the Mission only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

Article 27. The Government of Ecuador shall provide suitable medical attention to members of the Mission and their families. In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, after consultation with the Ecuadoran naval authorities, and all expenses incurred as the result of such ill-

parte fraccional de un año. Las partes no usadas de dicha licencia serán acumuladas de año a año durante el servicio como miembro de la Misión.

Artículo 24. La licencia especificada en el Artículo precedente puede ser disfrutada en el Ecuador, en los Estados Unidos o en otros países, pero los gastos de viaje y de transporte que no sean abonables de acuerdo con las disposiciones de otros artículos de este Acuerdo serán pagados por el miembro de la Misión que disfruta de la licencia. Todo el tiempo de viaje, incluyendo viaje por mar, será contado como licencia y no será en adición al tiempo autorizado en el Artículo precedente.

Artículo 25. El Gobierno del Ecuador conviene en conceder la licencia especificada en el Artículo 23 al recibir la solicitud escrita, y aprobada por el Jefe de la Misión con la debida consideración por la conveniencia del Gobierno del Ecuador.

Artículo 26. Los miembros de la Misión que sean reemplazados solo podrán cesar en sus funciones en la Misión a la llegada de los reemplazantes, exceptuando los casos en que sea convenida de otra manera y de antemano por los Gobiernos respectivos.

Artículo 27. El Gobierno del Ecuador proporcionará a los miembros de la Misión y a sus familias la atención médica apropiada. En caso de que un miembro de la Misión se enferme o sufra lesiones, será hospitalizado a discreción del Jefe de la Misión en cualquier hospital que el Jefe de la Misión considere adecuado, después de consultar con las autoridades de la Armada Ecuatoriana, y todos los gastos en que se incurra como

Replacement of members.

Medical attention.

ness or injury while the patient is a member of the Mission and remains in Ecuador shall be paid by the Government of Ecuador. If the hospitalized member is a commissioned officer he shall pay his cost of subsistence, but if he is an enlisted man the cost of subsistence shall be paid by the Government of Ecuador. Families shall enjoy the same privileges agreed upon in this Article for members of the Mission, except that a member of the Mission shall in all cases pay the cost of subsistence incident to hospitalization of a member of his family except as may be provided under Article 10.

*Ante*, p. 2431.

Article 28. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Signatures.

IN WITNESS WHEREOF, the undersigned, Cordell Hull, Secretary of State of the United States of America, and Colón Eloy Alfaro, Ambassador of the Republic of Ecuador, duly authorized thereto, have signed this Agreement in duplicate in the English and Spanish languages, at Washington, District of Columbia, United States of America, this twelfth day of December of 1940.

resultado de esta enfermedad siempre que el paciente sea un miembro de la Misión y permanezca en el Ecuador, serán pagados por el Gobierno del Ecuador. En caso de que el miembro hospitalizado sea un oficial comisionado, él mismo pagará sus gastos de subsistencia, pero en caso de que sea un subalterno sus gastos de subsistencia serán pagados por el Gobierno del Ecuador. Las familias disfrutarán de los mismos privilegios convenidos en este Artículo para los miembros de la Misión, exceptuando que un miembro de la Misión pagará en todos los casos los gastos de subsistencia relacionados a la hospitalización de un miembro de su familia, con excepción de lo que sea dispuesto en el Artículo 10.

Artículo 28. Cualquier miembro de la Misión inhabilitado para desempeñar sus servicios con la Misión por razón de incapacidad física prolongada, será reemplazado.

EN TESTIMONIO DE LO CUAL, los suscritos, Cordell Hull, Secretario de Estado de los Estados Unidos de América, y Colón Eloy Alfaro, Embajador de la República del Ecuador, debidamente autorizados para ello, han firmado este Acuerdo, por duplicado en los idiomas inglés y español, en Washington, Distrito de Columbia, Estados Unidos de América, el día doce de diciembre de 1940.

[SEAL]

CORDELL HULL

[SEAL]

C. E. ALFARO

*Agreement between the United States of America and Ecuador respecting a military aviation mission. Signed December 12, 1940; effective December 12, 1940.*

December 12, 1940  
[E. A. S. No. 189]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF ECUADOR

ACUERDO ENTRE EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMERICA Y EL GOBIERNO DE LA REPUBLICA DEL ECUADOR

In conformity with the request of the Government of the Republic of Ecuador to the Government of the United States of America, the President of the United States of America has authorized the appointment of officers and enlisted men to constitute a Military Aviation Mission to the Republic of Ecuador under the conditions specified below:

De conformidad con la solicitud del Gobierno de la República del Ecuador al Gobierno de los Estados Unidos de América, el Presidente de los Estados Unidos de América ha autorizado el nombramiento de oficiales y personal subalterno para constituir una Misión de Aviación Militar en la República del Ecuador de acuerdo con las condiciones estipuladas a continuación:

TITLE I

*Purpose and Duration*

Article 1. The purpose of this Mission is to cooperate with the Minister of National Defense of Ecuador and with the personnel of the Ecuadoran Air Force with a view to enhancing the efficiency of the Ecuadoran Air Force.

Article 2. This Mission shall continue for a period of four years from the date of the signing of this Agreement by the accredited representatives of the Government of the United States and the Government of Ecuador, unless previously terminated or extended as hereinafter provided. Any member of the Mission may be recalled by the Government of the United States after the expiration of two years of service, in which

TITULO I

*Objeto y Duración*

Artículo 1. El objeto de esta Misión es cooperar con el Ministro de Defensa Nacional del Ecuador y con el personal de la Fuerza Aérea Ecuatoriana, con la mira de aumentar la eficiencia de la Fuerza Aérea Ecuatoriana.

Artículo 2. Esta Misión continuará por un período de cuatro años desde la fecha de la firma de este Acuerdo por los representantes acreditados del Gobierno de los Estados Unidos y del Gobierno del Ecuador, siempre que no sea terminado antes o extendido en la forma que se establece más adelante. Cualquier miembro de la Misión puede ser retirado por el Gobierno de los Estados Unidos después de la expiración de dos

Purpose and duration.

case another member shall be furnished to replace him.

años de servicios, en cuyo caso otro miembro será proporcionado para reemplazarlo.

Extension.

Article 3. If the Government of Ecuador should desire that the services of the Mission be extended beyond the stipulated period, it shall make a written proposal to that effect six months before the expiration of this Agreement.

Artículo 3. Si el Gobierno del Ecuador deseara que los servicios de la Misión fueren extendidos más allá del período estipulado, hará una propuesta por escrito con este objeto seis meses antes de la expiración de este Acuerdo.

Termination before expiration of period, etc.

Article 4. This Agreement may be terminated before the expiration of the period of four years prescribed in Article 2, or before the expiration of the extension authorized in Article 3, in the following manner:

Artículo 4. Este Acuerdo puede ser terminado antes de la expiración del período de cuatro años, prescrito en el Artículo 2, o antes de la expiración de la extensión autorizada en el Artículo 3, de la manera siguiente:

(a) By either of the Governments, subject to three months' written notice to the other Government;

(a) Por cualquiera de los dos Gobiernos, sujeto a tres meses de aviso por escrito al otro Gobierno;

(b) By the recall of the entire personnel of the Mission by the Government of the United States in the public interest of the United States, without necessity of compliance with provision (a) of this Article.

(b) Por llamada de todo el personal de la Misión por el Gobierno de los Estados Unidos en razón de interés público de los Estados Unidos, sin tener que cumplir con la disposición del inciso (a) de este Artículo.

Cancellation in event of hostilities.

Article 5. This Agreement is subject to cancellation upon the initiative of either the Government of Ecuador or the Government of the United States in case either country becomes involved in domestic or foreign hostilities.

Artículo 5. Este acuerdo está sujeto a cancelación por iniciativa ya sea del Gobierno del Ecuador o del Gobierno de los Estados Unidos en caso de que cualquiera de los dos países se vea envuelto en hostilidades internas o extranjeras.

## TITLE II

## TITULO II

### *Composition and Personnel*

### *Composición y Personal*

Composition and personnel.

Article 6. This Mission shall consist of a Chief of Mission of the rank of Colonel, Lieutenant Colonel or Major on active service in the United States Army Air Corps and such other personnel of the United States Army Air Corps as may subsequently be agreed upon between the Ministry of National Defense of Ecuador,

Artículo 6. Esta Misión constará de un Jefe de la Misión del grado de Coronel, Teniente Coronel o Mayor del Cuerpo Aéreo del Ejército de los Estados Unidos en servicio activo y del personal adicional del Cuerpo Aéreo del Ejército de los Estados Unidos que pueda ser acordado posteriormente entre el Ministerio de

through its authorized representative in Washington, and the War Department of the United States.

Defensa Nacional del Ecuador, por su representante autorizado en Washington, y el Departamento de Guerra de los Estados Unidos.

### TITLE III

#### *Duties, Rank and Precedence*

Article 7. The personnel of the Mission shall perform such duties as may be agreed upon between the Minister of National Defense of Ecuador and the Chief of the Mission.

Article 8. The members of the Mission shall be responsible solely to the Minister of National Defense of Ecuador, through the Chief of the Mission.

Article 9. Each member of the Mission shall serve on the Mission with the rank he holds in the United States Army Air Corps and shall wear the uniform of his rank in the United States Army Air Corps, but shall have precedence over all Ecuadoran officers of the same rank.

Article 10. Each member of the Mission shall be entitled to all benefits or privileges which the Regulations of the Ecuadoran Air Force provide for Ecuadoran officers and subordinate personnel of corresponding rank.

Article 11. The personnel of the Mission shall be governed by the disciplinary regulations of the United States Army Air Corps.

### TITLE IV

#### *Compensation and Perquisites*

Article 12. Members of the Mission shall receive from the Government of Ecuador such net annual compensation as may be agreed

### TITULO III

#### *Servicios, Grado y Precedencia*

Artículo 7. El personal de la Misión desempeñará los servicios que puedan ser acordados entre el Ministerio de Defensa Nacional del Ecuador y el Jefe de la Misión.

Artículo 8. Los miembros de la Misión serán responsables solamente ante el Ministro de Defensa Nacional del Ecuador, por conducto del Jefe de la Misión.

Artículo 9. Cada miembro de la Misión desempeñará sus funciones en la Misión con el grado que tiene en el Cuerpo Aéreo del Ejército de los Estados Unidos y llevará el uniforme de su grado en el Cuerpo Aéreo del Ejército de los Estados Unidos, pero tendrá precedencia sobre todos los oficiales ecuatorianos del mismo grado.

Artículo 10. Cada miembro de la Misión tendrá derecho a todos los beneficios o privilegios que los reglamentos de la Fuerza Aérea Ecuatoriana dan a los oficiales ecuatorianos y al personal subalterno del grado correspondiente.

Artículo 11. El personal de la Misión estará regido por los reglamentos de disciplina del Cuerpo Aéreo del Ejército de los Estados Unidos.

### TITULO IV

#### *Compensación y Concesiones*

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Duties, rank, and precedence.

Benefits, privileges, etc.

Compensation and perquisites.

upon between the Government of the United States and the Government of Ecuador for each member. This compensation shall be paid in twelve (12) equal monthly installments, each due and payable on the last day of the month. The compensation shall not be subject to any tax, now or hereafter in effect, of the Government of Ecuador or of any of its political or administrative subdivisions. Should there, however, at present or while this Agreement is in effect, be any taxes that might affect this compensation, such taxes shall be borne by the Ministry of National Defense of Ecuador in order to comply with the provision of this Article that the compensation agreed upon shall be net.

Article 13. The compensation agreed upon in the preceding Article shall begin upon the date of departure from the United States of each member of the Mission and, except as otherwise expressly provided in this Agreement, shall continue after the termination of his service with the Mission during his return trip to the United States and thereafter for the period of any accumulated leave to which he is entitled.

Article 14. The compensation due for the period of the return trip and accumulated leave shall be paid to a detached member of the Mission before his departure from Ecuador, and such payment shall be computed for travel by the shortest usually travelled sea route regardless of the route and method of travel used by the member of the Mission.

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Artículo 13. La retribución convenida en el Artículo precedente comenzará a regir desde la fecha de la partida de los Estados Unidos de cada miembro de la Misión y, con excepción de lo que sea específicamente dispuesto de otra manera en este Acuerdo, continuará después de la terminación de sus servicios con la Misión durante el viaje de regreso a los Estados Unidos y en lo sucesivo por el período de cualquiera licencia acumulada a que el miembro tenga derecho.

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Article 19. If any member of the Mission should die while he is serving under the terms of this Agreement, all compensation due the deceased member, including salary for the fifteen (15) days following his death, and reimbursement due the deceased member for expenses and transportation on trips made on official business of the Government of Ecuador, shall be paid to the widow of the deceased member or to any other person who may have been designated in writing by the deceased; but the widow or other person shall not be compensated

Jefe de la Misión, exención de derechos de aduana por concepto de artículos importados por los miembros de la Misión para su uso personal y para el uso de los miembros de sus familias.

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Artículo 18. El Gobierno del Ecuador proporcionará alojamiento y facilidades adecuadas de oficina para el uso de los miembros de la Misión.

Artículo 19. Si cualquier miembro de la Misión falleciese mientras está sirviendo en conformidad con los términos de este Acuerdo, toda retribución debida al miembro fallecido, incluyendo sueldo por los quince (15) días subsiguientes a su muerte y reembolso adeudado al miembro fallecido por gastos y transporte en viajes realizados en asuntos oficiales del Gobierno del Ecuador, serán pagados a la viuda del miembro fallecido o a cualquiera otra persona que pueda haber sido designada por escrito por el fallecido; pero la viuda o la otra persona no será

Transportation.

Office space, etc.

Compensation, etc., due deceased member.

for accrued leave due but not taken by the deceased. All compensations due the widow or other person designated by the deceased, under the provisions of this Article, shall be paid within fifteen (15) days after the death of the member.

compensada por la licencia acumulada a que tenía derecho el fallecido pero no usada por él. Todas las compensaciones debidas a la viuda o a la otra persona designada por el fallecido, según las disposiciones de este Artículo, serán pagadas dentro de quince (15) días después del fallecimiento del miembro.

## TITLE V

## TITULO V

*Requisites and Conditions**Requisitos y Condiciones*

Requisites and conditions.

Article 20. So long as this Agreement, or any extension thereof, is in effect, the Government of Ecuador shall not engage the services of any personnel of any other foreign government for duties of any nature connected with the Ecuadoran Air Force, except by mutual agreement between the Government of the United States and the Government of Ecuador.

Artículo 20. Mientras este Acuerdo, o cualquiera extensión de él, esté en efecto, el Gobierno del Ecuador no empleará los servicios de ningún personal de ningún otro Gobierno extranjero para servicios de cualquiera naturaleza relacionados con la Fuerza Aérea Ecuatoriana, excepto por mutuo convenio entre el Gobierno de los Estados Unidos y el Gobierno del Ecuador.

Secrecy.

Article 21. Each member of the Mission shall agree not to divulge or in any way disclose to any foreign government or to any person whatsoever any secret or confidential matter of which he may become cognizant in his capacity as a member of the Mission. This requirement shall continue in force after the termination of service with the Mission and after the expiration or cancellation of this Agreement or any extension thereof.

Artículo 21. Cada miembro de la Misión convendrá en no divulgar o por cualquier medio revelar a cualquier Gobierno extranjero o a cualquiera persona cualquier secreto o asunto confidencial del cual pueda tener conocimiento en su capacidad de miembro de la Misión. Este requisito continuará en vigencia después de la terminación de los servicios con la Misión y después de la expiración o cancelación de este Acuerdo o cualquiera extensión de él.

"Family" defined.

Article 22. Throughout this Agreement the term "family" is limited to mean wife and dependent children.

Artículo 22. En todo este Acuerdo el término "familia" estará restringido a significar esposa e hijos dependientes.

Leave.

Article 23. Each member of the Mission shall be entitled to one month's annual leave with pay, or to a proportional part thereof with pay for any fractional part of a year. Unused portions of said leave shall be cumulative from

Artículo 23. Cada miembro de la Misión tendrá derecho a un mes anual de licencia con goce de sueldo, o a una parte proporcional con goce de sueldo por cualquiera parte fraccional de un año. Las partes no usadas de dicha licencia

year to year during service as a member of the Mission.

Article 24. The leave specified in the preceding Article may be spent in Ecuador, in the United States or in other countries, but the expenses of travel and transportation not otherwise provided for in this Agreement shall be borne by the member of the Mission taking such leave. All travel time, including sea travel, shall count as leave and shall not be in addition to the time authorized in the preceding Article.

Article 25. The Government of Ecuador agrees to grant the leave specified in Article 23 upon receipt of written application, approved by the Chief of the Mission with due consideration for the convenience of the Government of Ecuador.

Article 26. Members of the Mission that may be replaced shall terminate their services on the Mission only upon the arrival of their replacements, except when otherwise mutually agreed upon in advance by the respective Governments.

Article 27. The Government of Ecuador shall provide suitable medical attention to members of the Mission and their families. In case a member of the Mission becomes ill or suffers injury, he shall, at the discretion of the Chief of the Mission, be placed in such hospital as the Chief of the Mission deems suitable, after consultation with the Ecuadoran Air Force authorities, and all expenses incurred as the result of such illness or injury while the

serán acumuladas de año a año durante el servicio como miembro de la Misión.

Artículo 24. La licencia especificada en el Artículo precedente puede ser disfrutada en el Ecuador, en los Estados Unidos o en otros países, pero los gastos de viaje y de transporte que no sean abonables de acuerdo con las disposiciones de otros artículos de este Acuerdo serán pagados por el miembro de la Misión que disfruta de la licencia. Todo el tiempo de viaje, incluyendo viaje por mar, será contado como licencia y no será en adición al tiempo autorizado en el Artículo precedente.

Artículo 25. El Gobierno del Ecuador conviene en conceder la licencia especificada en el Artículo 23 al recibir la solicitud escrita, y aprobada por el Jefe de la Misión con la debida consideración por la conveniencia del Gobierno del Ecuador.

Artículo 26. Los miembros de la Misión que sean reemplazados solo podrán cesar en sus funciones en la Misión a la llegada de los reemplazantes, exceptuando los casos en que sea convenida de otra manera y de antemano por los Gobiernos respectivos.

Artículo 27. El Gobierno del Ecuador proporcionará a los miembros de la Misión y a sus familias la atención médica apropiada. En caso de que un miembro de la Misión se enferme o sufra lesiones, será hospitalizado a discreción del Jefe de la Misión en cualquier hospital que el Jefe de la Misión considere adecuado, después de consultar con las autoridades de la Fuerza Aérea Ecuatoriana, y todos los gastos en que se incurra como resultado de esta enferme-

Medical attention.

patient is a member of the Mission and remains in Ecuador shall be paid by the Government of Ecuador. If the hospitalized member is a commissioned officer he shall pay his cost of subsistence, but if he is an enlisted man the cost of subsistence shall be paid by the Government of Ecuador. Families shall enjoy the same privileges agreed upon in this Article for members of the Mission, except that a member of the Mission shall in all cases pay the cost of subsistence incident to hospitalization of a member of his family, except as may be provided under Article 10.

Article 28. Any member of the Mission unable to perform his duties with the Mission by reason of long continued physical disability shall be replaced.

Signatures.

IN WITNESS WHEREOF, the undersigned, Cordell Hull, Secretary of State of the United States of America, and Colón Eloy Alfaro, Ambassador of the Republic of Ecuador, duly authorized thereto, have signed this Agreement in duplicate in the English and Spanish languages, at Washington, District of Columbia, United States of America, this twelfth day of December 1940.

dad siempre que el paciente sea un miembro de la Misión y permanezca en Ecuador, serán pagados por el Gobierno del Ecuador. En caso de que el miembro hospitalizado sea un oficial comisionado, él mismo pagará sus gastos de subsistencia, pero en caso de que sea un subalterno sus gastos de subsistencia serán pagados por el Gobierno del Ecuador. Las familias disfrutarán de los mismos privilegios convenidos en este Artículo para los miembros de la Misión, exceptuando que un miembro de la Misión pagará en todos los casos los gastos de subsistencia relacionados a la hospitalización de un miembro de su familia, con excepción de lo que sea dispuesto en el Artículo 10.

Artículo 28. Cualquier miembro de la Misión inhabilitado para desempeñar sus servicios con la Misión por razón de incapacidad física prolongada, será reemplazado.

EN TESTIMONIO DE LO CUAL, los suscritos, Cordell Hull, Secretario de Estado de los Estados Unidos de América, y Colón Eloy Alfaro, Embajador de la República del Ecuador, debidamente autorizados para ello, han firmado este Acuerdo, por duplicado en los idiomas inglés y español, en Washington, Distrito de Columbia, Estados Unidos de América, el día doce de diciembre de 1940.

[SEAL] CORDELL HULL  
[SEAL] C. E. ALFARO

*Proclamation by the President of the United States of America issued November 30, 1940, pursuant to article III of the reciprocal trade agreement between the United States of America and Canada signed November 17, 1938, respecting allocation of tariff quota on heavy cattle during the calendar year 1941. And related notes.*

November 30, 1940  
[E. A. S. No. 190]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolutions of Congress, approved March 1, 1937 (50 Stat. 24) and April 12, 1940 (Public Res. No. 61, 76th Cong.), as follows:

Preamble.

19 U. S. C. §§ 1351-1354; Supp. V, §§ 1351-1352.

*Ande*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into

hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

53 Stat. 2348. WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a Trade Agreement on November 17, 1938,<sup>1</sup> with His Majesty the King of Great Britain, Ireland and the British dominions beyond the Seas, Emperor of India, in respect of Canada;

53 Stat. 2393. WHEREAS, by my proclamation of November 25, 1938,<sup>1</sup> I did make public the said Trade Agreement, including two Schedules annexed thereto, and in my proclamation provided that the provisions of Article VII of the said Agreement should be observed and fulfilled with good faith by the United States of America and the citizens thereof on and after January 1, 1939;

WHEREAS, Article VII of the said Agreement provides as follows:

53 Stat. 2378. "1. Articles the growth, produce or manufacture of Canada enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions therein set out. The said articles shall also be exempt from all other duties, taxes, fees, charges, or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

"2. Schedule II shall have full force and effect as an integral part of this Agreement."

<sup>1</sup> [Executive Agreement Series No. 149.]

WHEREAS, Schedule II annexed to the said Agreement provides in part as follows:

"United States  
Tariff Act of  
1930  
Paragraph

Paragraph	Description of Article	Rate of Duty	
701	Cattle, weighing seven hundred pounds or more each:		53 Stat. 2383.
	Cows, imported specially for dairy purposes	1½¢ per lb.	
	Other	1½¢ per lb.	
	<i>Provided</i> , That after December 31, 1938, such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 60,000 head in any quarter year shall not be entitled to a reduction in duty by virtue of this item, and such cattle (other than cows imported specially for dairy purposes) entered, or withdrawn from warehouse, for consumption in excess of 225,000 head in any calendar year shall not be entitled to a reduction in duty by virtue of this item, but the rate of duty thereon shall not exceed	3¢ per lb.	
	<i>Provided further</i> , That if, after consultation with the Government of the United States of America, the Government of Canada requests the allocation of the quantity entitled to enter at the reduced rate of duty under this item, the Government of the United States of America shall take the necessary steps to allocate the said quantity among countries of export on the basis provided for in Article III of this Agreement."		

WHEREAS, Article III of the said Agreement reads as follows:

53 Stat. 2351.

"If imports of any article into either country should be regulated either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by that country in past years, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article. In those cases in which the other country is a relatively large supplier of any such article, the Government of the country imposing the regulation shall, whenever practicable, consult with the Government of the other country before the share to be allocated to that country is determined."

WHEREAS, by my proclamation of February 27, 1939,<sup>2</sup> I did proclaim the allocation among countries of export, on the basis therein set forth, of the quantity of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) entitled to a reduction in duty by virtue of the said item 701 of Schedule II annexed to the said Agreement during the period April 1 to December 31, 1939 inclusive;

53 Stat. 2397.

<sup>2</sup> [Executive Agreement Series No. 149, p. 53.]

*Ante*, p. 2290.

WHEREAS, by my proclamation of November 30, 1939,<sup>3</sup> such allocation was continued for the calendar year 1940;

WHEREAS, after consultation with the Government of the United States of America, the Government of Canada has requested the Government of the United States of America to continue such allocation during the calendar year 1941;

WHEREAS such allocation is required and appropriate to carry out the said Agreement;

Findings.

WHEREAS I find that, taking into account special factors affecting the trade, imports into the United States of America from all countries of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) during the years 1936 and 1937 were representative of the trade in such articles;

WHEREAS I find that the proportions of total imports into the United States of America for consumption of such cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes) supplied by Canada and by other foreign countries, respectively, during the years 1936 and 1937 were as follows:

Canada	86.2 per centum
Other foreign countries	13.8 per centum

Proclamation of allocation of tariff quota on heavy cattle, 1941.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended, do hereby proclaim that no more than 193,950 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 31,050 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption during the calendar year 1941, shall be entitled to a reduction in duty by virtue of the said item 701 of Schedule II of the said Agreement; and that no more than 51,720 head of cattle weighing seven hundred pounds or more each (other than cows imported specially for dairy purposes), the produce of Canada, nor more than 8,280 head of such cattle, the produce of other foreign countries, entered, or withdrawn from warehouse, for consumption in any calendar quarter year during 1941, shall be entitled to a reduction in duty by virtue of the said item 701 of Schedule II of the said Agreement.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this thirtieth day of November in the year of our Lord one thousand nine hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

<sup>3</sup> [Executive Agreement Series No. 170.]

## RELATED NOTES

*The Canadian Minister to the Secretary of State*

No. 312

CANADIAN LEGATION

WASHINGTON

October 15, 1940

SIR,

I have the honour to refer to my Note No. 303 of November 6th 1939,<sup>\*</sup> relative to the allocation of the United States quota on heavy cattle and to state that I have been requested by the Secretary of State for External Affairs to inform you that the Government of Canada would be grateful, if the Government of the United States of America would continue throughout the calendar year 1941 to allocate the import quota on cattle weighing 700 pounds or more each between Canada and other foreign countries in accordance with the basis of allocation effective during the calendar year 1940.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble servant,

M. M. MAHONEY.

*For the Minister*

The Hon. CORDELL HULL,

*Secretary of State of the United States,**Washington, D. C.**The Secretary of State to the Canadian Minister*

DEPARTMENT OF STATE

WASHINGTON

October 21, 1940

SIR:

I have the honor to acknowledge the receipt of your note no. 312 of October 15, 1940 in which the request is made on behalf of the Government of Canada, under the provisions of the trade agreement between the United States of America and Canada signed on November 17, 1938, that the Government of the United States continue to allocate the tariff quota on cattle weighing 700 pounds or more each throughout the calendar year 1941 in accordance with the basis of allocation effective during the calendar year 1940.

I have the honor to inform you that the request of the Government of Canada is receiving the attention of the appropriate agencies of this Government, and I will communicate with you further as soon as possible.

Accept, Sir, the renewed assurances of my highest consideration.

For the Secretary of State:

HENRY F. GRADY

The Honorable

LORING C. CHRISTIE,

*Minister of Canada.*

<sup>\*</sup>[Not printed.]

*The Secretary of State to the Canadian Chargé d'Affaires ad interim*

DEPARTMENT OF STATE

WASHINGTON

December 6, 1940

SIR:

I have the honor to refer again to the Legation's note no. 312 of October 15, 1940 in which the request was made under the provisions of the trade agreement between the United States of America and Canada signed on November 17, 1938, that the Government of the United States continue to allocate the tariff quota on cattle weighing 700 pounds or more each throughout the calendar year 1941 in accordance with the basis of allocation effective during the calendar year 1940.

I have the honor to inform you that on November 30, 1940 the President issued a proclamation directing the continuance of the allocation during the calendar year 1941 on the same basis as that effective during 1940. Copies of a press release with regard to the issuance of this proclamation are enclosed.<sup>5</sup>

In connection with this matter, you will of course recognize that circumstances may arise which may make a change in the basis of allocation necessary or desirable, and that consequently no assurance can be given that the existing allocation will be maintained on the same basis during subsequent quota years.

Accept, Sir, the renewed assurances of my high consideration.

For the Secretary of State:

SUMNER WELLES

*Enclosures:*

(3) Press release no. 508, December 2, 1940

MR. MERCHANT MAHONEY,

*Chargé d'Affaires ad interim of Canada.*

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<sup>5</sup> [Department of State Bulletin, December 7, 1940, p. 522.]

*Proclamation by the President of the United States of America, issued December 12, 1939, pursuant to article VII of the reciprocal trade agreement between the United States of America and Venezuela signed November 6, 1939, respecting allocation of tariff quota on crude petroleum and fuel oil.*

December 12, 1939  
[E. A. S. No. 191]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), as follows:

Preamble.

19 U. S. C. §§ 1351-  
1354; Supp. V, § 1352.  
*Ante*, p. 107.

Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any existing rate of duty or trans-

ferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part.

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a *modus vivendi* and a definitive agreement on November 6, 1939,<sup>1</sup> with the President of the United States of Venezuela;

*Ante*, p. 2375.

WHEREAS, by my proclamation of November 16, 1939, I did proclaim the said *modus vivendi* and definitive agreement, including two Schedules annexed to each of them, to the end that the said *modus vivendi* and every part thereof should be observed and fulfilled by the United States of America and the citizens thereof on December 16, 1939, and thereafter during its continuance in force, and that the said definitive agreement should be so observed and fulfilled upon its entry into full force, as provided for in Article XIX of the said definitive agreement;

*Ante*, p. 2399.

*Ante*, p. 2377.

WHEREAS, Article II of the said *modus vivendi* and the identical Article II of the said definitive agreement provide as follows:

Articles the growth, produce or manufacture of the United States of Venezuela, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.

<sup>1</sup> [Executive Agreement Series No. 180.]

WHEREAS, Schedule II annexed to the said *modus vivendi* and Schedule II annexed to the said definitive agreement provide in part as follows:

*Ante*, p. 2387.

Internal Revenue Code Section	Description of Article	Rate of Import Tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil	¼¢ per gal.
	<i>Provided</i> , That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed	½¢ per gal.
	<i>Provided further</i> , That if this item becomes effective after the beginning of a calendar year the quantity of such petroleum and fuel oil which may be entered or withdrawn from warehouse for consumption at the reduced rate during the remainder of such calendar year shall be one-twelfth of the foregoing quantity multiplied by the number of months (treating any part of a month as a full month) during which this item shall be in effect during such calendar year.	

WHEREAS, Article VII of the said *modus vivendi* and the identical Article VII of the said definitive agreement read as follows:

*Ante*, p. 2378.

In the event the Government of the United States of America or the Government of the United States of Venezuela regulates imports of any article in which the other country has an interest either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, the Government taking such action shall establish in advance, and give public notice of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase or decrease in such amount during the period, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the other country in a previous representative period, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article.

WHEREAS, Article VI of the Trade Agreement between the United States of America and the Kingdom of the Netherlands, entered into on December 20, 1935,<sup>2</sup> pursuant to the said Tariff Act of 1930, as amended, and now in force between the two countries, provides in part as follows:

50 Stat. 1514.

7. If the Government of the United States of America establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the Kingdom of the Netherlands has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the Government of the United States of America will allot to the Kingdom of the Netherlands a share of the total quantity of such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or charge, during a specified period, equivalent to the proportion of the total importation of such article which the Kingdom of the Netherlands supplied in a basic period prior to the imposition of such quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. . . .

WHEREAS, a Trade Agreement was entered into between the United States of America and the Republic of Colombia on September 13, 1935,<sup>3</sup> pursuant to the said Tariff Act of 1930, as amended, and is now in force between the two countries;

49 Stat. 3875.

WHEREAS, the Kingdom of the Netherlands, the United States of Venezuela, and the Republic of Colombia have an interest in the importation into the United States of America of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil;

WHEREAS, the allocation to the Kingdom of the Netherlands (including its overseas territories), to the United States of Venezuela and to the Republic of Colombia, of shares of the total quantity of such petroleum and fuel oil entitled to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II annexed to the said *modus vivendi* and definitive agreement is required and appropriate, during the period from December 16, 1939 to December 31, 1940, inclusive, to carry out the said trade agreement of December 20, 1935 between the United States of America and the Kingdom of the Netherlands, the said *modus vivendi* and definitive agreement of November 6, 1939 between the United States of America and the United States of Venezuela and the said trade agreement of September 13, 1935 between the United States of America and the Republic of Colombia;

Ante, p. 2387.

WHEREAS, I find that imports for consumption into the United States of America from all countries, of such petroleum and fuel oil during the period from January 1, 1939 to October 31, 1939, inclusive, were representative of the trade in such articles;

Findings.

<sup>2</sup> [Executive Agreement Series No. 100.]  
<sup>3</sup> [Executive Agreement Series No. 89.]

WHEREAS, I find that the proportions of total imports into the United States of America for consumption of such petroleum and fuel oil supplied by the United States of Venezuela, the Kingdom of the Netherlands (including its overseas territories), the Republic of Colombia and by all other foreign countries, respectively, during the period from January 1, 1939 to October 31, 1939, inclusive, were as follows:

United States of Venezuela	71.9 per centum
Kingdom of the Netherlands (including its overseas territories)	20.3 per centum
Republic of Colombia	4.0 per centum
Other foreign countries	3.8 per centum

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended by the said Act of June 12, 1934, as extended by the said Joint Resolution of March 1, 1937, do hereby proclaim that, of the total aggregate quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil, entitled to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II of the said *modus vivendi* and definitive agreement of November 6, 1939 between the United States of America and the United States of Venezuela, no more than 71.9 per centum shall be the produce or manufacture of the United States of Venezuela, nor more than 20.3 per centum, the produce or manufacture of the Kingdom of the Netherlands (including its overseas territories), nor more than 4.0 per centum, the produce or manufacture of the Republic of Colombia, nor more than 3.8 per centum, the produce or manufacture of other foreign countries, such percentages to be applied, respectively, during the period from December 16, 1939 to December 31, 1939, inclusive, and during the calendar year 1940.

Proclamation.

48 Stat. 943; 50 Stat. 24; *ante*, p. 107.  
19 U. S. C. §§ 1351-1354; Supp. V, § 1352.

*Ante*, p. 2387.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twelfth day of December in the year of our Lord one thousand nine hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

December 28, 1940  
[E. A. S. No. 192]

*Proclamation by the President of the United States of America, issued December 28, 1940, pursuant to article VII of the reciprocal trade agreement between the United States of America and Venezuela signed November 6, 1939, respecting allocation of tariff quota on crude petroleum and fuel oil.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Preamble.

WHEREAS it is provided in the Tariff Act of 1930 of the Congress of the United States of America, as amended by the Act of June 12, 1934, entitled "AN ACT To amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolutions of Congress, approved March 1, 1937 (50 Stat. 24) and April 12, 1940 (Public Res. No. 61, 76th Cong.), as follows:

19 U. S. C. §§ 1351-1354; Supp. V, § 1352.

*Ante*, p. 107.

"Sec. 350. (a) For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment and the present economic depression, in increasing the purchasing power of the American public, and in establishing and maintaining a better relationship among various branches of American agriculture, industry, mining, and commerce) by regulating the admission of foreign goods into the United States in accordance with the characteristics and needs of various branches of American production so that foreign markets will be made available to those branches of American production which require and are capable of developing such outlets by affording corresponding market opportunities for foreign products in the United States, the President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purpose above declared will be promoted by the means hereinafter specified, is authorized from time to time—

"(1) To enter into foreign trade agreements with foreign governments or instrumentalities thereof; and

"(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign trade agreements, as are required or appropriate to carry out any foreign trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or de-

creasing by more than 50 per centum any existing rate of duty or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly, or indirectly: *Provided*, That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part."

WHEREAS, pursuant to the said Tariff Act of 1930, as amended, I entered into a *modus vivendi* and a definitive agreement on November 6, 1939,<sup>1</sup> with the President of the United States of Venezuela;

*Ante*, p. 2375.

WHEREAS, by my proclamation of November 16, 1939, I did make public the said *modus vivendi* and definitive agreement, including two Schedules annexed to each of them, to the end that the said *modus vivendi* and every part thereof should be observed and fulfilled by the United States of America and the citizens thereof on December 16, 1939, and thereafter during its continuance in force, and that the said definitive agreement should be so observed and fulfilled upon its entry into full force, as provided for in Article XIX of the said definitive agreement;

*Ante*, p. 2399.

*Ante*, p. 2402.

WHEREAS, by my proclamation of November 27, 1940, I did proclaim the entry into full force on December 14, 1940 of the said definitive agreement;

WHEREAS, Article II of the said definitive agreement provides as follows:

*Ante*, p. 2377.

"Articles the growth, produce or manufacture of the United States of Venezuela, enumerated and described in Schedule II annexed to this Agreement and made a part thereof, shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement."

<sup>1</sup> [Executive Agreement Series No. 180.]

*Ante*, p. 2386.

WHEREAS, Schedule II annexed to the said definitive agreement provides in part as follows:

Internal Revenue Code Section	Description of Article	Rate of Import Tax
3422	Crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil	$\frac{1}{4}$ ¢ per gal.
	<i>Provided</i> , That such petroleum and fuel oil entered, or withdrawn from warehouse, for consumption in any calendar year in excess of 5 per centum of the total quantity of crude petroleum processed in refineries in continental United States during the preceding calendar year, as ascertained by the Secretary of the Interior of the United States, shall not be entitled to a reduction in tax by virtue of this item, but the rate of import tax thereon shall not exceed	$\frac{3}{8}$ ¢ per gal.

*Ante*, p. 2378.

WHEREAS, Article VII of the said definitive agreement reads as follows:

"In the event the Government of the United States of America or the Government of the United States of Venezuela regulates imports of any article in which the other country has an interest either as regards the total amount permitted to be imported or as regards the amount permitted to be imported at a specified rate of duty, the Government taking such action shall establish in advance, and give public notice of, the total amount permitted to be imported from all countries during any specified period, which shall not be shorter than three months, and of any increase or decrease in such amount during the period, and if shares are allocated to countries of export, the share allocated to the other country shall be based upon the proportion of the total imports of such article from all foreign countries supplied by the other country in a previous representative period, account being taken in so far as practicable in appropriate cases of any special factors which may have affected or may be affecting the trade in that article."

WHEREAS, Article VI of the Trade Agreement between the United States of America and the Kingdom of the Netherlands, entered into on December 20, 1935,<sup>2</sup> pursuant to the said Tariff Act of 1930, as amended, and now in force between the two countries, provides in part as follows:

50 Stat. 1514.

"7. If the Government of the United States of America establishes or maintains any form of quantitative restriction or control of the importation or sale of any article in which the Kingdom of the Netherlands has an interest, or imposes a lower duty or charge on the importation or sale of a specified quantity of any such article than the duty or charge imposed on importations in excess of such quantity, the Government of the United States of America will allot to the Kingdom of the Netherlands a share of the total quantity of such article permitted to be imported or sold, or permitted to be imported or sold at such lower duty or

<sup>2</sup> [Executive Agreement Series No. 100.]

charge, during a specified period, equivalent to the proportion of the total importation of such article which the Kingdom of the Netherlands supplied in a basic period prior to the imposition of such quantitative restriction on such article, unless it is mutually agreed to dispense with such allotment. . . .”

WHEREAS, a Trade Agreement was entered into between the United States of America and the Republic of Colombia on September 13, 1935,<sup>3</sup> pursuant to the said Tariff Act of 1930, as amended, and is now in force between the two countries;

49 Stat. 3875.

WHEREAS, the Kingdom of the Netherlands, the United States of Venezuela, and the Republic of Colombia have an interest in the importation into the United States of America of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil;

WHEREAS, by my proclamation of December 12, 1939,<sup>4</sup> I did proclaim the allocation among countries of production, on the basis therein set forth, of the quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil, entitled to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II of the said *modus vivendi* and definitive agreement during the period from December 16, 1939 to December 31, 1940, inclusive;

Ante, p. 2451.

Ante, p. 2387.

WHEREAS, the allocation to the Kingdom of the Netherlands (including its overseas territories), to the United States of Venezuela and to the Republic of Colombia, of shares of the total quantity of such petroleum and fuel oil entitled to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II annexed to the said definitive agreement is required and appropriate, during the calendar year 1941, to carry out the said trade agreement of December 20, 1935 between the United States of America and the Kingdom of the Netherlands, the said definitive agreement of November 6, 1939 between the United States of America and the United States of Venezuela and the said trade agreement of September 13, 1935 between the United States of America and the Republic of Colombia;

WHEREAS, I find that imports for consumption into the United States of America from all countries, of such petroleum and fuel oil during the calendar year 1939 were representative of the trade in such articles;

Findings.

WHEREAS, I find that the proportions of total imports into the United States of America for consumption of such petroleum and fuel oil supplied by the United States of Venezuela, the Kingdom of the Netherlands (including its overseas territories), the Republic of Colombia and by all other foreign countries, respectively, during the calendar year 1939, were as follows:

United States of Venezuela	70.4 per centum
Kingdom of the Netherlands (including its overseas territories)	21.3 per centum
Republic of Colombia	3.2 per centum
Other foreign countries	5.1 per centum

<sup>3</sup> [Executive Agreement Series No. 89.]

<sup>4</sup> [Executive Agreement Series No. 191.]

Proclamation.

48 Stat. 943; 50 Stat.  
24; *ante*, p. 107.  
19 U. S. C. §§ 1351-  
1354; Supp. V, § 1352.

*Ante*, p. 2387.

Now, **THEREFORE**, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said Tariff Act of 1930, as amended, do hereby proclaim that, of the total aggregate quantity of crude petroleum, topped crude petroleum, and fuel oil derived from petroleum including fuel oil known as gas oil, entitled to a reduction in the rate of import tax by virtue of the said item 3422 of Schedule II of the said definitive agreement of November 6, 1939 between the United States of America and the United States of Venezuela, no more than 70.4 per centum shall be the produce or manufacture of the United States of Venezuela, nor more than 21.3 per centum, the produce or manufacture of the Kingdom of the Netherlands (including its overseas territories), nor more than 3.2 per centum, the produce or manufacture of the Republic of Colombia, nor more than 5.1 per centum, the produce or manufacture of other foreign countries, such percentages to be applied during the calendar year 1941.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-eighth day of December in the year of our Lord one thousand nine hundred [SEAL] and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

*Proclamation by the President of the United States of America, respecting the termination in part of concession on handkerchiefs, issued November 28, 1940 pursuant to article XVI of the reciprocal trade agreement between the United States of America and Switzerland signed January 9, 1936. And related notes.*

November 28, 1940  
[E. A. S. No. 193]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS, pursuant to the provisions of section 350 of the Tariff Act of 1930, as amended (United States Code, 1934 ed., title 19, section 1351), I entered into a foreign Trade Agreement on January 9, 1936<sup>1</sup> with the Swiss Federal Council, which Agreement I did proclaim and make public by my proclamations of January 9, 1936 and May 7, 1936, and which Agreement is now in force;

Preamble.  
48 Stat. 943; 50 Stat. 24; ante, p. 107.  
19 U. S. C. §§ 1351-1354; Supp. V, § 1352.  
49 Stat. 3917, 3958, 3959.

WHEREAS, Article II of the said Agreement provides as follows:

“Articles the growth, produce or manufacture of Switzerland enumerated and described in Schedule II annexed to this Agreement shall, on their importation into the United States of America, be exempt from ordinary customs duties in excess of those set forth and provided for in the said Schedule. The said articles shall also be exempt from all other duties, taxes, fees, charges or exactions, imposed on or in connection with importation, in excess of those imposed on the day of the signature of this Agreement or required to be imposed thereafter under laws of the United States of America in force on the day of the signature of this Agreement.”

WHEREAS, Schedule II annexed to the said Agreement provides in part as follows:

United States  
Tariff Act of  
1930  
Paragraph

Description of Articles

Rate of Duty

United States Tariff Act of 1930 Paragraph	Description of Articles	Rate of Duty
1529 (b)	Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the open-work, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace and which are not embroidered or tamboured in any part by hand:	
	Composed wholly or in chief value of cotton	2¢ each and 30% ad val.
	Composed wholly or in chief value of vegetable fiber other than cotton:	
	If finished and valued at 80 cents or more per dozen	2¢ each and 30% ad val.
	If unhemmed and without any finished edge, and valued at 45 cents or more per dozen	2¢ each and 30% ad val.

49 Stat. 3953.

<sup>1</sup>[Executive Agreement Series No. 90.]

49 Stat. 3927.

WHEREAS, Article XVI of the said Agreement provides as follows:

"The Government of the United States of America and the Government of Switzerland reserve the right to withdraw or to modify the concession granted on any article under this Agreement or to impose quantitative restrictions on any such article if, as a result of the extension of such concession to third countries, such countries obtain the major benefit of such concession and in consequence thereof an unduly large increase in importations of such article takes place:

*Provided*, That before the Government of either country shall avail itself of the foregoing reservation, it shall give notice in writing to the other Government of its intention to do so, and shall afford such other Government an opportunity within thirty days after receipt of such notice to consult with it in respect of the proposed action; and if an agreement with respect thereto is not reached within thirty days following receipt of the aforesaid notice, the Government which proposed to take such action shall be free to do so at any time thereafter, and the other Government shall be free within fifteen days after such action is taken to terminate this Agreement in its entirety on thirty days' written notice."

Findings.

WHEREAS, as a result of the extension to third countries of the concession on handkerchiefs enumerated and described in the said item 1529 (b) of Schedule II annexed to the said Agreement, countries other than Switzerland have obtained the major benefit of the concession on certain articles enumerated and described in the said item and in consequence thereof an unduly large increase in importations of such articles into the United States of America has taken place;

WHEREAS, notice in writing has been given, and an opportunity for consultation afforded, to the Government of Switzerland by the Government of the United States of America of its intention to withdraw the concession on the said articles;

AND WHEREAS, the Government of Switzerland has signified its agreement with respect to such withdrawal;

Proclamation.

Now, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, acting under the authority conferred by the said section 350 of the Tariff Act of 1930, as amended, do hereby proclaim that my proclamations of January 9, 1936 and May 7, 1936, in so far as they relate to handkerchiefs enumerated and described in item 1529 (b) of Schedule II of the said Agreement, are hereby terminated in part, effective January 1, 1941, so that the rates of duty specified in the said item 1529 (b) shall apply, on and after January 1, 1941, only to the following:

48 Stat. 943; 50 Stat. 24; *ante*, p. 107.  
19 U. S. C. §§ 1351-1354; Supp. V, § 1352.  
49 Stat. 3958, 3959.  
49 Stat. 3952.

United States  
Tariff Act of  
1930

Paragraph

Description of Articles

Rate of Duty

1529 (b) Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace, which are not embroidered, tamboured, or appliqued in any part by hand, from which threads have not been omitted, drawn, punched, or cut by hand, and having no threads introduced by hand to finish or ornament the openwork:

Composed wholly or in chief value of cotton 2¢ each and 30%  
ad val.

Composed wholly or in chief value of vegetable fiber other than cotton:

If finished and valued at 80 cents or more per dozen 2¢ each and 30%  
ad val.

If unhemmed and without any finished edge, and valued at 45 cents or more per dozen 2¢ each and 30%  
ad val.

*Provided*, That no handkerchiefs which were provided for in item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland, as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-eighth day of November in the year of our Lord one thousand nine hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## RELATED NOTES

*The American Legation to the Division of Commerce, Swiss Federal  
Department of Public Economy*

No. 97

LEGATION OF THE  
UNITED STATES OF AMERICA

The Legation of the United States of America presents its compliments to the Division of Commerce of the Federal Department of Public Economy and, under instructions from the Secretary of State, has the honor to refer to previous correspondence and personal conversations with regard to the intention of the American Government to modify the Trade Agreement between the United States of America and Switzerland with respect to the concession relating to handkerchiefs included in Item 1529 (b) of Schedule II of the agreement.

In the light of representations received as a result of the public announcement in Washington on March 29, 1940,<sup>1</sup> of intention to withdraw, in part, the handkerchief concession in the manner described in the Legation's note No. 87 of April 1, 1940,<sup>2</sup> it is proposed to reword the concluding proviso attached to the list of items remaining subject to the reduced rates of duty, as follows:

"Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

It is the intention of the Government of the United States to take action in the near future, under Article 16 of the Trade Agreement, withdrawing the handkerchief concession, in part, as stated in this Legation's note dated April 1, 1940, except that the proviso will be reworded as indicated in the second paragraph of the present note. Although the modification in the handkerchief concession will not be made effective until January 1, 1941, it is the intention of the American Government to announce the modification immediately in order to give importers as much advance notice as possible. Accordingly, the American Government hopes that the Swiss Government will signify its agreement in the next few days with respect to the modification in the handkerchief concession proposed by the Government of the United States of America. But, in any event, the American Government will feel constrained in the very near future to take the action proposed in accordance with the provisions of Article 16.

<sup>1</sup> [*Federal Register*, April 2, 1940 (vol. 5, no. 64), p. 1280.]

<sup>2</sup> [Not printed.]

In expressing the hope of the Government of the United States that a reply to the foregoing may be received in the very near future, the Legation avails itself of the opportunity to renew to the Division of Commerce of the Federal Department of Public Economy the assurance of its high consideration.

BERN, *September 19, 1940.*

To the

DIVISION OF COMMERCE,  
FEDERAL DEPARTMENT OF PUBLIC ECONOMY,  
*Bern.*

*The Division of Commerce, Swiss Federal Department of Public Economy, to the American Legation*

BERNE, *le 4 octobre 1940.*

DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE  
DIVISION DU COMMERCE

La Division du commerce du Département fédéral de l'économie publique a l'honneur d'accuser réception à la Légation des Etats-Unis d'Amérique de sa note du 19 septembre dernier (No. 97) concernant la modification de la clause concernant les mouchoirs (No. 1529 (b) du tarif américain) contenue dans la liste II à l'accord commercial, signé entre les Etats-Unis d'Amérique et la Suisse le 9 janvier 1936, et de lui faire savoir qu'elle accède à la proposition figurant à la page 1 de la dite note ainsi conçue :

"Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

La Division du commerce prend toutefois la liberté d'ajouter que selon l'opinion des industriels suisses de la branche, il serait préférable de remplacer dans le texte reproduit ci-dessus les mots "necessary to finish the machine work or to mend or correct defects" par le texte suivant :

" . . . necessary to finish the work done on the multiple-needle embroidery machine or to mend or correct defects."

La Division du commerce du Département fédéral de l'économie publique saisit cette occasion de renouveler à la Légation des Etats-Unis d'Amérique les assurances de sa haute considération.

A la LÉGATION  
DES ÉTATS-UNIS D'AMÉRIQUE,  
*Berne.*

[Translation]

BERN, *October 4, 1940.*FEDERAL DEPARTMENT OF PUBLIC ECONOMY,  
DIVISION OF COMMERCE.

The Division of Commerce of the Federal Department of Public Economy has the honor to acknowledge the receipt of the note of September 19 last (no. 97) from the Legation of the United States of America concerning the modification of the clause concerning handkerchiefs (no. 1529 (b) of the American tariff) contained in Schedule II of the trade agreement between the United States of America and Switzerland, signed on January 9, 1936, and to inform the Legation that it agrees with the proposal appearing on page 1 of the said note worded as follows:

“Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects.”

The Division of Commerce takes the liberty, nevertheless, of adding that according to the opinion in Swiss handkerchief-manufacturing circles it would be preferable in the text quoted above to replace the words “necessary to finish the machine work or to mend or correct defects”, by the following text:

“. . . necessary to finish the work done on the multiple-needle embroidery machine or to mend or correct defects.”

The Division of Commerce of the Federal Department of Public Economy takes this occasion to renew to the Legation of the United States of America the assurances of its high consideration.

To the

LEGATION OF THE UNITED STATES OF AMERICA,  
*Bern.*

*The American Legation to the Division of Commerce, Swiss Federal  
Department of Public Economy*

No. 100

LEGATION OF THE  
UNITED STATES OF AMERICA

The Legation of the United States of America presents its compliments to the Division of Commerce of the Federal Department of Public Economy and has the honor to state that the Legation did not fail to transmit to its Government the contents of the Divi-

sion's note dated October 4, 1940, expressing the Swiss Government's acceptance of the proviso relating to handkerchiefs as set forth on page 1 of the Legation's note No. 97 of September 19, 1940.

As regards the changes desired by the interested Swiss manufacturers, as set forth in the Division's note of October 4, the Legation has been directed to inform the Swiss authorities that after careful and sympathetic consideration, it has not been found feasible to adopt these suggestions for the following reasons:

1. It is felt that the revised concession (as given in the wording of the proviso contained in the second paragraph of this Legation's note No. 97 dated September 19, 1940) is sufficient to prevent handkerchiefs, on which any substantial part of the ornamentation has been done by hand, from being entered at the agreement rate.
2. If the purpose of the Swiss suggestion is to exclude from the scope of the concession, handkerchiefs which are ornamented on machines, other than multiple-needle machines, it is believed that there is a misunderstanding as to the purpose of the proviso, which is simply to make it clear that the words "which are not embroidered, tamboured or appliquéd in any part by hand", et cetera, do not exclude from the concession such incidental hand operations as are described in the proviso. The Swiss proposal for amendment of the proviso would not exclude handkerchiefs ornamented on machines other than multiple-needle machines from the benefit of the concession, if they have not been ornamented or finished in any part by hand. Adoption of the Swiss language would, however, create uncertainty as to the treatment which would be accorded to such handkerchiefs when they had been incidentally hand finished.
3. Past experience, in any event, does not indicate that any important trade could be developed under the concession in handkerchiefs ornamented on machines other than multiple-needle machines. It is not believed, therefore, that Switzerland would be particularly benefited by the adoption of the suggestion regarding revision of the proviso, while the wording might involve considerable administrative difficulty.
4. The suggestion that the word "machine" be administratively interpreted to mean multiple-needle machine does not appear to be legally feasible, as it is believed that such an interpretation would not be upheld by the courts.

The Legation expresses its Government's most cordial appreciation of the cooperation which the Swiss Government has given in this matter and would be glad if it may now finally report the agreement

of the Swiss Government to the modification of the handkerchief concession pursuant to the formal notice of intention to make such change in accordance with Article XVI of the Trade Agreement.

The Legation avails itself of this opportunity to renew to the Division of Commerce of the Federal Department of Public Economy the assurance of its high consideration.

BERN, *November 5, 1940.*

To the

DIVISION OF COMMERCE OF THE  
FEDERAL DEPARTMENT OF PUBLIC ECONOMY,  
*Bern.*

*The Division of Commerce, Swiss Federal Department of Public Economy, to the American Legation*

BERNE, *le 14 novembre 1940.*

DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE

DIVISION DU COMMERCE

La Division du commerce du Département fédéral de l'économie publique a l'honneur d'accuser réception à la Légation des États-Unis d'Amérique de sa note du 5 de ce mois (n° 100) concernant la modification de la stipulation concernant les mouchoirs (n° 1529 (b) du tarif américain) contenue dans la liste II à l'accord commercial, signé entre les États-Unis d'Amérique et la Suisse le 9 janvier 1936. La Division du commerce prend acte que pour les raisons exposées dans la note précitée, le Gouvernement américain estime ne pas pouvoir donner suite aux propositions contenues dans la note de la Division du 4 octobre dernier. Ces propositions n'ayant été présentées qu'à titre de simple suggestion, la Division du commerce a l'honneur de déclarer que le Conseil fédéral accepte la modification proposée par le Gouvernement des États-Unis en conformité de l'article XVI de l'accord commercial du 9 janvier 1936. Vu les notes échangées entre la Légation des États-Unis et la Division du commerce, le texte de la stipulation concernant les mouchoirs (n° 1529 (b) du tarif américain) contenue dans la liste II à l'accord commercial du 9 janvier 1936 aura dorénavant la teneur suivante :

"1529 (b)

Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace, which are not embroidered, tamboured, or appliqued in any part by hand, from which

threads have not been omitted, drawn, punched, or cut by hand, and having no threads introduced by hand to finish or ornament the openwork:

- Composed wholly or in chief value of cotton 2¢ each and 30%  
ad val.
- Composed wholly or in chief value of vegetable fiber  
other than cotton:
  - If finished and valued at 80 cents or more per dozen 2¢ each and 30%  
ad val.
  - If unhemmed and without any finished edge, and  
valued at 45¢ or more per dozen 2¢ each and 30%  
ad val.

Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects.”

La Division du commerce du Département fédéral de l'économie publique saisit cette occasion de renouveler à la Légation des États-Unis d'Amérique les assurances de sa haute considération.

DÉPARTEMENT FÉDÉRAL DE L'ÉCONOMIE PUBLIQUE  
DIVISION DU COMMERCE

A la  
LÉGATION DES ÉTATS-UNIS D'AMÉRIQUE,  
*Berne.*

[Translation]

BERN, *November 14, 1940*

FEDERAL DEPARTMENT OF PUBLIC ECONOMY  
DIVISION OF COMMERCE

The Division of Commerce of the Federal Department of Public Economy has the honor to acknowledge the receipt of the note of the Legation of the United States of America dated the 5th instant (no. 100) concerning the modification of the provision respecting handkerchiefs (no. 1529 (b) of the American tariff) contained in Schedule II of the trade agreement between the United States of America and Switzerland, signed on January 9, 1936. The Division of Commerce notes that for the reasons set forth in the above-mentioned note, the American Government does not consider it possible to accept the proposals contained in the Division's note of October 4 last. These proposals having been presented merely as suggestions, the Division of Commerce has the honor to state that the Federal Council accepts the modification proposed by the Government of the United States in conformity with Article XVI of the trade agreement of January 9, 1936. In view of the notes exchanged between the Legation of the United States and the Division of Commerce,

49 Stat. 3952.

49 Stat. 3927.

the text of the provision concerning handkerchiefs (no. 1529 (b) of the American tariff) contained in Schedule II of the trade agreement of January 9, 1936, will henceforth be worded as follows:

*"1529 (b)*

Handkerchiefs, wholly or in part of machine-made lace; handkerchiefs embroidered (whether with a plain or fancy initial, monogram, or otherwise, and whether or not the embroidery is on a scalloped edge), tamboured, appliqued, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; any of the foregoing, finished or unfinished, which contain no handmade lace, which are not embroidered, tamboured, or appliqued in any part by hand, from which threads have not been omitted, drawn, punched, or cut by hand, and having no threads introduced by hand to finish or ornament the openwork;

Composed wholly or in chief value of cotton	2¢ each and 30% ad val.
Composed wholly or in chief value of vegetable fiber other than cotton:	
If finished and valued at 80 cents or more per dozen	2¢ each and 30% ad val.
If unhemmed and without any finished edge, and valued at 45¢ or more per dozen	2¢ each and 30% ad val.

"Provided, that no handkerchiefs which were provided for in Item 1529 (b) of Schedule II of the Trade Agreement between the United States of America and Switzerland as proclaimed by the President of the United States of America on January 9, 1936, shall be excluded from classification under this item by reason of incidental handwork necessary to finish the machine work or to mend or correct defects."

The Division of Commerce of the Federal Department of Public Economy takes this occasion to renew to the Legation of the United States of America the assurances of its high consideration.

FEDERAL DEPARTMENT OF PUBLIC ECONOMY  
DIVISION OF COMMERCE

To the

LEGATION OF THE UNITED STATES OF AMERICA,

*Bern.*

*Agreement between the United States of America and Honduras for the exchange of official publications. Effected by exchange of notes signed December 2 and 12, 1940; effective December 12, 1940.*

December 2, 12, 1940  
[E. A. S. No. 194]

*The Honduran Minister for Foreign Affairs to the American Minister*

SECRETARIA DE RELACIONES EXTERIORES

DE LA

REPUBLICA DE HONDURAS

Of. N° 789.—

PALACIO NACIONAL

*Tegucigalpa, D. C. Diciembre 2 de 1940.*

SEÑOR MINISTRO:

Tengo el honor de referirme a la atenta nota de Vuestra Excelencia, número 286, fechada el 8 del mes de noviembre recién pasado,<sup>1</sup> y me es grato comunicarle que mi Gobierno está dispuesto a llevar a cabo con el Ilustrado Gobierno de Vuestra Excelencia, el acuerdo que propone, sobre el canje de publicaciones oficiales, por lo que me es placentero dejar constancia de que hemos convenido en lo siguiente:

Agreement by Honduras.

Habrá un intercambio de publicaciones oficiales entre los Gobiernos de Honduras y el de los Estados Unidos de América que se efectuará de acuerdo con las estipulaciones siguientes:

- 1.—Las oficinas para el canje de publicaciones serán por parte del Gobierno de Honduras: La Oficina de Canje del Ministerio de Relaciones Exteriores; y de parte de los Estados Unidos de América The Smithsonian Institution.—
- 2.—Las publicaciones oficiales intercambiadas serán recibidas en nombre de Honduras, por el Ministerio de Relaciones Exteriores; y en nombre de los Estados Unidos de América por la Librería del Congreso.—
- 3.—El Gobierno de Honduras, suministrará regularmente de cada una de las publicaciones oficiales, una copia, según la lista adjunta número 1.—<sup>2</sup>
- 4.—El Gobierno de los Estados Unidos de América, suministrará de cada una de las publicaciones oficiales, una copia, según la lista adjunta número 2.—<sup>3</sup>
- 5.—Cada parte sufragará en su propio país los gastos de correo, ferrocarril, navegación u otros.
- 6.—Ambas partes expresan su voluntad de expedir hasta donde sea posible los envíos.—

<sup>1</sup> [No impresa.]

<sup>2</sup> [Véase pág. 2474.]

<sup>3</sup> [Para la lista suministrada por el Gobierno de los Estados Unidos de América, véase pág. 2474.]

7.—Será entendido que este acuerdo no modifica otros acuerdos que esten vigentes entre departamentos e instituciones de los dos Gobiernos, sobre el intercambio de publicaciones oficiales.

Sírvase aceptar, Señor Ministro, las seguridades de mi más alta y distinguida consideración.

SALVADOR AGUIRRE.

Excelentísimo Señor JOHN D. ERWIN,  
*Enviado Extraordinario y Ministro Plenipotenciario*  
*de los Estados Unidos de América.*  
*Legacion Americana.*

[Translation]

SECRETARIAT OF FOREIGN AFFAIRS  
 OF THE  
 REPUBLIC OF HONDURAS

No. 789.

NATIONAL PALACE  
 Tegucigalpa, D. C., December 2, 1940.

MR. MINISTER:

I have the honor to refer to Your Excellency's kind note no. 286 dated November 8 last, <sup>4</sup> and I am pleased to inform you that my Government is prepared to conclude with your illustrious Government the agreement which you propose regarding the exchange of official publications, and in this connection it is a pleasure for me to place on record that we have agreed upon the following:

There shall be an exchange of official publications between the Governments of Honduras and of the United States of America which shall be effected in accordance with the following provisions:

1. The office for the exchange of publications on the part of the Government of Honduras shall be the Office of Exchange of the Ministry of Foreign Affairs; and on the part of the United States of America, the Smithsonian Institution.
2. The official publications exchanged shall be received on behalf of Honduras by the Ministry of Foreign Affairs and on behalf of the United States of America by the Library of Congress.
3. The Government of Honduras shall furnish regularly one copy of each of the official publications included on the attached list no. 1.<sup>5</sup>
4. The Government of the United States shall furnish one copy of each of the official publications included on the attached list no. 2.<sup>6</sup>
5. Each party to the agreement shall bear the postal, railway, navigation, and other charges arising in its own country.
6. Both parties express their desire to expedite shipments as far as possible.

<sup>4</sup> [Not printed.]

<sup>5</sup> [See p. 2474.]

<sup>6</sup> [For list as furnished by the Government of the United States of America, see p. 2474.]

7. It shall be understood that this agreement shall not modify other agreements concerning the exchange of official publications which may be in effect between the departments or instrumentalities of the two Governments.

Please accept, Mr. Minister, the assurances of my highest and most distinguished consideration.

SALVADOR AGUIRRE

His Excellency JOHN D. ERWIN,  
*Envoy Extraordinary and Minister Plenipotentiary  
 of the United States of America,  
 American Legation.*

*The American Minister to the Honduran Minister for Foreign Affairs*

No. 300.

TEGUCIGALPA, D. C., December 12, 1940.

EXCELLENCY:

I have the honor to acknowledge the receipt of your kind Note No. 789, of December 2, 1940, stating that Your Excellency's Government is agreeable to the conclusion of an agreement with the United States for the exchange of certain official publications listed in my Note No. 286, of November 8, 1940,<sup>7</sup> in the manner proposed by the Librarian of Congress, and in accordance with the Buenos Aires convention.

Agreement by U. S.

I have been authorized by my Government to conclude this agreement, whose terms have been set forth in the referred to notes exchanged between Your Excellency and myself on behalf of our respective Governments. The agreement may be considered in effect from this date forth, placing upon a formal and more permanent basis the informal arrangement heretofore in effect upon this subject.

Please accept, Excellency, the renewed assurances of my highest esteem and most distinguished consideration.

JOHN D. ERWIN

His Excellency  
 DR. SALVADOR AGUIRRE,  
*Minister for Foreign Affairs,  
 Tegucigalpa, D.C.*

<sup>7</sup> [Not printed.]

## LISTA N° 1.

PUBLICACIONES OFICIALES QUE SE ENVIARAN REGULARMENTE POR EL  
GOBIERNO DE HONDURAS.

La Gaceta  
 Decretos del Congreso Nacional Legislativo.  
 Presupuesto general de egresos e ingresos (anual)  
 Congreso Nacional. Boletín del Congreso Nacional Legislativo.  
 Corte Suprema de Justicia. Gaceta Judicial (bi-semanal)  
 Presidente. Mensaje Presidencial (anual)  
 Secretaría de Educación Pública.  
     Memoria de la Secretaría de Educación Pública (anual)  
     Boletín de la Biblioteca y Archivo Nacionales (Semestral)  
     Revista del Archivo y Biblioteca Nacionales (mensual)  
     *Universidad Central.* Memorias y otras publicaciones.  
 Secretaría de Fomento. Agricultura, Trabajo y Comercio.  
     Memoria (Anual)  
 Secretaría de Gobernación, Justicia, Sanidad y Beneficencia  
     Memoria (Anual)  
     *Concejo del Distrito Central*  
         Boletín de Propaganda  
         Boletín del Distrito Central (mensual)  
         Informe del Distrito Central (anual)  
     *Dirección general de Estadística.*  
         Censo General de Población.  
     *Dirección General de Policía Nacional.*  
         Revista de Comisario (mensual)  
         Revista de Policía (mensual)  
 Secretaría de Guerra, Marina y Aviación. Memoria (Anual)  
 Secretaría de Hacienda y Crédito Público. Memoria (anual)  
 Secretaría de Relaciones Exteriores. Memoria (anual)  
 Tribunal Superior de Cuentas. Informe (anual).

## LIST N° 2.

OFFICIAL PUBLICATIONS TO BE FURNISHED REGULARLY BY THE  
UNITED STATES GOVERNMENT

CONGRESS OF THE UNITED STATES  
     House Journal  
     Senate Journal  
     Code of Laws and supplements  
 PRESIDENT OF UNITED STATES  
     Annual messages to Congress  
 DEPARTMENT OF AGRICULTURE  
     Annual Report of the Secretary of Agriculture  
     Farmers' Bulletins  
     Yearbook  
 DEPARTMENT OF COMMERCE  
     Annual Report of the Secretary of Commerce  
     *Bureau of the Census*  
         Reports  
         Abstracts  
         Statistical Abstract of the United States (annual)

## DEPARTMENT OF COMMERCE—Continued

*Bureau of Foreign and Domestic Commerce*

Commerce Reports (weekly)

Foreign Commerce and Navigation of the United States (annual)

Survey of Current Business (monthly)

Trade Information Bulletins

*National Bureau of Standards*

Technical News Bulletin

*Weather Bureau*

Monthly Weather Review

## DEPARTMENT OF JUSTICE

Annual Report of the Attorney General

## DEPARTMENT OF LABOR

Annual Report of the Secretary of Labor

*Bureau of Labor Statistics*

Bulletins

Monthly Labor Review

## DEPARTMENT OF STATE

Department of State Bulletin

Inter-American Series

Foreign Relations of the United States (annual)

Statutes at Large

Treaty Series

## DEPARTMENT OF THE INTERIOR

Annual Report of the Secretary of the Interior

*Fish and Wild Life Service*

Bulletins

Investigational Reports

*Bureau of Mines*

Minerals Yearbook

*Bureau of Reclamation*

New Reclamation Era (monthly)

*National Park Service*

General Publications

## DISTRICT OF COLUMBIA

Annual Report of the Government of the District of Columbia

## FEDERAL SECURITY AGENCY

*Office of Education*

School Life (monthly)

*Public Health Service*

Public Health Reports (weekly)

*Social Security Board*

Social Security Bulletin (monthly)

## FEDERAL WORKS AGENCY

*Public Roads Administration*

Public Roads (monthly)

## INTERSTATE COMMERCE COMMISSION

Annual Report

## LIBRARY OF CONGRESS

Annual Report of the Librarian of Congress

List of American Doctoral Dissertations (annual)

## NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Annual Report with technical reports

## NATIONAL ARCHIVES

Annual Report

## NATIONAL MUSEUM

Annual Report

## NAVY DEPARTMENT

Annual Report of the Secretary of the Navy

*Nautical Almanac Office*

American Ephemeris and Nautical Almanac

## POST OFFICE DEPARTMENT

Annual Report of the Postmaster General

## SMITHSONIAN INSTITUTION

Annual Report

## TREASURY DEPARTMENT

Annual Report on the State of the Finances

*Bureau of Internal Revenue*

Annual Report of the Commissioner

*Bureau of the Mint*

Annual Report of the Director

*Comptroller of Currency*

Annual Report

## WAR DEPARTMENT

Annual Report

*Agreement between the United States of America and Great Britain respecting a strategic reserve of Australian wool. Effected by exchange of notes signed December 9, 1940; effective December 9, 1940.*

December 9, 1940  
[E. A. S. No. 195]

*The British Secretary of State for Foreign Affairs to the American Chargé d'Affaires ad interim at London.*

No. W 11985/79/49.

FOREIGN OFFICE, S. W. 1.

9th December, 1940.

SIR,

I have the honour to inform you that in order to enable the Government of the United States of America to establish in the United States a reserve of Australian wool against a possible emergency shortage of wool supplies in the United States, the Government of the United Kingdom of Great Britain and Northern Ireland are prepared to enter into an agreement with the Government of the United States in the following terms:—

Agreement proposed by Great Britain.

Terms.

(1) The Government of the United Kingdom shall make available to the United States Government (or an agency acting on its behalf) 250 million pounds of Australian wool as a strategic reserve for the United States Government against a possible emergency shortage of wool supplies in the United States. The wool shall be transported to the United States where it shall be stored in bonded warehouses. The Government of the United Kingdom shall retain title to the wool, but all or any part of the wool may be purchased by the United States Government (or an agency acting on its behalf) for use in the United States or may be sold to the United States domestic trade, if and when it has been determined by the United States Government that an emergency shortage of wool exists in the United States.

(2) The Government of the United Kingdom may withdraw wool from the reserve for shipment to the United Kingdom or other British territory in the case of emergency shortage of supplies in such territory, or in the contingency of an interruption of wool textile production in the United Kingdom for the manufacture of textiles in the United States to meet United Kingdom emergency textile requirements, provided that (a) replacements for wool so withdrawn are on the way to the United States and (b) at no time the total of the reserve in the United States is temporarily depleted by more than twenty per cent by such withdrawals.

(3) At any time after the signing of a General Armistice between the United Kingdom and Germany, the Government of the United Kingdom shall be at liberty to dispose of the wool

remaining in the reserve, but the United States Government and the Government of the United Kingdom shall consult together with a view to ensuring that the disposal of any such wool in the United States shall be effected under conditions which will avoid a dislocation of normal wool marketing there.

(4) The wool for the reserve shall be made available by the Government of the United Kingdom f.o.b. at Australian ports, and the United States Government (directly or through an agency acting on its behalf) shall thereafter accept responsibility for the safe custody of the wool and shall pay transport, handling, storage, insurance including war risk, and other charges in connexion with the establishment and maintenance of the wool reserve. Payments shall be made between the United States Government and the Government of the United Kingdom on sale of wool from the reserve to offset any savings secured by the Government of the United Kingdom owing to the wool having been transported to and stored in the United States by the United States Government and any loss incurred by the Government of the United Kingdom by reason of depreciation in the value of the wool stored in the United States as a result of deterioration of the wool or by reason of the position in which the wool is stored in the United States, provided that (a) in the case of sales in the United States no payment shall be made which would reduce the receipts by the Government of the United Kingdom for the wool in question below the amount which would have been received on sale f.o.b. Australia at the same date, and (b) in the case of sales outside the United States any payments as between the two Governments shall not involve the Government of the United Kingdom in any net expenditure of United States dollars in respect thereof.

(5) It is tentatively agreed that the 250,000,000 pounds of Australian wool which will be made available by the Government of the United Kingdom for the reserve shall be composed of the following:—

270,000 bales of 58/60s of types normally imported into the United States and of good topmaking Bradford styles;

290,000 bales of 60s and finer of types normally imported into the United States and of good topmaking Bradford styles;

190,000 bales of 60s and finer of good to average Bradford styles; balance (to make up 250,000,000 pounds) of 60s and finer of average Bradford styles;

two-thirds of all the 60s and finer wools to consist of 64/60s.

The counts are as normally understood in the United States. Although this tentative agreement on grades and types is subject to modification following consultation between the two Governments after examination of samples of the wool by the United

States authorities, it shall become definitive if the examination of samples indicates that the grades and types of wool included in the above mentioned general categories are such that they could be readily used in American mills without interruption of or delays in the production of the mills. It is understood that the Government of the United Kingdom in estimating the quantities available for the reserve have provided for the retention of sufficient supplies in Australia to ensure that the commercial demand can be met. It is also understood that both the total quantity estimated to be available for the reserve after providing for sales abroad and shipments to the United Kingdom, and the distribution by types and descriptions, have been based upon the results of the 1939-40 clip, and that should the results of the 1940-41 clip differ it may be necessary to vary the supply for the reserve.

(6) Space on established British shipping lines running between Australia and the United States shall be used for the transport of the wool so far as available. The wool will be made available in Australia as rapidly as possible, provided that the sale of wool from Australia on commercial account or its shipment to the Wool Control in the United Kingdom or Canada shall not be prejudiced, and every endeavour shall be made to complete the allocations in Australia by the end of March 1941.

2. If the Government of the United States are prepared to accept the foregoing provisions, I have the honour to propose that the present note and your reply to that effect be regarded as constituting an agreement between the two Governments which shall come into force immediately.

I have the honour to be, with high consideration, Sir,  
Your obedient Servant,

HALIFAX

MR. HERSCHEL V. JOHNSON,  
*etc., etc., etc.*

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*The American Chargé d'Affaires ad interim at London to the British Secretary of State for Foreign Affairs*

No. 2662

EMBASSY OF THE UNITED STATES OF AMERICA

*London, December 9, 1940.*

MY LORD:

I have the honor to acknowledge the receipt of your note No. W 11985/79/49 of December 9, 1940, in which Your Lordship is good enough to inform me that in order to enable the Government of the United States of America to establish in the United States a reserve of Australian wool against a possible emergency shortage of wool

Agreement by U. S.

supplies in the United States the Government of the United Kingdom of Great Britain and Northern Ireland is prepared to enter into an agreement with the Government of the United States in the following terms:

(1) The Government of the United Kingdom shall make available to the United States Government (or an agency acting on its behalf) 250 million pounds of Australian wool as a strategic reserve for the United States Government against a possible emergency shortage of wool supplies in the United States. The wool shall be transported to the United States where it shall be stored in bonded warehouses. The Government of the United Kingdom shall retain title to the wool, but all or any part of the wool may be purchased by the United States Government (or an agency acting on its behalf) for use in the United States or may be sold to the United States domestic trade, if and when it has been determined by the United States Government that an emergency shortage of wool exists in the United States.

(2) The Government of the United Kingdom may withdraw wool from the reserve for shipment to the United Kingdom or other British territory in the case of emergency shortage of supplies in such territory, or in the contingency of an interruption of wool textile production in the United Kingdom for the manufacture of textiles in the United States to meet United Kingdom emergency textile requirements, provided that (a) replacements for wool so withdrawn are on the way to the United States and (b) at no time the total of the reserve in the United States is temporarily depleted by more than twenty per cent by such withdrawals.

(3) At any time after the signing of a General Armistice between the United Kingdom and Germany, the Government of the United Kingdom shall be at liberty to dispose of the wool remaining in the reserve, but the United States Government and the Government of the United Kingdom shall consult together with a view to ensuring that the disposal of any such wool in the United States shall be effected under conditions which will avoid a dislocation of normal wool marketing there.

(4) The wool for the reserve shall be made available by the Government of the United Kingdom f.o.b. at Australian ports, and the United States Government (directly or through an agency acting on its behalf) shall thereafter accept responsibility for the safe custody of the wool and shall pay transport, handling, storage, insurance including war risk, and other charges in connection with the establishment and maintenance of the wool reserve. Payments shall be made between the United States Government and the Government of the United Kingdom on sale of wool from the reserve to offset any savings secured by the Government of the United Kingdom owing to the wool having been transported to and stored in the United States by the

United States Government and any loss incurred by the Government of the United Kingdom by reason of depreciation in the value of the wool stored in the United States as a result of deterioration of the wool or by reason of the position in which the wool is stored in the United States, provided that (a) in the case of sales in the United States no payment shall be made which would reduce the receipts by the Government of the United Kingdom for the wool in question below the amount which would have been received on sale f. o. b. Australia at the same date, and (b) in the case of sales outside the United States any payments as between the two Governments shall not involve the Government of the United Kingdom in any net expenditure of United States dollars in respect thereof.

(5) It is tentatively agreed that the 250 million pounds of Australian wool which will be made available by the Government of the United Kingdom for the reserve shall be composed of the following: 270,000 bales of 58/60s of types normally imported into the United States and of good topmaking Bradford styles; 290,000 bales of 60s and finer of types normally imported into the United States and of good topmaking Bradford styles; 190,000 bales of 60s and finer of good to average Bradford styles; balance (to make up 250 million pounds) of 60s and finer of average Bradford styles; two-thirds of all the 60s and finer wools to consist of 64/60s.

The counts are as normally understood in the United States. Although this tentative agreement on grades and types is subject to modification following consultation between the two Governments after examination of samples of the wool by the United States authorities, it shall become definitive if the examination of samples indicates that the grades and types of wool included in the above mentioned general categories are such that they could be readily used in American mills without interruption of or delays in the production of the mills. It is understood that the Government of the United Kingdom in estimating the quantities available for the reserve have provided for the retention of sufficient supplies in Australia to ensure that the commercial demand can be met. It is also understood that both the total quantity estimated to be available for the reserve after providing for sales abroad and shipments to the United Kingdom, and the distribution by types and descriptions, have been based upon the results of the 1939-40 clip, and that should the results of the 1940-41 clip differ it may be necessary to vary the supply for the reserve.

(6) Space on established British shipping lines running between Australia and the United States shall be used for the transport of the wool so far as available. The wool will be made available in Australia as rapidly as possible, provided that the sale of wool from Australia on commercial account or its shipment to the

Wool Control in the United Kingdom or Canada shall not be prejudiced, and every endeavor shall be made to complete the allocations in Australia by the end of March 1941.

In reply to numbered paragraph 2 of Your Lordship's note, I have the honor to confirm under instructions of my Government that Your Lordship's statement of our understanding as set forth above is agreed to by my Government and that the present exchange of notes is to be regarded as constituting an agreement between the two Governments which shall come into force immediately.

I have the honor to be, with the highest consideration, My Lord,  
Your most obedient, humble servant,

HERSCHEL V. JOHNSON  
*Chargé d'Affaires ad interim*

The Right Honorable  
Viscount HALIFAX, K.G., G.C.S.I.,  
*etc., etc., etc.,*  
*Foreign Office, S.W.1.*

*Agreement between the United States of America and Mexico respecting radiobroadcasting. Effected by exchange of notes signed August 24 and 28, 1940; effective March 29, 1941.*

August 24, 28, 1940  
[E. A. S. No. 196]

*The Mexican Minister for Foreign Affairs to the American Ambassador*

SECRETARIA DE RELACIONES EXTERIORES  
ESTADOS UNIDOS MEXICANOS  
MEXICO

56248

México, 24 de agosto de 1940.

SEÑOR EMBAJADOR:

Con referencia a los antecedentes del caso, tengo la honra de comunicar a Vuestra Excelencia que el Gobierno de México está de acuerdo en que se ponga en vigor—cuando surta sus efectos el Convenio Regional Norteamericano de Radiodifusión<sup>1</sup>—el Tratado de Caballeros relacionado con el anterior y cuyo texto es el siguiente:

Agreement by Mexico.

A.—Los Estados Unidos están de acuerdo en proteger a las siguientes estaciones mexicanas de la clase I-A con frecuencias de 730 kilociclos, 800 kilociclos, 900 kilociclos y 1570 kilociclos.

B.—A 1220 kilociclos los Estados Unidos pueden asignar una estación en la región de Detroit, Michigan, con una antena direccional que dirigirá la señal hacia el norte y protegerá lo más posible al campo que cubre la estación mexicana en los Estados Unidos.

C.—Se permitirá a los Estados Unidos asignar a 1050 kilociclos una estación en la región de Nueva York, N. Y., con una antena direccional que dirigirá la señal hacia el noreste y protegerá lo más posible al campo que cubre la estación mexicana en los Estados Unidos.

D.—México tendrá el privilegio de cambiar de lugar sus estaciones de la clase I-A siempre que no estén más cerca de la frontera norteamericana de lo que se especifica en el Convenio Regional Norteamericano sobre Radiodifusión.

E.—Recíprocamente, México está de acuerdo en no asignar estaciones algunas a las siguientes frecuencias usadas en Estados Unidos para la clase I-A: 700 kilociclos, 720 kilociclos, 1120 kilociclos y 1210 kilociclos.

<sup>1</sup> [El Convenio Regional Norteamericano sobre Radiodifusión fué firmado en La Habana el 13 de diciembre de 1937. Los párrafos 1 de la parte III y 1 de la parte V del convenio, y el inciso 3 de la tabla VI del apéndice I entraron en vigor el 29 de marzo de 1940. Las demás disposiciones del convenio, y por consiguiente el convenio en su totalidad, entrarán en vigor el 29 de marzo de 1941 (Treaty Series 962).]

F.—México y Estados Unidos admitirán estaciones de día de la clase II con fuerza no mayor de 1 kilovatio en los canales que están de acuerdo en proteger, siempre que la señal de dichas estaciones produzca efectos no mayores de 5 microvoltios por metro de la onda básica en cualquier lugar de la frontera entre México y los Estados Unidos. El término “estaciones de día” significa que no se permitirán emisiones entre la puesta y la salida del sol en el lugar del transmisor de las estaciones de la clase II.

Aprovecho la oportunidad para renovar a Vuestra Excelencia el testimonio de mi más alta consideración.

EDUARDO HAY

Excelentísimo señor JOSEPHUS DANIELS,  
*Embajador Extraordinario y Plenipotenciario  
 de los Estados Unidos de América.*  
*Presente.*

[Translation]

DEPARTMENT OF FOREIGN RELATIONS  
 UNITED MEXICAN STATES  
 MEXICO CITY

56248

MEXICO CITY, *August 24, 1940.*

MR. AMBASSADOR:

With reference to the relevant antecedents, I have the honor to communicate to Your Excellency that the Government of Mexico is in accord that when the North American Regional Broadcasting Agreement becomes effective<sup>2</sup> a Gentleman's Agreement shall be put into force relative thereto, the text of which is as follows:

A. The United States agrees to protect the following Mexican Class 1-A stations having frequencies of 730 kilocycles, 800 kilocycles, 900 kilocycles, 1570 kilocycles.

B. On 1220 kilocycles, the United States may assign a station in the Detroit, Michigan, area with a directional antenna that will direct the signal to the northward and protect the Mexican station's coverage in the United States as much as possible.

C. On 1050 kilocycles, the United States is permitted to assign a station in the New York, N. Y., area with a directional antenna that will direct the signal toward the northeast and protect the Mexican station's coverage in the United States as much as possible.

D. Mexico has the privilege of changing the location of its Class 1-A stations provided they are not closer to the United

<sup>2</sup>[The North American Regional Broadcasting Agreement was signed at Habana December 13, 1937. Section 1 of part III and section 1 of part V of the agreement, and paragraph 3 of table VI of appendix I became effective on March 29, 1940. All other provisions of the agreement, and in consequence the agreement as a whole, will become effective on March 29, 1941 (Treaty Series 962).]

States border than specified in the North American Regional Broadcasting Agreement.

E. Reciprocally, Mexico agrees not to assign any stations on the following United States Class 1-A frequencies: 700 kilocycles, 720 kilocycles, 1120 kilocycles, and 1210 kilocycles.

F. Mexico and the United States to permit day-time Class II stations with a power not in excess of 1 kilowatt on the channels they agree to protect, provided that the signal from these stations shall not exceed 5 microvolts per meter ground wave results at any place on the Mexico-United States border. By day-time stations is meant that no operation is permitted between sunset and sunrise at the location of the transmitter of the Class II stations.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY

His Excellency JOSEPHUS DANIELS,  
*Ambassador Extraordinary and Plenipotentiary  
of the United States of America,  
City.*

*The American Ambassador to the Mexican Minister for Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA  
*Mexico, August 28, 1940*

No. 4685

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's courteous note no. 56248 of August 24, 1940 and to communicate herein my Government's understanding of the agreement which was the subject of Your Excellency's note under acknowledgement, touching the questions of mutual interest to our Governments in relation to the North American Regional Broadcasting Agreement (the ratification by the Mexican Government having been deposited with the Cuban Government on March 29, 1940), which is as follows:

Agreement by U. S.

A. The United States agrees to protect the following Mexican Class 1-A stations having frequencies of 730 kilocycles, 800 kilocycles, 900 kilocycles, 1570 kilocycles.

B. On 1220 kilocycles, the United States may assign a station in the Detroit, Michigan, area with a directional antenna that will direct the signal to the northward and protect the Mexican station's coverage in the United States as much as possible.

C. On 1050 kilocycles, the United States is permitted to assign a station in the New York, N. Y., area with a directional antenna that will direct the signal toward the northeast and protect the Mexican station's coverage in the United States as much as possible.

D. Mexico has the privilege of changing the location of its Class 1-A stations provided they are not closer to the United States border than specified in the North American Regional Broadcasting Agreement.

E. Reciprocally, Mexico agrees not to assign any stations on the following United States Class 1-A frequencies: 700 kilocycles, 720 kilocycles, 1120 kilocycles, and 1210 kilocycles.

F. Mexico and the United States to permit day-time Class II stations with a power not in excess of 1 kilowatt on the channels they agree to protect, provided that the signal from these stations shall not exceed 5 microvolts per meter ground wave results at any place on the Mexico-United States border. By day-time stations is meant that no operation is permitted between sunset and sunrise at the location of the transmitter of the Class II stations.

Effective date.

It is understood that this agreement shall enter into force when the North American Regional Broadcasting Agreement shall become effective.<sup>3</sup>

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

JOSEPHUS DANIELS

His Excellency

General EDUARDO HAY,

*Minister for Foreign Affairs,*

*Mexico.*

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<sup>3</sup> [See footnote 2, p. 2484.]

*Agreement between the United States of America and Rumania respecting passport visa fees. Effected by exchanges of notes dated August 25, 29, and 30, 1939; effective September 1, 1939.*

August 25, 29, 30, 1939  
[E. A. S. No. 197]

*The Rumanian Minister to the Secretary of State*

ROYAL LEGATION OF ROMANIA  
*Washington, D. C.*

The Minister of Romania presents his compliments to the Honorable the Secretary of State, and, with reference to the Secretary's note of March 18, 1939<sup>1</sup> (No. 811.11101 Waivers 71), has the honor to advise him that the Romanian Government agrees to the reciprocal reduction of the present passport visa fees, under the following conditions:

Agreement by Rumania.

The fee for the issuance of a passport visa, valid for a period of one year and for an unlimited number of entries, is reciprocally established by the Romanian Government and the Government of the United States at \$3.75, the application fee being included in this sum; this fee or its equivalent in other currency is to be collected in the cases of nationals of either Government, including citizens of the Philippine Islands, entering the territory of the other, including the Philippine Islands, temporarily for business or pleasure.

The Romanian Government further agrees that the new fees go into effect on September 1, 1939, after which date they are to remain in force until the agreement should be terminated by either Government, upon six months' notice to the other.

*August 25, 1939.*

*The Secretary of State to the Rumanian Minister*

The Secretary of State presents his compliments to the Honorable the Minister of Rumania and has the honor to refer to his note no. 3021/C-110 of August 25, 1939 and previous correspondence concerning the reduction of fees for nonimmigrant visas issued to citizens of the United States and Rumania.

Agreement by U. S.

The Department is pleased to note that the Government of Rumania agrees to the reciprocal reduction of passport visa fees under the following conditions, to which the Government of the United States also agrees:

Conditions.

"The fee for the issuance of a passport visa, valid for a period of one year and for an unlimited number of entries, is reciprocally established by the Romanian Government and the Government

<sup>1</sup>[Not printed.]

of the United States at \$3.75, the application fee being included in this sum; this fee or its equivalent in other currency is to be collected in the cases of nationals of either Government, including citizens of the Philippine Islands, entering the territory of the other, including the Philippine Islands, temporarily for business or pleasure.

“The Romanian Government further agrees that the new fees go into effect on September 1, 1939, after which date they are to remain in force until the agreement should be terminated by either Government, upon six months’ notice to the other.”

American diplomatic and consular officers are being appropriately informed by cable regarding the conclusion of this agreement in order that it may take effect beginning September 1, 1939.

Effective date.

Although it is noted that no reference is made in the Legation’s note to transit visas, it is the Department’s understanding that the Rumanian Government will continue to collect a fee of 34 Lei for the application for a transit visa and 34 Lei for the issuance of such a visa. American diplomatic and consular officers will continue to issue transit certificates to citizens of Rumania without fee.

DEPARTMENT OF STATE,  
*Washington, August 29 1939*

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*The Rumanian Minister to the Secretary of State*

ROYAL LEGATION OF ROMANIA  
*Washington, D. C.*

The Romanian Minister presents his compliments to The Honorable, The Secretary of State, and has the honor to acknowledge receipt of his note No. 811.11101 Waivers 71, of August 29, 1939, concerning the reduction of nonimmigrant visa fees, with which the Romanian Government is in complete accord.

*August 30, 1939.*

*Arrangement between the United States of America and Sweden respecting passport visa fees. Effected by exchanges of notes dated September 4 and 11 and October 5, 1939.*

September 4, 11, October 5, 1939  
[E. A. S. No. 188]

*The Swedish Chargé d'Affaires ad interim to the Secretary of State*

LEGATION OF SWEDEN  
WASHINGTON, D. C.

The Swedish Chargé d'Affaires ad interim presents his compliments to the Honourable the Secretary of State and, acting upon instructions, has the honour to inform Him that the Swedish Government has decided to require for entrance into Sweden, beginning on September 5th, a regular visa on passports issued to American citizens. A visa fee of Kronor 4 will be levied on passports for which no visa has hitherto been required.

Notice of intention  
by Sweden.

The Swedish Chargé d'Affaires will return to this matter as soon as detailed instructions have been received.

WASHINGTON, D. C., *September 4, 1939.*

*The Secretary of State to the Swedish Chargé d'Affaires ad interim*

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of Sweden and refers to the Legation's note of September 4, 1939 stating that the Swedish Government has decided to require, for entrance into Sweden, beginning September 5, 1939, a regular visa on passports issued to American citizens for which a fee of Kronor 4 will be charged.

Reciprocal action  
by U. S.

Appropriate note has been taken of this decision on the part of the Swedish Government and American diplomatic and consular officers have been instructed to collect, beginning September 5, 1939, a corresponding fee of \$1.25 for the issuance of passport visas to non-immigrant Swedish subjects, with the exception of Government officials, temporarily visiting the United States.

DEPARTMENT OF STATE,  
*Washington, September 11 1939*

*The Swedish Minister to the Secretary of State*

LEGATION OF SWEDEN  
WASHINGTON, D. C.

Aux termes de l'article 59 du Décret du 26 novembre 1937 énonçant des prescriptions relatives à la loi du 11 juin 1937 sur le séjour des étrangers en Suède, les agents diplomatiques et les agents consulaires de carrière des Puissances étrangères en Suède, ainsi que leurs familles et leurs gens de service doivent être munis de passeports nationaux ou

d'autres pièces d'identité admises à en tenir lieu. Dans les cas prévus par le Ministre des Affaires Etrangères, les passeports ou autres pièces d'identité doivent être visés.

Se référant à la note verbale de la Légation en date du 4 septembre 1939 le Ministre de Suède a l'honneur de porter à la connaissance de l'Honorable, le Secrétaire d'Etat des Etats-Unis que le Ministre du Roi des Affaires Etrangères, en raison de la situation actuelle, s'est vu dans la nécessité d'étendre aux personnes des catégories visées ci-dessus au premier alinéa l'obligation du visa à l'exception toutefois des ressortissants danois, finlandais, islandais et norvégiens. Les contrôleurs des passeports ont en conséquence reçu l'ordre de s'assurer, *à partir du 1er octobre 1939*, que les passeports ou autres pièces d'identité des dites personnes sont munis d'un *visa*.

Le Ministre de Suède désire ajouter que les visas d'entrée et les visas de séjour à délivrer aux agents diplomatiques et aux agents consulaires de carrière, aux membres de leurs familles et à leurs gens de service seront, sous réserve de réciprocité, libellés de manière à permettre aux intéressés de faire un nombre illimité de voyages en Suède et que leur délivrance aura lieu à titre gratuit.

WASHINGTON *le 5 octobre 1939.*

[Translation]

LEGATION OF SWEDEN  
WASHINGTON, D. C.

Extension of visa requirement.

According to the terms of article 59 of the decree of November 26, 1937, in which are set forth the regulations relative to the law of June 11, 1937 on the stay of foreigners in Sweden, the diplomatic agents and the consular agents of career of foreign powers in Sweden, as well as their families and their servants, must be provided with passports of their countries or other identification papers which are accepted in their stead. In the cases for which provision is made by the Minister of Foreign Affairs, the passports or other identification papers must bear a *visa*.

With reference to the note verbale of the Legation of September 4, 1939, the Minister of Sweden has the honor to advise The Honorable the Secretary of State of the United States that His Majesty's Minister of Foreign Affairs, because of the existing situation, has been obliged to extend to the persons of the categories referred to above in the first paragraph the visa requirement, excepting, however, Danish, Finnish, Icelandic, and Norwegian nationals. Passport inspectors have therefore been ordered to make sure, *starting October 1, 1939*, that passports or other identification papers of the said persons bear a *visa*.

The Minister of Sweden wishes to add that entry visas and non-immigrant visas to be delivered to diplomatic agents and to consular agents of career, to the members of their families and to their servants shall, subject to reciprocity, be worded so as to permit the interested parties to make an unlimited number of journeys into Sweden and that they shall be delivered free of charge.

WASHINGTON, *October 5, 1939.*

*Act of Habana, contained in the Final Act of the Second Meeting of Ministers of Foreign Affairs of the American Republics, respecting provisional administration of European colonies and possessions in the Americas. Signed at Habana July 30, 1940.*

July 30, 1940  
[E. A. S. No. 199]

FINAL ACT OF THE SECOND MEETING OF MINISTERS OF FOREIGN AFFAIRS OF THE AMERICAN REPUBLICS, SIGNED IN THE CITY OF LA HABANA, THE THIRTIETH DAY OF JULY, ONE THOUSAND NINE HUNDRED AND FORTY.

ACTA FINAL DE LA SEGUNDA REUNION DE CONSULTA ENTRE LOS MINISTROS DE RELACIONES EXTERIORES DE LAS REPUBLICAS AMERICANAS, SUSCRITA EN LA CIUDAD DE LA HABANA, EL DIA TREINTA DE JULIO DE MIL NOVECIENTOS CUARENTA:

The Governments of the American Republics, in order that their Ministers of Foreign Affairs or their Personal Representatives might meet for purposes of consultation in accordance with agreements approved at prior Inter-American Conferences, duly accredited the Delegates hereinbelow expressed (following the order of precedence determined by lot) who met in the City of La Habana during the period comprised between the twenty-first and the thirtieth of July, one thousand nine hundred and forty, in answer to the invitation of the Government of the Republic of Cuba:

Los Gobiernos de las Repúblicas Americanas, con el propósito de que sus Ministros de Relaciones Exteriores ó los Representantes personales de los mismos, se reunieran con fines de consulta, a virtud de los acuerdos adoptados en anteriores Conferencias Inter-Americanas, acreditaron debidamente a los Delegados que se expresan a continuación (siguiendo el orden de precedencia fijado por el correspondiente sorteo), los que se reunieron en la ciudad de la Habana, durante los días comprendidos desde el veintuno hasta el treinta de Julio de mil novecientos cuarenta, respondiendo a invitación del Gobierno de la República de Cuba:

## Delegates.

## HONDURAS

H. E. SILVERIO LAINEZ, Personal Representative of H. E. The Minister of Foreign Affairs.

## HONDURAS

S. E. el señor SILVERIO LAINEZ, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## HAITI

H. E. LEÓN LALEAU, Secretary of State for Foreign Affairs.

## HAITI

S. E. el señor LEÓN LALEAU, Secretario de Estado de Relaciones Exteriores.

## COSTA RICA

H. E. LUIS ANDERSON MORÚA, Personal Representative of H. E. The Secretary of Foreign Affairs.

## COSTA RICA

S. E. el señor LUÍS ANDERSON MORÚA, Representante personal del Excmo. Señor Secretario de Relaciones Exteriores.

ÁTA FINAL DA DA SEGUNDA RE- UNIAO DE CONSULTA DOS MI- NISTROS DAS RELACOES EXTE- RIORES DAS REPUBLICAS AME- RICANAS, ASSINADA NA CIDADE DE HAVANA, NO DIA TRINTA DE JULHO DE MIL NOVECENTOS E QUARENTA.

ACTE FINAL DE LA DEUXIEME REUNION DE CONSULTATION DES MINISTRES DES RELATIONS EXTERIEURES DES REPUBLI- QUES AMERICAINES, SIGNE A LA HAVANE LE TRENTE JUILLET MIL NEUF CENT QUARANTE.

Os Governos das Repúblicas Americanas, com o propósito de que seus Ministros das Relações Exteriores ou seus Representantes pessoais, se reunissem com fins de consulta, em virtude de acórdos adotados em anteriores Conferências Interamericanas, acreditaram, devidamente, os Delegados adiante enumerados (segundo na ordem de precedência fixada pelo sortêio correspondente), os quais se reuniram na cidade de Havana, durante os dias compreendidos entre vinte e um e trinta de Julho de mil novecentos e quarenta, respondendo ao convite do Governo da República de Cuba:

Les Gouvernements des Républiques Américaines, dans le désir de réunir dans un but de consultation, leurs Ministres des Relations Extérieures ou leurs Représentants personnels, en vertu des accords adoptés au cours des Conférences Internationales précédentes, ont accrédité en bonne et dñe forme les Délégués mentionnés ci-dessous, selon l'ordre de préséance établi par le tirage au sort, lesquels, invités par le Gouvernement de la République de Cuba, se sont réunis à La Havane du vingt-et-un juillet au trente juillet mil neuf cent quarante:

#### HONDURAS

S. Exa. o Senhor SILVERIO LAÍNEZ, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

#### HONDURAS

S. E. Monsieur SILVERIO LAÍNEZ, Représentant personnel de S. E. Monsieur le Ministres des Relations Extérieures.

#### HAITI

S. Exa. o Senhor LÉON LALEAU, Secretário de Estado das Relações Exteriores.

#### HAITI

S. E. Monsieur LÉON LALEAU, Secrétaire d'Etat des Relations Extérieures.

#### COSTA RICA

S. Exa. o Senhor LUIS ANDERSON MORÚA, Representante pessoal do Exmo. Senhor Secretário das Relações Exteriores.

#### COSTA RICA

S. E. Monsieur LUIS ANDERSON MORÚA, Représentant personnel de S. E. Monsieur le Secrétaire des Relations Extérieures.

## MEXICO

H. E. EDUARDO SUÁREZ, Personal Representative of H. E. The Secretary of Foreign Affairs.

## MEXICO

S. E. el señor EDUARDO SUÁREZ, Representante personal del Excmo. Señor Secretario de Relaciones Exteriores.

## ARGENTINA

H. E. LEOPOLDO MELO, Personal Representative of H. E. The Minister of Foreign Affairs.

## ARGENTINA

S. E. el señor LEOPOLDO MELO, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## URUGUAY

H. E. PEDRO MANINI RÍOS, Personal Representative of H. E. The Minister of Foreign Affairs.

## URUGUAY

S. E. el señor PEDRO MANINI RÍOS, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## ECUADOR

H. E. JULIO TOBAR DONOSO, Minister of Foreign Affairs.

## ECUADOR

S. E. el señor JULIO TOBAR DONOSO, Ministro de Relaciones Exteriores.

## BOLIVIA

H. E. ENRIQUE FINOT, Personal Representative of H. E. The Minister of Foreign Affairs.

## BOLIVIA

S. E. el señor ENRIQUE FINOT, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## CHILE

H. E. OSCAR SCHNAKE, Personal Representative of H. E. The Minister of Foreign Affairs.

## CHILE

S. E. el señor OSCAR SCHNAKE, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## BRAZIL

H. E. MAURICIO NABUCO, Personal Representative of H. E. The Minister of Foreign Affairs.

## BRASIL

S. E. el señor MAURICIO NABUCO, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## CUBA

H. E. MIGUEL ANGEL CAMPA, Secretary of State.

## CUBA

S. E. el señor MIGUEL ANGEL CAMPA, Secretario de Estado.

## MEXICO

S. Exa. o Senhor EDUARDO SUAREZ, Representante pessoal do Exmo. Senhor Secretário das Relações Exteriores.

## MEXIQUE

S. E. Monsieur EDUARDO SUÁREZ, Représentant personnel de S. E. Monsieur le Secrétaire des Relations Extérieures.

## ARGENTINA

S. Exa. o Senhor LEOPOLDO MELO, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## ARGENTINE

S. E. Monsieur LEOPOLDO MELO, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## URUGUAY

S. Exa. o Senhor PEDRO MANINI RÍOS, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## URUGUAY

S. E. Monsieur PEDRO MANINI RÍOS, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## EQUADOR

S. Exa. o Senhor JULIO TOBAR DONOSO, Ministro das Relações Exteriores.

[<sup>1</sup>]

## BOLIVIA

S. Exa. o Senhor ENRIQUE FINOT, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## BOLIVIE

S. E. Monsieur ENRIQUE FINOT, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## CHILE

S. Exa. o Senhor OSCAR SCHNAKE, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## CHILI

S. E. Monsieur OSCAR SCHNAKE, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## BRASIL

S. Exa. o Senhor MAURICIO NABUCO, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## BRESIL

S. E. Monsieur MAURICIO NABUCO, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## CUBA

S. Exa. o Senhor MIGUEL ANGEL CAMPA, Secretário de Estado.

## CUBA

S. E. Monsieur MIGUEL ANGEL CAMPA, Secrétaire d'Etat.

<sup>1</sup>Une référence a l'Equateur et à son représentant se trouve dans les originaux signés des textes anglais, espagnol, et portugais mais ne se trouve pas dans l'original signé du texte français.]

## PARAGUAY

H. E. TOMÁS A. SALOMONI, Minister of Foreign Affairs.

## PARAGUAY

S. E. el señor TOMÁS A. SALOMONI, Ministro de Relaciones Exteriores.

## PANAMA

H. E. NARCISO GARAY, Secretary of Foreign Relations and Communications.

## PANAMA

S. E. el señor NARCISO GARAY, Secretario de Relaciones Exteriores y Comunicaciones.

## COLOMBIA

H. E. LUIS LÓPEZ DE MESA, Minister of Foreign Affairs.

## COLOMBIA

S. E. el señor LUÍS LÓPEZ DE MESA, Ministro de Relaciones Exteriores.

## VENEZUELA

H. E. DIÓGENES ESCALANTE, Personal Representative of H. E. The Minister of Foreign Affairs.

## VENEZUELA

S. E. el señor DIÓGENES ESCALANTE, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## EL SALVADOR

H. E. HÉCTOR ESCOBAR SERRANO, Personal Representative of H. E. The Minister of Foreign Affairs.

## EL SALVADOR

S. E. el señor HÉCTOR ESCOBAR SERRANO, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## DOMINICAN REPUBLIC

H. E. ARTURO DESPRADEL, Secretary of State for Foreign Affairs.

## REPUBLICA DOMINICANA

S. E. el Señor ARTURO DESPRADEL, Secretario de Estado de Relaciones Exteriores.

## PERU

H. E. LINO CORNEJO, Personal Representative of H. E. The Minister of Foreign Affairs.

## PERU

S. E. el señor LINO CORNEJO, Representante personal del Excmo. Señor Ministro de Relaciones Exteriores.

## NICARAGUA

H. E. MARIANO ARGÜELLO, Minister of Foreign Affairs.

## NICARAGUA

S. E. el señor MARIANO ARGÜELLO, Ministro de Relaciones Exteriores.

## GUATEMALA

H. E. CARLOS SALAZAR, Secretary of Foreign Affairs.

## GUATEMALA

S. E. el señor CARLOS SALAZAR, Secretario de Relaciones Exteriores.

## PARAGUAY

S. Exa. o Senhor TOMÁS A. SALOMONI, Ministro das Relações Exteriores.

## PANAMÁ

S. Exa. o Senhor NARCISO GARAY, Secretário das Relações Exteriores e Comunicações.

## COLOMBIA

S. Exa. o Senhor LUIS LOPEZ DE MESA, Ministro das Relações Exteriores.

## VENEZUELA

S. Exa. o Senhor DIÓGENES ESCALANTE, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores

## O SALVADOR

S. Exa. o Senhor HÉCTOR ESCOBAR SERRANO, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## REPUBLICA DOMINICANA

S. Exa. o Senhor ARTURO DESPRADEL, Secretário de Estado das Relações Exteriores.

## PERÚ

S. Exa. o Senhor LINO CORNEJO, Representante pessoal do Exmo. Senhor Ministro das Relações Exteriores.

## NICARAGUA

S. Exa. o Senhor MARIANO ARGUELLO, Ministro das Relações Exteriores.

## GUATEMALA

S. Exa. o Senhor CARLOS SALAZAR, Secretário das Relações Exteriores.

## PARAGUAY

S. E. Monsieur TOMÁS A. SALOMONI, Ministre des Relations Extérieures.

## PANAMA

S. E. Monsieur NARCISO GARAY, Secrétaire des Relations Extérieures et des Communications.

## COLOMBIE

S. E. Monsieur LUIS LÓPEZ DE MESA, Ministre des Relations Extérieures.

## VENEZUELA

S. E. Monsieur DIÓGENES ESCALANTE, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## EL SALVADOR

S. E. Monsieur HÉCTOR ESCOBAR SERRANO, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## REPUBLIQUE DOMINICAINE

S. E. Monsieur ARTURO DESPRADEL, Secrétaire d'Etat et des Relations Extérieures.

## PEROU

S. E. Monsieur LINO CORNEJO, Représentant personnel de S. E. Monsieur le Ministre des Relations Extérieures.

## NICARAGUA

S. E. Monsieur MARIANO ARGUELLO, Ministre des Relations Extérieures.

## GUATEMALA

S. E. Monsieur CARLOS SALAZAR, Secrétaire des Relations Extérieures.

UNITED STATES OF AMERICA

ESTADOS UNIDOS DE AMERICA

H. E. CORDELL HULL, Secretary of State.

S. E. el señor CORDELL HULL, Secretario de Estado.

Inaugural session.

The Meeting held its inaugural session on the twenty-first day of July, One thousand nine hundred and forty, at four o'clock in the afternoon, in the Hall of Sessions of the House of Representatives, in the National Capitol, in the presence of H. E. Dr. Federico Laredo Brú, President of the Republic of Cuba, under the provisional presidency of H. E. Dr. Miguel Angel Campa, Secretary of State, with Dr. César Salaya y de la Fuente, acting as Secretary General.

La Reunión celebró su Sesión Inaugural el día veintiuno de Julio de mil novecientos cuarenta, a las cuatro de la tarde, en el Hemiciclo de la Cámara de Representantes, edificio del Capitolio Nacional, con la asistencia de S. E. el doctor Federico Laredo Brú, Presidente de la República de Cuba, bajo la presidencia provisional de S. E. el doctor Miguel Angel Campa, Secretario de Estado, actuando de Secretario General, el doctor César Salaya y de la Fuente.

Second Meeting.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics approved the following Votes, Motions, Declarations, Recommendations and Resolutions:

La Segunda Reunión de Consulta entre los Ministros de Relaciones Exteriores de las Repúblicas Americanas, aprobó los siguientes Votos, Mociones, Declaraciones, Recomendaciones y Resoluciones:

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Act of Habana.

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

ACTA DE LA HABANA: SOBRE ADMINISTRACION PROVISIONAL DE COLONIAS Y POSESIONES EUROPEAS EN AMERICA:

La Segunda Reunión de Consulta entre Ministros de Relaciones Exteriores de las Repúblicas Americanas,

WHEREAS:

CONSIDERANDO:

1. The status of regions in this continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

*Primero:* Que el *status* de los territorios de este Continente pertenecientes a potencias europeas es motivo de honda preocupación para todos los Gobiernos de las Repúblicas Americanas;

2. As a result of the present European war there may be attempts at conquest, which has been

*Segundo:* Que, como consecuencia de la actual guerra europea puede intentarse la conquista,

## ESTADOS UNIDOS DA AMERICA

## ETATS UNIS D'AMERIQUE

S. Exa. o Senhor CORDELL HULL, Secretário de Estado.

S. E. Monsieur CORDELL HULL, Secrétaire d'Etat.

A Reunião celebrou sua Sessão Inaugural no dia vinte e um de Julho de mil novecentos e quarenta, às quatro da tarde, no hemicycle da Camara de Representantes, edificio do Capitolio Nacional, com a assistência de Sua Excelência o Senhor Doutor Federico Laredo Brú, Presidente da República de Cuba, sob a presidência provisória de Sua Excelência o Senhor Doutor Miguel Angel Campa, Secretário de Estado, atuando como Secretário Geral o Senhor Doutor Cesar Salaya y de la Fuente.

La séance d'inauguration de la Réunion s'est tenue le vingt-et-un juillet mil neuf cent quarante, à quatre heures de l'après-midi, dans l'Hémicycle de la Chambre des Députés, au Capitole National, en présence de S. E. Monsieur Federico Laredo Bru, Président de la République de Cuba, et sous la présidence provisoire de S. E. Monsieur Miguel Angel Campa, Secrétaire d'Etat; la fonction de Secrétaire Général y fut remplie par Monsieur César Salaya y de la Fuente.

. . . . . ; : : : : : . . . . .

A Segunda Reunião de Consulta dos Ministros das Relações Exteriores das Repúblicas Americanas aprovou os seguintes Votos, Moções, Declarações, Recomendações e Resoluções seguintes:

La Deuxième Réunion de Consultation des Ministres des Relations Extérieures des Républiques Américaines a adopté les voeux, propositions, déclarations, recommandations et résolutions suivants:

. . . . . ; : : : : : . . . . .

## XX

## XX

ATA DE HAVANA: SOBRE A ADMINISTRAÇÃO PROVISÓRIA DE COLONIAS E POSSESSÕES EUROPEIAS NA AMERICA:

ACCORD DE LA HAVANE: AU SUJET DE L'ADMINISTRATION PROVISOIRE DES COLONIES ET DES POSSESSIONS EUROPEENNES D'AMERIQUE.

A Segunda Reunião de Consulta dos Ministros das Relações Exteriores das Republicas Americanas,

LA DEUXIEME REUNION DE CONSULTATION DES MINISTRES DES RELATIONS EXTERIEURES DES REPUBLIQUES AMERICAINES,

## CONSIDERANDO:

## CONSIDERANT:

*Primeiro:* Que o *status* dos territorios deste Continente, pertencentes a potencias europeias, é motivo de profunda preocupação para todos os Governos das Republicas Americanas;

10.—Que le statut des territoires de ce Continent appartenant à des puissances européennes est un sujet de profonde préoccupation pour tous les Gouvernements des Républiques Américaines;

*Segundo:* Que, como consequência da atual guerra europeia, poderá intentar-se a conquista,

2.—Qu'une des conséquences de la guerre actuelle pourrait être une tentative de conquête, fait

repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of Ministers of Foreign Affairs of the American Republics,

DECLARES:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudi-

repudiada en las relaciones internacionales de las Repúblicas Americanas poniendo de este modo en peligro la esencia y la modalidad de las instituciones de América;

*Tercero:* Que la doctrina de la solidaridad interamericana acordada en las Reuniones de Lima y Panamá exige la adopción política de vigilancia y de defensa a fin de que sistemas o regímenes en desacuerdo con sus instituciones no entorpezcan la vida pacífica de las Repúblicas de América, la práctica normal de sus instituciones, el imperio del orden y del derecho;

*Cuarto:* Que el curso de los acontecimientos militares en Europa y los cambios resultantes de los mismos, pueden crear la grave amenaza de que cualesquiera posesiones territoriales europeas en América se conviertan en centros estratégicos para agresión contra naciones del Continente americano,

POR TANTO:

DECLARA:

Cuando las islas o regiones americanas, actualmente bajo la posesión de naciones no americanas, se encuentren en peligro de constituirse en materia de trueque de territorios o cambios de soberanía, las Repúblicas americanas podrán, teniendo en cuenta las necesidades imperiosas de la seguridad del Continente y la opinión de los habitantes de esas islas o regiones, establecer un régimen administración provisional, bajo las siguientes reservas:

a).—Que tan pronto como dejen de existir los motivos que hicieron necesaria dicha medida, y si ello no fuera perju-

Declaration

Conditions of provisional administration.

repudiada nas relações internacionais das Repúblicas Americanas, pondo deste modo em perigo a essência e a modalidade das instituições da América;

*Terceiro:* Que a doutrina de solidariedade interamericana, asentada nas Reuniões de Lima e Panamá, exige a adoção de uma política de vigilância e de defesa, afim de que os sistemas, ou regimes, em desacôrdo com as suas instituições, não perturbem a vida pacífica das Repúblicas da América, a prática normal das suas instituições, o império da ordem e do direito;

*Quarto:* Que o curso dos acontecimentos militares na Europa e as modificações deles resultantes podem criar a grave ameaça de que quaisquer possessões territoriais européias na América se convertam em centros estratégicos para agressão contra nações do Continente americano,

repoussé par les relations internationales des Républiques Américaines, qui mettrait ainsi en danger l'essence et la forme des institutions de l'Amérique;

3.—Que la doctrine de la solidarité interaméricaine adoptée au cours des Réunions de Lima et de Panamá, exige l'adoption d'une politique de surveillance et de défense afin que des systèmes ou des régimes en désaccord avec leurs institutions ne gênent pas la vie pacifique des Républiques de l'Amérique, le cours normal de leurs institutions et le règne de l'ordre et du droit;

4.—Que le cours des événements militaires en Europe et les changements qui en résulteront pourraient créer une grave menace en transformant une possession territoriale européenne d'Amérique quelconque en centre stratégique pour une agression contre les nations du Continent américain,

#### DECLARA:

Quando as ilhas ou regiões americanas, atualmente na posse de nações não americanas, estejam em perigo de tornar-se materia de troca de territorios ou de soberania, as Repúblicas Americanas poderão, tomando em consideração a necessidade imperiosa da segurança do Continente e a opinião dos habitantes dessas ilhas ou regiões, estabelecer um regime de administração provisória, sob as seguintes reservas:

a).—Que lógo que deixem de existir as causas que motivaram tal medida, e caso isso não prejudique a segurança das Re-

#### DECLARE:

Que lorsque les îles ou régions américaines actuellement en possession de nations non américaines, se trouveraient en danger de devenir un sujet d'échange de territoire ou de changement de souveraineté, les Républiques américaines pourront, en tenant compte des besoins impérieux de la sécurité du Continent et de l'opinion des habitants de ces îles ou de ces régions, établir un régime d'administration provisoire, sous les réserves suivantes:

a).—Qu'aussitôt que les motifs qui auraient rendu nécessaire cette mesure disparaîtront, et dans le cas où il n'en dé-

cial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

- (b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

**RESOLVES:**

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its

dicial a la seguridad de las Repúblicas Americanas, los territorios serán, de acuerdo con el principio que por la presente Declaración se reafirma, de que los pueblos de este Continente tienen el derecho de disponer libremente de sus propios destinos, o bien organizados como Estados autónomos si pareciera que son capaces de constituirse y mantenerse en esa condición, o bien restaurados a su situación anterior, según parezca más factible y equitativo una u otra de estas alternativas.

- b).-Que las regiones a que la presente se refiere serán colocadas temporalmente bajo la administración provisional de las Repúblicas Americanas y esta administración se ejercerá con el doble objeto de contribuir a la seguridad y defensa del Continente y al progreso económico, político y social de dichas regiones; y

**RESUELVE:**

Crear un Comité de emergencia compuesto de un Representante por cada una de las Repúblicas Americanas, el cual se considerará constituido desde que estén nombradas las dos terceras partes de sus miembros, debiendo los Gobiernos de esas Repúblicas designarlos dentro de la mayor brevedad.

Este Comité se reunirá a petición de cualquiera de los signatarios de esta Resolución.

Si antes de entrar en vigor la Convención acordada en la presente Reunión de Consulta, fuere necesario, como medida imperiosa de emergencia, aplicar sus es-

públicas Americanas, os territórios serão, de acôrdo com o principio reafirmado pela presente Declaração de que os povos deste Continente têm o direito de dispôr livremente dos seus proprios destinos, ou organizados como Estados autônimos, si se verificar que são capazes de constituir-se e manter-se nessa condição, ou restaurados em sua condição anterior, conforme pareça mais fátivel e equitativa uma ou outra dessas alternativas,

riverait aucun dommage pour la sécurité des Républiques Américaines d'accord avec le principe réaffirmé par la présente Déclaration, que les peuples de ce Continent ont le droit de définir librement leur propre destinée, ces territoires seront, soit organisés comme Etats autonomes dans le cas où ils seraient capables d'acquérir cette forme et de s'y maintenir, soit rendus à leur antérieure situation, selon que l'une ou l'autre alternative semble plus praticable ou équitable.

b).—Que as regiões a que se refere esta Resolução serão colocadas temporariamente sob a administração das Republicas Americanas, e esta administração será exercida com o duplo objetivo de contribuir para a segurança e defesa do Continente e ao progresso econômico, politico e social de ditas regiões; e

b).—Que les régions auxquelles la présente Déclaration se rapporte seront placées temporairement sous l'administration provisoire des Républiques Américaines et que cette administration s'exercera dans le double but de contribuer à la sécurité et à la défense du Continent et au progrès économique, politique et social de ces régions; et

**RESOLVE:**

Criar um Comité de emergência composto de um Representante de cada uma das Repúblicas Americanas, o qual considerar-se-á como constituido desde que estejam nomeadas duas terças partes de seus membros, que os Governos dessas Repúblicas designarão com a possivel brevidade.

Esse Comité reunir-se-á a pedido de qualquer Governo signatário desta Resolução.

Se antes de entrar em vigor a Convenção ajustada na presente Reunião de Consulta, fôr necessário, como medida imperiosa de emergência, aplicar suas estí-

**DECIDE:**

De créer un Comité de secours qui sera composé d'un Représentant de chaque République Américaine, et qui sera considéré comme constitué à partir du moment où les deux tiers de ses membres auront été désignés; les Gouvernements des Républiques Américaines devront faire ces désignations le plus rapidement possible.

Ce Comité se réunira á la demande de n'importe quel Etat signataire de cette Résolution.

Si avant l'entrée en vigueur de la Convention signée au cours de la présente Réunion de Consultation, il devenait nécessaire d'appliquer ses stipulations dans le

provisions in order to safeguard the peace of the continent, taking into account also the desires of the inhabitants of any of the above-mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.

IN WITNESS WHEREOF, the Ministers of Foreign Affairs of the American Republics or their personal representatives, sign and seal the present Final Act.

Done in the City of Habana, this thirtieth day of July, one thousand nine hundred and forty,

tipulaciones a fin de salvaguardar la paz del Continente, teniendo además en cuenta la opinión de los habitantes de cualquiera de las regiones mencionadas, el Comité asumirá la administración de la región agredida o amenazada actuando de acuerdo con lo dispuesto en la referida Convención. Tan pronto entre en vigor esta Convención, la autoridad y funciones ejercidas por el Comité serán transferidas a la Comisión Interamericana de Administración Territorial.

Si la necesidad de una acción de emergencia resultase tan urgente que no hiciera posible el esperar la actuación del Comité, cualquiera de las Repúblicas Americanas, individualmente o en conjunto con otras, tendrá el derecho de actuar en la forma que exige su defensa o la del Continente.

Si surgiera esta situación, la República o las Repúblicas actuantes someterán inmediatamente el asunto al conocimiento del Comité, para que éste pueda considerar las actuaciones y adoptar las medidas adecuadas.

Ninguna de las disposiciones que abarca la presente Acta, se refiere a territorios o posesiones que son materia de litigio o reclamación entre potencias de Europa y algunas de las Repúblicas de América.

En testimonio de lo cual, los Ministros de Relaciones Exteriores de las Repúblicas Americanas o sus Representantes Personales, firman y sellan la presente ACTA FINAL.

Hecha en la Habana, a los treinta días del mes de Julio de mil novecientos cuarenta, en textos

pulações afim de salvaguardar a paz do Continente, tomando em consideração ademais a opinião dos habitantes de qualquer das regiões mencionadas, o Comité assumirá a administração da região agredida ou ameaçada, atuando de acôrdo com o disposto na referida Convenção. Lógo que entrar em vigor esta Convenção, a autoridade e funções exercidas pelo Comité serão transferidas à Comissão Interamericana de Administração Territorial.

Se a necessidade de uma ação de emergência tornar-se tão urgente que não seja possível esperar a atuação do Comité, qualquer das Repúblicas Americanas, individualmente ou em conjunto com outras, terá o direito de atuar na forma que o exigir a sua defesa, ou a do Continente.

Si se produzir esta situação, a República ou Repúblicas em ação submeterão imediatamente o assunto ao conhecimento do Comité, para que este possa considerar o procedimento e adotar as medidas adequadas.

Nenhuma das disposições que abrange a presente Áta, refere-se a territorios ou possessões que são materia de litigio ou reclamação entre potências da Europa e algumas das Repúblicas da América.

Em testemunho do que, os Ministros das Relações Exteriores das Repúblicas Americanas ou seus representantes pessoais, assinam e selam a presente ÁTA  
FINAL.

Feita em Havana, aos trinta dias do mês de Julho de mil novecentos e quarenta, em textos redi-

but de sauvegarder la paix du Continent comme une mesure provoquée par une impérieuse urgence et en tenant compte aussi de l'opinion des habitants de toute région intéressée, le Comité se fera charge de l'Administration de la région attaquée ou menacée d'accord avec ce que dispose la Convention mentionnée. Dès que cette Convention entrera en vigueur, l'autorité et les fonctions exercées par le Comité passeront à la Commission Interaméricaine d'Administration Territoriale.

Si la nécessité d'une action de secours était tellement urgente qu'il ne fut pas possible d'attendre le fonctionnement du Comité, n'importe quelle République Américaine, d'une façon isolée ou d'accord avec d'autres Républiques aura le droit d'agir comme l'exigera sa défense ou celle du Continent.

Si cette situation survenait, la République ou les Républiques qui auraient agi, soumettront immédiatement le cas à la connaissance du Comité pour que celui-ci puisse considérer les faits et adopter les mesures appropriées.

Aucune des dispositions que comprend cet Accord, ne se rapporte aux territorios ou aux possessions qui sont un sujet de controverse ou de réclamation entre les puissances d'Europe et certaines Républiques d'Amérique.

Et en témoignage de tout ceci, les Ministres des Relations Extérieures des Républiques Américaines ou leurs Représentants Personnels, signent et posent leurs sceaux sur cet Acte.

Fait à La Havane, le trente juillet mil neuf cent quarante sur des textes rédigés en espagnol, en

in texts in the English, Spanish, Portuguese and French languages, which shall be deposited in the archives of the Pan American Union. The Secretary General of the Meeting shall transmit the original of the present Final Act to the Pan American Union through the intermediary of the Department of State of Cuba.

## Reservations.

## RESERVATIONS:

. . . . .  
*Reservation of the Argentine Delegation:*

## 2.—As to the Act of Habana:

“The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government’s powers established in the constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force and effectiveness.”

## RESERVAS:

. . . . .  
*Reserva de la Delegación Argentina:*

## 2.—En cuanto al Acta de la Habana (XX):

“El Delegado de la República Argentina al suscribir esta Acta, deja constancia de que ella no se refiere ni comprende a las Islas Malvinas porque éstas no constituyen colonia o posesión de nación europea alguna por hacer parte del territorio argentino y estar comprendidas en su dominio y soberanía, según se destacó en la Reunión de Panamá, cuya declaración da por reproducida en todo su contenido y también con relación a otras regiones australes argentinas según lo ha hecho presente en las deliberaciones de esta Comisión. Igualmente manifiesta que la firma de la presente Acta y Resolución no afecta y deja intactas las facultades del Gobierno establecidas en las normas constitucionales que rigen en la Argentina, sobre los procedimientos aplicables para que esta Acta y Resolución adquiriera obligatoriedad, fuerza y vigor”.

gidos em espanhol, inglês, português e francês, que serão depositados nos Arquivos da União Panamericana. O Secretário Geral da Reunião remeterá o original da presente Ata à União Panamericana, por intermedio da Secretaria de Estado de Cuba.

anglais, en portugais et en français qui seront déposés aux Archives de l'Union Panaméricaine. Le Secrétaire Général de la Réunion remettra l'original du présent Acte à l'Union Panaméricaine, par l'intermédiaire du Secrétariat d'Etat de Cuba.

## RESERVAS:

## RESERVES:

*Reserva da Delegação da Argentina: Réserve de la Délégation de l'Argentine:*

2.—No que se refere à Ata de Havana (XX):

“O Delegado da República Argentina, ao assinar esta Ata, deixa constância de que esta não compreende as Ilhas Malvinas, que não constituem nem colonia nem possessão de qualquer nação européia, uma vés que fazem parte do territorio argentino e se incluem nos seus dominios e sua soberania, conforme consta de declaração feita na Reunião de Panamá, declaração que ele considera reiterada por este modo no seu todo, também com referência a outras regiões meridionais argentinas, como foi manifestado nas deliberações desta Comissão. Outrossim manifesta que a assinatura desta Ata e desta Resolução não compromete e deixa intacto os poderes de seu Governo estabelecidos nas normas constitucionais que vigoram na Argentina em relação ao procedimento seguido para que esta Ata e Resolução possam adquirir validez, força e efeito.”

2.—Au sujet de l'Accord de La Havane (XX):

“Le Délégué de la République Argentine, au moment de signer le présent Acte, veut faire constater qu'il ne se rapporte pas aux îles Malvinas et qu'il ne les comprend pas, car ces dernières ne sont ni la colonie ni la possession d'aucune nation européenne, puisqu'elles font partie du territoire argentin et qu'elles sont comprises dans son domaine et placées sous sa souveraineté, selon ce qui a été mis en évidence au cours de la Conférence de Panama, par une déclaration qu'il suppose entièrement reproduite ici; il en est de même des autres régions australes argentines, comme il l'a fait voir au cours des délibérations de cette Commission. Il déclare également que la signature du présent Acte et de la présente Résolution n'affecte pas et laisse intacts tous les droits du Gouvernement, basés sur les principes constitutionnels qui règnent en Argentine sur les procédures à suivre pour que cet Acte et cette Résolution deviennent obligatoires, avec force et vigueur.”

*Reservation of the Uruguayan Delegation:*      *Reserva de la Delegación del Uruguay:*

3.—As to the Act of Habana (XX):

“The Delegation of the Republic of Uruguay states that the purpose of this Act is to anticipate the carrying out of the Convention approved on this subject, in case it is necessary to apply the Convention before the number of ratifications requisite for its taking effect has been obtained.

It wishes, therefore, to place on record a reservation respecting the attitude of its Government, under the latter’s express instructions, in case it should deem necessary, prior to the application of the Act, to examine the question of whether under the Uruguayan constitutional regime, prior legislative ratification is required.”

3.—En cuanto al Acta de la Habana (XX):

“La Delegación de la República del Uruguay manifiesta que esta Acta tiene por objeto anticipar el cumplimiento de la Convención aprobada sobre la materia, para el caso de que sea necesario aplicarla antes de que se obtenga el número de ratificaciones bastante para su entrada en vigencia.

En tal concepto quiere dejar reserva sentada sobre la actitud de su Gobierno, y por instrucciones expresas de éste, por si considera del caso antes de aplicar el Acta, examinar la cuestión de si dentro del régimen constitucional uruguayo, corresponde obtener la previa ratificación legislativa.

*Reservation of the Chilean Delegation:*      *Reservas de la Delegación de Chile:*

5.—“The Delegation of Chile, convinced of the need of giving practical application to continental solidarity, approves the agreements with the understanding that Chile will only assume obligations and responsibilities when the aforementioned agreements are ratified by its constitutional bodies.”

5.—“La Delegación de Chile, convencida de la necesidad de realizar prácticamente la solidaridad continental, aprueba los acuerdos aclarando que Chile sólo adquirirá compromisos y responsabilidades cuando los referidos acuerdos sean ratificados por sus organismos constitucionales”.

*Reservation of the Colombian Delegation:*      *Reserva de la Delegación de Colombia:*

7.—As to the Act of Habana (XX) and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the American Nations (XV):

“I vote affirmatively with the statement that I shall sign the

7.—En cuanto al Acta de la Habana (XX) y a la Declaración sobre Asistencia Recíproca y Cooperación Defensiva de las Naciones Americanas (XV):

“Voto positivamente con la indicación de que firmaré el Acta

*Reserva da Delegação do Uruguay: Réserve de la Délégation de l'Uruguay:*

3.—No que se refere à Áta de Havana (XX):

“A Delegação da República do Uruguay manifesta que esta Áta tem por objetivo antecipar o cumprimento da Convenção aprovada sobre a materia, para o caso de que seja necessário applical-a antes de que se obtenha o numero de ratificações suficientes para que entre em vigor”.

“Nessas condições, quer deixar formulada reserva sôbre a attitude do seu Govérno, de acôrdo com instruções expressas deste, parao caso em que antes de aplicar a Áta possa examinar a questão de, se dentro do regime constitucional do Uruguay, cabe obter a prévia ratificação legislativa”.

3.—Au sujet de l'Accord de La Havane (XX):

“La délégation de la République de l'Uruguay déclare que le présent Acte a pour but d'anticiper la mise en exécution de la Convention établie en cette matière dans le cas où il deviendrait nécessaire de l'appliquer avant d'obtenir le nombre de ratifications suffisant pour son entrée en vigueur.

Sur ce sujet, il veut faire une réserve, d'accord avec l'attitude de son Gouvernement et avec ses instructions spéciales au cas où ce dernier considérerait nécessaire, avant l'application de l'Acte, d'étudier la question suivante: si dans le régime constitutionnel de l'Uruguay, une ratification législative préalable est nécessaire.”

*Reserva da Delegação do Chile:*

5.—“A Delegação do Chile, convencida da necessidade de dar applicação prática à solidariedade continental, aprova o acôrdo, no presuposto de que o Chile só assumirá obrigações e responsabilidades quando os referidos acôrds forem ratificados pelos seus órgãos constitucionais”.

*Réserve de la Délégation du Chili:*

5.—“La Délégation du Chili, convaincue de la nécessité de réaliser pratiquement la solidarité continentale, approuve les accords en spécifiant que le Chili n'acceptera les obligations et les responsabilités que lorsqu'ils seront ratifiés par ses organismes constitutionnels.”

*Reserva da Delegação da Colombia: Réserve de la Délégation de la Colombie:*

7.—No que se refere à Áta de Havana (XX) e à Declaração sôbre Assistência Reciproca e Co-operação Defensiva das Nações Americanas (XV):

“Voto afirmativamente com a declaração de que assino

7.—Au sujet de l'Accord de La Havane (XX) et de la Déclaration sur l'Assistance Réciproque et sur la Coopération Défensive des Nations américaines (XV):

“Je vote positivement en faisant constater que je signerai

Act of Habana and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas, subject to approval by my Government and to the constitutional norms of my country.”

de la Habana y la Declaración sobre Asistencia Recíproca y Cooperación Defensiva de las Naciones Americanas, sujeto a la aprobación de mi Gobierno y a las normas constitucionales de mi país”.

*Reservation of the Venezuelan Delegation:*

*Reserva de la Delegación de Venezuela:*

8.—As to the Act of Habana (XX):

8.—En cuanto al Acta de la Habana (XX):

“The Venezuelan Delegation signs with the understanding that the Act of Habana relative to colonial possessions is subject to ratification by the Public Power of the Nation in accordance with its constitutional provisions.”

“La Delegación de Venezuela firma, en la inteligencia de que el Acta de la Habana, relativa a posesiones coloniales, queda sujeta a ratificación de los poderes públicos de la nación, conforme a sus disposiciones constitucionales”.

Signatures.

	HONDURAS:		HONDURAS
[SEAL]	SILVERIO LAÍNEZ	[SELLO]	SILVERIO LAÍNEZ
	HAITI:		HAITI
[SEAL]	LÉON LALEAU	[SELLO]	LÉON LALEAU
	COSTA RICA:		COSTA RICA
[SEAL]	LUIS ANDERSON	[SELLO]	LUIS ANDERSON
	MEXICO:		MEXICO
[SEAL]	EDUARDO SUÁREZ	[SELLO]	EDUARDO SUÁREZ
	ARGENTINA:		ARGENTINA
	Con la aclaracion y reserva formulada en el acta. <sup>1</sup>		Con las aclaraciones y reserva del acta
[SEAL]	LEOP MELO	[SELLO]	LEOP MELO
	URUGUAY:		URUGUAY
[SEAL]	P. MANINI RÍOS	[SELLO]	P. MANINI RÍOS
	ECUADOR:		ECUADOR
[SEAL]	J. TOBAR DONOSO	[SELLO]	J. TOBAR DONOSO
	BOLIVIA:		BOLIVIA
[SEAL]	ENRIQUE FINOT	[SELLO]	ENRIQUE FINOT
	CHILE:		CHILE
[SEAL]	SCHNAKE	[SELLO]	SCHNAKE

<sup>1</sup> [Translation: With the clarification and reservation formulated in the act.]

ambos, a Convenção e a Áta, sujeito à aprovação do meu Governo e às normas constitucionais do meu país”.

l'Accord de La Havane et la Déclaration sur l'Assistance Réciproque et la Coopération Défensive des Nations américaines qui seront subordonnés à l'approbation de mon Gouvernement et aux principes constitutionnels de mon pays”.

*Reserva da Delegação da Venezuela: Réserve de la Délégation du Venezuela:*

8.—No que se refere à Áta de Havana (XX):

“A Delegação da Venezuela assina, no pressuposto de que a Áta de Havana, relativa às possessões coloniais fica sujeita à ratificação dos poderes públicos da nação, conforme as suas disposições constitucionais”.

8.—Au sujet de l'Accord de La Havane (XX):

“La Délégation du Venezuela signe en faisant constater que l'Accord de La Havane, relatif aux possessions coloniales, sera subordonné à la ratification des pouvoirs publics de la nation, d'accord avec ses dispositions constitutionnelles”.

HONDURAS

SILVERIO LAFÍNEZ

HAITI

LÉON LALEAU

COSTA RICA

LUIS ANDERSON MORÚA<sup>1</sup>

MEXICO

EDUARDO SUÁREZ

ARGENTINA

Con las aclaraciones y reserva del acta.<sup>2</sup>

LEOP. MELO

URUGUAY

P. MANINI RÍOS

EQUADOR

JULIO TOBAR DONOSO<sup>1</sup>

BOLIVIA

E FINOT

CHILE

SCHNAKE

HONDURAS

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P. MANINI RÍOS

EQUATEUR

JULIO TOBAR DONOSO<sup>1</sup>

BOLIVIE

E FINOT

CHILI

SCHNAKE

<sup>1</sup>[No original a assinatura é escrita a maquina.]

<sup>2</sup>[Tradução: Com as aclaracões e a reserva do acto.]

<sup>1</sup>[Dans l'original la signature est écrite à la machine.]

<sup>2</sup>[Traduction: Avec les éclaircissements et la réserve de l'acte.]

	BRASIL:		BRASIL
[SEAL]	M. NABUCO	[SELLO]	MAURICIO NABUCO
	CUBA:		CUBA
[SEAL]	MIGUEL ANGEL CAMPA	[SELLO]	MIGUEL ANGEL CAMPA
	PARAGUAY:		PARAGUAY
[SEAL]	TOMÁS A. SALOMONI	[SELLO]	TOMÁS A. SALOMONI
	PANAMA:		PANAMA
[SEAL]	NARCISO GARAY	[SELLO]	NARCISO GARAY
	COLOMBIA:		COLOMBIA
[SEAL]	LUIS LÓPEZ DE MESA	[SELLO]	LUIS LÓPEZ DE MESA
	VENEZUELA:		VENEZUELA
[SEAL]	DIÓGENES ESCA- LANTE	[SELLO]	DIÓGENES ESCA- LANTE
	EL SALVADOR:		EL SALVADOR
[SEAL]	H. ESCOBAR SE- RRANO	[SELLO]	H. ESCOBAR SE- RRANO
	DOMINICAN REPUB- LIC		REPUBLICA DOMINI- CANA
[SEAL]	EMILIO GARCIA GO- DOY	[SELLO]	EMILIO GARCIA GO- DOY
	PERU:		PERU
[SEAL]	LINO CORNEJO	[SELLO]	LINO CORNEJO
	NICARAGUA:		NICARAGUA
[SEAL]	MARIANO ARGUELLO	[SELLO]	MARIANO ARGUELLO
	GUATEMALA:		GUATEMALA
[SEAL]	CARLOS SALAZAR	[SELLO]	CARLOS SALAZAR
	UNITED STATES OF AMERICA:		ESTADOS UNIDOS DE AMERICA
[SEAL]	CORDELL HULL	[SELLO]	CORDELL HULL

*Additional Reservation of the Chilean Delegation: Reserva Adicional de la Delegación de Chile:*

As to the Act of Habana (XX):

En cuanto al Acta de la Habana (XX):

"The Chilean Delegation, at the time of signing the present Final Act, makes reservation in addition to the reservation set forth in yesterday's Private Plenary Session, of the rights of Chile in Antarctica."<sup>1</sup>

"La Delegación de Chile, en el momento de suscribirse la presente Acta Final; además de la reserva expresada en la Sesión Plenaria Privada de ayer, hace reserva de los derechos de Chile en la Antártica.

SCHNAKE

<sup>1</sup> [Original English text of additional reservation unsigned.]

BRASIL	BRESIL
M NABUCO	M NABUCO
CUBA	CUBA
MIGUEL ANGEL CAMPA <sup>1</sup>	MIGUEL ANGEL CAMPA <sup>1</sup>
PARAGUAY	PARAGUAY
TOMÁS A. SALOMONI <sup>1</sup>	TOMÁS A. SALOMONI <sup>1</sup>
PANAMÁ	PANAMA
NARCISO GARAY	NARCISO GARAY
COLOMBIA	COLOMBIE
LUIS LÓPEZ DE MESA	LUIS LÓPEZ DE MESA
VENEZUELA	VENEZUELA
DIÓGENES ESCALANTE	DIÓGENES ESCALANTE
O SALVADOR	EL SALVADOR
H. ESCOBAR SERRANO	H. ESCOBAR SERRANO
REPÚBLICA DOMINICA	REPUBLIQUE DOMINICAINE
EMILIO GARCIA GODOY	EMILIO GARCIA GODOY
PERU	PEROU
LINO CORNEJO	LINO CORNEJO
NICARAGUA	NICARAGUA
MARIANO ARGUELLO <sup>1</sup>	MARIANO ARGÜELLO <sup>1</sup>
GUATEMALA	GUATEMALA
CARLOS SALAZAR	CARLOS SALAZAR
ESTADOS UNIDOS DA AMÉRICA	ETATS UNIS D'AMERIQUE
CORDELL HULL <sup>1</sup>	CORDELL HULL <sup>1</sup>

*Reserva Adicional da Delegação do Chile:* *Réserve additionnelle de la Délégation du Chili:*

No que se refere à Áta de Havana (XX):

Au sujet de l'Accord de La Havane (XX):

"A Delegação do Chile, no momento da assinatura da presenta Áta Final; além da reserva expressada na Sessão Plenaria Privada de ontem, faz reserva dos direitos do Chile na Antártica."

"La Délégation du Chili, au moment de signer le présent Acte Final, outre la réserve déjà exprimée au cours de la Séance Plénière Privée d'hier, fait aussi une Réserve au sujet des droits du Chili sur l'Antartique."

OSCAR SCHNAKE. <sup>1</sup>

OSCAR SCHNAKE. <sup>1</sup>

<sup>1</sup> [No original a assinatura é escrita a maquina.]

<sup>1</sup> [Dans l'original la signature est écrite à la machine.]

December 13, 1937  
[E. A. S. No. 200]

*Arrangement between the United States of America and other American Republics respecting radio communications. And annex. Signed at Habana December 13, 1937; notification of approval by the United States of America communicated to the Government of Cuba July 18, 1938.*

## INTER-AMERICAN ARRANGEMENT CONCERNING RADIO COMMUNICATIONS.

### SECTION 1. INTRODUCTION.

Effective date.

The delegates of the American Governments listed below; assembled in conference in Habana, Republic of Cuba, from November 1 to December 13th, 1937, hereby make the following Administrative Arrangement, which shall become effective on July 1, 1938 in those countries where it shall have been approved by the respective Governments, which approval shall be communicated to the Department of State of the Government of Cuba.

#### *Countries.*

Argentine Republic  
Brazil  
Canada  
Colombia  
Cuba  
Chile  
Dominican Republic  
United States of America  
Guatemala  
Haiti  
Mexico  
Nicaragua  
Panama  
Peru  
Uruguay  
Venezuela

Termination.

If any state desires to terminate this arrangement in whole or in part, it may do so by written notice to the Government of Cuba, giving the reasons therefor, one year prior to the date on which it desires to effect this termination. The Government of Cuba shall communicate such notification to the other States concerned.

## SECTION 2. TABLES OF ALLOCATION.

TABLE I

FREQUENCY ALLOCATION FOR VARIOUS SERVICES IN THE AMERICAN CONTINENT  
10-550 Kc/s.

10-100	Fixed.
100-110	(a) Fixed. (b) Mobile.
110-125	Mobile.
125-150	Maritime mobile (open to public correspondence exclusively).
150-160	Mobile.
160-200	(a) Fixed. (b) Mobile (c) Aeronautical.
200-285	Aeronautical and mobile excepting commercial ship stations.
285-315	Radio beacon, Maritime priority.
315-320	Aeronautical.
320-325	(a) Aeronautical. (b) Mobile not open to public correspondence.
325-345	Aeronautical.
345-365	(a) Aeronautical. (b) Mobile not open to public correspondence.
365-385	(a) Radio direction finding. (b) Mobile, provided it does not interfere with the radio direction finding. Coast station using B waves excluded.
385-400	Mobile and aeronautical, Maritime priority, it being understood that the priority refers to existing services.
400-460	Mobile.
460-485	Mobile A-1 and A-2 only.
485-515	Mobile (distress, calling, etc.)
515-550	Services not open to public correspondence A-1 and A-2 only.

*Note:*

1. The band of frequencies between 200 and 400 Kc/s. is reserved in the Americas for aids to air navigation and for the transmission of weather and other safety information to aircraft in flight, subject only to existing priorities of marine services within this band.

2. When due to adverse atmospheric conditions or other technical reasons it is not possible to employ frequencies between 200 and 400 Kc/s for the services above mentioned, other suitable frequencies may be utilized provided that all the countries of America are advised of the frequencies selected.

TABLE II

## ALLOCATION OF FREQUENCIES, 550-1600 Kc/s.

*550-1600 Kc/s Broadcasting.*

TABLE III

## GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 1600-4000 Kc/s.

Frequency.	North American Zone.	Central Zone.	South American Zone.
1600-1750	Fixed and Mobile. (Primarily police)	Fixed and Mobile including Aviation.	Fixed and Mobile including Aviation.
1750-2050	Amateur.	Amateur.	Amateur.
2050-2100	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2100-2200	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).	Mobile (Primarily Ship Stations).
2200-2300	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2300-2395	Mobile (Primarily Po- lice)	Mobile (Primarily Police). (1)	Mobile and Broad- casting.
2395-2400	General Experimental.	General Experimen- tal.	Mobile and Broad- casting.
2400-2500	Mobile (Primarily Po- lice)	Mobile (Primarily Police)	Mobile and Broad- casting.
2500-2600	Mobile (Primarily Coast Stations)	Mobile (Primarily Coast Stations)	Mobile (Primarily Coast Stations)
2600-2735	Aeronautical and Mo- bile.	Aeronautical and Mobile.	Aeronautical and Mobile.
2735-2740	Mobile (Primarily In- tership. Assignable frequency 2738 Kc/s).	Mobile (Primarily Intership. Assign- able frequency 2738 Kc/s).	Mobile (Primarily Intership. Assign- able frequency 2738 Kc/s).
2740-2850	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
2850-3000	Aeronautical and Mo- bile.	Aeronautical and Mobile.	Aeronautical and Mobile.
3000-3065	Fixed and Mobile.	Fixed and Mobile.	Fixed and Mobile.
3065-3100	Aeronautical.	Aeronautical.	Aeronautical.
3100-3110	Mobile (Primarily Air- craft Calling Fre- quency 3105 Kc/s)	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s)	Mobile (Primarily Aircraft Calling Frequency 3105 Kc/s)
3110-3150	Mobile	Mobile	Mobile
3150-3265	Fixed and Mobile (Pri- marily Aeronauti- cal).	Fixed and Mobile (Primarily Aero- nautical).	Fixed and Mobile (Primarily Aero- nautical).
3265-3320	Fixed	Fixed	Fixed
3320-3440	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
3440-3485	Fixed and Mobile (Primarily Aero- nautical)	Fixed and Mobile (Primarily Aero- nautical)	Fixed and Mobile. (Primarily Aero- nautical).
3485-3500	General Experimen- tal.	General Experimen- tal.	General Experimen- tal.
3500-4000	Amateur.	Amateur.	Amateur.

## NOTE:

(1) The countries in the central zone situated to the north of Colombia shall be permitted to set aside the frequency band of 2300 to 2350 Kc/s. for broadcasting service in each of these countries, pursuant to an agreement whereby they are to use not more than two frequencies per country within this band separated from one another with proper power and directional antennae limitations. The use of such frequencies by these countries must not cause interference to other services in the Northern and Southern zones using such frequencies at the present time.

TABLE IV<sup>1</sup>

GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 4000-25000 Kc/s.

*Ante*, pp. 1447, 1449.

(See special note below)

Frequency (Kc/s)	Service
4000- 5500	Fixed and Mobile (1)
5500- 5570	Maritime Mobile
5570- 5700	Aeronautical
5700- 5900	Fixed
5900- 6000	Fixed (2)
6000- 6150	Broadcasting (3)
6150- 6675	Mobile (International air calling frequency 6210 Kc/s)
6675- 7000	Fixed
7000- 7300	Amateur
7300- 8200	Fixed
8200- 8550	Mobile
8550- 8900	Fixed and Mobile
8900- 9500	Fixed
9500- 9600	Broadcasting (3)
9600- 9700	Fixed (2)
9700-11000	Fixed.
11000-11400	Mobile.
11400-11700	Fixed.
11700-11900	Broadcasting (3)
11900-12300	Fixed
12300-12825	Mobile
12825-13350	Fixed and Mobile.
13350-14000	Fixed
14000-14400	Amateur
14400-15100	Fixed
15100-15350	Broadcasting (3)
15350-16400	Fixed
16400-17100	Mobile
17100-17750	Fixed and Mobile
17750-17800	Broadcasting (3)
17800-21450	Fixed
21450-21550	Broadcasting (3)
21550-22300	Mobile
22300-24600	Fixed and Mobile
24600-25000	Mobile

<sup>1</sup> [Modified by the Cairo, 1938, revision (Treaty Series 948).]

## NOTES

## (1) 4500-5200 Kc/s.

The high contracting parties each agree to make a special study of this band of frequencies with a view to solving the problem of national broadcasting in those countries within the central zone located to the south of Panama.

This study should be presented to the Cairo Conference for consideration and should be accompanied by pertinent recommendations based on the following considerations:

a. The use of directional antennas by broadcasting stations to avoid interference to services carried on in other regions.

b. Determination of the maximum night power for broadcasting stations within this band of frequencies.

c. The maximum total width of the broadcast band within the frequency range 4500-5200 Kc/s. should be not greater than 300 Kc/s.

## (2) 5900-6000 and 9600-9700 Kc/s.

The proposals of Brazil to assign the frequency bands 5900 to 6000 Kc/s. and 9600 to 9700 Kc/s. to broadcasting shall be studied prior to the Cairo Conference in accordance with Note 3 below.

## (3) 6000-25000 Kc/s.

In considering the needs of the broadcasting service in the frequency band 6000-25000 Kc/s. the Inter-American Radio Conference agrees to apply the following principles in the study of this problem and to make recommendations based thereon to the Cairo Radio Conference:

49 Stat. 2475.

1. Strict adherence to the provisions of paragraph 19, Article 7, of the General Radio Regulations annexed to the Madrid Telecommunication Convention, 1932, which states as follows:

"It is recognized that the frequencies between 6000 and 30000 Kc/s (50 and 10 m) are very efficient for long-distance communications. The administrations shall make the greatest possible effort to reserve the frequencies of this band for this purpose, except when their use for short- or medium-distance communication is not likely to interfere with long-distance communications".

2. Broadcast channels shall be assigned primarily for international long-distance communications and secondarily for long-distance national services, particularly between points not served by wire lines. In every case the frequency should be optimum for the distance involved.

3. Stations operating within the present allocated broadcast bands, and in derogation thereof, for the purpose of rendering local service, should be moved to lower frequency standard broadcast bands below 6000 Kc/s.

Ante, p. 1429.

4. It would be unwise to extend the present high frequency broadcast bands until positive assurance is given by all nations that there will be strict adherence to any table of allocation of frequencies to services that may be adopted at the Cairo radio conference. In this connection attention is invited to the fact that an examination of the records discloses that frequencies throughout the high frequency radio spectrum are being used by many broadcast, telephone and telegraph stations in derogation of the provisions of the Madrid Radio Regulations.

49 Stat. 2453.

5. Following good engineering practice in rendering good broadcast service, it is agreed that:

(a) Not less than 5 kw power shall be used for international broadcast service.

(b) Directional antennas shall be used wherever practicable to provide good service to specified countries or regions depending upon the time of day, the listening hours of the receiving public, the particular frequency in use, etcetera.

(c) Bands shall be subdivided so as to give priority to different classes of broadcasting stations, depending upon the adequacy of power and quality of emissions from the standpoint of good engineering practice.

6. The shared use, on an engineering basis, of high frequency broadcast channels between countries throughout the world promises some relief in the present high frequency broadcast bands.

7. Existing services operating within the present authorized bands shall not be displaced therefrom unless suitable replacement frequencies are provided; therefore, it is important that the recommendations to Cairo contain specific recommendations on this subject.

8. In view of their dependence upon radio as a means for carrying on communication and for the protection of life and property, mobile services shall be given first consideration in any alteration of the present authorized bands.

9. Recommendations for additional broadcast frequencies which may be found necessary shall be based upon extensions of the present broadcast bands rather than upon the creation of any new bands.

*Special Note*

The action taken at Cairo with respect to the recommendations to be submitted in compliance with notes (1) (2) and (3) shall automatically modify the allocation to services in Table IV above.

TABLE V

## GENERAL FREQUENCY ALLOCATION TO VARIOUS SERVICES 25,000-30,000 Kc/s.

25,000-25,600	Broadcasting <sup>1</sup>
25,600-26,600	Broadcasting
26,600-27,000	Broadcasting <sup>1</sup>
27,000-28,000	(a) Fixed (b) Mobile <sup>1</sup>
28,000-30,000	Amateur

<sup>1</sup> Available for this service under the provisions of Article 7, Paragraph 1 of the General Radio Regulations Annexed to the International Telecommunication Convention, Madrid, 1932, provided no interference is caused to the international service to which this band of frequencies is allocated under the Madrid Radio Regulations.

49 Stat. 2453.

TABLE VI

## FREQUENCIES BETWEEN 30,000 AND 300,000 Kc/s.

This table is accepted as a guide to planning, research, and the experimental use of frequencies.

Each country shall, when interference might develop between countries or when agreement is desirable between countries, notify the other American countries concerned of the contemplated location, power, frequency and type of service of any station or stations to be operated in the band of frequencies higher than 30 mc to the end that mutual agreement and development may be realized.

Frequency	North American Zone	Central Zone	South American Zone
30,000-41,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
41,000-44,000	Broadcasting	Broadcasting	Broadcasting
44,000-56,000	Television	Television	Television
56,000-60,000	Amateur	Amateur	Amateur
60,000-66,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
66,000-72,000	Television	Television	Television
72,000-78,000	Fixed and Mobile (Aviation Marker beacons)	Fixed and Mobile (Avia- tion Marker beacons)	Fixed and Mobile (Avia- tion Marker beacons)
78,000-90,000	Television	Television	Television
90,000-96,000	Fixed and Mobile (Including Aviation Blind landing Sys- tems)	Fixed and Mobile (Includ- ing Aviation Blind land- ing Systems)	Fixed and Mobile (Includ- ing Aviation Blind land- ing Systems)
96,000-108,000	Television	Television	Television
108,000-112,000	Fixed and Mobile (Including Aviation Blind Landing and localizer beacons)	Fixed and Mobile (Includ- ing Aviation Blind Land- ing and localizer beacons)	Fixed and Mobile (Includ- ing Aviation Blind Land- ing and localizer beacons)
112,000-118,000	Amateur	Amateur	Amateur
118,000-123,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
123,000-126,000	Aeronautical Radio Range Beacons	Aeronautical Radio Range Beacons	Aeronautical Radio Range Beacons
126,000-132,000	Aeronautical (Airport Traffic Control)	Aeronautical (Airport Traf- fic Control)	Aeronautical (Airport Traf- fic Control)
132,000-156,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
156,000-168,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
168,000-180,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
180,000-192,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
192,000-204,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
204,000-216,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
216,000-224,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
224,000-230,000	Amateur	Amateur	Amateur
230,000-234,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
234,000-246,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
246,000-258,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
258,000-270,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
270,000-282,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile
282,000-294,000	Broadcasting (Television)	Broadcasting (Television)	Broadcasting (Television)
294,000-300,000	Fixed and Mobile	Fixed and Mobile	Fixed and Mobile

## SECTION 3. ASSIGNABLE FREQUENCIES BASED ON RADIOTELEGRAPH EMISSIONS.

Assignable frequencies.

In general, in the frequency range 1600–4000 Kc/s, the frequencies assigned shall be integral multiples of 4 Kc/s from 1600 to 3000 Kc/s and integral multiples of 5 Kc/s from 3000 to 4000 Kc/s. Communication channels wider than 4 Kc/s or 5 Kc/s may be assigned where the authorized band width of the emission requires the use of such wider channels. For example, two adjoining telegraph channels may be assigned for telephony, in which case the frequency assigned to a station should be the mid-frequency of such channels. The frequencies to be assigned to stations are given in the Table below. Departure from these assignments may be made in order to make more efficient use of the frequency space available.

The following Table indicates the assignments frequencies.

1600	1756	1912	2068	2224	2380
1604	1760	1916	2072	2228	2384
1608	1764	1920	2076	2232	2388
1612	1768	1924	2080	2236	2392
1616	1772	1928	2084	2240	2396
1620	1776	1932	2088	2244	2400
1624	1780	1936	2092	2248	2404
1628	1784	1940	2096	2252	2408
1632	1788	1944	2100	2256	2412
1636	1792	1948	2104	2260	2416
1640	1796	1952	2108	2264	2420
1644	1800	1956	2112	2268	2424
1648	1804	1960	2116	2272	2428
1652	1808	1964	2120	2276	2432
1656	1812	1968	2124	2280	2436
1660	1816	1972	2128	2284	2440
1664	1820	1976	2132	2288	2444
1668	1824	1980	2136	2292	2448
1672	1828	1984	2140	2296	2452
1676	1832	1988	2144	2300	2456
1680	1836	1992	2148	2304	2460
1684	1840	1996	2152	2308	2464
1688	1844	2000	2156	2312	2468
1692	1848	2004	2160	2316	2472
1696	1852	2008	2164	2320	2476
1700	1856	2012	2168	2324	2480
1704	1860	2016	2172	2328	2484
1708	1864	2020	2176	2332	2488
1712	1868	2024	2180	2336	2492
1716	1872	2028	2184	2340	2496
1720	1876	2032	2188	2344	2500
1724	1880	2036	2192	2348	2504
1728	1884	2040	2196	2352	2508
1732	1888	2044	2200	2356	2512
1736	1892	2048	2204	2360	2516
1740	1896	2052	2208	2364	2520
1744	1900	2056	2212	2368	2524
1748	1904	2060	2216	2372	2528
1752	1908	2064	2220	2376	2532

2536	2684	2832	2980	3160	3345
2540	2688	2836	2984	3165	3350
2544	2692	2840	2988	3170	3355
2548	2696	2844	2992	3175	3360
2552	2700	2848	2996	3180	3365
2556	2704	2852	3000	3185	3370
2560	2708	2856	3005	3190	3375
2564	2712	2860	3010	3195	3380
2568	2716	2864	3015	3200	3385
2572	2720	2868	3020	3205	3390
2576	2724	2872	3025	3210	3395
2580	2728	2876	3030	3215	3400
2584	2732	2880	3035	3220	3405
2588	2736	2884	3040	3225	3410
2592	2740	2888	3045	3230	3415
2596	2744	2892	3050	3235	3420
2600	2748	2896	3055	3240	3425
2604	2752	2900	3060	3245	3430
2608	2756	2904	3065	3250	3435
2612	2760	2908	3070	3255	3440
2616	2764	2912	3075	3260	3445
2620	2768	2916	3080	3265	3450
2624	2772	2920	3085	3270	3455
2628	2776	2924	3090	3275	3460
2632	2780	2928	3095	3280	3465
2636	2784	2932	3100	3285	3470
2640	2788	2936	3105	3290	3475
2644	2792	2940	3110	3295	3480
2648	2796	2944	3115	3300	3485
2652	2800	2948	3120	3305	3490
2656	2804	2952	3125	3310	3495
2660	2808	2956	3130	3315	3500
2664	2812	2960	3135	3320	to
2668	2816	2964	3140	3325	4000
2672	2820	2968	3145	3330	Amateur
2676	2824	2972	3150	3335	
2680	2828	2976	3155	3340	

## SECTION 4. TOLERANCES AND SPURIOUS EMISSIONS

-I-

## TABLE OF FREQUENCY TOLERANCES AND OF INSTABILITIES

The Inter-American Radio Conference,  
Considering:

Frequency tolerances and instabilities.

a) that technical progress since the preparation of the Table given in Appendix I of the Madrid General Radio Regulations permits an appreciable reduction of the figures therein given for tolerances and instabilities;

49 Stat. 2585; ante, p. 1589.

b) that, although the tolerances and instabilities applicable according to the Madrid General Regulations should continue to be applied for present transmitters, transmitters constructed after the date given in the Table below should be held to more severe requirements;

c) that it is desirable to have supplementary data for the tolerances and instabilities that can be applied in current practice, particularly on frequencies higher than 23000 Kc/s., which may become the subject of international regulations;

Agrees to accept:

(1) that technical progress in the matter of frequency stabilization is such that all stations may keep themselves within the limits of tolerance and instabilities specified in the Table below and assist in reducing interference caused by frequency variations;

(2) that the Table below should be substituted for that given in Appendix 1 of the Madrid General Regulations;

(3) that the question of improving tolerance and stability conditions should be kept on the Agenda and extended to higher frequencies than those appearing in the following table within the limits of regulations to be adopted by the Cairo Conference;

49 Stat. 2585; ante, p. 1589.

#### REVISED TABLE OF FREQUENCY TOLERANCE AND INSTABILITIES.

(1) frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the real transmission frequency.

(2) this separation results from the combination of three errors;

(a) error of the radio frequency meter or of the frequency indicator used;

(b) error made during the adjustment of the transmitter.

(c) slow variations of the transmitter frequency.

(3) in frequency tolerance no account is taken of modulation.

(4) frequency instability is the maximum permissible separation resulting only from the error contemplated in (c) above.

Ante, p. 1589.

TABLE OF FREQUENCY TOLERANCES AND INSTABILITIES <sup>1</sup>

Frequency bands	Tolerances		Instabilities	
	Transmitters now in service and until January 1, 1942 after which they shall comply with tolerances in columns 2 and 4, respectively	New Transmitters installed from Jan. 1/39.	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerances in columns 2 and 4, respectively.	New transmitters installed from Jan. 1/39
<b>A. From 10 to 550 Kc.</b>				
a) Fixed stations	0. 1%	0. 05%		
b) Land stations	0. 1%	0. 1%		
c) Mobile Stations using indicated frequencies (1)	0. 5%	0. 1%		
d) Mobile stations using any frequency within the band.			0. 5%	0. 1%
e) Broadcasting	50 cycles	20 cycles		
<b>B. From 550 to 1600 kc/s.</b>				
a) Broadcasting stations	50 cycles	20 cycles		

<sup>1</sup> [Modified by the Cairo, 1938, revision (Treaty Series 948).]

TABLE OF FREQUENCY TOLERANCES AND INSTABILITIES—Continued

Frequency bands	Tolerances		Instabilities	
	Transmitters now in service and until January 1, 1942 after which they shall comply with tolerances in columns 2 and 4, respectively	New Transmitters installed from Jan. 1/39.	Transmitters now in service and until January 1, 1942, after which they shall comply with tolerances in columns 2 and 4, respectively.	New transmitters installed from Jan. 1/39
<b>C. From 1600 to 6000 kc/s.</b>				
a) Fixed stations	0.03%	0.01%		
b) Land stations	0.04%	0.02%		
c) Mobile stations using indicated frequencies				
I. 1500 to 3500 kc/s	0.1%	0.1%		
II. 3500 to 6000 kc/s	0.1%	0.05%		
d) Mobile stations using any frequency within the band.				
I. 1500 to 3500 kc/s			0.1%	0.07%
II. 3500 to 6000 kc/s			0.1%	0.05%
<b>D. From 6000 to 30000 kc/s.</b>				
a) Fixed stations	0.02%	0.01%		
b) Land stations	0.04%	0.02%		
c) Mobile stations using indicated frequency	0.1%	0.05%		
d) Mobile stations using any frequency within the band.			0.05%	0.02%
e) Broadcasting stations.	0.01%	0.005%		

(1) It is recognized that there is in this service a great number of spark transmitters and simple auto-oscillator transmitters which cannot meet this requirement.

- Notes: 1. The administrations will endeavour to take advantage of the progress of the art in order gradually to reduce the frequency tolerances and limits of instabilities.
2. It is understood that ship stations operating within shared bands must conform to the tolerances applicable to land stations and should comply with article 7, Paragraph 117, of the Madrid General Radio Regulations.
3. The aforementioned material was approved in accordance with Bucharest C.C.I.R. Opinion No. 93 with modifications under headings in columns 1 and 3.

49 Stat. 2475; ante, p. 1471.

## -II-

### PREVENTION OF SPURIOUS RADIATION

The participating Governments agree to require stations under their jurisdiction to use transmitters which are as free as practicable from all spurious emissions.

Spurious radiation.

These radiations should not be of sufficient intensity to cause interference on receiving sets of modern design which are tuned outside the frequency band of emission required for the type of emission employed.— In the case of type A-3 emission, (radiotelephony),

the transmitter should not be modulated in excess of its modulation capability to the extent that interfering spurious radiations occur and in the case of amplitude modulation the operation percentage of modulation should not be less than 75 per cent on peaks of frequent recurrence. Adequate means should be employed to insure that the transmitter is not modulated in excess of its modulation capability.

A spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any harmonic modulation products, key clicks, parasitic oscillations or other transient effects.

#### SECTION 5. NON USE OF 333 Kc/s. AS AIR CALLING FREQUENCY.

49 Stat. 2471.

Referring to Article 7, Paragraph 11 of the Madrid Radiocommunications the frequency 333 kc/s. is not to be used as an international Air Calling frequency in the American Continent, except in special cases in connection with transatlantic flights.

#### SECTION 6. USE OF 500 Kc/s.

49 Stat. 2515.

Referring to Article 19, Section I, Paragraph 6-a of the Madrid Radio Regulations, the entire American Continent, except for Hudson Bay and Regions North thereof, shall be considered a region of heavy traffic within the meaning of said Article, therefore, except for Hudson Bay and Regions North thereof, traffic on 500 kc/s. shall be limited to the transmission of distress traffic, urgent and safety messages, signals and single short radio telegrams.

#### SECTION 7. DEFINITIONS <sup>1</sup>

##### DEFINITION OF TERMS

Definitions.

*Ante*, p. 1419.

The definitions of terms which appear as numbers (1) to (42) inclusive of Section XII of Resolution No. 6 of the Final Act of the March 1937 Conference of Habana, are approved with the reservation that any changes which may result from the International Radio Conference of Cairo 1938, with respect to the wording of these definitions shall automatically supersede the present wording.

##### (1) TELECOMMUNICATION:

Any telegraph or telephone communication of signs, signals, writing, images and sounds of any nature, by wire, radio, or other systems or processes of electrical or visual (semaphore) signalling.

##### (2) RADIOCOMMUNICATION:

Any telecommunication by means of Hertzian waves.

##### (3) RADIOTELEGRAM:

Telegram originating in or destined to a mobile station, transmitted on all or part of its route over the radio channels of the mobile service.

<sup>1</sup> [Modified by the Cairo, 1938, revision (Treaty Series 948).]

(4) **PUBLIC CORRESPONDENCE:**

Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(5) **PRIVATE OPERATING:**

Any individual, company or corporation, other than a government institution or agency, which is recognized by the government concerned and which operates telecommunication installations for the purpose of exchanging public correspondence.

(6) **ADMINISTRATION:**

A government administration.

(7) **INTERNATIONAL SERVICE:**

A telecommunication service between offices or stations under the jurisdiction of different countries, or between stations of the mobile service, except when the latter are of the same nationality and are within the limits of the country to which they belong. An internal or national telecommunication service which is likely to cause interference with other services beyond the limits of the country in which it operates, shall be considered as international service from the standpoint of interference.

(8) **LIMITED SERVICE:**

A service which can be used only by specified persons or for special purposes.

(9) **MOBILE SERVICE:**

A radiocommunication service carried on between mobile and land stations and by mobile stations communicating among themselves, special services being excluded.

(10) **FIXED STATION:**

A station not capable of being moved, and communicating by radio with one or more stations similarly established.

(11) **LAND STATION:**

A station not capable of being moved, carrying on a mobile service.

(12) **COAST STATION:**

A land station carrying on a service with ship stations. This may be fixed station used also for communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations.

(13) **AERONAUTICAL STATION:**

A land station carrying on a service with aircraft stations. This may be a fixed station also for communication with aircraft stations; in this case, it shall be considered as an aeronautical station only for the duration of its service with aircraft stations.

(14) **MOBILE STATION:**

A station capable of being moved and which ordinarily does move.

(15) ON BOARD STATION:

A station on board either of a ship which is not permanently moored, or an aircraft.

(16) SHIP STATION:

A station on board a ship which is not permanently moored.

(17) AIRCRAFT STATION:

A station on board any aerial vehicle.

(18) RADIOBEACON STATION:

A special station the emissions of which are intended to enable an on-board station to determine its bearing or a direction with reference to the radiobeacon station, and in some cases also the distance which separates it from the latter.

(19) RADIODIRECTION-FINDING STATION:

A station equipped with special apparatus for determining the direction of the emissions of other stations.

(20) TELEPHONE BROADCASTING STATION:

A station carrying on a telephone broadcasting service.

(21) TELEVISION BROADCASTING STATION:

A station licensed for the transmission of transient visual images of moving or fixed objects, for simultaneous reception and reproduction.

(22) AMATEUR STATION:

A station used by an amateur, that is, by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(23) PRIVATE EXPERIMENTAL STATION:

A private station for experiments looking to the development of radio technique or science.

(24) PRIVATE RADIO STATION:

A private station, not open to public correspondence, which is authorized solely to exchange with other private radio stations communications concerning the private business of the license holder or holders.

(25) FREQUENCY ASSIGNED TO A STATION:

The frequency assigned to a station is the frequency occupying the center of the frequency band in which the station is authorized to work. In general this frequency is that of the carrier wave.

(26) FREQUENCY BAND OF AN EMISSION:

The frequency band of an emission is the frequency band actually occupied by the emission for the type of transmission and for the signaling speed used.

**(27) FREQUENCY TOLERANCE:**

The frequency tolerance is the maximum permissible separation between the frequency assigned to a station and the actual frequency of emission.

**(28) POWER OF A RADIO TRANSMITTER:**

The power of a radio transmitter is the power supplied to the antenna.

In the case of a modulated-wave transmitter, the power in the antenna shall be represented by two numbers, one indicating the power of the carrier supplied to the antenna and the other the actual maximum rate of modulation used.

**(29) AERONAUTICAL SERVICE:**

A radio service carried on between aircraft stations and land stations, and by aircraft stations communicating among themselves. This term shall also apply to fixed and special radio services intended to insure the safety of aerial navigation.

**(30) FIXED SERVICE:**

A service carrying on radio communication of any kind between fixed points excluding broadcasting services and special services.

**(31) SPECIAL SERVICE:**

A telecommunication service carried on especially for the needs of a specific service of general interest and not open to public correspondence, such as: a service of radiobeacons, radio direction finding, time signals, regular meteorological bulletins, notices to navigators, press messages addressed to all, medical notices, medical consultations, standard frequencies, emissions for scientific purposes, etc.

**(32) TELEPHONE BROADCASTING SERVICE:**

A service carrying on the broadcasting of radiotelephone emissions primarily intended to be received by the general public.

**(33) VISUAL BROADCASTING SERVICE:**

A service carrying on the broadcasting of visual images, either fixed or moving, intended to be received by the general public primarily.

**(34) AMATEUR SERVICE:**

A radio service carried on between amateur stations.

**(35) AIR MOBILE SERVICE:**

A radio service carried on between aircraft carriers and by aircraft stations communicating among themselves.

**(36) GENERAL EXPERIMENTAL SERVICE:**

A radio service carried on by experimental stations engaged in research or development in the radio art.

**(37) POLICE SERVICE:**

The radio service carried on by provincial, state, or municipal police authorities for emergency services principally with mobile police units.

(38) CHANNELS:

The term "channels" means the portion of the radio spectrum of a width sufficient to permit of its use by a radio station for communication purposes; it comprises the following three elements, all defined below:

- 1) the "frequency band of emissions".
- 2) twice the specified "frequency tolerance".
- 3) the "interference guard bands", if required.

(39) FREQUENCY BAND OF EMISSION:

The term frequency band of emission, means that the frequency band of an emission is the frequency band actually occupied by this emission for the type of transmission and for the signalling speed used.

(40) INTERFERENCE GUARD BANDS:

The term "interference guard bands" means the frequency bands additional, to the frequency band of emission and frequency tolerance, which may be allowed in order that there shall be no interference between stations having adjacent frequency assignments. In general this provision is dependent upon receiver selectivity and transmitter characteristics.

(41) PRIMARILY:

The term "primarily" used in connection with certain bands in the allocation table of this agreement means that as duly authorized installations of the primary services are undertaken, they will have preference on the available channels in that particular band.

The assignment of channels to other services in the general allocation for each of these bands will be carried out in such a manner as to prevent undue interference with existing stations of the primary service.

(42) FACSIMILE BROADCAST STATION:

A station licensed to transmit images of still objects for record reception by the general public.

## SECTION 8. AMATEURS

Amateurs.

The following provisions concerning amateurs were unanimously agreed upon in addition to the allocation tables:

1. That the band from 1750 to 2050 kc. be allocated for A-1 and A-3 emissions.
2. That, after a study of the recommendations issued by the Radio Conference at Buenos Aires, (revised at Rio de Janeiro, 1937) *e*) and *f*) of Recommendation number 10, they have agreed to amend them, without altering the spirit thereof, substituting in their stead, the following:
  - e) That the Administrations should point out the convenience that amateurs use the bands from 1750 to 2050 and 3500 to 4000 Kc/s preferably for short distance communication.

f) That the Administrations recommend that the bands from 7000 to 7300 Kc/s and 14000 to 14400 Kc/s should not be used for short distance communications between amateur stations.

3. That frequencies included between 3500 to 4000, 7000 to 7300 and 14000 to 14400 be available for allocation in accordance with the following table:

3500 to 3800 Kc/s. for A-1 only.  
 3800 to 4000 Kc/s. for A-1 and A-3.  
 7000 to 7050 Kc/s. for A-1 only.  
 7050 to 7150 Kc/s. for A-1 and A-3  
 (A-3 for Latin-America only).  
 7150 to 7300 Kc/s. for A-1 only.  
 14000 to 14100 Kc/s. for A-1 only.  
 14100 to 14300 Kc/s. for A-1 and A-3.  
 14300 to 14400 Kc/s. for A-1 only.

Emission type A-1 may be used in the entire frequency band comprised between 14000 and 14400 Kc/s. The Latin-American countries, Canada and Newfoundland may use type A-3 in the frequencies comprised between 14100 and 14300 Kc/s. The United States will operate with emission type A-3 on frequencies 14150 to 14250 Kc/s., at least until December 31, 1939.

4. The bands from

1750 to 2050 Kc/s  
 3500 to 4000 Kc/s  
 7000 to 7300 Kc/s  
 14000 to 14400 Kc/s  
 28000 to 30000 Kc/s  
 56000 to 60000 Kc/s

shall be amateur bands.

5. In order to make a better use of the 14 megacycle band insofar as radiotelephone communication is concerned, and to avoid at the same time any undue congestion which may be caused by the operation of beginners not familiar with the use of high frequencies, it is recommended that an adequate probationary period in which to acquire the necessary experience, as well as a technical and practical test, be required before an amateur will be granted a license to operate on the 14 megacycle band for radiotelephony.

6. The amateurs bands lately assigned shall not be used for any type of broadcasting fixed or mobile service.

#### SECTION 9. AMATEUR THIRD PARTY MESSAGES.

Whereas the General Radio Regulations annexed to the International Telecommunication Convention of Madrid provide that unless modified by special arrangements between interested countries amateur stations are forbidden to transmit international communications emanating from third persons; and

Amateur third party messages.  
 49 Stat. 2477; *ante*,  
 p. 1473.

Whereas it is apparent that the community of interest of the peoples of all the Americas would be fostered by encouraging the exchange, by amateur stations, without charge, of friendly messages emanating from our citizens.

Be it resolved, by the Inter-American Radio Conference, that:

In the interest of close and friendly contacts between the peoples of the Americas, the administrations of the contracting countries whose internal legislation permits it agree that amateur radio stations in their respective countries and possessions may internationally exchange messages emanating from third parties; provided, however, that such messages shall be of a character that would not normally be sent by any other existing means of electrical communication and on which no compensation may be directly or indirectly paid.

#### SECTION 10. INTERNATIONAL POLICE RADIO.

International police radio.

1. Realizing the advantage to be gained by coordinating international police communications, all countries parties to this agreement are encouraged to authorize police radiotelegraph stations in close proximity to the boundaries of contiguous countries for the transmission of emergency information regarding law enforcement matters. In general, only important police messages are to be handled, such as that which would lose its value due to slowness and time limitations of other communication methods.

2. Stations engaged in international police communication service shall normally use the facilities provided for national police service; provided (a) that police frequencies used primarily for radiotelephone communication with mobile police units shall not be used for radiotelegraph communication, (b) that stations of different countries in close proximity to the boundary between countries may be authorized by their administrations to exchange point to point radiotelephone communication, and (c) that initially the following frequencies be used for both national and international police radiotelegraph communication:

2804 Kc/s calling	5195 Kc/s day only calling
2808 Kc/s working	5135 Kc/s day only working
2812 Kc/s working	5140 Kc/s day only working.

3. Notifications concerning the particulars of stations engaged in international police service shall be forwarded to the Bureau of the International Telecommunication Union, Berne, Switzerland, in order that all stations desiring to inter-communicate may be kept informed of the details concerning individual operation.

Operating procedure.

4. In order to insure uniformity in the handling of messages, the following operating procedure shall be followed:

49 Stat. 2501.

(a) This service shall, in general, conform with the provisions of Article 16 of the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932.

(b) Full use shall be made of the list of abbreviations appearing in Appendix 9 to the General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932. Plain language shall not be used if an abbreviation will suffice. Service indications are as follows: P—Priority, for messages which are to be sent immediately regardless of the number of other messages on file. No service indication, messages that are to be transmitted in the order of receipt.

49 Stat. 2619.

(c) The message shall contain the preamble, text, and signature, as follows:

(1) *Preamble*: The preamble of the message shall consist of the following: The serial number preceded by the letters NR; service indications as appropriate; check (this is the group count according to standard cable count system, the letters "CK" followed by numerals indicating the number of words contained in the text of the message); office and country of origin (not abbreviated); day of month and month; hour of filing; address.

(2) *Text*: The text may be in either plain language or code.

(3) *Signature*: The signature shall include the name and title of the person originating the message.

## SECTION 11. RADIO AIDS TO AIR NAVIGATION

### STANDARDS OF FIELD STRENGTH AND INTERFERENCE RATIOS

1. WHEREAS the Inter-American Radio Conference has carefully considered the various resolutions of the September 1937 Inter-American Technical Aviation Conference of Lima, and in particular resolutions XIV, XVII and XVIII which were referred to this Conference and

Radio aids to air navigation.

#### 2. Considering

a) the great importance of radio aids to air navigation, the phenomenal growth of air traffic and the further expansion which will certainly take place in the future;

b) the exacting requirements of such radio aids to air navigation with respect to stability of emissions as affected by multiple path transmission which can be minimized to the greatest extent by selection of frequencies least subject to sky wave effects;

c) the extremely limited range of frequencies which possesses the necessary propagation characteristics as mentioned in (b) above;

d) the absolute dependence of aircraft in flight upon radio for navigational guidance and communication;

e) the vast number of aircraft throughout the world that now use, and must continue to share the limited number of frequencies suitable for aids to air navigation, therefore making the strictest economy of use necessary in order that all may be accommodated with a minimum of interference;

f) the standardization which therefore seems desirable in order to facilitate international flying by coordination, and, as far as possible, standardization of equipment and operating procedure;

g) that it is possible for a single ground station such for instance as the radio range beacon to simultaneously give navigational guidance to a practically unlimited number of aircraft;

h) the grave responsibility of radio aids to air navigation for rendering reliable service to aircraft which, under certain circumstances, may be entirely dependent for their safety upon uninterrupted reception of satisfactory navigational signal; and

i) the short period of time that has been available for engineering study since the September 1937 Inter-American Technical Aviation Conference at Lima;

3. The Inter-American Radio Conference resolves:

a) That in accordance with the recommendations of the Lima Convention the countries participating in this conference should prepare and exchange not later than June 1, 1938 all pertinent data which may be of value in the drafting of the following tables which may serve as a guide in connection with the application of the engineering principles herein set forth.

Table I listing various types of radio aids to air navigation which have been approved for service operation;

Table II establishing minimum signal intensities required for satisfactory reception of the various types of radio aids to air navigation, such data to be used as a basis for determination of normal service areas;

Table III establishing permissible values of interfering signal strength for the various types of radio aids to air navigation expressed in ratios of desired to undesired signal at the minimum service signal contour (a) on the same frequency, (b) 3 kc/s removed in frequency, and (c) 6 kc/s removed in frequency.

b) that radio aids to air navigation, especially those which are of a one-way or broadcast nature, such as radiobeacons, should be expected to maintain the highest possible standards of reliability, stability, and quality of emissions;

c) that in the interests of economy of frequencies the limited number of channels suitable for the use of radio air navigational aids should be assigned with the closest practicable separation, considering the type of service and class of emission, and that, as far as possible, all nations should reserve the same bands for similar types of service in order to simplify receiver design and through standardization extend the geographical limits of usefulness.

d) that the sharing of frequencies to provide facilities within the authorized bands might be arranged by regional agreement between the countries within whose borders lie portions of the interference area of existing stations as determined by the table of interference ratios and service signals;

e) that the power radiated by radio aids to air navigation in the authorized frequency bands should ordinarily be confined to a value consistent with the normal required signal intensity within the area in which it is desired to render service in order that interference beyond the service area may be reduced to a minimum.

NOTE: See additional material submitted by the U.S.A. for informative purposes, annexed.

#### SECTION 12. SUPPRESSION OF INTERFERENCE CAUSED BY ELECTRICAL APPARATUS.

1. Diathermy apparatus, induction field heaters, carrier call systems, and similar non-radio apparatus which use radio frequency currents as an essential to their operation, may be a serious source of interference to radio communications.

Interference from electrical apparatus.

2. The use of such apparatus has an important place in therapeutics, surgery, industry, etc.

3. The radiation of radio energy is not essential to the proper functioning of the apparatus and can be prevented or controlled without impairing the usefulness of the apparatus for its intended purpose.

4. The radiation takes place generally from the output circuit, internal circuits or power supply connection, all of which are essential elements.

5. The extent of the radiation depends upon the operating frequency or frequencies, power, and the design, installation and operation of the apparatus.

6. The radiation through the power supply connection can be prevented by means of the proper line filter. Radiation from the internal circuits can be prevented by means of suitable metallic cases. The radiation from the output circuits can be reduced to a level so as not to cause interference to radio communications by means of suitable metallic shielding, if the shielding encloses the entire apparatus and is of sufficient dimensions that large eddy currents are not produced in the shield.

7. In many cases it may not be practicable to employ the required shielding.

8. The frequencies used for such apparatus may be any frequency in the useful radio spectrum. However, many modern diathermy units (which cause most long-distance radio interference) operate on frequencies from approximately 10,000 to 20,000 kilocycles. Operations on other frequencies mainly cause interference to local or moderate distance reception.

9. In cases where it is not practicable to shield the entire apparatus to control the radiation, then the only means of operating machines without causing interference would be to use frequencies which are not assigned to any radio services.

10. The usual diathermy machine is essentially a radio transmitter of the self-excited oscillating type and generally uses self-rectifying plate power supply. Due to the inherent instability of the oscillator circuits, the wide variation in voltage during a plate supply cycle, and the different uses to which the output circuit is subject, the operating frequency varies during normal operation over very wide bands, possibly one or two megacycles, when operating on a frequency of approximately 15 megacycles.

11. All diathermy machines designed for the same service could operate on the same frequency without impairing their usefulness, since their operation is not affected by radiation from other machines. To operate on a fixed frequency would require additional apparatus and cost in that automatic frequency control would be required—to maintain the operating frequency within at least  $\frac{1}{20}$  percent to be effective. At 15 megacycles this would require a band width of 15 kilocycles, or virtually one communication channel.

12. From the best information available diathermy operation should be restricted until the art advances to the point where apparatus may be designed to completely suppress interfering radiations, to three frequencies, namely, approximately 12 megacycles, 25 megacycles, and 50 megacycles.

13. Such apparatus as carrier call systems and certain types of induction furnaces and similar apparatus using medium or low frequencies should be required to restrict the generation of harmonics and make the necessary test to determine that radiation of signal does not result beyond a prescribed level.

14. Each subscribing country should make the necessary regulations to require the complete shielding or operation on designated frequencies of all non-radio apparatus which generate radio frequency electric energy as an essential to its operation but does not engage in radio communication.

15. There is annexed hereto a report on "Radio Interference from Electro Therapeutic Apparatus" presented by Canada which is to be considered part of the material adopted on this subject.

NOTE: See "Radio Interference from Electro Therapeutic Apparatus" report presented by Canada, contained in document C.I.R./Doc. 43.

In witness whereof, the respective Delegates have signed various copies of this instrument in Spanish, English, Portuguese and French, to be deposited in the archives of the Government of Cuba, which shall forward an authenticated copy thereof in each language to the other contracting Governments.

Done in the city of Havana, Republic of Cuba, on the 13th day of December, 1937.

Signatures.

ARGENTINE REPUBLIC:

BRAZIL:

JOSÉ ROBERTO DE MACEDO-SOARES.

## CANADA:

LAURENT BEAUDRY.

C. P. EDWARDS.

## COLOMBIA:

JORGE SOTO DEL CORRAL.

RICARDO GUTIÉRREZ LEE Y RIVERO.

## CUBA:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNANDEZ CATÁ Y GALT.

## CHILE:

EMILIO EDWARDS BELLO.

## DOMINICAN REPUBLIC:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

## UNITED STATES OF AMERICA:

T. A. M. CRAVEN.

## GUATEMALA:

ARTURO CÓBAR L.

## HAITI:

JUSTIN BARAU.

## MEXICO:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

## NICARAGUA:

GUILLERMO ARGUEDAS.

## PANAMA:

ERNESTO B. FÁBREGA.

## PERU:

CARLOS A. TUDELA.

## URUGUAY:

CÉSAR GORRI.

## VENEZUELA:

ALBERTO SMITH.

## ANNEX

## ADDITIONAL DOCUMENT FOR INFORMATION PURPOSES.

In accordance with the suggestion made for an interchange of technical information, the Inter-American Radio Conference takes into consideration the following points, which shall be presented at the appropriate time by the Government of the United States of America, to all the American countries.

1. Lists of all aeronautical stations in the United States operated by the Department of Commerce, Bureau of Air Commerce. This list will give the following information concerning each station:

Location and type of station.

Bearings of all range beacon courses.

Call letters.

Operating frequency in kilocycles.

Station identification signals.

Bearing and distance to nearest landing field, including exact elevation of such field above sea level.

Schedule of radiotelephone broadcasts of weather information and notices to airmen.

2. Maps on which are plotted locations and range courses of all directional guidance, weather broadcast, and marker beacon stations.

3. Maps of the Department of Commerce aeronautical ground communication system of teletypewriter and radio point-to-point stations.

4. Maps of designated Federal Air mail routes of the United States.

5. Tables and graphic interpretations thereof showing normal service area and normal interference area of each type of directional guidance stations. These tables will be based on an assumption of definite values of minimum service signal and maximum interference ratios and will be corrected for variations in transmitting antenna efficiency to all frequencies between 200 and 400 kc.

6. Attenuation curves based on measurements of existing range beacon stations, showing variation of sky wave intensity with frequency and distance and indicated maximum and minimum ground attenuation as experienced in widely different parts of the continental United States.

7. Detailed performance specifications of various types of aeronautical radio aids developed by the United States Bureau of Air Commerce and approved for service operation.

Es copia fiel de su original.

[SEAL]

LUIS R. MIRANDA  
*Subsecretario de Estado*

## ARREGLO INTERAMERICANO SOBRE RADIOCOMUNICACION

### SECCION 1.—INTRODUCCION

Los Delegados de los Gobiernos Americanos abajo mencionados, reunidos en Conferencia en la Habana, República de Cuba, del 1.º de noviembre al 13 de diciembre de 1937, han celebrado el siguiente arreglo administrativo, que empezará a regir el 1.º de julio de 1938 en aquellos países en donde hubiere obtenido la aprobación del respectivo Gobierno, que debe comunicarlo a la Secretaría de Estado de Cuba.

Argentina,	Chile,	México,
Brasil,	República Dominicana,	Nicaragua,
Canadá,	Estados Unidos de América,	Panamá,
Colombia,	Guatemala,	Perú,
Cuba.	Haití,	Uruguay, y
		Venezuela.

Si cualquier Estado desee dar por terminado este arreglo total o parcialmente, podrá hacerlo por medio de una comunicación escrita dirigida al Gobierno de Cuba, con un año de anticipación a la fecha en que desee ponerle fin, en la cual dará las razones que le inducen a ello.

El Gobierno de Cuba transmitirá el aviso recibido a los demás Estados interesados.

### SECCION 2.—TABLAS DE ASIGNACION

TABLA I

ASIGNACION DE FRECUENCIAS PARA DIVERSOS SERVICIOS EN EL CONTINENTE  
AMERICANO. (10-550 Kc/s.)

10-100	Fijos.
100-110	a) Fijos. b) Móviles.
110-125	Móviles.
125-150	Móviles marítimos (abiertos a la correspondencia pública exclusivamente).
150-160	Móviles.
160-200	a) Fijos. b) Móviles. c) Aeronáuticos.
200-285	Aeronáutico y móvil, excepto a estaciones comerciales de navío.
285-315	Radiofaros teniendo prioridad los destinados a servicios marítimos.
315-320	Aeronáuticos.
320-325	a) Aeronáuticos. b) Móviles no abiertos a la correspondencia pública.
325-345	Aeronáuticos.
345-365	a) Aeronáuticos. b) Móviles no abiertos a la correspondencia pública.

TABLA I—Continúa

365-385	a) Radiogoniometría, b) Móviles, a condición de no perturbar la radiogoniometría, quedando excluidas las estaciones costeras que emplean ondas B).
385-400	Móviles y aeronáuticos, teniendo prioridad los marítimos, entendiéndose que la prioridad se refiere a los servicios existentes.
400-460	Móviles.
460-485	Móviles A-1 y A-2 solamente.
485-515	Móviles. (Socorro, llamada, etc.)
515-550	Servicios no abiertos a la correspondencia pública A-1 y A-2 únicamente.

## NOTA:

- 1.—La banda de frecuencias comprendida entre los 200 y 400 Kc/s. se reserva en las Américas para la ayuda de la navegación aérea y para la transmisión de informes meteorológicos y otros informes para la protección de las aeronaves en vuelo, sujeta solamente a la prioridad que en esta banda puedan tener los servicios marítimos.
- 2.—Cuando debido a condiciones atmosféricas adversas o a otras razones técnicas, no se pueda emplear frecuencias entre los 200 y 400 kc/s. para los servicios antedichos, se podrá usar otras frecuencias adecuadas, siempre que se notifique a todos los países de América cuáles frecuencias han sido escogidas.

TABLA II

ASIGNACION DE LAS FRECUENCIAS ENTRE 550-1600 Kc/s.  
A LA RADIODIFUSION

550-1600 Kc/s. Radiodifusión

TABLA III

ASIGNACION GENERAL DE FRECUENCIAS A LOS DIVERSOS SERVICIOS.  
1600-4000 Kc/s.

Frecuencias Kc/s.	Zona de Norte América	Zona Central	Zona de Sud América
1600-1750	Fijos y Móviles (Preferentemente para policía).	Fijos y Móviles incluyendo aeronáutica.	Fijos y Móviles incluyendo aeronáutica.
1750-2050	Aficionados.	Aficionados.	Aficionados.
2050-2100	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
2100-2200	Móviles (Preferentemente estaciones de barco).	Móviles (Preferentemente estaciones de barco).	Móviles (Preferentemente estaciones de barco).
2200-2300	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
2300-2395	Móviles (Preferentemente para policía).	Móviles (Preferentemente para policía). (1)	Móviles y Radiodifusión.
2395-2400	General de Experiencias.	General de Experiencias.	Móviles y Radiodifusión.
2400-2500	Móviles (Preferentemente para policía).	Móviles (Preferentemente para policía).	Móviles y Radiodifusión.
2500-2600	Móviles (Preferentemente Estaciones Costeras).	Móviles (Preferentemente Estaciones Costeras).	Móviles (Preferentemente Estaciones Costeras).
2600-2735	Aeronáuticos y Móviles.	Aeronáuticos y Móviles.	Aeronáuticos y Móviles.

TABLA III—Continúa

Frecuencias Kc/s.	Zona de Norte América	Zona Central	Zona de Sud América
2735-2740	Móviles (Preferentemente inter barcos. Frecuencia asignable—2738 kc/s.)	Móviles (Preferentemente inter barcos. Frecuencia asignable—2738 kc/s.)	Móviles (Preferentemente inter barcos. Frecuencia asignable—2738 kc/s.)
2740-2850	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
2850-3000	Aeronáuticos y Móviles.	Aeronáuticos y Móviles.	Aeronáuticos y Móviles.
3000-3065	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
3065-3100	Aeronáuticos.	Aeronáuticos.	Aeronáuticos.
3100-3110	Móviles (Preferentemente frecuencia de llamada de los servicios aeronáuticos 3105 kc.)	Móviles (Preferentemente frecuencia de llamada de los servicios aeronáuticos 3105 kc.)	Móviles (Preferentemente frecuencia de llamada de los servicios aeronáuticos 3105 kc.)
3110-3150	Móviles.	Móviles.	Móviles.
3150-3265	Fijos y Móviles (Preferentemente Aeronáuticos).	Fijos y Móviles (Preferentemente Aeronáuticos).	Fijos y Móviles (Preferentemente Aeronáuticos).
3265-3320	Fijos.	Fijos.	Fijos.
3320-3440	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
3440-3485	Fijos y Móviles (Preferentemente Aeronáuticos).	Fijos y Móviles (Preferentemente Aeronáuticos).	Fijos y Móviles (Preferentemente Aeronáuticos).
3485-3500	General de Experiencias.	General de Experiencias.	General de Experiencias.
3500-4000	Aficionados.	Aficionados.	Aficionados.

## NOTA:

(1) A los países en la Zona Central situados al Norte de Colombia se les permitirá reservar la banda de frecuencias de 2,300 a 2,350 kc/s. para servicio de radiodifusión en cada uno de estos países, en cumplimiento de un convenio por el cual no han de usar más de dos frecuencias por país dentro de esta banda, separadas una de otras, con potencia apropiada y antena direccional. El uso de esas frecuencias por estos países no ocasionará interferencia a los otros servicios en las Zonas del Norte y Sur que actualmente usan esas frecuencias.

TABLA IV<sup>1</sup>

ASIGNACION GENERAL DE FRECUENCIAS A LOS DIVERSOS SERVICIOS  
(Véase nota especial al pié)

4000-25,000 Kc/s.

Frecuencias. Kc/s.	Servicio.
4000- 5500	Fijos y Móviles. (1)
5500- 5570	Móviles Marítimos.
5570- 5700	Aeronáuticos.
5700- 5900	Fijos.
5900- 6000	Fijos. (2)
6000- 6150	Radiodifusión. (3)
6150- 6675	Móviles. (Frecuencia Internacional de llamada de los servicios aeronáuticos 6210 kc.)

<sup>1</sup> [Modificado por la revisión del Cairo de 1938 (Treaty Series 948).]

TABLA IV—Continúa

Frecuencias. Kc/s	Servicio.
6675- 7000	Fijos.
7000- 7300	Aficionados.
7300- 8200	Fijos.
8200- 8550	Móviles.
8550- 8900	Fijos y Móviles.
8900- 9500	Fijos.
9500- 9600	Radiodifusión. (3).
9600- 9700	Fijos (2).
9700-11000	Fijos.
11000-11400	Móviles.
11400-11700	Fijos.
11700-11900	Radiodifusión. (3)
11900-12300	Fijos.
12300-12825	Móviles.
12825-13350	Fijos y Móviles.
13350-14000	Fijos.
14000-14400	Aficionados.
14400-15100	Fijos.
15100-15350	Radiodifusión. (3)
15350-16400	Fijos.
16400-17100	Móviles.
17100-17750	Fijos y Móviles.
17750-17800	Radiodifusión. (3).
17800-21450	Fijos.
21450-21550	Radiodifusión, (3).
21550-22300	Móviles.
22300-24600	Fijos y Móviles.
24600-25000	Móviles.

*Notas:*(1) *4500-5200 Kc/s.*

Las altas partes contratantes convienen, cada una, en hacer un estudio especial sobre estas frecuencias considerándolas como una de las posibles soluciones para la radiodifusión nacional en aquellos países de la Zona Central situada al sur de Panamá.

Este estudio debería ser presentado a la consideración de la Conferencia de El Cairo, con las respectivas recomendaciones, basadas en los siguientes puntos:

a).—Uso de antenas direccionales en las estaciones radiodifusoras para evitar interferencias a otros servicios.

b).—Determinación de la potencia máxima nocturna para estaciones radiodifusoras, en esta banda de frecuencias.

c).—La amplitud total de esta banda entre los 4500 y los 5200 Kc/s. no deberá exceder de 300 Kc/s.

(2) *5900-6000 y 9600-9700 Kc/s.*

La proposición presentada por el Brasil, de que se asignen las bandas de frecuencias de los 5900 a los 6000 kc., y de los 9600 a los 9700 kc. a la radiodifusión, será estudiada antes de celebrarse la Conferencia de El Cairo, de acuerdo con los principios expuestos en la nota No. 3 siguiente.

(3) *6000-25000 Kc/s.*

Al considerar las necesidades del servicio de radiodifusión en la banda de frecuencias de los 6000 a los 25000 kc. la Conferencia Interamericana de Radio conviene en aplicar los siguientes principios al estudio de este problema, y en presentar recomendaciones a la Conferencia de Radio de El Cairo, tomándolos como base:

1.—Cumplimiento estricto de las disposiciones del Párrafo 19 del Artículo 7 del Reglamento General de Radiocomunicaciones, anexo a la Convención Internacional de Telecomunicaciones celebrada en Madrid, en 1932, que dice así:

“Se reconoce que las frecuencias entre 6000 y 30000 kc. (50 y 10 m) son muy eficaces para las comunicaciones a larga distancia. Las Administraciones se esforzarán todo lo posible por reservar las frecuencias de esta banda para ese fin, excepto cuando su empleo para comunicaciones a corta distancia o a distancias medias no sea susceptible de causar interferencia a las comunicaciones de larga distancia”.

2.—Los canales de radiodifusión serán asignados preferentemente para comunicaciones internacionales a larga distancia, y, en segundo término, a los servicios nacionales de larga distancia, particularmente entre puntos que no estén comunicados por hilo telegráfico. En todo caso, la frecuencia deberá ser la óptima para la distancia en cuestión.

3.—Las estaciones que funcionen dentro de las bandas de radiodifusión asignadas en la actualidad, y en derogación de las mismas, con el fin de prestar servicio local, deberán ser trasladadas a bandas de radiodifusión de frecuencias más bajas, inferiores a los 6000 kc.

4.—No sería prudente extender las bandas de radiodifusión de altas frecuencias que rigen hoy día, hasta que se obtenga la promesa formal de todas las naciones de que cumplirán estrictamente con las tablas de asignación de frecuencias que se adopten en la Conferencia de El Cairo. Sobre este particular, se llama la atención hacia el hecho de que un estudio de la documentación respectiva demostraría que muchas estaciones radiodifusoras, telefónicas y telegráficas están usando frecuencias en toda la gama de altas frecuencias en el “spectrum”, en violación de las disposiciones contenidas en el Reglamento General de Radiocomunicaciones de Madrid.

5.—Siguiendo buenos principios de ingeniería práctica, a fin de prestar un servicio adecuado de radiodifusión, se acuerda:

a) Que no se usará una potencia menor de 5 K. W. para el servicio internacional de radiodifusión.

b) Que se usarán antenas direccionales siempre que sea conveniente a fin de prestar buen servicio a determinados países o regiones, dependiendo esto de la hora, de las horas que prefiera el público radioescucha, la frecuencia que se esté usando, etc.

c) Que las bandas se subdividirán de manera que den prioridad a clases distintas de estaciones radiodifusoras, dependiendo de que la potencia sea adecuada y de la calidad de las emisiones, desde el punto de vista de las buenas normas de ingeniería.

6.—El uso en común basado en la buena ingeniería, de canales de radiodifusión en altas frecuencias entre países de todo el mundo, promete algún alivio en lo que respecta a las presentes bandas de radiodifusión de altas frecuencias.

7.—Los servicios actuales que funcionen dentro de las bandas de frecuencia autorizadas no serán eliminados de ellas a menos que se suministren frecuencias adecuadas que las reemplacen; siendo de importancia, en consecuencia, que las recomendaciones que se presenten a la Conferencia de El Cairo contengan recomendaciones especiales sobre este asunto.

8.—En vista de que de la comunicación por radio puede depender la protección de la vida y la propiedad, se dará consideración primordial a los servicios móviles al hacer cualquiera alteración en las bandas actualmente autorizadas.

9.—Las recomendaciones que se presenten respecto a frecuencias adicionales que se consideren necesarias, deberán hacerse a base de ampliaciones de las bandas de radiodifusión ya existentes, en vez de la creación de nuevas bandas.

*Nota especial:*

La resolución que se tome en El Cairo con respecto a las recomendaciones que serán presentadas en cumplimiento de las notas (1), (2) y (3) modificarán automáticamente la asignación a servicios en la Tabla IV que antecede.

TABLA V

ASIGNACION GENERAL DE FRECUENCIAS A LOS DIVERSOS SERVICIOS ENTRE 25,000 Y 30,000 Kc/s.

25000-25600	Radiodifusión <sup>1</sup>
25600-26600	Radiodifusión.
26600-27000	Radiodifusión <sup>1</sup>
27000-28000	(a) Fijos (b) Móviles <sup>1</sup>
28000-30000	Aficionados.

<sup>1</sup> Disponible para este servicio de acuerdo con lo estipulado en el Artículo 7, párrafo 1, del Reglamento General de Radiocomunicaciones Anexo al Convenio Internacional de Telecomunicaciones firmado en Madrid en 1932, siempre que no se cause interferencia al servicio internacional a que se ha asignado esta banda de frecuencias de acuerdo con dicho Reglamento.

TABLA VI

[F]RECUENCIAS ENTRE 30,000 Y 300,000 Kc/s.

Cada país comunicará a los demás países americanos interesados, en caso de que exista posibilidad de originarse interferencia entre países o de que se desee entendimiento entre ellos, la ubicación, potencia, frecuencia y clase de servicio de cualquiera estación o estaciones que se proyecte operar en la banda de frecuencias superior a los 30 megaciclos a fin de que pueda llegarse a un mutuo acuerdo y desarrollo deseados.

Se acepta esta tabla como guía para la investigación y el uso experimental de frecuencias.

Frecuencias Kc/s.	Zona de Norte América	Zona Central	Zona de Sud América
30000-41000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
41000-44000	Radiodifusión.	Radiodifusión.	Radiodifusión.
44000-56000	Televisión.	Televisión.	Televisión.
56000-60000	Aficionados.	Aficionados.	Aficionados.
60000-66000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
66000-72000	Televisión.	Televisión.	Televisión.
72000-78000	Fijos y Móviles (Radiofaros Aeronáuticos Indicadores).	Fijos y Móviles (Radiofaros Aeronáuticos Indicadores).	Fijos y Móviles (Radiofaros Aeronáuticos Indicadores).
78000-90000	Televisión.	Televisión.	Televisión.
90000-96000	Fijos y Móviles (Incluyendo sistemas aeronáuticos de aterrizaje a ciegas).	Fijos y Móviles (Incluyendo sistemas aeronáuticos de aterrizaje a ciegas).	Fijos y Móviles (Incluyendo sistemas aeronáuticos de aterrizaje a ciegas).
96000-108000	Televisión.	Televisión.	Televisión.
108000-112000	Fijos y Móviles (Incluyendo radiofaros aeronáuticos para el aterrizaje a ciegas y para localización).	Fijos y Móviles (Incluyendo radiofaros aeronáuticos para el aterrizaje a ciegas y para localización).	Fijos y Móviles (Incluyendo radiofaros aeronáuticos para el aterrizaje a ciegas y para localización).
112000-118000	Aficionados.	Aficionados.	Aficionados.
118000-123000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
123000-126000	Radiofaros aeronáuticos de orientación.	Radiofaros aeronáuticos de orientación.	Radiofaros aeronáuticos de orientación.
126000-132000	Aeronáuticos (Control del tránsito en aeropuertos).	Aeronáuticos (Control del tránsito en aeropuertos).	Aeronáuticos (Control del tránsito en aeropuertos).
132000-156000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
156000-168000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
168000-180000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
180000-192000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
192000-204000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
204000-216000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
216000-224000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
224000-230000	Aficionados.	Aficionados.	Aficionados.
230000-234000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
234000-246000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
246000-258000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
258000-270000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
270000-282000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.
282000-294000	Radiodifusión (Televisión).	Radiodifusión (Televisión).	Radiodifusión (Televisión).
294000-300000	Fijos y Móviles.	Fijos y Móviles.	Fijos y Móviles.

SECCION 3.—FRECUENCIAS ASIGNABLES BASADAS EN EMISIONES  
RADIOTELEGRAFICAS

En principio, la asignación de frecuencias, en la banda de 1600 a 3000, se hará en múltiplos enteros de 4 Kc/s., y en la banda de 3000 a 4000 Kc/s., se hará en múltiplos enteros de 5 Kc/s.—Los canales de comunicación de mayor amplitud de 4 o 5 Kc/s., podrán ser asignados cuando la amplitud de la banda para el tipo de transmisión autorizada requiera el uso de canales más anchos, por ejemplo: Dos canales adyacentes de telegrafía podrán ser destinados a telefonía, en cuyo caso la frecuencia asignada a la estación deberá ser la frecuencia intermedia de ambos canales. En la siguiente tabla se dan las frecuencias que deberán ser asignadas a las estaciones radiotelegráficas; la modificación de estas asignaciones podrán hacerse siempre que ella redunde en beneficio de la separación entre las frecuencias.

La siguiente tabla indica las frecuencias asignables:

1600	1756	1912	2068	2224	2380
1604	1760	1916	2072	2228	2384
1608	1764	1920	2076	2232	2388
1612	1768	1924	2080	2236	2392
1616	1772	1928	2084	2240	2396
1620	1776	1932	2088	2244	2400
1624	1780	1936	2092	2248	2404
1628	1784	1940	2096	2252	2408
1632	1788	1944	2100	2256	2412
1636	1792	1948	2104	2260	2416
1640	1796	1952	2108	2264	2420
1644	1800	1956	2112	2268	2424
1648	1804	1960	2116	2272	2428
1652	1808	1964	2120	2276	2432
1656	1812	1968	2124	2280	2436
1660	1816	1972	2128	2284	2440
1664	1820	1976	2132	2288	2444
1668	1824	1980	2136	2292	2448
1672	1828	1984	2140	2296	2452
1676	1832	1988	2144	2300	2456
1680	1836	1992	2148	2304	2460
1684	1840	1996	2152	2308	2464
1688	1844	2000	2156	2312	2468
1692	1848	2004	2160	2316	2472
1696	1852	2008	2164	2320	2476
1700	1856	2012	2168	2324	2480
1704	1860	2016	2172	2328	2484
1708	1864	2020	2176	2332	2488
1712	1868	2024	2180	2336	2492
1716	1872	2028	2184	2340	2496
1720	1876	2032	2188	2344	2500
1724	1880	2036	2192	2348	2504
1728	1884	2040	2196	2352	2508
1732	1888	2044	2200	2356	2512
1736	1892	2048	2204	2360	2516
1740	1896	2052	2208	2364	2520
1744	1900	2056	2212	2368	2524
1748	1904	2060	2216	2372	2528
1752	1908	2064	2220	2376	2532

2536	2684	2832	2980	3160	3345
2540	2688	2836	2984	3165	3350
2544	2692	2840	2988	3170	3355
2548	2696	2844	2992	3175	3360
2552	2700	2848	2996	3180	3365
2556	2704	2852	3000	3185	3370
2560	2708	2856	3005	3190	3375
2564	2712	2860	3010	3195	3380
2568	2716	2864	3015	3200	3385
2572	2720	2868	3020	3205	3390
2576	2724	2872	3025	3210	[3395 <sup>1</sup> ]
2580	2728	2876	3030	3215	3400
2584	2732	2880	3035	3220	3405
2588	2736	2884	3040	3225	3410
2592	2740	2888	3045	3230	3415
2596	2744	2892	3050	3235	3420
2600	2748	2896	3055	3240	3425
2604	2752	2900	3060	3245	3430
2608	2756	2904	3065	3250	3435
2612	2760	2908	3070	3255	3440
2616	2764	2912	3075	3260	3445
2620	2768	2916	3080	3265	3450
2624	2772	2920	3085	3270	3455
2628	2776	2924	3090	3275	3460
2632	2780	2928	3095	3280	3465
2636	2784	2932	3100	3285	3470
2640	2788	2936	3105	3290	3475
2644	2792	2940	3110	3295	3480
2648	2796	2944	3115	3300	3485
2652	2800	2948	3120	3305	3490
2656	2804	2952	3125	3310	3495
2660	2808	2956	3130	3315	3500
2664	2812	2960	3135	3320	a
2668	2816	2964	3140	3325	4000
2672	2820	2968	3145	3330	Aficionados.
2676	2824	2972	3150	3335	
2680	2828	2976	3155	3340	

## SECCION 4.—TOLERANCIA Y EMISIONES ESPURIAS.

-I-

## TABLA DE TOLERANCIAS DE FRECUENCIA Y DE INESTABILIDADES.—

La Conferencia Interamericana de Radio,

CONSIDERANDO:

a) Que el progreso técnico alcanzado desde la formulación de la tabla contenida en el Apéndice I del Reglamento General de Radiocomunicaciones de Madrid, permite una reducción apreciable de las cifras que en ella se dan para tolerancias e inestabilidades.

b) Que, aun cuando sería conveniente continuar la aplicación de las tolerancias e inestabilidades que fija el Reglamento General de Madrid a los emisores actualmente en uso, debería imponérseles

<sup>1</sup>[Véanse los textos inglés y portugués.]

requisitos más severos a los emisores construídos despues de la fecha indicada en la tabla que a continuación se inserta;

c) Que convendría obtener datos suplementarios en cuanto a las tolerancias e inestabilidades que pueden aplicarse en la práctica actual, especialmente respecto a las frecuencias mayores de 23000 kc. que podrían ser objeto de reglamentación internacional;

**ACUERDA:**

1.—Aceptar que el progreso técnico en materia de estabilización de frecuencias ha llegado al extremo de que todas las estaciones pueden mantenerse dentro de los límites de tolerancias o inestabilidades especificados en la tabla que más adelante se inserta, así como cooperar en la reducción de interferencias causadas por la fluctuación de las frecuencias;

2.—Que la susodicha tabla debería reemplazar a la contenida en el Apéndice 1 del Reglamento General de Madrid;

3.—Que el asunto de la mejora en las condiciones de tolerancias y de estabilidad debería mantenerse en la Agenda y ampliarse hasta incluir frecuencias más altas que las que aparecen en la siguiente tabla, con sujeción a la reglamentación que se adopte en la Conferencia de El Cairo;

**TABLA REVISADA DE TOLERANCIA DE FRECUENCIAS Y DE INESTABILIDADES.—**

1) La tolerancia de frecuencia es el máximo de separación admisible entre la frecuencia asignada a una estación y la frecuencia real de trasmisión.

2) Esta separación resulta de la combinación de estos 3 errores:

- a) el error del radiofrecuencímetro o del indicador de frecuencia empleado;
- b) el error cometido al ajustar el trasmisor.
- c) variaciones lentas de la frecuencia del emisor.

3) En la tolerancia de frecuencia no se tiene en cuenta la modulación.—

4) La inestabilidad de frecuencias es el máximo de desviación admisible resultante solamente del error comprendido en el inciso (c) anterior.

TABLA DE TOLERANCIAS DE FRECUENCIA Y DE INESTABILIDAD. <sup>1</sup>

<i>Bandas de Frecuencias.</i>	<i>Tolerancias.</i>		<i>Inestabilidades.</i>	
	Emisores en servicio actualmente y hasta el 1° de enero de 1942, después de cuya fecha deberán ajustarse a las tolerancias indicadas en las columnas 2 y 4, respectivamente.—	Nuevos emisores instalados—después del 1° de enero de 1939.	Emisores en servicio actualmente y hasta el 1° de enero de 1942, después de cuya fecha deberán ajustarse a las tolerancias indicadas en las columnas 2 y 4, respectivamente.—	Nuevos emisores instalados—después del 1° de enero de 1939.
<b>A.—De 10 a 550 Kc.</b>				
a) Estaciones fijas.	0. 1 %	0. 05 %	-----	-----
b) Estaciones terrestres.	0. 1 %	0. 1 %	-----	-----
c) Estaciones móviles que utilicen las frecuencias indicadas.	0. 5 %	0. 1 %	-----	-----
d) Estaciones móviles que usen una frecuencia cualquiera dentro de la banda.			0. 5 %	0. 1 %
e) Radiodifusión.	50 ciclos.	20 ciclos.		
<b>B.—De 550 a 1600 Kc.</b>				
a) Estaciones de Radiodifusión.	50 ciclos segundos.	20 ciclos segundos.		
<b>C.—De 1600 a 6000 Kc.</b>				
a) Estaciones fijas.	0. 03 %	0. 01 %	-----	-----
b) Estaciones terrestres.	0. 04 %	0. 02 %	-----	-----
c) Estaciones móviles que usen las frecuencias indicadas				
I. 1500 a 3500 Kc/s	0. 1 %	0. 1 %	-----	-----
II. 3500 a 6000 Kc/s	0. 1 %	0. 05 %	-----	-----
d) Estaciones móviles que usen una frecuencia cualquiera dentro de la banda.				
I. 1500 a 3500 Kc/s	-----	-----	0. 1 %	0. 07 %
II. 3500 a 6000 Kc/s	-----	-----	0. 1 %	0. 05 %
<b>D.—De 6000 a 30000 Kc.</b>				
a) Estaciones fijas.	0. 02 %	0. 01 %	-----	-----
b) Estaciones terrestres.	0. 04 %	0. 02 %	-----	-----
c) Estaciones móviles que usen las frecuencias indicadas.	0. 1 %	0. 05 %	-----	-----
d) Estaciones móviles que usen una frecuencia cualquiera dentro de la banda.			0. 05 %	0. 02 %
e) Estaciones de Radiodifusión.	0. 01 %	0. 005 %	-----	-----

<sup>1</sup> [Modificado por la revisión del Cairo de 1938 (Treaty Series 948).]

(1) Se reconoce el hecho de que en este servicio existe un gran número de transmisores de chispa y de auto-osciladores, que no pueden cumplir con este requisito.

NOTAS: 1.—Las administraciones se esforzarán por aprovechar los progresos de la técnica radioeléctrica para reducir progresivamente las tolerancias de frecuencia y los límites de inestabilidad.

2.—Entiéndese que las estaciones de barco que operen dentro de las bandas comunes deberán ajustarse a las tolerancias aplicables a las estaciones terrestres, y deberán observar las disposiciones del Artículo 7, Párrafo 117, del Reglamento General de Radiocomunicaciones de Madrid.

3.—Este texto de tolerancias fué aprobado de acuerdo con la Opinión No. 93 adoptada por el C. C. I. R. de Bucarest, con las modificaciones de los encazamientos de las columnas 1 y 3.

## II

### SUPRESION DE EMISIONES ESPURIAS

Los Gobiernos convienen en requerir de las estaciones que se hallan bajo su jurisdicción que usen transmisores lo más libre posible de toda clase de emisiones espurias. Estas radiaciones no deberán ser de suficiente intensidad para causar interferencia a aparatos receptores de diseño moderno que se sintonicen fuera de la banda de frecuencia de emisión necesaria para el tipo de emisión que se utilice. En el caso de emisión del tipo A-3 (radio-telefonía) el transmisor no deberá modularse en exceso de su capacidad de modulación hasta el punto en que ocurran las radiaciones espurias, interferentes y tratándose de la modulación por amplitud, el porcentaje de modulación en los máximos de recurrencia frecuente, no deberá ser menor del 75 por ciento. Deberán emplearse medios adecuados para asegurar que el transmisor no sea modulado en exceso de su capacidad de modulación.

Una radiación espuria es cualquiera radiación de un transmisor que se halle fuera de la banda de frecuencia normal de emisión, para el tipo de transmisión que se utilice, incluso cualesquiera productos de armónicos de modulación, golpes de llave, oscilaciones parásitas u otros efectos transitorios.

### SECCION 5.—NO USO DE LOS 333 Kc/s. COMO FRECUENCIA DE LLAMADA AEREA.

En relación con el Artículo 7, inciso 11, del Reglamento de Madrid, la frecuencia de 333 Kc/s. no deberá utilizarse como llamada internacional en el Servicio Aéreo en el Continente americano, excepto en casos especiales en conexión con vuelos trasatlánticos.

### SECCION 6.—USO DE LOS 500 Kc/s.

En relación al artículo 19, Sección 1, párrafo 6-a del Reglamento de Radio de Madrid, todo el Continente americano con excepción de la Bahía de Hudson y regiones al Norte de la misma, serán consideradas como región de intenso tráfico, de acuerdo con la definición de dicho artículo. Por lo tanto, excepto la Bahía de Hudson y las regiones al Norte de la misma, el servicio de los 500 kc/s. quedará limitado a la trasmisión de llamadas de emergencia, de mensajes urgentes y de seguridad y radiotelegramas cortos y aislados.

SECCION 7.—DEFINICIONES <sup>1</sup>

## DEFINICION DE TERMINOS.

La definición de términos que aparecen numerados desde el 1 al 42, inclusive, de la Sección XII, Resolución No. 6 del Acta Final de la Conferencia verificada en la Habana en el mes de Marzo de 1937, se aprueba con la reserva de que cualquier cambio que resultare de la Conferencia Internacional de El Cairo, 1938, con respecto a la terminología de estas definiciones, deberá automáticamente suplantarse la redacción actual.

## (1) TELECOMUNICACION.

Toda comunicación telegráfica o telefónica de signos, señales, escritos, imágenes, y sonidos de cualquier naturaleza, por conductores, radio u otros sistemas o procesos de transmitir señales, sean eléctricas o visuales (semáforos).

## (2) RADIOCOMUNICACION.

Toda telecomunicación por medio de ondas Hertzianas.

## (3) RADIOTELEGRAMA:

Telegrama procedente o con destino a una estación móvil, transmitido en todo o parte de su recorrido, por los canales de radiocomunicación del servicio móvil.

## (4) CORRESPONDENCIA PUBLICA:

Toda telecomunicación que las oficinas y estaciones, por el hecho de estar las mismas a disposición del público, deban aceptar para su transmisión.

## (5) EXPLOTACION PRIVADA.

Todo particular, compañía o corporación que no sea institución o agencia gubernamental reconocida por el Gobierno interesado, y que explote instalaciones de telecomunicación destinadas al intercambio de la correspondencia pública.

## (6) ADMINISTRACION.

Una Administración Gubernamental.

## (7) SERVICIO INTERNACIONAL.

Un servicio de telecomunicación entre oficinas o estaciones de países diferentes o entre estaciones de servicio móvil, excepto si éstas son de la misma nacionalidad y situadas en los límites del país a que pertenecen. Un servicio de telecomunicación interior o nacional, susceptible de causar interferencia a otros servicios más allá de los límites del país en el que opera, se considerará como servicio internacional desde el punto de vista de la interferencia.

## (8) SERVICIO RESTRINGIDO.

Un servicio que puede utilizarse solamente por determinadas personas o para objetivos especiales.

<sup>1</sup> [Modificado por la revisión del Cairo de 1938 (Treaty Series 948).]

## (9) SERVICIO MOVIL.

Un servicio de radiocomunicación llevado a cabo entre estaciones móviles y estaciones terrestres y por las estaciones móviles comunicándose entre sí, excluyéndose los servicios especiales.

## (10) ESTACION FIJA.

Estación no susceptible de ser trasladada y que se comunica por medio de la radiocomunicación con una o más estaciones establecidas de la misma manera.

## (11) ESTACION TERRESTRE.

Una estación no susceptible de ser trasladada y que efectúa un servicio móvil.

## (12) ESTACION COSTERA.

Una estación terrestre que efectúa un servicio con estaciones de barco. Esta puede ser una estación fija dedicada también a las comunicaciones con las estaciones de barcos, en este caso, es considerada como estación costera únicamente mientras dure su servicio con las estaciones de barco.

## (13) ESTACION AERONAUTICA.

Una estación terrestre que efectúa un servicio con las estaciones de aeronaves. Esta puede ser una estación fija dedicada también a las comunicaciones con las estaciones de aeronaves; en este caso es considerada como estación aeronáutica únicamente mientras dure su servicio con las estaciones de aeronaves.

## (14) ESTACION MOVIL.

Una estación susceptible de ser trasladada y que ordinariamente se traslada.

## (15) ESTACION DE A BORDO.

Una estación situada a bordo, ya sea de un barco que no esté amarrado permanentemente, ya sea de una aeronave.

## (16) ESTACION DE BARCO.

Una estación a bordo de un barco que no esté amarrado permanentemente.

## (17) ESTACION DE AERONAVE.

Una estación situada a bordo de cualquier vehículo aéreo.

## (18) ESTACION DE RADIOFARO.

Una estación especial cuyas emisiones están destinadas a permitir a una estación de a bordo el determinar su posición o una dirección con relación a la estación de radiofaro, y en algunos casos también la distancia que la separa de ésta última.

## (19) ESTACION RADIOGONIOMETRICA.

Una estación provista de aparatos especiales para determinar la dirección de las emisiones de otras estaciones.

(20) ESTACION DE RADIODIFUSION TELEFONICA.

Una estación que efectúa un servicio de radiodifusión telefónica.

(21) ESTACION DE RADIODIFUSION DE TELEVISION.

Una estación autorizada para transmitir imágenes visuales cambiables de objetos fijos o en movimiento, para la recepción y reproducción simultánea.

(22) ESTACION DE AFICIONADO.

Una estación utilizada por un aficionado, es decir, por una persona debidamente autorizada, interesada en la técnica radio-eléctrica con un fin únicamente personal y sin interés pecuniario.

(23) ESTACION DE EXPERIMENTACION PRIVADA.

Una estación privada para experimentos destinados al desarrollo de la técnica o de la ciencia radioeléctrica.

(24) ESTACION PRIVADA DE RADIO.

Una estación privada no abierta a la correspondencia pública, que está autorizada únicamente a cambiar con otras "estaciones privadas de radio", comunicaciones concernientes a los asuntos propios de su permisionario o de sus permisionarios.

(25) FRECUENCIA ASIGNADA A UNA ESTACION.

La frecuencia asignada a una estación, es la frecuencia que ocupa el centro de la banda de frecuencia en la cual la estación autorizada a trabajar. En general esta frecuencia es la de la onda portadora.

(26) BANDA DE FRECUENCIAS DE UNA EMISION.

La banda de frecuencia de una emisión es la banda de frecuencia efectivamente ocupada por esta emisión, para el tipo de transmisión y para la velocidad de las señales utilizadas.

(27).-TOLERANCIA DE FRECUENCIA.

La tolerancia de frecuencia es el máximo de desviación admisible entre la frecuencia asignada a una estación y la frecuencia real de emisión.

(28).-POTENCIA DE UN EMISOR RADIOELECTRICO.

La potencia de un emisor radioeléctrico es la potencia suministrada a la antena. En el caso de un emisor de onda modulada, la potencia en la antena será determinada por dos números, indicando uno el valor de la potencia de la onda portadora suministrada a la antena y el otro el valor máximo real de modulación empleado.

(29).-SERVICIO AERONAUTICO.

Un servicio de radiocomunicación ejecutado entre estaciones de aeronaves y estaciones terrestres y por las estaciones de aeronaves entre sí. Este término se aplica igualmente a los servicios fijos y especiales de radio destinados a garantizar la seguridad de la navegación aérea.

**(80).—SERVICIO FIJO:**

Un servicio que realiza comunicaciones radioeléctricas de cualquier clase entre puntos fijos, excluyendo los servicios de radiodifusión y los servicios especiales.

**(81).—SERVICIO ESPECIAL:**

Un servicio de telecomunicación operado especialmente para las necesidades de un servicio determinado de interés general y no abierto a la correspondencia pública, tal como: un servicio de radiofaro, de radiogoniometría, de señales horarias, de boletines meteorológicos regulares, de avisos a los navegantes, de mensajes de prensa dirigidos a todos, de avisos médicos, consultas médicas, de frecuencias patrón, de emisiones destinadas a fines científicos, etc.

**(82).—SERVICIO DE RADIODIFUSION TELEFONICA:**

Un servicio que efectúa la difusión de emisiones radiotelefónicas esencialmente destinadas a ser recibidas por el público en general.

**(83).—SERVICIO DE RADIODIFUSION VISUAL:**

Un servicio que efectúa la difusión de imágenes visuales, fijas o animadas, esencialmente destinado a ser recibido por el público en general.

**(84).—SERVICIO DE AFICIONADOS.**

Servicio de radio efectuado entre estaciones de aficionados.

**(85).—SERVICIO MOVIL AEREO:**

Servicio de radio efectuado entre porta-aviones y por estaciones en aeronaves que se comunican entre sí.

**(86).—SERVICIO GENERAL DE EXPERIMENTACION:**

Servicio de radio efectuado por estaciones de experimentación dedicadas a investigaciones o desarrollo en el arte de radio.

**(87).—SERVICIO DE POLICIA:**

Servicio de radio efectuado por autoridades de policía del Estado, Provincia o Municipio para servicios de emergencia, principalmente con unidades móviles de policía.

**(88).—EL VOCABLO "CANAL":**

Significa una parte del espectro de radio suficientemente ancho para permitir su uso por una estación de radio con fines de comunicación. Comprende los tres elementos definidos a continuación:

- (1) La "banda de frecuencia de emisión".
- (2). El doble de la "tolerancia de frecuencia" especificada.
- (3). Las "bandas de protección de interferencias", si se requieren.

**(89).—LA EXPRESION DE "BANDA DE FRECUENCIA DE EMISION":**

Significa que la banda de frecuencia de emisión es la banda realmente ocupada por esta emisión para la clase de transmisión y velocidad de señales utilizadas.

**(40).—LA EXPRESION "BANDAS DE PROTECCION DE INTERFERENCIA":**

Significa las bandas de frecuencia adicionales de la banda de frecuencia de emisión y tolerancia de frecuencia, que puedan ser per-

mitidas a fin de que no haya interferencia entre estaciones que tengan asignaciones de frecuencias adyacentes. En general, esta disposición depende de la selectividad del receptor y las características del transmisor.

(41).—EL VOCABLO “PREFERENTEMENTE”:

Según está empleado en relación con ciertas bandas de la Tabla de Asignaciones de este Acuerdo, significa que a medida que se emprendan instalaciones debidamente autorizadas de los servicios principales, ellas tendrán la preferencia de los canales disponibles en aquella banda.

En cada una de estas bandas, la asignación de canales para otros servicios distintos de los de la asignación general, se hará de tal manera que se evite la interferencia indebida con estaciones existentes del servicio principal.

(42).—ESTACION DE RADIODIFUSION DE FACSIMIL:

Una estación autorizada para transmitir imágenes de objetos fijos para la impresión o registro de la recepción por el público en general.

SECCION 8.—AFICIONADOS:

Las siguientes disposiciones concernientes a aficionados fueron convenidas por unanimidad en adición a las tablas de asignaciones:

1.—Que la banda de 1750 a 2050 Kc/s. quede asignada para las emisiones A-1 y A-3.

2.—Que estudiadas las recomendaciones de la Conferencia de Radio de Buenos Aires, Revisión de Río de Janeiro, 1937, e y f, de la Recomendación No. 10, han convenido en modificarlas, sin que ésto altere el espíritu de ellas, sustituyéndolas como sigue:

e) Que las Administraciones indiquen la conveniencia de que las bandas de 1750 a 2050 Kc/s. y de 3500 a 4000 Kc/s, sean utilizadas por los aficionados preferentemente para las comunicaciones a corta distancia.

f) Que las Administraciones recomienden el no emplear las bandas de 7000 a 7300 Kc/s. y de 14000 a 14400 Kc/s, para comunicaciones de estaciones de aficionados a corta distancia.

3.—Las frecuencias comprendidas entre 3500 a 4000 Kc/s., 7000 a 7300 Kc/s, y 14000 a 14400 Kc/s., sean disponibles de acuerdo con la Tabla siguiente:

3500 a 3800 Kcs para A-1	Solamente.
3800 a 4000 “ “ A-1 y A-3	
7000 a 7050 “ “ A-1	Solamente.
7050 a 7150 “ “ A-1 y A-3	(A-3 solamente para la América Latina.)
7150 a 7300 “ “ A-1	Solamente.
14000 a 14100 “ “ A-1	Solamente.
14100 a 14300 “ “ A-1 y A-3	
14300 a 14400 “ “ A-1	Solamente.

Podrá usarse la emisión de tipo A-1 en toda la banda de frecuencia comprendida entre los 14000 a 14400 Kc/s. Los países latino-americanos, Canadá y Terranova, podrán usar emisión tipo A-3 en las frecuencias comprendidas entre los 14100 y los 14300 Kc/s. Los Estados Unidos operarán con emisiones del tipo A-3 entre los 14150 y los 14250 Kc/s. por lo menos hasta el 31 de diciembre de 1939.

4.—Las bandas de:

1750 a 2050	Kc/s.	
3500 a 4000	“	
7000 a 7300	“	
14000 a 14400	“	
28,000 a 30000	“	y
56,000 a 60000	“	

serán bandas de aficionados.

5.—Con el objeto de hacer un mejor uso de la banda de 14 megaciclos, en cuanto a la radiotelefonía se refiere, y a fin de evitar una congestión indebida por la presencia de principiantes no familiarizados con el uso de altas frecuencias, se sugiere: que se exija un período suficiente de prueba para adquirir la experiencia necesaria y, además, un exámen técnico y práctico, antes de que se conceda permiso a un aficionado para usar la banda de 14 megaciclos para la radiotelefonía.

6.—Las bandas de aficionados asignadas recientemente no serán empleadas para ningún tipo de servicio de radiodifusión, ya sean fijos o móviles.

#### SECCION 9.—MENSAJES A TERCERA PERSONA CURSADOS POR AFICIONADOS.

Considerando que el Reglamento General de Radiocomunicaciones anexo a la Convención Internacional de Telecomunicaciones de Madrid dispone, que, a menos que haya sido modificado por acuerdos especiales entre países interesados, se prohíbe a las estaciones de aficionados transmitir mensajes internacionales que emanen de tercera persona; y

Considerando: que es evidente que se fomentaría la comunidad de intereses entre los pueblos de todas las Américas estimulando el intercambio, por estaciones de aficionados y sin compensación alguna, de mensajes amistosos que emanen de nuestros ciudadanos;

**RESUELVE:** La Conferencia Interamericana de Radio

Con el propósito de fomentar relaciones estrechas y amistosas entre los pueblos de las Américas, las administraciones de los países contratantes cuyas legislaciones internas lo permitan, acuerdan que las estaciones de radioaficionados en sus respectivos países y en las posesiones de los mismos podrán efectuar intercambio internacional de mensajes procedentes de tercera persona; siempre que tales mensajes sean de tal índole que normalmente no serían transmitidos por

ningún otro medio existente de comunicación eléctrica, y que por ellos no se pague directamente ni indirectamente, compensación alguna.

#### SECCION 10.—SERVICIO INTERNACIONAL DE RADIO PARA POLICIA.

1.—Considerando las ventajas que puedan obtenerse de la coordinación de las comunicaciones de policía internacional, se recomienda a todos los países que son parte de este Convenio, que autoricen estaciones radiotelegráficas de Policía lo más próximas a sus límites con países contiguos para la trasmisión de informaciones de emergencia, relativas a materias sobre observancia de las leyes. En general, solo se tratará de aquellos mensajes de policía que perderían su valor por la lentitud y limitaciones de tiempo de otros métodos de comunicaciones.

2.—Las estaciones ocupadas en la comunicación del servicio internacional de policía harán uso normalmente de las facilidades proporcionadas al servicio nacional de policía; siempre que (a), las frecuencias de policía usadas primordialmente para comunicación radiotelefónica con unidades de policía movable no sean usadas para comunicaciones radiotelegráficas; (b) que las estaciones de distintos países en cercana proximidad a los límites entre países puedan ser autorizadas por sus administraciones para cambiar de punto a punto comunicación radiotelefónica, y (c) que las siguientes frecuencias sean usadas inicialmente tanto para la comunicación radiotelegráfica de policía nacional como internacional:

2804 kc/s. llamar	5195 kc/s. solo de día llamar.
2808 “ operar	5135 “ solo de día operar.
2812 “ operar	5140 “ solo de día operar.

3.—Las notificaciones concernientes a las características de las estaciones dedicadas al servicio internacional de radio para policía, serán remitidas a la Oficina de la Unión Internacional de Telecomunicaciones de Berna, Suiza, a fin de que todas las estaciones que deseen intercomunicarse puedan mantenerse informadas de los detalles concernientes al funcionamiento individual.

4.—A fin de asegurar uniformidad en el manejo de los mensajes, se seguirá el procedimiento operativo siguiente:

a) Este servicio se ajustará, en general, a las disposiciones del Artículo XVI del Reglamento General de Radio anexo al Convenio Internacional de Telecomunicaciones de Madrid, 1932.

b) Se hará amplio uso de la lista de abreviaturas que aparece en el apéndice 9 del Reglamento General de Radio anexo al Convenio Internacional de Telecomunicaciones de Madrid, 1932. No se empleará lenguaje corriente si una abreviatura es suficiente. Las indicaciones de servicio son como siguen: P — Prioridad, para mensajes que hayan de ser enviados inmediatamente prescindiendo del número de otros mensajes depositados. No conteniendo indicación de servicio, los mensajes serán transmitidos en el orden que se reciban.—

c) Los mensajes contendrán el preámbulo, texto y firma, como sigue:

- (1) *Preámbulo*: El preámbulo del mensaje consistirá en lo siguiente: Número de orden precedido por las letras NR; indicaciones de servicio como sean apropiadas; check (este es el conteo de palabras de conformidad con el sistema de cuenta tipo del cable, las letras "CK" seguidas por cifras que indican el número de palabras contenidas en el texto del mensaje); oficina y país de origen, (sin abreviar); día del mes y mes; hora de depósito; dirección.
- (2) *Texto*: El texto podrá ser en lenguaje corriente, o cifrado.—
- (3) *Firma*: La firma incluirá el nombre y título del remitente del mensaje.

## SECCIÓN 11. AUXILIO POR RADIO A LA NAVEGACIÓN AÉREA.

### NORMAS DE INTENSIDAD DE CAMPO Y RELACIÓN DE INTERFERENCIAS.

1.—POR CUANTO la Conferencia Interamericana de Radio ha considerado cuidadosamente las diversas resoluciones de la Conferencia Técnica Interamericana de Aviación, reunida en Lima en Septiembre de 1937, y en especial las Resoluciones XIV, XVII y XVIII referidas a esta Conferencia, y

#### 2.—CONSIDERANDO

a) la gran importancia que la radiocomunicación tiene en auxilio de la navegación aérea; el desarrollo fenomenal del tránsito aéreo y la mayor expansión que seguramente ésta ha de tener en el futuro;

b) la precisión que exigen los servicios radioeléctricos de ayuda a la navegación aérea respecto a la estabilidad de las emisiones en cuanto las afecta la transmisión de trayectoria múltiple, la cual puede ser reducida al mínimum escogiendo frecuencias que estén menos expuestas a los efectos de las ondas reflejadas;

c) lo extremadamente limitada que es la gama de las frecuencias que poseen las características de propagación necesarias mencionadas en el considerando b) anterior;

d) que las aeronaves en vuelo dependen en absoluto del radio para su orientación y comunicación;

e) el gran número de aeronaves de todas partes del mundo que en la actualidad usan y tienen que seguir usando en común, el número limitado de frecuencias adecuadas para la ayuda a la navegación aérea, lo cual obliga a practicar la economía más estricta en su uso, de manera que a todas pueda atenderse con un mínimum de interferencia;

f) la normalización que, por lo tanto, convendría efectuar para facilitar la navegación aérea internacional, coordinando, y en lo posible haciendo uniforme, el equipo y el procedimiento de operación;

g) que le es posible, a una sola estación terrestre, como por ejemplo, un radiofaro de orientación, prestar simultáneamente ayuda en la navegación a un número prácticamente ilimitado de aeronaves;

h) la gran responsabilidad que asumen los servicios radioeléctricos que ayudan a la navegación aérea de prestar un servicio competente a las aeronaves, las que, en ciertas circunstancias, pueden depender por completo para su seguridad de la recepción ininterrumpida de señales satisfactorias de navegación; e

i) el corto plazo con que se ha contado para hacer estudios de ingeniería desde la clausura de la Conferencia Técnica Inter-Americana de Aviación reunida en Lima en Septiembre de 1937;

### 3.-La Conferencia Interamericana de Radio

#### RESUELVE:

a) Que, de acuerdo con las recomendaciones de la Conferencia de Lima, los países representados en esta Conferencia preparen y cambien entre sí, a más tardar el 1ro. de junio de 1938, todos los datos pertinentes que puedan utilizarse en la redacción de las siguientes tablas, las cuales servirían de guía en lo que respecta a la aplicación de los principios de ingeniería que aquí se exponen:

*Tabla I*, que contenga una lista de los diversos tipos de servicios radioeléctricos de ayuda a la navegación aérea que han sido aprobados para ponerlos en operación.

*Tabla II*, que especifique las intensidades de señal mínimas que son necesarias para la recepción satisfactoria de las diversas clases de ayuda radioeléctrica a la navegación aérea; datos que se usarán como base para determinar las áreas de servicio normal;

*Tabla III*, que especifique los valores admisibles de la intensidad de la señal interferente de los diversos tipos de ayuda radioeléctrica a la navegación aérea, expresándose dichos valores en forma de relación entre señales interferidas y señales interferentes en el contorno mínimo de señal de servicio; a) en la misma frecuencia, b) 3 Kc/s fuera de la frecuencia y c) 6 Kc/s fuera de la frecuencia.

b) Que es de esperarse que los servicios radioeléctricos de ayuda a la navegación aérea, especialmente los de radiodifusión unilateral, como los radiofaros, mantengan las más altas normas de seguridad, estabilidad y calidad de emisión.

c) Que, con el objeto de economizar frecuencias, se asigne el número limitado de canales adecuados para los servicios radioeléctricos de ayuda a la navegación aérea separándolos lo menos que sea posible desde un punto de vista práctico, tomando en consideración el tipo de servicio y la clase de emisión; y que, en lo posible, todas las naciones deben reservar las mismas bandas para tipos análogos de servicio, de manera que se puedan simplificar los receptores y se logre, por medio de la normalización, extender los límites geográficos de utilidad.

d) Que podría convenirse el uso en común de frecuencias para proveer los medios necesarios dentro de las bandas autorizadas, mediante un acuerdo regional celebrado entre los países dentro de cuyas fronteras existan secciones del área de interferencia de las estaciones existentes según la tabla de relaciones de interferencias y señales de servicio;

e) Que la potencia radiada por las estaciones de ayuda a la navegación aérea, en las bandas de frecuencias autorizadas, deben por lo común, limitarse a los valores compatibles con la intensidad de señal que se necesite normalmente, dentro del área en que se desee prestar servicio, a fin de reducir a un minimum la interferencia fuera del área de servicio.

NOTA: VER DOCUMENTO ADICIONAL PRESENTADO POR LOS E. U. DE A. CON FINES INFORMATIVOS. ANEXO.

## SECCIÓN 12.—SUPRESIÓN DE INTERFERENCIAS CAUSADAS POR APARATOS ELÉCTRICOS.

1.—Los aparatos diatérmicos, hornos de inducción, sistemas de intercomunicación doméstica mediante altas frecuencias y otros aparatos eléctricos que emplean corrientes de radiofrecuencia como elemento esencial a su funcionamiento, pueden causar interferencia a las radiocomunicaciones.

2. El uso de tales aparatos es de mucha importancia en terapéutica, cirugía, las industrias, etc.

3. La radiación de la energía radioeléctrica no es esencial para el funcionamiento adecuado de los aparatos, y puede evitarse o controlarse sin mermar la utilidad de cada aparato, al objeto a que se dedique.

4. La radiación ocurre por lo general en el circuito de salida, los circuitos internos o en las fuentes de energía, todos los cuales son elementos esenciales.

5. La magnitud de la radiación depende de la frecuencia o frecuencias de funcionamiento, de la potencia y del diseño, instalación y funcionamiento del aparato.

6. La radiación que emana de las fuentes de energía puede evitarse usando un filtro de línea adecuado. La radiación de los circuitos internos puede evitarse usando cajas metálicas adecuadas. La radiación de los circuitos de salida puede reducirse a un nivel en que no se cause interferencia a las radiocomunicaciones usando una pantalla metálica siempre que el protector cubra todo el aparato y sus dimensiones sean tales que no se produzcan grandes corrientes parásitas.

7. En muchos casos puede que no sea práctico emplear tal blindaje.

8. Se puede usar en dichos aparatos cualquier frecuencia en la porción útil del espectro de radio. Sin embargo, muchos de los aparatos terapéuticos modernos, que causan la mayor parte de la interferencia a larga distancia, operan en frecuencias de 10,000 a 20,000 kc/s, aproximadamente. Cuando se utilizan otras frecuencias

se causa interferencia principalmente a la recepción a corta distancia o a distancia moderada.

9. En los casos en que no es práctico blindar todo el aparato para controlar la radiación, el único medio para conseguir que las máquinas funcionen sin causar interferencia es usar frecuencias no asignadas a servicios de radio.

10. El aparato terapéutico usual, es esencialmente un emisor de radio del tipo oscilante de autoexcitación, y emplea generalmente corriente de placa autorectificada. A causa de la inestabilidad inherente a los circuitos osciladores, a las grandes variaciones de voltaje durante cada ciclo de la corriente suministrada a la placa, y a los usos distintos que puede darse al circuito de salida, la frecuencia en servicio varía durante la operación normal, en un margen muy amplio, posiblemente uno o dos megaciclos, cuando se opera en una frecuencia aproximada de 15 megaciclos.

11. Todas las máquinas terapéuticas diseñadas para un mismo servicio pueden operar en la misma frecuencia sin limitar su utilidad, ya que la radiación emitida por otras máquinas no afecta su funcionamiento. Se necesitarían más aparatos y mayores gastos para poder funcionar en una frecuencia fija, pues habría que tener control automático de frecuencias a fin de mantener la frecuencia en que se opera, con una variación de por lo menos 1/20 por ciento. En 15 megaciclos esto representaría una anchura de banda de 15 Kc/s, lo que corresponde prácticamente a todo un canal de comunicación.

12. Conforme a la información más acertada de que se dispone, el funcionamiento diatérmico debería restringirse hasta que la ciencia alcance a tal punto, en que los aparatos puedan ser diseñados hasta suprimir completamente las radiaciones interferentes, a tres frecuencias, o sean, aproximadamente, 12, 25 y 50 megaciclos.

13. Respecto a los aparatos tales como sistemas de intercomunicación doméstica y ciertos tipos de hornos de inducción, así como aparatos análogos que emplean frecuencias medias o bajas, debería exigirse que limiten todo lo posible la generación de armónicos, y que hagan la prueba de rigor a fin de ver que la radiación no pase de un nivel determinado.

14. Cada país contratante deberá reglamentar lo necesario para obligar a que se blinden por completo y que se sujeten a frecuencias determinadas los aparatos eléctricos que generan energía eléctrica de radiofrecuencia, como medida esencial a su operación, pero que no se dedican a las radiocomunicaciones.

15. Se anexa al presente un informe sobre "la radio-interferencia por aparatos electro-terapéuticos", presentado por el Canadá, el cual debe ser considerado como parte de las disposiciones adoptadas sobre esta materia.

NOTA: Ver "La Radio Interferencia por Aparatos Electro Terapéuticos", informe presentado por el Canadá, en el Documento C. I. R./Doc. 43.—

En fé de lo cual, los respectivos Delegados han firmado sendos ejemplares de este instrumento en español, inglés, portugués y francés, los cuales quedarán depositados en los archivos del Gobierno de Cuba,

que enviará copia autenticada de ellos, en cada uno de los idiomas, a los demás Gobiernos contratantes.

Hecha en la ciudad de la Habana, República de Cuba, el 13 de diciembre de 1937.

ARGENTINA:

BRASIL:

JOSÉ ROBERTO DE MACEDO-SOARES.

CANADA:

LAURENT BEAUDRY.

C. P. EDWARDS.

COLOMBIA:

JORGE SOTO DEL CORRAL.

RICARDO GUTIERREZ LEE Y RIVERO.

CUBA:

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNANDEZ CATÁ Y GALT.

CHILE:

EMILIO EDWARDS BELLO.

REPUBLICA DOMINICANA:

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

ESTADOS UNIDOS DE AMERICA:

T. A. M. CRAVEN.

GUATEMALA:

ARTURO CÓBAR L.

HAITI:

JUSTIN BARAU.

MEXICO:

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

NICARAGUA:

GUILLERMO ARGUEDAS.

PANAMA:

ERNESTO B. FÁBREGA.

PERU:

CARLOS A. TUDELA

URUGUAY:

CÉSAR GORRI.

VENEZUELA:

ALBERTO SMITH.

## ARREGLO INTERAMERICANO SOBRE RADIO-COMUNICACION.

### ANEXO

#### DOCUMENTO ADICIONAL CON FINES INFORMATIVOS.

De acuerdo con lo sugerido respecto a un intercambio de información técnica, la Conferencia Interamericana de Radio tiene en consideración los siguientes puntos, que serán proporcionados oportunamente por el Gobierno de los Estados Unidos de América a todos los países americanos.—

1.—Lista de todas las estaciones aeronáuticas que funcionan en los Estados Unidos bajo la dirección de la Oficina de Aviación Comercial de la Secretaría de Comercio. En esta lista se aportará la siguiente información relativa a cada estación:

Lugar donde está ubicada y tipo de la estación.

Dirección de todos los radiofaros de orientación.

Letras de llamada.

Frecuencia de operación en kilociclos.

Señales de identificación de la estación.

Posición y distancia respecto al campo de aterrizaje más cercano, incluyendo la elevación exacta de dicho campo sobre el nivel del mar.

Horario de irradiaciones telefónicas de información meteorológicas y de avisos a los aviadores.

2.—Mapas en los cuales se designan la ubicación y alcance de todas las estaciones de orientación, de información meteorológica y de radiofaros indicadores.

3.—Mapas del sistema de comunicación terrestre que mantiene la Secretaría de Comercio mediante el "teletypewriter", y estaciones de radio de punto a punto.

4.—Mapas de las rutas del servicio postal aéreo federal de los Estados Unidos de América.

5.—Tablas con su correspondiente interpretación gráfica, en las que se muestran el área de servicio normal y el área normal de interferencia de cada tipo de estación orientadora. Estas tablas tendrán como base la presunción de valores definidos de señales de servicio mínimo y las proporciones máximas de interferencia, y estarán corregidas en lo que respecta a las variaciones en la eficiencia de la antena emisora a todas las frecuencias desde los 200 hasta los 400 kc.

6.—Curvas de atenuación basadas en las medidas de las estaciones existentes de radiofaros de orientación mostrando el cambio de intensidad de la onda reflejada, con la frecuencia y la distancia, y el máximo y el mínimo indicados para la atenuación terrestre, tal como se ha determinado en regiones muy distintas en sí del territorio continental de los Estados Unidos.

7.—Especificaciones detalladas de funcionamiento de los varios tipos radioeléctricos de ayuda a la aviación desarrolladas por la Oficina de Aviación Comercial de los Estados Unidos de América y aprobados para ser puestos en servicio.

Es copia fiel de su original.

[SEAL]

LUIS R. MIRANDA,  
*Subsecretario de Estado.*

## ACCÔRDO INTERAMERICANO SOBRE RADIO-COMUNICAÇÕES

### SECÇÃO 1.—INTRODUÇÃO.

Os delegados dos Governos americanos abaixo enumerados, reunidos em Conferencia em Havana, República de Cuba, de 1.º de Novembro a 13 de Dezembro de 1937, celebraram o seguinte accôrdo administrativo que començará a reger a 1.º de Julho de 1938, nos paizes onde tiver obtido a approvação de respectivo Governo, que deve communicar-o á Secretaria de Estado de Cuba:

Argentina,	Cuba,	Máxico,
Brasil,	República Dominicana,	Nicaragua,
Canadá,	Estados Unidos de América,	Panamá,
Chile,	Guatemala,	Perú,
Colombia,	Haití,	Uruguay, e
		Venezuela.

Se qualquer Estado desejasse dar por terminado este accôrdo total ou parcialmente, poderá fazel-o por meio de uma communicação escripta dirigida ao Governo de Cuba, com um anno de antecipação á data em que deseje pôr-lhe fim, na qual dará as razões que o induzam a isso.

O Governo de Cuba transmittirá o aviso recebido aos demais Estados interessados.

### SECÇÃO 2. ASSIGNAÇÃO DE FREQUENCIAS PARA DIVERSOS SERVIÇOS NO CONTINENTE AMERICANO. (10-550 Kc/s).

#### TÁBUA I

10-100	Fixos.
100-110	a) Fixos. b) Móveis.
110-125	Móveis.
125-150	Móveis marítimos (abertos á correspondencia publica exclusivamente).
150-160	Móveis.
160-200	a) Fixos. b) Móveis. c) Aeronauticos.
200-285	Aeronáutico e móvil, excepto para estações commerciaes de navío.
285-315	Radiopharoes tendo prioridade os destinados a serviços marítimos.
315-320	Aeronáuticos.
320-325	a) Aeronáuticos. b) Móveis não abertos á correspondencia publica).
325-345	Aeronáuticos.
345-365	a) Aeronáuticos. b) Móveis não abertos á correspondencia publica.
365-385	a) Radiogoniometria. b) Móveis sob condição de não perturbar a radiogoniometria ficam excluidas as estações costeiras que empreguem ondas B.
385-400	Móveis e aeronáuticos tendo prioridade os marítimos entendendo-se que a prioridade se refere aos serviços existentes.
400-460	Móveis.

## TÁBUA I—Continua

460-485	Móveis A-1 e A-2 sómente.
485-515	Móveis (Socorro, chamada, etc.)
515-550	Serviços não abertos á correspondencia publica A-1 e A-2 sómente.

## Nota:

1.—As faixas de frequencias comprehendidas entre os 200 e 400 Kc/s se reservam nas Américas para ajudar a navegação aérea e para transmittir informes meteorológicos e outros informes para a protecção das aeronaves em vôo, sujeitas sómente á prioridade que nesta faixa possam ter os serviços marítimos.

2.—Quando devido a condições atmosphéricas adversas ou a outras razões técnicas não se possa empregar frequencias entre os 200 e 400 Kc/s para os serviços acima mencionados, se foderá usar outras frequencias adequadas, sempre que se notifique a todos os paizes da América quaes frequencias foram escolhidas.

## TÁBUA II

ASSIGNAÇÃO Á RADIODIFFUSÃO DA FREQUENCIA ENTRE 550-1600 Kc/s.

*550-1600 Kc/s Radiodiffusão*

## TÁBUA III

ASSIGNAÇÃO GERAL DE FREQUENCIAS NOS DIVERSOS SERVIÇOS

*1600-4000 Kc/s*

Frequencias Kc/s.	Zona de Norte América	Zona Central	Zona de Sul-América
1600-1750	Fixos e Móveis (Preferentemen para Policia)	Fixos e Móveis incluindo aeronáutica.	Fixos e Móveis incluindo aeronáutica.
1750-2050	Amadores.	Amadores.	Amadores.
2050-2100	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
2100-2200	Móveis (Preferentemente estações de navio).	Móveis (Preferentemente estações de navio).	Móveis (Preferentemente estações de navio).
2200-2300	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
2300-2395	Móveis (Preferentemente para Policia)	Móveis (Preferentemente para Policia) (1)	Móveis e Radiodiffusão.
2395-2400	Geral de Experiencias.	Geral de Experiencias.	Móveis e Radiodiffusão.
2400-2500	Móveis (Preferentemente para Policia)	Móveis (Preferentemente para Policia)	Móveis e Radiodiffusão.
2500-2600	Móveis (Preferentemente Estações Costeiras).	Móveis (Preferentemente Estações Costeiras).	Móveis (Preferentemente Estações Costeiras).
2600-2735	Aeronáuticos e Móveis.	Aeronáuticos e Móveis.	Aeronáuticos e Móveis.
2735-2740	Móveis (Preferentemente internavios. Frequencia assignavel 2738 Kc.)	Móveis (Preferentemente internavios. Frequencia assignavel 2738 Kc.)	Móveis (Preferentemente internavios. Frequencia assignavel 2738 Kc.)
2740-2850	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
2850-3000	Aeronáuticos e Móveis.	Aeronáuticos e Móveis.	Aeronáuticos e Móveis.

TÁBUA III—Continua

Frequencias Kc./s.	Zona de Norte América	Zona Central	Zona de Sul-América
3000-3065	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
3065-3100	Aeronáuticos.	Aeronáuticos.	Aeronáuticos.
3100-3110	Móveis (Preferentemente frequência de chamada dos serviços aeronáuticos 3105 Kc.)	Móveis (Preferentemente frequência de chamada dos serviços aeronáuticos 3105 Kc.)	Móveis (Preferentemente frequência de chamada dos serviços aeronáuticos 3105 Kc.)
3110-3150	Móveis.	Móveis.	Móveis.
3150-3265	Fixos e Móveis (Preferentemente Aeronáuticos).	Fixos e Móveis (Preferentemente Aeronáuticos).	Fixos e Móveis (Preferentemente Aeronáuticos).
3265-3320	Fixos.	Fixos.	Fixos.
3320-3440	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
3440-3485	Fixos e Móveis (Preferentemente Aeronáuticos).	Fixos e Móveis (Preferentemente Aeronáuticos).	Fixos e Móveis (Preferentemente Aeronáuticos).
3485-3500	Geral de Experiencias.	Geral de Experiencias.	Geral Experiencias.
3500-4000	Amadores.	Amadores.	Amadores.

*Nota:*

(1) Aos paizes na Zona Central situados ao Norte de Colombia se lhes permitirá reservar a faixa de frequência de 2,300 a 2,350 Kc/s para serviço de Radiodifusão em cada um destes paizes, no cumprimento de um convenio pelo qual não usarão mais de dois frequencias por paiz dentro desta faixa, separadas uma das outras com potencia apropriada e antenna direccional. O uso dessas frequencias por estes paizes não ocasionará interferencia aos outros serviços nas Zonas do Norte e Sul que actualmente usam essas frequencias.

TÁBUA IV<sup>1</sup>

## ASSIGNAÇÃO GERAL DE FREQUENCIAS AOS DIVERSOS SERVIÇOS.

(Vide a seguinte nota especial, abaixo)

4000-25.000 Kc./s

Frequencias Kc./s.	Serviços
4000-5500	Fixos e Móveis (1)
5500-5570	Móveis Marítimos
5570-5700	Aeronáuticos.
5700-5900	Fixos.
5900-6000	Fixos (2).
6000-6150	Radiodifusão (3)
6150-6675	Móveis (Frequencia internacional de chamada dos serviços aeronáuticos 6210 Kc.).
6675-7000	Fixos.
7000-7300	Amadores.
7300-8200	Fixos.
8200-8550	Móveis.

<sup>1</sup> [Modificado pela revisão do Cairo de 1938 (Treaty Series 948).]

## TÁBUA IV—Continua

Frequencias Kc./s.	Serviços
8550-8900	Fixos e Móveis.
8900-9500	Fixos.
9500-9600	Radiodifusão (3)
9600-9700	Fixos (2)
9700-11000	Fixos.
11000-11400	Móveis.
11400-11700	Fixos.
11700-11900	Radiodifusão (3)
11900-12300	Fixos.
12300-12825	Móveis.
12825-13350	Fixos e Móveis.
13350-14000	Fixos.
14000-14400	Amadores.
14400-15100	Fixos.
15100-15350	Radiodifusão (3)
15350-16400	Fixos.
16400-17100	Móveis.
17100-17750	Fixos e Móveis.
17750-17800	Radiodifusão (3)
17800-21450	Fixos.
21450-21550	Radiodifusão (3)
21550-22300	Móveis.
22300-24600	Fixos e Móveis.
24600-25000	Móveis.

**Notas:****(1) 4500-5200 Kc./s.**

As altas partes contractantes convêm, cada uma, em fazer um estudo especial sobre estas frequencias, considerando-as como uma das possiveis soluções para a radiodifusão nacional naquelles paizes da Zona Central situada ao Sul do Panamá.

Este estudo deveria ser apresentado á consideração da Conferencia do Cairo com as respectivas recommendações baseadas nos seguintes pontos:

- a.—Uso de antenas direccionaes nas estações radiodifusoras para evitar interferencias a outros serviços.
- b.—Determinação da potencia maxima nocturna para estações radiodifusoras, nesta faixa de frequencia.
- c.—A amplitude total desta faixa entre 4500 e 5200 Kc/s. não deverá exceder de 300 Kc/s.

**(2) 5900-6000 e 9600-9700 Kc/s.**

A proposta apresentada pelo Brasil, de que se assignem as faixas de frequencias dos 5900 aos 6000 Kc. e dos 9600 aos 9700 Kc. á radiodifusão, será estudada antes de celebrar-se a Conferencia do Cairo, de accôrdo com os principios expostos na chamada n° 3 subsequente.

**(3) 6000-25000 Kc./s.**

Ao considerar as necessidades do serviço de radiodifusão na faixa de frequencias dos 6000 aos 25000 Kc. a Conferencia Interamericana de Radiocommunicções convêm em applicar os seguintes principios ao estudo deste problema, e apresentar recommendações á Conferencia de Radiocommunicções do Cairo, tomando-os como base:

1.—Cumprimento estricto das disposições do paragrapho 19 do Artigo 7 do Regulamento Geral de Radiocommunicções, annexo á Convenção Internacional de Telecommunicções celebrada em Madrid, em 1932, que diz:

"Se reconhece que as frequencias entre 6000 e 30.000 Kc. (50 e 10 m.) são mui efficazes para as communicações a longas distancias. As Administrações se esforçarão todo o possivel por reservar as frequencias desta faixa para esse fim, excepto quando seu emprego para communicações á curta distancia ou a distancias medias não seja susceptivel de causar interferencias ás communicações de longa distancia".

2.—Os canaes de radiodifusão serão assignados preferentemente para communicações internacionaes a longas distancia e, em segundo lugar, aos serviços nacionaes de longa distancia, particularmente entre pontos que não estejam ligados por fios telegraphicos. Em todo o caso, a frequencia deverá ser a optima para a distancia em questão.

3.—As estações que funcionem dentro das faixas de radiodifusão actualmente assignadas, e em derogação das mesmas, com o fim de prestar serviço local, deverão ser trasladades a faixas de radiodifusão de frequencias mais baixas, inferiores aos 6000 Kc.

4.—Não seria prudente estender as faixas de radiodifusão de altas frequencias que regem neste momento até que se obtenha a promessa formal de todas as nações de que cumprirão estrictamente com as tábuas de assignação de frequencias que se adoptem na Conferencia do Cairo. Sobre este particular, chama-se a attenção para o facto de que um estudo da documentação respectiva demonstraria que muitas estações radiodifusoras, telephónicas e telegraphicas estão usando frequencias em toda a gamma de altas frequencias no "spectrum" em violação das disposições contidas no Regulamento Geral de Radiocommunicções de Madrid.

5.—Seguindo bons principios de engenharia práctica afim de prestar um serviço adequado de radiodifusão, accorda-se:

- a) Que não se fará uso de uma potencia menor de 5 kw para o serviço internacional de radiodifusão.
- b) Que se usarão antenas direccionaes sempre que seja conveniente afim de prestar bom serviço a determinados paizes ou regiões, dependendo isto da hora, das horas que prefira o publico radio-ouvinte, a frequencia que se estiver usando, etc.
- c) Que as faixas se sub-dividirão de maneira a assegurar dem prioridade a classes diferentes de estações radiodifusoras, dependendo de que a potencia seja adequada e da qualidade das emissões, desde o ponto de vista das boas normas de engenharia.

6.—O uso em commum, baseado na boa engenharia, de canaes de radiodifusão em altas frequencias entre paizes de todo o mundo, promette algúm alivio no que diz respeito ás presentes faixas de radiodifusão de altas frequencias.

7.—Os serviços actuaes que funcionem dentro das faixas de frequencias autorizadas, não serão dellas eliminados a menos que se subministrem frequencias adequadas que as substituam; sendo de importancia, em consequencia, que as recommendações que se apresentem á Conferencia do Cairo conttenham recommendações especiaes sobre este assumpto.

8.—Em vista de que da communicação pelo radio pode depender a protecção da vida e da propriedade dar-se-á consideração primordial aos serviços móveis ao fazer-se qualquer alteração nas faixas actualmente autorizadas.

9.—As recommendações que se apresentem a respeito a frequencias adicionaes, necessarias, deverão fazer-se na base de ampliações das faixas de radiodifusão actualmente existentes, em vez de criação de novas faixas.

*Nota especial:*

A resolução que se tome no Cairo com respeito ás recommendações que serão apresentadas em cumprimento das notas (1), (2) e (3) modificarão automaticamente a assignação a serviços na precedente Tábua IV.

## TÁBUA V

## ASSIGNAÇÃO GERAL DE FREQUENCIAS AOS DIVERSOS SERVIÇOS

25,000 e 30,000 Kc.

<i>Frequencias Kc/s.</i>	<i>Serviço</i>
25000-25600	Radiodifusão (1)
25600-26600	Radiodifusão.
26600-27000	Radiodifusão (1)
27000-28000	(a) Fixos.
	(b) Móveis (1)
28000-30000	Amadores.

(1) Disponível para este serviço de accôrdo com o estipulado no Artigo 7, paragrapho 1, do Regulamento Geral de Radiocomunicações Anexo ao Convenio Internacional de Telecomunicações assignado em Madrid em 1932, sempre que não se cause interferencia ao serviço internacional, ao qual se assignou esta faixa de frequencia de accôrdo com o mencionado Regulamento.

## TÁBUA VI

## FREQUENCIAS ENTRE 30,000 E 300,000 Kc/s.

Cada paiz comunicará aos demais paizes americanos interessados, no caso de que exista possibilidade de originar-se interferencia entre paizes ou de que se deseje entendimento entre elles, a localização, potencia, frequencia e classe de serviço de qualquer estação ou estações que se intencione fazer funcionar na faixa de frequencias superior a 30 megacyclos afim de que se possa chegar a um mutuo accôrdo e desenvolvimento desejados.

Esta Tábua é aceita como guia para a investigação e uso experimental de frequencias.

<i>Frequencias Kc/s</i>	<i>Zona de Norte América</i>	<i>Zona Central</i>	<i>Zona de Sul-América</i>
30000- 41000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
41000- 44000	Radiodifusão.	Radiodifusão.	Radiodifusão.
44000- 56000	Televisão.	Televisão.	Televisão.
56000- 60000	Amadores.	Amadores.	Amadores.
60000- 66000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
66000- 72000	Televisão.	Televisão.	Televisão.
72000- 78000	Fixos e Móveis (Radiopharoes Aeronáuticos Indicadores)	Fixos e Móveis (Radiopharoes Aeronáuticos Indicadores)	Fixos e Móveis (Radiopharoes Aeronáuticos Indicadores)
78000- 90000	Televisão.	Televisão.	Televisão.
90000- 96000	Fixos e Móveis (Incluindo sistemas aeronáuticos de aterrizagem ás cegas)	Fixos e Móveis (Incluindo sistemas aeronáuticos de aterrizagem ás cegas)	Fixos e Móveis (Incluindo sistemas aeronáuticos de aterrizagem ás cegas)
96000-108000	Televisão.	Televisão.	Televisão.
108000-112000	Fixos e Móveis (Incluindo Radiopharoes aeronáuticos para o aterrizagem ás cegas e para a localização)	Fixos e Móveis (Incluindo Radiopharoes aeronáuticos para o aterrizagem ás cegas e para a localização)	Fixos e Móveis (Incluindo Radiopharoes aeronáuticos para o aterrizagem ás cegas e para a localização)
112000-118000	Amadores.	Amadores.	Amadores.
118000-123000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
123000-126000	Radiopharoes aeronáuticos de orientação	Radiopharoes aeronáuticos de orientação.	Radiopharoes aeronáuticos de orientação.
126000-132000	Aeronáuticos (Controle do transito em aeroportos)	Aeronáuticos (Controle do transito em aeroportos)	Aeronáuticos (Controle do transito em aeroportos)
132000-156000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
156000-168000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
168000-180000	Fixos e Móveis	Fixos e Móveis	Fixos e Móveis.

TÁBUA VI—Continua

Frequências Kc./s	Zona de Norte América	Zona Central	Zona de Sul-América
18000-192000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
192000-204000	Fixos e Móveis	Fixos e Móveis	Fixos e Móveis
204000-216000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
216000-224000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
224000-230000	Amadores.	Amadores.	Amadores.
230000-234000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
234000-240000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
240000-258000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
258000-270000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
270000-282000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.
282000-294000	Radiodifusão (Televisão)	Radiodifusão (Televisão)	Radiodifusão (Televisão)
294000-300000	Fixos e Móveis.	Fixos e Móveis.	Fixos e Móveis.

### SECÇÃO 3.—FREQUENCIAS ASSIGNAVEIS BASEADAS EM EMISSÕES RADIOTELEGRAPHICAS.

Em principio, a assignação de frequencias na faixa de 1600 a 3000, se fará em multiplos inteiros de 4 kilocyclos, e na faixa de 3000 a 4000 Kc/s., se fará em multiplos inteiros de 5 Kc/s.

Os canaes de communicacão de maior amplitude que 4 ou 5 Kc/s poderão ser assignados quando a extensão da faixa para o typo de transmissão autorizada requeira o uso de canaes mais extensos, por exemplo: dois canaes adjacentes de telegraphia poderão, ser destinados a telephonia; no cujo caso a frequencia assignada á estação deverá ser a frequencia intermedia de ambos canaes. Na seguinte tábua indica-se as frequencias que deverão ser assignadas ás estações radiotelegraphicas; a modificacão destas assignações poderá fazer-se sempre que resulte em beneficio da separacão entre as frequencias.

A seguinte tábua indica as frequencias assignaveis:

1600	1684	1768	1852	1936	2020
1604	1688	1772	1856	1940	2024
1608	1692	1776	1860	1944	2028
1612	1696	1780	1864	1948	2032
1616	1700	1784	1868	1952	2036
1620	1704	1788	1872	1956	2040
1624	1708	1792	1876	1960	2044
1628	1712	1796	1880	1964	2048
1632	1716	1800	1884	1968	2052
1636	1720	1804	1888	1972	2056
1640	1724	1808	1892	1976	2060
1644	1728	1812	1896	1980	2064
1648	1732	1816	1900	1984	2068
1652	1736	1820	1904	1988	2072
1656	1740	1824	1908	1992	2076
1660	1744	1828	1912	1996	2080
1664	1748	1832	1916	2000	2084
1668	1752	1836	1920	2004	2088
1672	1756	1840	1924	2008	2092
1676	1760	1844	1928	2012	2096
1680	1764	1848	1932	2016	2100

2104	2324	2544	2764	2984	3255
2108	2328	2548	2768	2988	3260
2112	2332	2552	2772	2992	3265
2116	2336	2556	2776	2996	3270
2120	2340	2560	2780	3000	3275
2124	2344	2564	2784	3005	3280
2128	2348	2568	2788	3010	3285
2132	2352	2572	2792	3015	3290
2136	2356	2576	2796	3020	3295
2140	2360	2580	2800	3025	3300
2144	2364	2584	2804	3030	3305
2148	2368	2588	2808	3035	3310
2152	2372	2592	2812	3040	3315
2156	2376	2596	2816	3045	3320
2160	2380	2600	2820	3050	3325
2164	2384	2604	2824	3055	3330
2168	2388	2608	2828	3060	3335
2172	2392	2612	2832	3065	3340
2176	2396	2616	2836	3070	3345
2180	2400	2620	2840	3075	3350
2184	2404	2624	2844	3080	3355
2188	2408	2628	2848	3085	3360
2192	2412	2632	2852	3090	3365
2196	2416	2636	2856	3095	3370
2200	2420	2640	2860	3100	3375
2204	2424	2644	2864	3105	3380
2208	2428	2648	2868	3110	3385
2212	2432	2652	2872	3115	3390
2216	2436	2656	2876	3120	3395
2220	2440	2660	2880	3125	3400
2224	2444	2664	2884	3130	3405
2228	2448	2668	2888	3135	3410
2232	2452	2672	2892	3140	3415
2236	2456	2676	2896	3145	3420
2240	2460	2680	2900	3150	3425
2244	2464	2684	2904	3155	3430
2248	2468	2688	2908	3160	3435
2252	2472	2692	2912	3165	3440
2256	2476	2696	2916	3170	3445
2260	2480	2700	2920	3175	3450
2264	2484	2704	2924	3180	3455
2268	2488	2708	2928	3185	3460
2272	2492	2712	2932	3190	3465
2276	2496	2716	2936	3195	3470
2280	2500	2720	2940	3200	3475
2284	2504	2724	2944	3205	3480
2288	2508	2728	2948	3210	3485
2292	2512	2732	2952	3215	3490
2296	2516	2736	2956	3220	3495
2300	2520	2740	2960	3225	3500
2304	2524	2744	2964	3230	a
2308	2528	2748	2968	3235	4000
2312	2532	2752	2972	3240	Amadores.
2316	2536	2756	2976	3245	
2320	2540	2760	2980	3250	

## SECCÃO 4.—TOLERANCIAS E EMISSÕES ESPURIAS

-I-

## TÁBUA DE TOLERANCIA DE FREQUENCIA E DE INESTABILIDADES.

A Conferencia Interamericana de Radiocommunições,

CONSIDERANDO:

- a) Que o progresso técnico alcançado desde a formulação da tábua contida no Appendice I do Regulamento Geral de Radiocommunições de Madrid permite uma redução apreciavel das cifras nella indicadas para tolerancias e Inestabilidade;
- b) Que, mesmo se fosse conveniente continuar a applicação das tolerancias e inestabilidades que fixa o Regulamento Geral de Madrid ás emmissoras actualmente em uso se deveria impôr-lhes requisitos mais severos ás emmissoras construidas depois da data indicada na tábua que a continuação se transcreve;
- c) Que conviria obter dados supplementarios em quanto ás tolerancias e inestabilidades que podem applicar-se na prática actual, especialmente no que diz respeito ás frequencias maiores de 23,000 Kc., que poderiam ser objecto de regulamentação internacional;

ACCÔRDA:

- 1.—Admittir que o progresso técnico em matéria de estabilização de frequencias chegou ao extremo de que todas as estações podem manter-se dentro dos limites de tolerancias e inestabilidades especificados na tábua que mais adiante se transcreve assim como cooperar na redução de interferencias causadas pela fluctuação das frequencias;
- 2.—Que a mencionada tábua deveria substituir a contida no Appendice I do Regulamento Geral de Madrid;
- 3.—Que o assumpto da melhoria nas condições de tolerancias e de estabilidade deveria manter-se na agenda e ampliar-se até incluir frequencias mais altas do que as que apparecem na seguinte tábua, sujeitas á regulamentação que se adopte na Conferencia do Cairo.

## TÁBUA REVISADA DE TOLERANCIA DE FREQUENCIAS E DE INESTABILIDADES.

- 1) A tolerancia de frequencia é o máximo de separação admissivel entre a frequencia assignada a uma estação o a frequencia real de transmissão.
- 2) Esta separação resulta da combinação destes trez erros:
  - a) o erro de radiofrecuencimetro ou do indicador de frequencia empregado;
  - b) o erro commetido ao regular o transmissor;
  - c) variações lentas da frequencia do emissor.
- 3) Na tolerancia de frequencia não se leva em conta a modulação.
- 4) A inestabilidade de frequencias é o máximo de desviação admissivel resultante sómente do erro comprehendido no inciso c) anterior.

TÁBUA DE TOLERANCIAS DE FREQUENCIA E DE INESTABILIDADE.<sup>1</sup>

<i>Faixas de frequencias.</i>	<i>Tolerancias</i>		<i>Inestabilidades.</i>	
	<i>Emissores em serviço actualmente e até 1ro. de Janeiro de 1942, depois de cuja data deverão ajustar-se ás tolerancias indicadas nas columnas 2 e 4 respectivamente.</i>	<i>Novos emissores instalados depois do 1ro. de Janeiro de 1939.</i>	<i>Emissores em serviço actualmente e até 1ro. de Janeiro de 1942 depois de cuja data deverão ajustar-se ás tolerancias indicadas nas columnas 2 e 4 respectivamente.</i>	<i>Novos emissores instalados depois do 1ro. de Janeiro de 1939.</i>
<b>A. De 10 a 550 Kc.</b>				
a) Estações fixas.	0. 1%	0. 05%	-----	-----
b) Estações terrestres.	0. 1%	0. 1%	-----	-----
c) Estações móveis que utilizem as frequencias indicadas	0. 5%	0. 1%	-----	-----
d) Estações móveis que usem qualquer frequencia dentro da faixa.	-----	-----	0. 5%	0. 1%
e) Radiodifusão	50 cyclos.	20 cyclos.	-----	-----
<b>B. De 550 a 1600 Kc.</b>				
m).				
a) Estações de radiodifusão.	50 cyclos.	20 cyclos.	-----	-----
<b>C. De 1600 a 6000 Kc.</b>				
m.).				
a) Estações fixas.	0. 03%	0. 01%	-----	-----
b) Estações terrestres.	0. 04%	0. 02%	-----	-----
c) Estações móveis que empreguem as frequencias indicadas:				
I. 1500 a 3500 Kc.	0. 1%	0. 1%	-----	-----
II. 3500 a 6000 Kc.	0. 1%	0. 005%	-----	-----
d) Estações móveis que empreguem qualquer frequencia dentro da faixa:				
I. 1500 a 3500 Kc.	-----	-----	0. 1%	0. 07%
II. 3500 a 6000 Kc.	-----	-----	0. 1%	0. 05%
<b>D. De 6000 a 30.000 Kc.</b>				
a) Estações fixas.	0. 02%	0. 01%	-----	-----
b) Estações terrestres.	0. 04%	0. 02%	-----	-----
c) Estações móveis que empreguem as frequencias indicadas.	0. 1%	0. 05%	-----	-----
d) Estações móveis que empreguem qualquer frequencia de faixa.	-----	-----	0. 05%	0. 02%
e) Estações de radiodifusão.	0. 01%	0. 005%	-----	-----

<sup>1</sup> [Modificado pela revisão do Cairo de 1938 (Treaty Series 948).]

(1) Se reconhece o facto de que neste serviço existe um grande número de transmissores de fiação e de auto-os-cilladores que não podem cumprir este requisito.

*Notas:* 1.—As administrações deverão esforçar-se por aproveitar os progressos da técnica para reduzir progressivamente as tolerancias de frequencia e os limites de inestabilidade.

2.—Fica entendido que as estações de navio que operem dentro de faixas comuns deverão ajustar-se ás tolerancias applicaveis ás estações terrestres o deverão observar as disposições do Artigo 7, paragrapho 117, do Regulamento Geral de Radiocomunicações de Madrid.

3.—Este texto de tolerancia foi approved de accôrdo com a Opinião n° 93 adoptada pelo C. C. I. R. de Bucarest, com as modificacões dos encabeçamentos das columnas 1 e 3.

## II

### SUPPRESSÃO DE EMISSÕES ESPURIAS.

Os Governos convêm em requerer das estações que se encontram sob sua jurisdicção que empreguem transmissores o mais livre possivel de toda classe de emissões espurias. Estas irradiações não deverão ser de sufficiente intensidade para causar interferencias a aparelhos receptores de desenho moderno que se sintonizem fóra da faixa de frequencia de emissão necessaria para o typo de emissão que se utilize. No caso de emissão do typo A-3 (radio-telephonia) o transmissor não deverá modular-se em excesso de sua capacidade de modulação até o ponto em que ocorram as irradiações espurias interferentes e tratando-se da modulação por amplitude, a percentagem de modulação nos maximos de recorrencia frequente não deverá ser menor do 75 por cento. Deverão empregar-se meios adequados para assegurar que o transmissor não seja modulado em excesso de sua capacidade de modulação.

Uma irradiação espuria é qualquer irradiação de um transmissor que se encontre fóra da faixa de frequencia normal de emissão, para o typo de transmissão que se utilize, inclusive quaesquer productos de harmonicos de modulação, golpes de chave, oscilações parasitas ou outros efeitos transitorios.

### SECÇÃO 5.—NÃO USAR OS 333 Kc/s COMO FREQUENCIA DE CHAMADA AEREA.

Em relação com o Artigo 7, inciso 11, do Regulamento de Madrid, a frequencia de 333 Kc não deverá utilizar-se como chamada internacional no serviço Aereo no Continente americano, excepto nos casos especiaes em connexão com vôos trasatlanticos.

### SECÇÃO 6.—Uso DOS 500 Kc/s.

Em relação ao artigo 19, Secção 1, paragrapho 6-a, do Regulamento de Radio de Madrid, todo o Continente americano, com excepção da Bahia de Hudson e regiões ao Norte da mesma, serão consideradas como região de intenso trafico, de accôrdo com a definição do mencionado artigo. Portanto, excepto a Bahia de Hudson e as regiões ao

Norte da mesma, o serviço nos 500 Kc/s, ficará limitado á transmissão de chamadas de emergencia, de mensagens urgentes e de segurança o radiotelegrammas curtos e isolados.

## SECÇÃO 7.—DEFINIÇÕES.<sup>1</sup>

### DEFINIÇÃO DE TERMOS

A definição de termos que apparecem numerados de 1 a 42 inclusive, da Secção XII, Resolução No. 6, da Acta Final, de Conferencia realizada em Havana no mez de Março de 1937, é approvada com a reserva de que qualquer mudança que resultasse da Conferencia Internacional do Cairo 1938, com referencia á terminologia destas definições, deverá automaticamente supplantar a redacção actual.

#### (1) TELECOMMUNICAÇÃO.

Toda communicação telegraphica ou telephonica de signos, signaes, escriptos, imagens e sons de qualquer natureza, por conductores, radio ou outros systemas ou processos de transmittir signaes, sejam electricos ou visuaes (semaphoros).

#### (2) RADIOCOMMUNICAÇÃO

Toda telecommunicação por meio de ondas Hertzianas.

#### (3) RADIOTELEGRAMMA

Telegramma procedente ou com destino á uma estação movel, transmittido em todo ou em parte do seu recorrido, pelos canaes de radiocommunicação do serviço movel.

#### (4) CORRESPONDENCIA PUBLICA

Toda telecommunicação que tiver de ser acceita pelas repartições e estações, pelo motivo de estarem as mesmas á disposição do publico.

#### (5) EXPLORAÇÃO PRIVADA

Todo particular, companhia ou corporação que não seja instituição ou agencia governamental, reconhecida pelo Governo interessado e que explore installações de telecommunicação destinadas ao intercambio da correspondencia publica.

#### (6) ADMINISTRAÇÃO

Uma Administração Governamental.

#### (7) SERVIÇO INTERNACIONAL

Um serviço de telecommunicação entre repartições ou estações de paizes diferentes ou entre estações de serviço movel, excepto se estas são da mesma nacionalidade e se encontram nos limites do paiz a que pertencem.

Um serviço de telecommunicação interior ou nacional, susceptivel de causar interferencia a outros serviços mais além dos limites do paiz no qual opera, considera-se como serviço internacional desde o ponto de vista de interferencia.

<sup>1</sup> [Modificado pela revisão do Cairo de 1938 (Treaty Series 948).]

**(8) SERVIÇO RESTRICTO**

Um serviço que pode utilizar-se sómente por determinadas pessôas ou para fins especiaes.

**(9) SERVIÇO MOVEL**

Um serviço de radiocomunicação entre estações móveis e estações terrestres e pelas estações móveis entre sí, excluidos os serviços especiaes.

**(10) ESTAÇÃO FIXA**

Estação não susceptível de ser transferida e que se communica por meio da radiocomunicação com uma ou mais estações estabelecidas da mesma maneira.

**(11) ESTAÇÃO TERRESTRE.**

Uma estação não susceptível de ser trasladada e que effectua um serviço movel.

**(12) ESTAÇÃO COSTEIRA**

Uma estação terrestre que effectua um serviço com estações de navio. Esta pôde ser uma estação fixa dedicada tambem ás communicações com as estações de navios; neste caso só é considerada como estação costeira emquanto durar seu serviço com as estações de navio.

**(13) ESTAÇÃO AERONAUTICA**

Uma estação terrestre que effectua um serviço com as estações de aeronaves. Esta pode ser uma estação fixa dedicada tambem ás communicações com as estações de aeronave; neste caso só é considerada como estação aeronautica emquanto durar seu serviço com as estações de aeronave.

**(14) ESTAÇÃO MOVEL**

Uma estação susceptível de ser trasladada e que geralmente se trasladada.

**(15) ESTAÇÃO DE BORDO**

Uma estação situada a bordo, já seja de um navio que não esteja atracado permanentemente, já seja de uma aeronave.

**(16) ESTAÇÃO DE NAVIO**

Uma estação a bordo de um navio que não esteja atracado permanentemente.

**(17) ESTAÇÃO DE AERONAVE**

Uma estação situada a bordo de qualquer vehiculo aereo.

**(18) ESTAÇÃO DE RADIO-PHAROL**

Uma estação especial cujas emissões estão destinadas a permittir a uma estação de a bordo determinar sua posição ou uma direcção com relação á estação de radio-pharol, e, em alguns dos casos, tambem a distancia que a separa desta ultima.

## (19) ESTAÇÃO RADIOGONIOMETRICA

Uma estação provida de aparelhos especiaes para determinar a direcção das emissões de outras estações.

## (20) ESTAÇÕES DE RADIODIFFUSÃO TELEPHONICA

Uma estação que effectua um serviço de radiodiffusão telephonica.

## (21) ESTAÇÃO DE RADIODIFFUSÃO DE TELEVISÃO

Uma estação autorizada a transmittir imagens visuaes mudaveis de objectos fixos ou em movimento, para a recepção e reprodução simultaneas.

## (22) ESTAÇÃO DE AMADORES

Uma estação utilizada por um amator, ou seja, por uma pessôa devidamente autorizada, interessada na technica radioelectrica com um fim unicamente pessoal e sem interesse pecuniario.

## (23) ESTAÇÃO DE EXPERIMENTAÇÃO PRIVADA

Uma estação privada para experimentos destinados ao desenvolvimento da técnica ou da sciencia radioelectrica.

## (24) ESTAÇÃO PRIVADA DE RADIO.

Uma estação privada não aberta á correspondencia publica, que esteja autorizada unicamente a trocar com outras "estações privadas de radio", communações concernentes aos assumptos particulares de seu ou de seus concessionarios.

## (25) FREQUENCIA ASSIGNADA A UMA ESTAÇÃO

A frequencia assignada á uma estação é a frequencia que occupa o centro da faixa de frequencia na qual a estação está autoriza a trabalhar. Em geral, esta é a frequencia da onda portadora.

## (26) FAIXA DE FREQUENCIAS DE UMA EMISSÃO

A faixa de frequencias de uma emissão é a faixa de frequencias effectivamente occupada por esta emissão, para o typo de transmissão e para a velocidade dos signaes utilizados.

## (27) TOLERANCIA DE FREQUENCIA

A tolerancia de frequencia é o maximo de desviação admissivel entre a frequencia assignada a uma estação e a frequencia real de emissão.

## (28) POTENCIA DE UM EMISSOR RADIOELECTRICO

A potencia de um emissor radioelectrico é a potencia subministrada á antenna. No caso de um emissor de onda modulada, a potencia na antenna será determinada por dois numeros, indicando um o valor da potencia da onda portadora subministrada á antenna e o outro o valor maximo real de modulação empregado.

(29) SERVIÇO AERONAUTICO

Um serviço de radiocomunicação executado entre estações de aeronave e estações terrestres e por estações de aeronave entre si. Este termo applica-se egualmente aos serviços fixos e especiaes de radio destinados a garantir á segurança de navegação aerea.

(30) SERVIÇO FIXO

Um serviço que realiza communicações radioelectricas de qualquer classe entre pontos fixos, excluindo os serviços de radiodifusão e os serviços especiaes.

(31) SERVIÇO ESPECIAL

Um serviço de telecommunicação operado especialmente para as necessidades de um serviço determinado de interesse geral e não aberto á correspondencia publica, tal como: um serviço de radiopharol, de radiogoniometria, de signaes horarios, de boletins meteorologicos regulares, de avisos aos navegantes, de mensagens de imprensa dirigidos a todos, de avisos medicos, consultas medicas, de frequencias padrão, de emissões destinadas a fins scientificos, etc.

(32) SERVIÇO DE RADIODIFFUSÃO TELEPHONICA

Um serviço que effectua a diffusão de emissões radiophonicas essencialmente destinadas a serem recebidas pelo publico em geral.

(33) SERVIÇO DE RADIODIFFUSÃO VISUAL

Um serviço que effectua a diffusão de imagens visuaes, fixas ou animadas essencialmente destinado a ser recebido pelo publico em geral.

(34) SERVIÇO DE AMADORES

Serviço de radio effectuado entre estações de amadores.

(35) SERVIÇO MOVEI AEREO

Serviço de radio effectuado entre porta-aviões e por estações em aeronaves que se communicam entre si.

(36) SERVIÇO GERAL DE EXPERIMENTAÇÃO

Serviço de radio effectuado por estações de experimentação dedicadas a investigações ou desenvolvimentos na arte do radio.

(37) SERVIÇO DE POLICIA

Serviço de radio effectuado por autoridades policiaes do Estado, Provincia ou Municipio para serviços de emergencia, principalmente como unidades móveis de policia.

(38) O VOCABULO "CANAL"

Significa uma parte do "spectrum" de radio sufficientemente extenso para permitir seu uso por uma estação de radio com fins de communicação. Comprehende os tres elementos definidos a continuação:

- (1) A "faixa de frequencia de emissão".
- (2) O dobro da "tolerancia de frequencia" especificada.
- (3) As "faixas de protecção de interferencias", se requerem.

## (39) A EXPRESÃO “FAIXA DE FREQUENCIA DE EMISSÃO

Significa que a faixa de frequencia de emissão é a faixa realmente occupada por esta emissão para a classe de transmissão e velocidade de signaes utilizados.

## (40) A EXPRESÃO “FAIXAS DE PROTECÇÃO DE INTERFERENCIA”

Significa as faixas de frequencia adicionaes da faixa de frequencia de emissão e tolerancia de frequencia, que possam ser permittidas afim de que não haja interferencia entre estações que tenham assignações de frequencias adjacentes. Em geral, esta disposição depende da selectividade do receptor e das características do transmissor.

## (41) O VOCABULO “PREFERENTEMENTE”

Segundo está empregado em relação com cortas faixas da tábua de assignações deste accôrdo, significa que á medida em que se empreendem instalações devidamente autorizadas dos serviços principaes, ellas terão a preferencia dos canaes disponiveis naquella faixa.

Em cada uma destas faixas, a assignação de canaes para outros serviços diferentes dos da assignação geral, se fará de maneira tal que se evite a interferencia indevida com estações existentes do serviço principal.

## (42) ESTAÇÃO DE RADIODIFFUSÃO DE FAC-SIMILE

Uma estação autorizada para transmittir imagens de objectos fixos para a impressão ou registro da recepção pelo publico em geral.

## SECÇÃO 8.—AMADORES.

As seguintes disposições referentes a amadores foram acceitas por unanimidade, em additamento ás tábuas de assignações:

1.—Que a faixa de 1750 a 2050 Kc/s fique assignada para as emissões A-1 e A-3.

2.—Que estudadas as recommendações da Conferencia de Radio de Buenos Aires, Revisão do Rio de Janeiro, 1937, e e f, da Recommendation No. 10, convieram em modificical-as, sem que isto altere o espirito dellas, substituindo-as como segue:

e) Que as Administrações indiquem a conveniencia de que as faixas de 1750 a 2050 Kc/s., e de 3500 a 4000 Kc/s., sejam utilizadas pelos amadores, preferentemente para as communicações á curta distancia.

f) Que as Administrações recommendem que não se empregue as faixas de 7000 a 7300 Kc/s e de 14000 a 14400 Kc/s para communicações de estações de amadores á curta distancia.

3.—As frequencias comprehendidas entre 3500 a 4000 Kc/s., 7000 a 7300 Kc/s e 14000 a 14400 Kc/s., sejam disponiveis de accôrdo com a Tábua seguinte:

3500 a 3800 Kc/s para A-1 sómente.

3800 a 4000 “ “ A-1 e A-3

7000 a 7050	“	“	A-1 sómente.
7050 a 7150	“	“	A-1 e A-3 (A-3 sómente para a America Latina).
7150 a 7300	“	“	A-1 sómente.
14000 a 14100	“	“	A-1 sómente
14100 a 14300	“	“	A-1 e A-3
14300 a 14400	“	“	A-1 sómente.

Poderá usar-se a emissão do typo A-1 em toda a faixa de frequencias comprehendida entre 14000 e 14400 Kc/s.— Os paizes latino-americanos, Canada e Terranova, poderão usar emissão typo A-3 nas frequencias comprehendidas entre 14100 e 14300 Kc/s. Os Estados Unidos de America operarão com emissões do typo A-3 entre 14150 e 14250 Kc/s, pelo menos até o dia 31 de Dezembro de 1939.

#### 4.—As faixas de

1750 a 2050 Kc/s.
3500 a 4000 “
7000 a 7300 “
14000 a 14400 “
28000 a 30000 “
56000 a 60000 “

serão faixas de amadores.

5.—Com o objecto de fazer um melhor uso da faixa de 14 megacyclos, no que se refere á radiotelephonia, e afim de evitar uma congestão indevida pela presença de principiantes não familiarizados com o uso de altas frequencias, se suggere: que se exija um periodo sufficiente de prova para adquirir a experiencia necessaria e, além disso, um exame técnico e pratico, antes de que se conceda permissão a um amador para usar a faixa de 14 megacyclos, para a radiotelephonia.

6.—As faixas de amadores assignadas recentemente não serão empregadas para nenhum typo de serviço de radiodifusão, sejam fixos ou móveis.

#### SECÇÃO 9.—MENSAGENS DE TERCEIRA PESSOA TRANSMITTIDOS POR AMADORES.

Considerando que o Regulamento Geral de Radiocommunições Anexo á Convenção Internacional de Telecommunições de Madrid, dispõe que, a menos que haja sido modificado por accórdos e speciaes entre os paizes interessados, se prohibe ás estações de amadores transmittir mensagens internacionaes que emanem de terceira pessoa; e

Considerando que é evidente que se fomentaria a communhão de interesses entre os povos de todas as Americas estimulando o intercambio, por estações de amadores e sem compensação alguma, de mensagens amistosos que emanem de nossos cidadãos;

RESOLVE: a Conferencia Interamericana de Radio.

Com o proposito de fomentar relações estreitas e amistosas entre os povos das Americas, as Administrações dos paizes contractantes

cujas legislações internas o permitam, accórdam que as estações de radio-amadores em seus respectivos paizes e suas posseções poderão effectuar intercambio internacional de mensagens procedentes de terceiras pessoas, desde que taes mensagens sejam de indole tal que normalmente não seriam transmittidas por nenhum outro meio existente de comunicação electrica, e que por elles não se pague directa ou indirectamente compensação alguma.

#### SECÇÃO 10. SERVIÇO INTERNACIONAL DE RADIOCOMUNICAÇÕES PARA POLICIA.

1.—Considerando as vantagens que se possam obter da coordinação das comunicações de policia internacional, recommenda-se a todos os paizes que fazem parte deste convenio que autorizem estações radiotelegraphicas de policia o mais proximas aos seus limites com paizes contiguos para a transmissão de informações de emergencia, relativas a materias sobre a observancia das leis.— Em geral, só se tratará daquellos mensagens de policia que perderiam seu valor pela lentidão e limitações de tempo de outros methodos de comunicações.

2.—As estações occupadas na comunicações do serviço internacional de policia farão uso normalmente das facilidades proporcionadas ao serviço nacional de policia; sempre que: (a) as frequencias de policia usadas primordialmente para comunicações radiotelephónicas com unidades de policia movel não sejam usadas para comunicações radiotelegraphicas; (b) que as estações de diferentes paizes proximas aos limites entre paizes possam ser autorizadas por seus administrações para trocar de ponto a ponto comunicação radiotelephonica; e (c) que as seguintes frequencias sejam usadas inicialmente tanto para a comunicação radiotelegraphica de policia nacional como internacional:

2804 kc chamar	5195 kc chamar só de dia.
2808 kc operar	5135 kc operar só de dia.
2812 kc operar	5140 kc operar só de dia.

3.—As notificações referentes ás características de estações dedicadas ao serviço internacional de radio para policia, serão remetidas ao Escritorio da União Internacional de Telecomunicações de Berna, Suissa, afim de que todas as estações que desejem intercomunicar-se possam manter-se informadas dos detalhes relativos ao funcionamento individual.

4.—Afim de assegurar a uniformidade na manipulação das mensagens, se seguirá o procedimento seguinte:

(a) Este serviço se ajustará, em geral, ás disposições do artigo XVI do Regulamento Geral de Radiocomunicações anexo ao Convenio Internacional de Telecomunicações de Madrid, 1932.

(b) Se fará amplo uso da lista de abreviaturas constante do appendice 9 do Regulamento Geral de Radiocomunicações anexo ao Convenio Internacional de Telecomunicações de Madrid, 1932. Não se empregará linguagem corrente se uma abreviatura fôr sufficien-

te. As indicações de serviço são as seguintes: P – Prioridade, para mensagens que tenham de ser enviados immediatamente prescindindo do numero dos outros mensagens depositados. As mensagens sem indicação de serviço, serão transmitidas na ordem em que sejam recebidas.

(c) As mensagens conterão o preambulo, texto e assignatura, como segue:

(1) Preambulo: O preambulo da mensagem consistirá no seguinte: número de ordem precedido pelas letras NR; indicações de serviço como sejam apropriadas; *check* (isto é a contagem de palavras de conformidade com o systema de contagem typo do telegramma, as letras "CK" seguidas por cifras que indicam o numero de palavras contidas no texto da mensagem); repartição e paiz de origem (sem abreviar); dia do mez e mez; hora do deposito; endereço.

(2) Texto: O texto poderá ser em linguagem corrente ou cifra.

(3) Assignatura: A assignatura incluirá o nome e titulo do remetente da mensagem.

#### SECÇÃO 11.—AUXILIO POR RADIOCOMMUNICAÇÃO Á NAVEGAÇÃO AEREA.

##### "STANDARDS" DE INTENSIDADE DE CAMPO E RELAÇÃO DE INTERFERENCIAS.

1.—PORQUANTO a Conferencia Interamericana de Radiocommunições considerou cuidadosamente as diversas resoluções da Conferencia Técnica Interamericana de Aviação, reunida em Lima em Setembro de 1937, e especialmente as Resoluções XIV, XVII e XVIII referidas a esta Conferencia, e

##### 2.—CONSIDERANDO:

a) a grande importancia da radiocommunição como auxilio a navegação aérea; o desenvolvimento phenomenal do trânsito aéreo e a maior expansão que certamente ha de ter no futuro;

b) a precisão que exigem os serviços radioeléctricos de ajuda á navegação aérea com respeito á estabilidade das emissões emquanto as affecta a transmissão de trajetoria múltipla, a qual pode ser reduzida ao minimum escolhendo frequencias que estejam menos expostas aos effectos das ondas reflectidas;

c) o extremadamente limitada que é a gamma das frequencias que possuem as characteristics de propagação necessarias mencionadas no considerando b) anterior;

d) que as aeronaves em vôo dependem no absoluto do radio para a sua orientação e communicação;

e) o grande número de aeronaves de todas partes do mundo que na actualidade empregam e têm continuar empregando em commum, o número limitado de frequencias adequadas para ajudar a navegação aérea, o qual obriga a praticar a economia mais estricta no seu uso, de forma que seja possível attender a todas com um minimum de interferencia;

f) a normalização que portanto conviria effectuar para facilitar a navegação aérea internacional coordinando e no possivel fazendo uniforme o aparelhamento e o procedimento de operação.

g) que é possivel a uma só estação terrestre, um radiopharol de orientação, por exemplo, prestar simultaneamente ajuda para a navegação a um número praticamente illimitado de aeronaves;

h) a grande responsabilidade que assumen os serviços radioelétricos que ajudam a navegação aérea, ao prestar um serviço competente ás aeronaves, cuja segurança pode, em determinadas circunstancias, vir a depender por completo da recepção ininterrupta de signaes de navegação satisfactorios, e

i) o curto prazo que tem havido para fazer estudos de engenharia desde o encerramento da Conferencia Técnica Interamericana de Aviação reunida em Lima em Setembro de 1937;

### 3.—A Conferencia Interamericana de Radiocommunições

#### RESOLVE:

a) Que, de accôrdo com as recommendações da Conferencia de Lima, os paizes representados nesta Conferencia preparem e troquem entre sí, ao mais tardar a primeiro de Junho de 1938, todos os dados pertinentes que possam utilizar-se na redacção das seguintes tábuas, as quaes serviriam de guia no que diz respeito á applicação dos principios de engenharia que aquí se expoem:

Tábua I, que contenha uma lista dos diversos typos de serviços radioelétricos de ajuda á navegação aérea que foram approvados para os pôr em operação.

Tábua II, que especifique as intensidades de signal mínimas necessarias para a recepção satisfactoria das diversas clases de ajuda radioelétrica á navegação aérea; dados que se usarão como base para determinar as áreas de serviço normal;

Tábua III que especifique os valores admissiveis da intensidade de signal interferente dos diversos typos de ajuda radioelétrica á navegação aérea expresando-se os mencionados valores em forma de relação entre signaes interferidos e signaes interferentes no contôrno mínimo de signal de serviço; a) na mesma frequencia, b) 3 kc. fóra da frequencia e c) 6 kc. fóra da frequencia;

b) Que é de esperar que os serviços radioelétricos de ajuda á navegação aérea, especialmente os de radiodifusão unilateral, como os radio-pharoes, mantenham as mais altas normas de segurança estabilidade e qualidade de emissão.

c) Que, com o fim de economizar frequencias, se assigne o número limitado de canaes adequados para os serviços radioelétricos de ajuda á navegação aerea separando-os o menos possivel desde um ponto de vista práctico, tomando em consideração o typo de serviço e a classe de emissão; e que, no possivel, todas as nações devem reservar as mesmas faixas para typos análogos de serviço, de maneira que se possa simplificar os receptores e que se logre por meio da normalização extender os limites geographicos de utilidade.

d) Que se poderia convencionar o uso em *commum* de frequencias, para prover os meios necessarios dentro das faixas autorizadas, mediante um convenio regional celebrado entre os paizes dentro de cujas fronteiras existam secções da área de interferencia das estações existentes segundo a tábua de relações de interferencias e signaes de serviço.

e) Que a potencia irradiada pelas estações de ajuda á navegação aérea nas faixas de frequencias autorizadas devem geralmente limitar-se aos valores compatíveis com a intensidade de signal necessaria normalmente dentro da área em que se deseje prestar serviço, a fim de reduzir ao mínimo a interferencia fóra de área de serviço

*Nota:* Vide documento adicional apresentado pelos Estados Unidos de América com fins informativos. Anexo.

## SECÇÃO 12.—SUPPRESSÃO DE INTERFERENCIAS CAUSADAS POR APPARELHOS ELECTRICOS

1.—Os aparelhos diathermicos, fornos de inducção, systemas de intercommunição domestica mediante altas frequencias e outros aparelhos electricos que empregam correntes de radiofrequencia como elemento essencial ao seu funcionamento, podem causar interferencia ás radiocommunições.

2.—O uso de taes aparelhos é de muita importancia na therapeutica, cirurgia, industrias, etc.

3.—A irradiação da energia radioelectrica não é essencial para o funcionamento adequado dos aparelhos, e pode evitar-se ou controlar-se sem reduzir a utilidade de cada aparelho, para o fim que se emprega.

4.—A irradiação ocorre geralmente no circuito de sahida, nos circuitos internos ou nas fontes de energia todos os quaes são elementos essenciaes.

5.—A magnitude da irradiação depende da frequencia ou frequencias de funcionamento, da potencia e do desenho, installação e funcionamento do aparelho.

6.—A irradiação que emana das fontes de energia pode evitar-se usando um filtro de linha adequado. A irradiação dos circuitos internos pode evitar-se usando caixas metalicas adequadas. A irradiação dos circuitos de sahida pode reduzir-se a um nivel em que não se cause interferencia ás radiocommunições usando uma tela metalica sempre que o protector cubra todo o aparelho e suas dimensões sejam taes que não se produzam grandes correntes parasitas.

7.—Em muitos casos pode ser que não seja pratico empregar tal protecção.

8.—Se pôde usar nos mencionados aparelhos qualquer frequencia na porção util do "spectrum" de radio. No entanto, muitos dos aparelhos therapeuticos modernos, que causam a maior parte da interferencia a longa distancia, operam em frequencias de 10,000 a 20,000 kilocyclos, aproximadamente. Quando se utilizam outras frequencias causa-se interferencia principalmente á recepção a curta distancia ou a distancia moderada.

9.—Nos casos em que não é pratico proteger todo o aparelho para controlar a irradiação, o unico meio para conseguir que as machinas funcionem sem causar interferencia é usar frequencias não assignadas a serviços de radio.

10. O aparelho therapeutico usual é essencialmente um emissor de radio do typo oscillante de autoexcitação, e emprega geralmente corrente de placa auto-rectificada. A causa da inestabilidade inherente aos circuitos oscilladores, ás grandes variações de voltagem durante cada cyclo da corrente subministrada á placa e aos usos diferentes que pode dar-se ao circuito de sahida, a frequencia em serviço varia durante a operação normal numa margem muito amplia, possivelmente um ou dois megacyclos quando se opera em uma frequencia aproximada de 15 megacyclos.

11.—Todas as machinas therapeuticas desenhadas para um mesmo serviço podem operar na mesma frequencia sem limitar sua utilidade, já que a irradiação emittida por outras machinas não affecta seu funcionamento. Necessitar-se-ia mais aparelhos e maiores despesas para poder funcionar em uma frequencia fixa, pois haveria que ter controlar automatico de frequencias afim de manter a frequencia em que se opera, com uma variação pelo menos de 1/20 de um por cento. Em 15 megacyclos isto representaria uma extensão de faixa de 15 Kc/s., o que corresponde praticamente a todo um canal de comunicação.

12.—Conforme a informação mais acertada de que se dispõe, o funcionamento diathermico, deveria restringir-se até que a sciencia alcance a tal ponto, em que os aparelhos possam ser desenhados até supprimir completamente as irradiações interferentes a tres frequencias, ou sejam, aproximadamente, 12, 25 e 50 megacyclos.

13.—Com respeito aos aparelhos taes como systemas de intercomunicação domestica e certos typos de fornos de inducção, assim como aparelhos analogos que empregam frequencias medias ou baixas, deveria exigir-se que limitem todo o possivel a geração de harmonicos e que facam a prova de rigor afim de ver que a irradiação não passe de um nivel determinado.

14.—Cada paiz contractante deverá promulgar o regulamento necessario para obrigar a que se protejam por completo e que se sujeitem a frequencias determinadas os aparelhos electricos que garem energia electrica de radiofrequencia, como medida essencial a sua operação, mas que não se dedicam ás radiocomunicações.

15.—Inclue-se como annexo a este informe um documento sobre “a radio-interferencia por aparelhos electro-therapeuticos”, apresentado pelo Canada, o qual deve ser considerado como parte das disposições adoptadas sobre esta materia.

NOTA:

Vide.—(O informe apresentado pelo Canada sobre “A Radio-interferencia por Aparelhos Electro-therapeuticos” encontra-se no Documento C.I.R./Doc. 43)

Em fé do que os respectivos Delegados assignaram varios exemplares do presente Instrumento en espanhol, inglez, portuguez e francez que serão depositados nos archivos do Governo cubano, o qual encaminhará aos outros Governos contractantes uma copia authenticada em cada uma dessas linguas.

Feito na cidade de Havana, em 13 de Dezembro de 1937.

*Argentina:*

*Brasil:*

JOSÉ ROBERTO DE MACEDO-SOARES.

*Canadá:*

LAURENT BEAUDRY.

C. P. EDWARDS.

*Colômbia:*

JORGE SOTO DEL CORRAL.

RICARDO GUTIERREZ LEE Y RIVERO.

*Cuba:*

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNANDEZ CATÁ Y GALT.

*Chile:*

EMILIO EDWARDS BELLO.

*República Dominicana:*

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

*Estados Unidos de América:*

T. A. M. CRAVEN.

*Guatemala:*

ARTURO CÓBAR L.

*Haiti:*

JUSTIN BARAU.

*México:*

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

*Nicaragua:*

GUILLERMO ARGUEDAS.

*Panamá:*

ERNESTO B. FÁBREGA.

*Perú:*

CARLOS A. TUDELA.

*Uruguay:*

CÉSAR GORRI.

*Venezuela:*

ALBERTO SMITH.

## ACCÔRDO INTERAMERICANO SOBRE RADIOCOMMUNICAÇÃO

### ANNEXO

#### DOCUMENTO ADICIONAL COM FINS INFORMATIVOS

De accôrdo com o suggerido a respeito de um intercambio de informação téchnica, a Conferencia Interamericana de Radiocommunições tem em consideração os seguintes pontos, que serão proporcionados opportunamente pelo Governo dos Estados Unidos de América a todos os paizes americanos.

1.—Relação de todas as estações aeronauticas que funcionam nos Estados Unidos da America sob a direcção do Departamento de Aviação Commercial do Ministerio do Commercio. Desta relação constará a seguinte informação relativa a cada estação:

Logar onde estiver installada e typo da estação.

Direcção de todos os radio-pharoes de orientação.

Letras de chamada.

Frequencia de operação em kilocyclos.

Signaes de identificação de estação.

Posição e distancia respeito ao campo de aterrissagem mais proximo, incluindo a elevação exacta do referido campo sobre o nivel do mar.

Horario de irradiações telephonicas de informação meteorologica e de avisos aos aviadores.

2.—Mappas nos quaes se designam a posição e alcance de todas estações de orientação, de informação meteorologica e de radio-pharoes indicadores.

3.—Mappas do systema de comunicação terrestre que mantem o Ministerio do Commercio mediante o "teletypewriter", e estações de radio de ponto a ponto.

4.—Mappas das rotas do serviço aereo postal federal dos Estados Unidos da America.

5.—Tábuas com a sua correspondente interpretação graphica, nas que se indiquem a area de serviço normal e a area normal de interferencia de cada typo de estação orientadora. Estas tábuas deverão ter como base a presunção de valores definidos de signaes de serviço minimo e as proporções maximas de interferencia, e estarão emendadas no que se refere ás variações na eficiencia da antenna emissora a todas as frequencias desde 200 até 400 kc.

6.—Curvas de attenuação baseadas nas medidas das estações existentes de radio-pharoes de orientação mostrando a mudança de intensidade da onda reflectida, com a frequencia e a distancia e o maximo e o

minimo indicados para a atenuação terrestre, tal como se tem determinado em regiões mui diversas entre sí do territorio continental dos Estados Unidos da America.

7.-Especificações pormenorizadas do funcionamento dos varios typos radioelectricos de ajuda á aviação estabelecidos pelo Departamento de Aviação Commercial dos Estados Unidos da América e approvados para ser postos em serviço.

Es copia fiel de su original

[SEAL]

LUIS R. MIRANDA  
*Subsecretario de Estado*

## ARRANGEMENT INTERAMERICAIN DE RADIO-COMMUNICATION.

### SECTION 1. INTRODUCTION

Les Délégués des Gouvernements américains ci-dessous mentionnés, réunis en Conférence à la Havana, République de Cuba, du 1er. novembre au 13 décembre 1937, ont arrêté l'Arrangement administratif suivant, qui entrera en vigueur le 1er. juillet 1938 pour les pays ou il aurait obtenu l'approbation du Gouvernement respectif, lequel devra la communiquer au Ministère d'Affaires Etrangères de Cuba.

#### PAYS

Argentine	Chili	Nicaragua
Brésil	Etats Unis d'Amérique	Panama
Canada	Guatémala.	Pérou
Colombie	Haiti	République Dominicaine
Cuba	Méxique	Uruguay
		Vénézuéla.

Si un Etat désire mettre fin à cet arrangement, en tout ou en partie il pourra le faire au moyen d'une communication par écrit adressée au Gouvernement de Cuba, en donnant les raisons un an avant la date à laquelle il désire y mettre fin. Le Gouvernement de Cuba devra communiquer cet avis aux autres Etats intéressés.

### SECTION 2. ATTRIBUTION DE FRÉQUENCES POUR DIVERS SERVICES DANS LE CONTINENT AMÉRICAIN.

#### TABLEAU I

*10-550 Kc./s.*

<i>Fréquences. kc/s.</i>	
10-100	Fixes.
100-110	a) Fixes, b) mobiles.
110-125	Mobiles
125-150	Mobiles maritimes (réservés exclusivement à la correspondance publique)
150-160	Mobiles
160-200	a) Fixes, b) Mobiles, c) Aéronautiques.
200-285	Aéronautique et mobile, exception faite des postes commerciaux de navires.
285-315	Auront la priorité les radio-phares destinés aux services maritimes.
315-320	Aéronautiques.
320-325	a) Aéronautiques. b) Mobiles non ouverts à la correspondance publique.
325-345	Aéronautiques.
345-365	a) Aéronautiques. b) Mobiles non réservés à la correspondance publique.

## TABLEAU I—Continuée

<i>Fréquences.</i> <i>Kc/s.</i>	
365-385	a) Radiogoniometrie, b) Mobiles, à condition de ne pas embrouiller la radiogoniométrie. Sont exclues les stations côtières qui emploient les ondes b)
385-400	Mobiles et aéronautiques. Aurent la priorité les services maritimes, il est entendu que cette priorité concerne les services existants.
400-460	Mobiles
460-485	Mobiles A-1 et A-2 seulement.
485-515	Mobiles (Détrèsse, appels, etc.)
515-550	Services non ouverts à la correspondance publique, A-1 et A-2 seulement.

## NOTA:

1.—La bande de fréquences comprises entre 200 et 400 kc/s. se réserveront en Amérique à l'aide de la navigation aérienne et à la transmissions de rapports météorologiques et d'autres rapports pour la protection des aéronefs en vol, qui ne reconnaîtront dans cette bande que la priorité que peuvent avoir les services maritimes.

2.—Quand, pour des raisons atmosphériques contraires ou à cause d'autres raisons techniques, on ne pourra pas employer les fréquences comprises entre 200 et 400 kc/s. dans les services déjà cités, on pourra recourir à des fréquences appropriées, en ayant soin de communiquer à tous les pays d'Amérique les fréquences choisies.

## TABLEAU II

ATTRIBUTION DES FREQUENCES ENTRE 550 ET 1600 Kc. A LA RADIO-DIFFUSION.

*550-1600 Kc/s. Radio-diffusion.*

## TABLEAU III.

ATTRIBUTION GÉNÉRALE DE FRÉQUENCES AUX DIVERS SERVICES.

*1600-4000 Kc/s.*

<i>Fréquences.</i> <i>Kc/s.</i>	Zone de l'Amérique du Nord.	Zone Centrale.	Zone de l'Amérique du Sud.
1600-1750	Fixes et Mobiles (Principalement pour la Police)	Fixes et Mobiles y compris l'aéronautique.	Fixes et Mobiles y compris l'aéronautique.
1750-2050	Amateurs.	Amateurs.	Amateurs.
2050-2100	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.
2100-2200	Mobiles (Surtout stations de navires)	Mobiles (Surtout stations de navires)	Mobiles (Surtout stations de navires.)
2200-2300	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.
2300-2395	Mobiles (Surtout pour la Police)	Mobiles (Surtout la Police) (1)	Mobiles et Radio-diffusion.
2395-2400	Ondes générales d'expériences.	Ondes générales d'expériences.	Mobiles et Radio-diffusion.
2400-2500	Mobiles (Surtout pour la police)	Mobiles (Surtout la police)	Mobiles et Radio-diffusion.
2500-2600	Mobiles (Surtout stations cotières)	Mobiles (Surtout stations cotières)	Mobiles (Surtout stations cotières)
2600-2735	Aéronautiques et Mobiles.	Aéronautiques et Mobiles.	Aéronautiques et Mobiles.

TABLEAU III—Continuée.

Fréquences. Kc/s.	Zone de l'Amérique du Nord.	Zone Centrale.	Zone de l'Amérique du Sud.
2735-2740	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s)	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s)	Mobiles (Surtout entre navires. Fréquence qui peut être attribuée: 2738 kc/s)
2740-2850	Fixes et Mobiles	Fixes et Mobiles	Fixes et Mobiles
2850-3000	Aéronautiques et Mobiles	Aéronautiques et Mobiles	Aéronautiques et Mobiles
3000-3065	Fixes et mobiles	Fixes et mobiles	Fixes et mobiles
3065-3100	Aéronautiques	Aéronautiques	Aéronautiques
3100-3110	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc.)	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc.)	Mobiles (Surtout la fréquence d'appel des aéronefs 3105 Kc.)
3110-3150	Mobiles	Mobiles	Mobiles
3150-3265	Fixes et Mobiles (Surtout Aéronautiques)	Fixes et Mobiles (Surtout aéronautiques)	Fixes et Mobiles (Surtout aéronautiques).
3265-3320	Fixes	Fixes	Fixes
3320-3440	Fixes et mobiles	Fixes et mobiles	Fixes et mobiles
3440-3485	Fixes et mobiles (surtout aéronautiques)	Fixes et mobiles (Surtout aéronautiques)	Fixes et mobiles (Surtout aéronautiques).
3485-3500	Ondes générales d'expériences	Ondes générales d'expériences	Ondes générales d'expériences
3500-4000	Amateurs	Amateurs	Amateurs

(1) Il sera permis aux Pays de la Zone Centrale, situés au Nord de la Colombie, de réserver respectivement la bande de 2300 à 2350 kc/s. au service de radio-diffusion, d'accord avec une convention selon laquelle on ne pourra employer plus de deux fréquences par pays dans cette bande, fréquences séparées l'une de l'autre, avec une puissance appropriée et une antenne de direction. L'emploi de ces fréquences par ces pays ne devra causer aucune interférence aux autres services des Zones Nord et Sud, qui emploient actuellement, ces mêmes fréquences.

TABLEAU IV<sup>1</sup>

## ATTRIBUTION GÉNÉRALE DE FRÉQUENCES AUX DIFFÉRENTS SERVICES.

(Voir la note spéciale ci-dessous)

4000-25000 Kc/s.

Fréquences Kc/s.	Services.
4000-5500	Fixes et Mobiles. (1)
5500-5570	Mobiles et Maritimes.
5570-5700	Aéronautiques.
5700-5900	Fixes.
5900-6000	Fixes (2)
6000-6150	Radio-diffusion (3)
6150-6675	Mobiles. (Fréquences internationale d'appel des services aéronautiques 6210 Kc.)

<sup>1</sup> [Modifié par la révision du Caire, 1938 (Treaty Series 948).]

TABLEAU IV—Continuée

Fréquences Kc/s.	Services.
6675-7000	Fixes.
7000-7300	Amateurs.
7300-8200	Fixes.
8200-8550	Mobiles.
8550-8900	Fixes et Mobiles.
8900-9500	Fixes.
9500-9600	Radio-diffusion (3)
9600-9700	Fixes (2)
9700-11.000	Fixes.
11.000-11.400	Mobiles.
11.400-11.700	Fixes.
11.700-11.900	Radio-Diffusion (3)
11.900-12.300	Fixes.
12.300-12.825	Mobiles.
12.825-13.350	Fixes et Mobiles.
13.350-14.000	Fixes.
14.000-14.400	Amateurs.
14.400-15.100	Fixes.
15.100-15.350	Radio-diffusion (3)
15.350-16.400	Fixes.
16.400-17.100	Mobiles.
17.100-17.750	Fixes et Mobiles.
17.750-17.800	Radio-diffusion. (3)
17.800-21.450	Fixes.
21.450-21.550	Radio-diffusion (3)
21.550-22.300	Mobiles.
22.300-24.600	Fixes et Mobiles.
24.600-25.000	Mobiles.

## NOTES:

## (1) 4500-5200 Kc.

Les Hautes Parties contractantes s'engagent individuellement à faire une étude spéciale de ces bandes de fréquences en les considérant comme une des solutions possibles pour la radio-diffusion nationale dans les pays de la Zone Centrale situés au sud de Panama Cette étude devrait être soumise à la considération de la Conférence du Caire, avec les recommandations appropriées basées sur les points suivants:

(a) Usage d'antennes dirigées dans les stations de radio-diffusion afin d'éviter des interférences aux services d'autres régions.

(b) Détermination de la puissance nocturne maximum pour les stations de radio-diffusion, dans cette bande de fréquence.

(c) L'amplitude totale de la bande de radio-diffusion entre 4500 et 5200 Kc. ne devra pas dépasser 300 Kc.

## (2) 5900-6000 et 9600-9700 Kc/s.

La proposition présentée par le Brésil au sujet de l'assignation des bandes de fréquences de 5900 à 6000 Kc. et de 9600 à 9700 Kc. à la Radio-diffusion, sera étudiée avant l'inauguration de la Conférence du Caire, selon les principes exposés dans la suivante Nota (3) di-dessous.

## (3) 6000-25.000 Kc.

Au moment de considérer les besoins du service de la Radio-diffusion dans la bande de fréquences de 6000 à 25000 Kc. la Conférence Interaméricaine de Radio-Communications a convenu appliquer les principes suivants à l'étude de ce problème et de présenter à la Conférence de Radio-communications du Caire des recommandations basées sur ces principes.

1.—Accomplissement strict des dispositions du paragraphe 19 de l'article 7 du Règlement Général de Radio-communications, annexé à la Convention Internationale de Télécommunications, qui a eu lieu à Madrid en 1932, et qui est ainsi rédigée.

"Il est reconnu que les fréquences entre 6000 et 30000 Kc. (50 et 10 mètres) sont très efficaces pour les communications de longue distance. Les Administrations s'efforceront, autant qu'il leur sera possible, de réserver les fréquences de cette bande à ces communications, excepté quand leur emploi pour des communications à courtes distances, ou à distances moyennes, n'entraîne pas une cause d'interférences dans les communications à longue distance."

2.—Les voies de Radio-diffusion seront assignées principalement aux communications internationales de longue distance, et ensuite aux services nationaux de longue distance, surtout entre les points qui n'ont pas de services par fil. En tous cas, la fréquence devra être la mieux adaptée à la distance en question.

3.—Les postes qui fonctionnent dans les bandes de Radio-diffusion réservées actuellement, et en cas de leur dérogation pour pouvoir prêter un service local, devront être transportés à des bandes de Radio-diffusion de fréquences plus basses, inférieures à 6000 Kc.

4.—Il ne serait pas prudent d'étendre les bandes de Radio-diffusion de hautes fréquences qui existent aujourd'hui, jusqu'à ce que l'on obtienne de tous les pays la promesse formelle de respecter strictement les tableaux d'assignation de fréquences qui s'adopteront à la Conférence du Caire. Sur ce sujet en attire l'attention sur le fait suivant, une étude de la documentation respective démontrerait que beau-coup de stations émetteuses, télégraphiques et téléphoniques emploient actuellement des fréquences comprises dans toute la gamme des hautes fréquences du spectre contrairement aux dispositions prévues par le Règlement Général de Radio-communications de Madrid.

5.—Afin de prêter un service opportun à la Radio-diffusion, d'accord avec les principes de génie reconnus bons, on a convenu.

a) De pas employer une puissance inférieure à 5 Kw pour le service international de Radio-diffusion.

b) D'employer des antennes dirigées dans tous les cas ou cela serait utile pour prêter un bon service à des pays ou à des régions déterminés, en raison de l'heure du jour, des heures que préfère le public pour la Radio-diffusion, de la fréquence qu'on emploie, etc.

c) Que les bandes comprendront des divisions intérieures pour que l'on puisse donner des priorités aux différentes sortes de postes Radio-diffuseurs, en raison d'une puissance appropriée et de la qualité des émissions, du point de vue des principes de génie reconnues.

6.—L'usage en commun, des voies de Radio-diffusion à hautes fréquences, entre pays et continents du monde, offrira un sensible soulagement dans ces bandes de Radio-diffusion de hautes fréquences, si cet usage est basé sur des principes de génie.

7.—Les services actuels qui fonctionnent dans les bandes de fréquences autorisées n'en seront pas éliminés, à moins que l'on ne fournisse des fréquences appropriées pour les remplacer; par conséquent il est très important de remettre à la Conférence du Caire des recommandations contenant des vœux spécifiques sur ce sujet.

8.—Au moment de faire une modification quelconque dans les bandes autorisées actuellement, et en raison de leur dépendance avec la Radio comme moyen de communication et comme protection de la vie et de la propriété, on considérera très spécialement les services mobiles.

9.—Les recommandations pour des fréquences additionnelles de radio-diffusion qui seraient jugées nécessaires seront basées sur des extensions des bandes actuelles, plutôt que sur la création de nouvelles bandes.

*Note spéciale:* La décision prise à Caire au sujet des recommandations qui seront présentées conformément aux notes 1), 2) et 3) modifiera automatiquement l'attribution aux services du Tableau IV ci-dessus.

## TABLEAU V

## ATTRIBUTIONS GÉNÉRALE DE FRÉQUENCES AUX DIFFÉRENTS SERVICES

25,000-30,000 Kc

25000-25600	Radio-diffusion (1)
25600-26600	Radio-diffusion
26600-27000	Radio-diffusion (1)
27000-28000	a) Fixes. b) Mobiles.
28000-30000	Amateurs.

(1) Disponible pour ce service, d'après ce qui a été stipulé dans l'article 7, paragraphe 1, du Règlement général de Radio-communications, annexé à la Convention Internationale de Madrid de 1932, à condition de ne causer aucune interférence au service international, à qui a été assignée cette bande de fréquences d'accord avec le Règlement déjà mentionné.

## TABLEAU VI

## FRÉQUENCES ENTRE 30,000 ET 300,000

Chaque pays communiquera aux autres pays américains intéressés dans le cas où une interférence pourrait surgir entre des pays, ou un accord serait désiré par ceux-ci, la situation, la puissance, la fréquence, et la classe de service de n'importe quelle station ou stations que l'on a l'intention d'exploiter dans la bande de fréquences supérieure à 30 mégacycles pour que l'on puisse arriver à un accord mutuel et au développement désiré.

Ce tableau est accepté pour tracer un plan de recherches et d'usage expérimental de fréquences.

30.000-300.000 Kc.

Fréquences. Kc/s.	Zone d'Amérique du Nord.	Zone Centrale.	Zone d'Amérique du Sud.
30000-41000	Fixes et Mobiles	Fixes et Mobiles.	Fixes et Mobiles
41000-44000	Radio-diffusion	Radio-diffusion	Radio-diffusion
44000-56000	Télévision	Télévision	Télévision
56000-60000	Amateurs	Amateurs	Amateurs
60000-66000	Fixes et Mobiles	Fixes et Mobiles	Fixes et Mobiles
66000-72000	Télévision	Télévision	Télévision
72000-78000	Fixes et Mobiles (Radiophares, Aéronautiques, Indicateurs)	Fixes et Mobiles (Radiophares, Aéronautiques, Indicateurs)	Fixes et Mobiles (Radiophares, Aéronautiques, Indicateurs)
78000-90000	Télévision	Télévision	Télévision
90000-96000	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle)	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle)	Fixes et Mobiles (Y compris les systèmes aéronautiques d'atterrissage à l'aveugle)
96000-108000	Télévision	Télévision	Télévision
108000-112000	Fixes et Mobiles (Y compris les Radiophares, aéronautiques pour atterrissages à l'aveuglette, et pour localisation)	Fixes et Mobiles (Y compris les Radiophares aéronautiques pour atterrissages à l'aveuglette, et pour localisation)	Fixes et Mobiles (Y compris les Radiophares aéronautiques pour atterrissages à l'aveuglette et pour localisation)
112000-118000	Amateurs	Amateurs	Amateurs
118000-123000	Fixes et Mobiles	Fixes et Mobiles	Fixes et Mobiles
123000-126000	Radiophares aéronautiques de balisage.	Radiophares aéronautiques de balisage.	Radiophares aéronautiques de balisage.
126000-132000	Aéronautiques. (Contrôle du trafic des aéroports)	Aéronautiques. Contrôle du trafic des aéroports)	Aéronautiques. Contrôle du trafic des aéroports.)
132000-156000	Fixes et Mobiles	Fixes et Mobiles	Fixes et Mobiles
156000-168000	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)
168000-180000	Fixes et mobiles	Fixes et mobiles	Fixes et mobiles
180000-192000	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)
192000-204000	Fixes et Mobiles.	Fixes et Mobiles	Fixes et Mobiles
204000-216000	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)	Radio-diffusion (Télévision)
216000-224000	Fixes et Mobiles	Fixes et Mobiles	Fixes et Mobiles.

TABLEAU VI—Continuée

Fréquences. Kc/s.	Zone d'Amérique du Nord.	Zone Centrale.	Zone d'Amérique du Sud.
224000-230000	Amateurs.	Amateurs.	Amateurs.
230000-234000	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.
234000-246000	Radio-diffusion. (Télévision)	Radio-diffusion. (Télévision)	Radio-diffusion. (Télévision)
246000-258000	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.
258000-270000	Radio-diffusion (Télévision)	Radio-diffusion. (Télévision)	Radio-diffusion. (Télévision)
270000-282000	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.
282000-294000	Radio-diffusion. (Télévision)	Radio-diffusion. (Télévision)	Radio-diffusion (Télévision)
294000-300000	Fixes et Mobiles.	Fixes et Mobiles.	Fixes et Mobiles.

### SECTION 3 FREQUENCES ASSIGNABLES BASSES SUR LES EMISSIONS RADIOTELEGRAPHIQUES.

En général, l'assignation de fréquences, dans la bande de 1600 à 3000 kilocycles, se fera par multiples intégraux de 4 kilocycles, et dans la bande de 3000 à 4000, par multiples de 5 Kc. intègranx.

Les voies de communication d'une largeur de plus de 4 Kc/s. ou de plus de 5 kc/s pourront être assignées quand la largeur de bande autorisée de la transmission soit telle qu'il soit besoin d'un usage de ces voies plus larges. Par exemple: deux canaux télégraphiques adjacents pourront être destinés à un usage téléphonique dans ce cas la fréquence assignée à un poste devra être la fréquence moyenne de ces voies. Dans le tableau suivant apparaissent les fréquences qui devront être assignées aux postes. On pourra modifier ces valeurs dans les cas où ce soit en bénéfice de la séparation qui existe entre les fréquences.

Les fréquences assignables sont les suivantes:

1600	1692	1784	1876	1968	2060
1604	1696	1788	1880	1972	2064
1608	1700	1792	1884	1976	2068
1612	1704	1796	1888	1980	2072
1616	1708	1800	1892	1984	2076
1620	1712	1804	1896	1988	2080
1624	1716	1808	1900	1992	2084
1628	1720	1812	1904	1996	2088
1632	1724	1816	1908	2000	2092
1636	1728	1820	1912	2004	2096
1640	1732	1824	1916	2008	2100
1644	1736	1828	1920	2012	2104
1648	1740	1832	1924	2016	2108
1652	1744	1836	1928	2020	2112
1656	1748	1840	1932	2024	2116
1660	1752	1844	1936	2028	2120
1664	1756	1848	1940	2032	2124
1668	1760	1852	1944	2036	2128
1672	1764	1856	1948	2040	2132
1676	1768	1860	1952	2044	2136
1680	1772	1864	1956	2048	2140
1684	1776	1868	1960	2052	2144
1688	1780	1872	1964	2056	2148

2152	2364	2576	2788	3000	3265
2156	2368	2580	2792	3005	3270
2160	2372	2584	2796	3010	3275
2164	2376	2588	2800	3015	3280
2168	2380	2592	2804	3020	3285
2172	2384	2596	2808	3025	3290
2176	2388	2600	2812	3030	3295
2180	2392	2604	2816	3035	3300
2184	2396	2608	2820	3040	3305
2188	2400	2612	2824	3045	3310
2192	2404	2616	2828	3050	3315
2196	2408	2620	2832	3055	3320
2200	2412	2624	2836	3060	3325
2204	2416	2628	2840	3065	3330
2208	2420	2632	2844	3070	3335
2212	2424	2636	2848	3075	3340
2216	2428	2640	2852	3080	3345
2220	2432	2644	2856	3085	3350
2224	2436	2648	2860	3090	3355
2228	2440	2652	2864	3095	3360
2232	2444	2656	2868	3100	3365
2236	2448	2660	2872	3105	3370
2240	2452	2664	2876	3110	3375
2244	2456	2668	2880	3115	3380
2248	2460	2672	2884	3120	2285 <sup>1</sup>
2252	2464	2676	2888	3125	3390
2256	2468	2680	2892	3130	[3395] <sup>2</sup>
2260	2472	2684	2896	3135	3400
2264	2476	2688	2900	3140	3405
2268	2480	2692	2904	3145	3410
2272	2484	2696	2908	3150	3415
2276	2488	2700	2912	3155	3420
2280	2492	2704	2916	3160	3425
2284	2496	2708	2920	3165	3430
2288	2500	2712	2924	3170	3435
2292	2504	2716	2928	3175	3440
2296	2508	2720	2932	3180	3445
2300	2512	2724	2936	3185	3450
2304	2516	2728	2940	3190	3455
2308	2520	2732	2944	3195	3460
2312	2524	2736	2948	3200	3465
2316	2528	2740	2952	3205	3470
2320	2532	2744	2956	3210	3475
2324	2536	2748	2960	3215	3480
2328	2540	2752	2964	3220	3485
2332	2544	2756	2968	3225	3490
2336	2548	2760	2972	3230	3495
2340	2552	2764	2976	3235	3500
2344	2556	2768	2980	3240	a
2348	2560	2772	2984	3245	4000
2352	2564	2776	2988	3250	Amateurs.
2356	2568	2780	2992	3255	
2360	2572	2784	2996	3260	

<sup>1</sup> [Ce chiffre se lit "3385" dans les textes anglais, espagnol, et portugais.]

<sup>2</sup> [Voir les textes anglais et portugais.]

## SECTION 4. TOLÉRANCE ET ÉMISSIONS PARASITES.

## (1) TABLEAU DE TOLERANCE ET D'INSTABILITES.

La Conférence Interaméricaine de Radio-Communications,

CONSIDERANT:

- a) Que le progrès de la technique depuis la rédaction du Tableau inclus dans l'Appendice I du Règlement Général de Radio-Communication de Madrid, permet une réduction sensible, des chiffres concernant les tolérances et les instabilités qui y apparaissent.
- b) Que même dans le cas où il serait opportun de continuer l'application des tolérances et des instabilités que fixe le Règlement Général de Madrid pour les émetteurs actuellement en usage, on devrait imposer des conditions plus sévères aux émetteurs construits après la date indiquée dans le tableau ci-dessous;
- c) Qu'il serait bon d'obtenir des renseignements supplémentaires sur les tolérances et sur les instabilités qui peuvent s'appliquer actuellement dans la pratique aux fréquences supérieures à 23.000 Kilocycles, qui pourraient être l'objet d'une réglementation internationale.

DECIDE:

1.—Que le progrès de la technique en matière de stabilisation de fréquences est parvenu à un tel point, que tous les postes peuvent se maintenir dans les limites de tolérances et d'instabilités spécifiées dans le tableau ci-dessous annexé, et aussi coopérer dans la réduction d'interférences produites par la fluctuation des fréquences.

2.—Que ce tableau devrait remplacer celui qui apparaît dans l'Appendice I du Règlement Général de Madrid.

3.—Que la question de l'amélioration des conditions de tolérances et d'instabilité, devrait se maintenir dans l'Agenda et s'élargir jusqu'à comprendre des fréquences plus hautes que celles qui apparaissent dans le tableau suivant, d'accord avec la réglementation qui s'adoptera à la Conférence du Cairo;

## TABLEAU RÉVISÉ DE TOLÉRANCE DE FRÉQUENCES ET D'INSTABILITÉS.

1.—La tolérance de fréquences est le maximum de séparation admissible entre la fréquence assignée à un poste et la fréquence réelle d'émission.

2.—Cette séparation est produite par la combinaison des trois erreurs ci-dessous:

- a) L'erreur du Radio-Fréquencemètre ou de l'indicateur de fréquence employé.
- b) L'erreur faite en accordant le poste émetteur.
- c) Variations lentes de la fréquence de l'émetteur.

3.—Dans la tolérance de fréquences, on ne tient pas compte de la modulation.

4.—L'instabilité de fréquences est le maximum de séparation admissible, qui n'est causée que par l'erreur signalée dans le paragraphe c) antérieur.

TABLEAU DE TOLÉRANCES DE FRÉQUENCES ET D'INSTABILITÉ. <sup>1</sup>

Bandes de Fréquences.	Tolérances			
	Emetteurs actuelle- ment en- service et en service jusqu'au 1er. Jan. 1942. après cette date ils devront s'ajuster aux tolérances indiquées respectiva- ment dans les colonnes 2 et 4.	Nouveaux émetteurs installés après le 1er. Janvier, 1939.	Emetteurs actuelle- ment en- service et en service jusqu'au 1er. Jan. 1942 après cette date ils devront s'ajuster aux tolérances indiquées respectiva- ment dans les colonnes 2 et 4.	Nouveaux émetteurs installés après le 1er. Janvier, 1939.
<b>A. De 10 à 550 Kc. (30.000 à 545 m.)</b>				
a) Postes fixes.	0.1 %	0.05 %		
b) Postes terrestres.	0.1 %	0.1 %		
c) Postes mobiles qui employent les fréquences indiquées (1)	0.5 %	0.1 %		
d) Postes mobiles qui emploient une fréquence quelconque dans les bandes.			0.5 %	0.1 %
e) Radio-Diffusion.	50 périodes	20 périodes		
<b>B. De 550 à 1,600 Kc. (545 à 200 m.)</b>				
a) Postes de radiodiffusion.	50 périodes	20 périodes		
<b>C. De 1,600 à 6,000 Kc. (200 à 50 m.)</b>				
a) Postes fixes.	0.03 %	0.01 %		
b) Postes terrestres.	0.04 %	0.02 %		
c) Postes mobiles qui employent les fréquences indiquées.				
I 1,500 à 3,500 Kc/s	0.1 %	0.1 %	-----	-----
II 3,500 à 6,000 Kc/s	0.1 %	0.05 %	-----	-----
d) Postes mobiles qui employent une fréquence quelconque dans la bande;				
I 1,500 à 3,500 Kc/s	-----	-----	0.1 %	0.07 %
II 3,500 à 6,000 Kc/s	-----	-----	0.1 %	0.05 %
<b>D.-De 6000 à 30000 (50 a 10 m.)</b>				
a) Postes fixes.	0.02 %	0.01 %	-----	-----
b) Postes terrestres.	0.04 %	0.02 %	-----	-----
c) Postes mobiles qui employent les fréquences indiquées.	0.1 %	0.05 %	-----	-----
d) Postes mobiles qui employent une fréquence quelconque dans la bande.	-----	-----	0.05 %	0.02 %
e) Postes de Radio-Diffusion.	0.01 %	0.005 %	-----	-----

<sup>1</sup> [Modifié par la révision du Caire, 1938 (Treaty Series 948).]

- (1) On reconnaît le fait qu'il y a dans ce service un grand nombre d'émetteurs à étincelles, et a émetteurs simples auto-oscillateurs qui ne peuvent pas s'ajuster à cette condition.

*Notes:—*

1.—Les Administrations s'efforceront de profiter des progrès de la technique, pour réduire progressivement les tolérances des fréquences et les limites d'instabilité.

2.—Il est entendu que les postes des bateaux qui opèrent dans des bandes communes, devront se conformer aux tolérances applicables aux postes terrestres, et devront aussi, respecter les dispositions de l'article 7, paragraphe 117, du règlement général de Radio-Communications de Madrid.

3.—Le document ci-dessus exposé, a été approuvé d'accord avec l'avis No. 93 adoptée par la C.C.I.R. de Bucarest, avec les modifications des en-têtes des colonnes 1 et 3.

## II

### SUPPRESSION D'EMISSIONS PARASITES

Les Gouvernements participants sont d'accord pour exiger que les stations soumises à leur juridiction emploient des émetteurs qui soient, autant que possible, libres de toutes sortes d'émissions parasites. Ces rayonnements ne devront pas atteindre une intensité telle qu'elle soit cause d'interférences à l'égard d'appareils récepteurs de construction moderne, qui sont accordés hors de la bande de fréquence de l'émission nécessaire au type employé. Dans le cas de l'émission du type A-3 (radio-téléphonie) le transmetteur ne devra pas être modulé excessivement par rapport à sa capacité de modulation, à un point tel que cela soit cause d'une production de rayonnements parasites susceptibles d'interférences et en ce qui concerne la modulation d'amplitude, le pourcentage de modulation dans les crêtes fréquentes ne devra pas être inférieur à 75%. On devra prendre les précautions nécessaires pour que le transmetteur ne soit pas modulé en excès par rapport à sa capacité de modulation.

On appelle rayonnement parasite, tout rayonnement d'un transmetteur qui se trouve hors de la bande de fréquence normale d'émission pour le type de transmission employé, en y comprenant toutes les productions d'harmoniques de modulations, claquements de manipulateurs, oscillations parasites ou autres effets transitoires.

### SECTION 5.—NE PAS EMPLOYER 333 Kc/s. COMME FREQUENCE D'APPEL AERONAUTIQUE

En relation avec l'Article 7, paragraphe 11, du Règlement de Madrid, le fréquence de 333 Kc. ne devra pas s'employer comme fréquence internationale, d'appel dans le Service aéronautique dans le Continent américain, excepté dans des cas spéciaux, en rapport avec des vols transatlantiques.

### SECTION 6.—TRAFFIC SUR 500 Kc.

En relation avec l'article 19, Section 1, paragraphe 6-a du Règlement des Radiocommunications de Madrid, tout (le continent amé-

ricain) en exceptant la Baie d'Hudson et les régions qui sont au nord, sera considéré comme région d'intense trafic, d'accord avec la définition dudit article.—Par conséquent, en exceptant la Baie de Hudson et les régions situées au Nord de cette Baie, le trafic dans les 500 Kc/s devra se limiter à la transmission, d'appels de détresse de messages urgents et de sécurité, et de radiotélégrammes courts et isolés.—

## SECTION 7.—DEFINITIONS. <sup>1</sup>

### DEFINITION DES TERMES.

Les définitions des termes numérotés du No. 1 au numéro 42 y compris, de la Section XII, Résolution No. 6 de l'acte Final de la Conférence qui a eu lieu à la Havane au mois de mars 1937, sont approuvées avec la réserve suivante tout changement provenant de la Conférence Internationale du Caire 1938, au sujet du vocabulaire de ces définitions devra remplacer automatiquement la présente rédaction.

#### (1) TELECOMMUNICATION:

Toute communication télégraphique ou téléphonique de signaux signés, écrits, images sons de toutes sortes, par des conducteurs par radio, ou autres systèmes ou procédés pour transmettre des signaux, qu'ils soient électriques ou optiques. (sémaphores)

#### (2) RADIOCOMMUNICATION:

Toute télécommunication au moyen d'ondes hertziennes.

#### (3) RADIOTELEGRAMME:

Télégramme provenant ou destiné à un station mobile, transmis surtout son parcours, ou sur une de ses parties, par les voies de radiocommunications du service mobile.

#### (4) CORRESPONDANCE PUBLIQUE:

Toute télécommunication que les bureaux et les stations, doivent accepter pour être transmise, puisqu'ils on été mis à la disposition du public.

#### (5) EXPLOITATION PRIVEE:

Tout particulier compagnie ou compagnie privée, qui ne soit pas une Institution ou une agence gouvernementale, reconnue par le Gouvernement intéressé, et qui exploite des installations de télécommunications destinées à un échange de correspondance publique.

#### (6) ADMINISTRATION:

Une Administration Gouvernementale.

#### (7) SERVICE INTERNATIONAL:

Un service de télécommunication entre bureaux ou stations de pays différents ou entre stations du service mobile, en exceptant le

<sup>1</sup> [Modifié par la révision du Caire, 1938 (Treaty Series 948).]

cas ou celles ci ont la même nationalité et se trouvent dans les limites du pays auquel elles appartiennent. Un service de télécommunication intérieur ou national susceptible de causer des interférences à d'autres services au-delà des limites du pays, dans lequel il opère sera [? considéré] comme service international du point de vue de l'interférence.

(8) SERVICE RESTREINT:

Un service qui ne peut s'employer que par des personnes définies ou pour des fins spéciales.

(9) SERVICE MOBILE:

Un service de radio-communications établi entre des stations mobiles et des stations terrestres, et par des stations mobiles communicant entre elles non compris les services spéciaux.

(10) STATION FIXE:

Station qui ne peut être transportée et qui communique au moyen de la radio-communication avec une ou plusieurs stations établies de la même manière.

(11) STATION TERRESTRE:

Une station qui ne peut être déplacée et qui effectue un service mobile.

(12) STATION COTIERE:

Station terrestre qui effectue un service avec des stations de navire. Ce peut être une station fixe qui effectue aussi des communications avec les postes des navires dans ce cas, on ne la considérera station côtière que pendant le temps que dure son service avec les postes de navire.

(13) STATION AERONAUTIQUE:

Station terrestre qui fait son service en relation avec les stations d'aéronefs. Elle peut être aussi une station fixe qui établit également des communications avec les stations d'aéronefs. Dans ce cas on ne la considérera comme stations aéronautique que pendant son temps de service avec les postes d'avions.

(14) STATION MOBILE:

Une station susceptible de déplacement, et qui se déplace habituellement.

(15) STATION DE BORD:

Station installée à bord, soit d'un navire qui n'est pas ancré en permanence, soit d'un avion.

(16) STATION DE NAVIRE:

Station à bord d'un navire qui n'est pas ancré en permanence.

## (17) STATION D'AERONEF:

Station installé à bord de n'importe quel véhicule aérien.

## (18) STATION DE RADIOPHARE:

Station spéciale dont les émissions sont destinées à permettre à une station de bord de déterminer sa position ou une direction en relation avec le poste de radiophare, et en certains cas, la distance qui la sépare de celui-ci.

## (19) STATION RADIOGONIOMETRIQUE:

Station possédant des appareils spéciaux pour déterminer la direction des émissions des autres stations.

## (20) STATION DE RADIODIFFUSION TELEPHONIQUE:

Station qui fait un service de radio-diffusion téléphonique.

## (21) STATION DE RADIO-DIFFUSION DE TELEVISION:

Station autorisée à transmettre des images optiques représentant des objets fixes ou mobiles destinés à être reçues et reproduites simultanément par le public en général.

## (22) STATION D'AMATEUR:

Station employée par un amateur, c'est à dire par une personne dument autorisée, intéressée à la technique radio-électrique, dans un but uniquement personnel, et sans intérêt pecuniaire.

## (23) STATION D'EXPERIMENTATION PRIVEE:

Station privé pour experiences destinées au developpement de la technique ou de la science radio-électrique.

## (24) STATION PRIVE DE RADIO-COMMUNICATIONS:

Station privée qui n'accepte pas la correspondance publique et qui n'est autorisée que pour échanger avec d'autres "station privé" des communications concernant les propres affaires de celui ou de ceux qui en sont les bénéficiaires.

## (25) FREQUENCE ASSIGNEE A UNE STATION:

La fréquence assignée a une station est la fréquence qui occupe le centre de la bande de fréquence dans laquelle la station est autorisée a travailler. En général cette fréquence est celle de l'onde porteuse.

## (26) BANDE DE FREQUENCES D'UNE EMISSION

La bande de fréquences d'une émission est la bande de fréquences réellement occupée par cette émission, pour le type de la transmission et pour la vitesse des signaux employés.

## (27) TOLERANCE DE FREQUENCE

La tolérance de fréquence est le maximum de déviation admissible entre la fréquence assignée à un poste et la fréquence réelle de l'émission.

## (28) PUISSANCE D'UN EMETTEUR RADIO-ELECTRIQUE:

La puissance d'un émetteur radio-électrique est la puissance fournie à l'antenne.— Dans le cas d'un émetteur d'onde modulée, la puissance de l'antenne se caractérisera par deux chiffres, indiquant, l'un la valeur de la puissance de l'onde porteuse fournie à l'antenne, l'autre le pourcentage maximum réel de la modulation employée.

## (29) SERVICE AERONAUTIQUE:

Un service de radio-communications effectué entre des stations d'aéronefs et des stations terrestres, ou entre des stations d'aéronefs. Ce terme s'applique également aux services fixes et spéciaux de radio destinés à garantir la sûreté de la navigation aérienne.

## (30) SERVICE FIXE:

Un service qui établit des communications radio-électriques de n'importe quelle sorte entre des points fixes, non compris les services de radio-diffusion et les services spéciaux.

## (31) SERVICE SPECIAL:

Un service de télé-communications destiné spécialement aux besoins d'un service déterminé, d'intérêt général, et n'acceptent pas de correspondance publique par exemple: un service de radio-phare, un service de radiogoniométrie, de signaux horaires, de bulletins météorologiques réguliers pour prévenir les navigateurs, de messages de presse adressés à tous, d'avertissements médicaux, de consultations de médecins, de fréquences étalons, d'émissions faites dans un but scientifique, etc.—

## (32) SERVICE DE RADIO-DIFFUSION TELEPHONIQUE

Un service destiné à la diffusion d'émissions radio-téléphoniques, destinées à être reçues par le public en général.

## (33) SERVICE DE RADIO-DIFFUSION OPTIQUE:

Un service destiné à la diffusion d'images optiques, fixes ou mobiles, essentiellement destinées au public en général.

## (34) SERVICE D'AMATEURS.

Service de Radio-Communications effectué entre des stations d'amateurs.

## (35) SERVICE MOBILE AÉRIEN

Service de radio-communications effectué entre des porte-avions ou porteurs d'aéronefs, ou entre des porte-aéronefs.

## (36) SERVICE GENERAL D'EXPERIMENTATION.

Service de radio-communications effectué par des stations d'expérimentations destinées à des recherches ou au progrès de la Radio-Communication.

## (37) SERVICE DE POLICE.

Service de radio-communication effectué par des autorités policières, d'un Etat, d'une Province ou d'une Municipalité, en cas d'urgence, surtout quand il s'agit d'unités mobiles de police.

## (38) LE TERME "VOIE".

Se rapporte à une partie du spectre de radio-communication suffisamment large pour permettre son emploi par un poste de radio-communication pour effectuer les communications. Il comprend les trois éléments ci-dessous:

- (1) la "bande de fréquence d'émission".
- (2) Le double de la tolérance de fréquence spécifiée".
- (3) Les "bandes de protection d'interférences" s'il en est besoin.

## (39) L'EXPRESSION "BANDES DE FREQUENCES D'EMISSION".

Veut dire que la bande de fréquence d'émission est la bande réellement occupée par cette émission pour le type de transmission et vitesse des signaux employés.

## (40) L'EXPRESSION "BANDES DE PROTECTION D'INTERFERENCE":

Se rapporte aux bandes de fréquence additionnelles à la bande de fréquence d'émission et de tolérance de fréquence, qui peuvent être permises pour qu'il n'y ait pas d'interférence entre des stations qui ont des assignations de fréquences adjacentes. En général cette disposition dépend de la sélectivité du récepteur et des caractéristiques du transmetteur.

## (41) LE TERME "PRINCIPALEMENT"

Quand il s'emploie en relation avec certaines bandes de la table d'assignation de cet arrangement, il veut dire qu'à mesure que des installations, dûment autorisées des services principaux sont entreprises, elles auront la préférence sur les voies disponibles de cette bande.

Dans chacune de ces bandes, l'assignation de voies pour d'autres services différents de ceux de l'assignation générale, se fera de telle sorte qu'on évitera l'interférence inadmissible avec les postes existants dans le service principal.

## (42) STATIONS DE RADIO-DIFFUSION DE FACSIMIL:

Une station autorisé à transmettre des images d'objets fixes pour la transcription de la réception par le public en général.

## SECTION 8.—AMATEURS.

On a pris par unanimité les dispositions suivantes, en annexe aux tableaux des assignations, en ce qui concerne les amateurs,

1.—Que la bande 1750 à 2050 kc/s. soit assignée aux émissions A-1 et A-3.

2.—Qu'après une étude des recommandations de la Conférence de Radio-communication de Buenos Ayres, révision de Rio de Janeiro de 1937, e et f, de la recommandation No. 10, on a décidé leur modification, sans en altérer le sens, et on les a remplacées par la rédaction suivante:

- e) Que les Administrations indiqueront la convenance d'utiliser les bandes de 1750 à 2050 Kc/s et de 3500 à 4000 Kc/s pour des services d'amateurs, de préférence pour des communications de courtes distances.
- f) Que les Administrations recommanderont de ne pas employer les bandes de 7000 à 7300 Kcs et de 14000 à 14400 Kcs. pour des communications de postes d'amateurs à courte distance.

3.—Les fréquences comprises entre 3500 et 4000 Kc/s., 7000 à 7300 Kc/s. et 14000 à 14400 Kc/s., s'emploieront en conformité avec le Tableau suivant:

3500 à 3800 Kc/s.	pour A-1	seulement
3800 à 4000 Kc/s.	“ A-1 et A-3	
7000 à 7050	“ “ A-1	
7050 à 7150	“ “ A-1 et A-3	(A-3 seulement pour l'Amérique latine)
7150 à 7300 Kc/s.	pour A-1	seulement
14000 à 14100	“ “ A-1	
14100 à 14300	“ “ A-1 et A-3	
14300 à 14400	“ “ A-1	seulement.

On pourra employer l'émission du Type A-1 dans toute la bande de fréquences comprise entre 14000 et 14400 Kc/s.— Les pays de L'Amérique latine, Canada et Terre Neuve, pourront employer une émission du Type A-3 dans les fréquences comprises entre 14100 et 14300 Kc/s.— Les Etats Unis d'Amérique emploieront des émissions du type A-3 entre 14150 et 14250 Kc/s., au moins jusqu'au 31 décembre 1939.

4.—Les bandes de

1750 à 2050 Kc/s.	
3500 à 4000	“
7000 à 7300	“
14000 à 14400	“
28000 à 30000	“ et
56000 à 60000	“

seront réservées aux amateurs.

3.—Afin de faire un meilleur usage de la bande de 14 mégacycles en ce qui concerne la radio-téléphonie, et pour éviter une congestion indue, causée par la présence de débutants non familiarisés à l'usage des hautes fréquences, on fait la suggestion suivante: qu'il soit exigé un temps suffisamment long d'épreuve pour acquérir l'expérience nécessaire, et aussi un examen technique et pratique avant de donner la permission à un amateur d'employer la bande de 14 mégacycles pour la radiotéléphonie.

6.—Les bandes d'amateurs attribuées réamment ne seront employées par aucun type de service de radio-diffusion, de service fixe, onde service mobile.

#### SECTION 9.—MESSAGES A DES TIERS EMIS PAR DES AMATEURS

Considérant que le Règlement général de Radio-communications annexé à la Convention internationale de Radio-communications de Madrid, dispose qu'il est défendu aux stations d'amateurs d'émettre des messages internationaux qui sont fournis par des tiers, sauf dans les cas où ceci a été modifié par des accords spéciaux entre les pays intéressés; et

Considérant qu'il est évident que l'on encouragerait la communauté d'intérêts entre les peuples de toutes les Amériques, en stimulant l'échange, par les stations d'amateurs et sans aucune rétribution, des messages amicaux qui émanent de nos citoyens;

La Conférence Interaméricaine de Radio-communications:

#### A CONVENU:

Que dans le but de stimuler les relations étroites et amicales entre les peuples des Amériques, les Administrations des pays contractants dont les législations intérieures le permettent, conviennent que les stations d'amateurs de leurs pays respectifs et de leurs possessions pourront établir un échange international de messages provenant de tiers, dans les cas où ces messages soient tels qu'ils ne puissent être transmis par aucun moyen existant de communication électrique, et que pour cette transmission il ne soit payé, directement ou indirectement aucune rétribution.

#### SECTION 10.—SERVICE INTERNATIONAL DE RADIO-COMMUNICATIONS POUR LA POLICE.

1.—En considérant les avantages qu'on peut obtenir de la coordination des communications de police internationale, on recommande à tous les pays signataires de cette convention d'autoriser des stations radio-télégraphiques de police situées le plus près possible de leurs frontières avec les pays limitrophes pour la transmission d'informations d'urgence concernant l'observation des lois. En général il ne s'agira que de messages importants de police qui perdraient leur valeur à cause de la lenteur et des limitations de temps des autres méthodes de communications.

2.—Les stations destinées au service de communications internationales de police, emploieront normalement les facilités prévues pour le service national de police; dans tous les cas cependant: a) les fréquences de police employées principalement pour la communication radio-téléphonique avec des unités de police mobile ne seront pas employées pour des communications radio-télégraphiques; b) les stations de divers pays au voisinage des frontières entre pays pourront être autorisées par leurs administrations à échanger entre points fixes des communications radio-téléphoniques, et c) les fréquences suivantes seront d'abord employées pour la communication radio-télégraphique de la police nationale de même que pour l'internationale:

2804 Kc/s onde d'appel	5195 Kc/s. onde d'appel (pendant le jour seulement)
2808 Kc/s onde de travail	5135 Kc/s. onde de travail (Pendant le jour seulement)
2812 Kc/s onde de travail	5140 Kc/s. onde de travail (pendant le jour seulement.)

3.—Les notifications concernant les renseignements de stations destinées au service de police internationale, se remettront au Bureau de l'Union Internationale de Télécommunications à Berne, Suisse pour que toutes les stations qui désirent communiquer entre elles puissent être renseignées sur les détails concernant le fonctionnement individuel.

4.—Afin d'assurer l'uniformité du maniement des messages, on suivra la procédure suivante:

(a) Ce service, se réglera en général sur les dispositions de l'article XVI du Règlement Général de Radio-communications, annexé à la Convention Internationale de Télécommunications de Madrid, 1932.

(b) On fera un usage complet de la liste des abréviations qui apparaît dans l'appendice 9 du Règlement Général de Radio-communications annexé à la Convention Internationale de Télécommunications de Madrid, 1932. On n'emploiera pas le langage courant si une abréviation est suffisante. Les indications de service sont les suivantes: P.—Priorité, pour messages qui doivent être transmis immédiatement sans tenir compte du numéro des autres messages déposés. Les messages qui ne contiennent aucune indication de service seront transmis dans l'ordre ils ont été recus.

(c) Les messages dans lequel auront un préambule, un texte et une signature de la manière suivante:

(1) *Préambule*: Le préambule du message sera: Un numéro d'ordre précédé des lettres NR; des indications appropriées de service; check (ceci est le compte des mots d'accord avec le système de compte standard du cable) les lettres CK suivies des chiffres qui indiquent le nombre des paroles contenues dans le texte du message; le bureau et le pays d'origine (sans abrèger); jour du mois et mois; heure de la déposition; adresse.

- (2) *Texte*: Le texte pourra être établi en langage clair ou chiffré.
- (3) *Signature*: La signature contiendra le nom et le titre de la personne qui a remis le message.

## SECTION 11.—AIDE DE LA RADIO COMMUNICATION À LA NAVIGATION AÉRIENNE.

### STANDARDS DE L'INTENSITÉ DE CHAMP ET PROPORTIONS D'INTERFÉRENCE.

1.—La Conférence Interaméricaine de Radio-communications ayant considéré soigneusement les diverses résolutions de la Conférence Technique Interaméricaine d'Aviation réunie à Lima au mois de Septembre 1937, et spécialement les résolutions XIV, XVII et XVIII, résolutions qui lui furent remises; et

2.—Considérant:

a) la grande importance de l'aide prêtée au trafic aérien par la Radio-Communication; le développement extraordinaire du trafic aérien et l'expansion beaucoup plus grande que celui-ci aura certainement dans l'avenir;

b) la précision qu'exigent les services Radio-électriques d'aide à la navigation aérienne concernant la stabilité des émissions qui sont gênées par la transmission en trajectoires multiples, laquelle peut être réduite au minimum en choisissant des fréquences qui subissent l'influence des ondes réfléchies avec moins d'effet;

c) la grande limitation de la gamme des fréquences qui possèdent les caractéristiques de propagation nécessaires, mentionnées dans la considération antérieure b);

d) que les aéronefs en vol dépendent absolument des stations de Radio en ce qui concerne la navigation et les communications.

e) le grand nombre d'aéronefs de toutes les parties du monde qui actuellement emploient et doivent continuer à employer en commun le nombre limité de fréquences appropriées à l'aide de la navigation aérienne; ce qui oblige à observer une économie très stricte dans leur usage, pour qu'on puisse desservir tous les aéronefs avec un minimum d'interférence;

f) la normalisation, qu'il serait bon d'établir, pour faciliter d'après les considérations ci-dessus, la navigation aérienne internationale, en coordonnant, et autant que possible en rendant uniforme l'appareillage et la procédure d'exploitation.

g) qu'un seul poste terrestre, un radio-phare d'orientation par exemple, peut prêter simultanément aide à un nombre presque illimité d'aéronefs en vol.

h) la grande responsabilité des services radio-électriques, destinés à l'aide de la navigation aérienne, de desservir convenablement les aéronefs dont la sécurité en certaines circonstances dépend entièrement de la continuité de la réception des signaux de navigation;

i) le délai très bref qui a été donné pour faire des études techniques à partir de la clôture de la Conférence Technique Intéraméricaine d'Aviation de Lima, du mois de septembre 1937.

### 3.—La Conférence Interaméricaine de Radio-Communications:

#### A CONVENU

a) Que, d'accord avec les recommandations de la Conférence de Lima, les pays représentés à cette Conférence, prépareront et échangeront entre eux, au plus tard, le 1er. juin 1938, tous les renseignements susceptibles d'être utilisés pour la rédaction des tableaux suivants, qui serviront de guides en ce qui concerne l'application des principes techniques mentionnés ci-dessous:

1.—*Tableau I.* qui contiendra une liste des divers types de services radio-électriques d'aide à la navigation aérienne qui ont été approuvés pour être appliqués.

2.—*Tableau II.* qui spécifiera les intensités de signal minimum qui sont nécessaires pour la réception satisfaisante des diverses classes d'aide radio-électrique à la navigation aérienne, ces renseignements qui seront employés comme base, pour déterminer les aires de service normal.

3.—*Tableau III.* qui spécifiera les valeurs admissibles, de l'intensité du signal interférant pour les divers types d'aide radio électrique à la navigation aérienne, en exprimant ces valeurs en forme de rapport entre les signaux interférés et les signaux interférants dans le contour minimum de signal de service; a) dans la même fréquence, b) 3 Kc. hors de la fréquence et c) 6 Kc. hors de la fréquence.

b) Qu'il faut espérer que les services radio-électriques d'aide à la navigation aérienne, spécialement ceux de radio-diffusion unilatérale ainsi que les radio-phares, observeront les plus hautes règles de continuité de stabilité et de qualité d'émission:

c) Que pour économiser des fréquences, on attribuera un nombre limité de voies appropriées aux services radio-électriques d'aide à la navigation aérienne en les séparant le moins qu'il est pratique possible en tenant compte du type de service et de la classe d'émission; et qu'autant que possible toutes les nations devront réserver les mêmes bandes aux types analogues de service, de façon à pouvoir simplifier les récepteurs et à obtenir au moyen de la normalisation un agrandissement des limites géographiques d'utilité.

d) Que l'usage en commun des fréquences pour fournir les services nécessaires dans les bandes autorisées, peut être réglé par un accord régional entre les pays qui ont à l'intérieur de leurs frontières, des sections de l'aire d'interférence des stations existantes d'après la table de relations d'interférences et de signaux de service.

e) Que la puissance transmise par les postes d'aide à la navigation aérienne dans les bandes de fréquences autorisées, devront généralement se limiter aux valeurs compatibles avec l'intensité de signal dont

on a besoin normalement, dans l'aire dans laquelle on a prévu le service, afin de réduire à un minimum l'interférence hors de l'aire de ce service.

NOTE: Voir document additionnel présenté par les Etats-Unis d'Amérique pour information (annexe)

#### SECTION 12.—SUPPRESSION DES INTERFÉRENCES CAUSÉES PAR DES APPAREILS ÉLECTRIQUES.

1.—Les appareils diathermiques, fours à induction, systèmes d'intercommunication domestique au moyen de hautes fréquences et autres appareils électriques qui emploient des courants de radio-fréquence comme élément essentiel de leur fonctionnement, peuvent causer des interférences aux radio-communications.

2.—L'usage de ces appareils est d'une grande importance en thérapeutique, chirurgie, industrie etc.

3.—Le rayonnement de l'énergie radio-électrique n'est pas essentiel pour le fonctionnement approprié des appareils et on peut l'éviter ou le contrôler sans diminuer l'utilité de chaque appareil, pour le but auquel il est destiné.—

4.—Le rayonnement se produit généralement au circuit intérieur ou aux sources d'énergie, les-quels sont tous des éléments essentiels.

5.—La grandeur du rayonnement dépend de la fréquence ou des fréquences du fonctionnement, de la puissance et de la construction, de l'installation et du fonctionnement de l'appareil.

6.—Le rayonnement qui émane des sources d'énergie peut être évité en faisant usage d'un filtre de ligne approprié. Le rayonnement des circuits intérieurs peut s'éviter en employant des boîtes métalliques appropriées. Le rayonnement des circuits de sortie peut se réduire à un niveau au lequel il ne soit pas causé d'interférence aux radio-communications en employant un écran métallique, de telle façon que l'écran recouvre tout l'appareil, et que ses dimensions soient suffisantes pour empêcher que des courants importants n'y prennent

7.—Il se peut que dans beaucoup de cas l'usage d'un tel écran ne soit pas pratique.

8.—On peut employer dans ces appareils une fréquence quelconque dans la partie utile du spectre de radio-communication. Cependant beaucoup d'appareils thérapeutiques modernes qui causent la plupart des interférences à longue distance, opèrent sur des fréquences de 10000 à 20000 Kc/s. approximativement. Quand on emploie d'autres fréquences on cause des interférences surtout à la réception à courte distance, ou à moyenne distance.

9.—Dans les cas où il n'est pas pratique d'employer l'écran sur tout l'appareil afin de contrôler le rayonnement, le seul moyen qui fasse que ces machines fonctionnent sans causer d'interférences est l'usage de fréquences qui ne soient pas assignées au service de radio-communication.

10.—L'appareil thérapeutique commun est essentiellement un émetteur du type oscillant par auto-excitation qui emploie généralement un courant de plaque auto-rectifié. A cause de l'instabilité inhérente aux circuits oscillateurs, aux grandes variations de voltages pendant chaque cycle du courant fourni à la plaque et aux divers usages que l'on peut donner au circuit de sortie, la fréquence varie pendant l'opération normale dans de très larges limites, vraisemblablement un ou deux mégacycles lorsqu'on opère sur une fréquence de près de 15 mégacycles.

11.—Toutes les machines thérapeutiques construites pour un même service peuvent opérer à la même fréquence sans limiter leur utilité, puisque le rayonnement émis par d'autres machines ne gêne en rien leur fonctionnement. Il faudrait des semblables appareils plus compliqués et de prix plus élevés pour pouvoir fonctionner sur une fréquence stable puisqu'on devrait installer un contrôle automatique de fréquences pour maintenir la fréquence sur laquelle on opère avec une variation d'au moins 1/20 de un pourcent. Sur 15 mégacycles, ce qui correspondrait pratiquement à un canal entier de communications.

12.—D'accord avec les meilleurs renseignements dont on dispose, on devrait restreindre les appareils diathermiques jusqu'à ce que la science atteigne un progrès tel que les appareils puissent être faits de façon à supprimer complètement les rayonnements nuisibles à trois fréquences qui sont approximativement 12, 15, et 50 mégacycles.

13.—Au sujet des appareils comme les systèmes d'inter-communication domestique et comme certains types de fours à induction, ainsi qu'au sujet d'appareils analogues qui emploient des fréquences moyennes ou basses, on devrait exiger que la génération d'harmoniques soit limitée autant que possible, et qu'une épreuve de rigueur soit faite pour vérifier si le rayonnement ne dépasse pas un niveau déterminé.

14.—Chaque pays contractant devra promulguer le règlement nécessaire pour exiger que les appareils électriques qui engendrent une énergie électrique de radio-fréquence, soient munis d'écrans et pour qu'ils se maintiennent à des fréquences déterminées, comme mesure essentielle de leur fonctionnement. Il s'agit des appareils qui ne s'emploient pas dans la radio-communications.

15.—Un rapport sur "la radio-interférence par les appareils électro-thérapeutiques", qui a été présenté par le Canada et qui doit être considéré comme faisant partie des dispositions adoptées à ce sujet, est annexé au présent document.

("Radio-Interférence produite par des Appareils électro-thérapeutiques". Rapport présenté par le Canada Document C. I. R. Doc. 43.)

En foi de quoi, les Délégués respectifs ont signé des copies de cet instrument en espagnol, en anglais, en portugais et en français qui seront déposées aux archives du Gouvernement de Cuba; ce Gouvernement en enverra une copie certifiée en chaque langue, aux autres Gouvernements contractants.

Fait a la Havane, République de Cuba, le 13 décembre 1937.

ARGENTINE.

BRESIL.

JOSÉ ROBERTO DE MACEDO-SOARES.

CANADA.

LAURENT BEAUDRY.

C. P. EDWARDS.

COLOMBIE.

JORGE SOTO DEL CORRAL.

RICARDO GUTIERREZ LEE Y RIVERO.

CUBA.

WIFREDO ALBANÉS Y PEÑA.

ANDRÉS ASENSIO Y CARRASCO.

NICOLÁS GONZÁLEZ DE MENDOZA Y DE LA TORRE.

ALFONSO HERNÁNDEZ CATÁ Y GALT.

CHILI.

EMILIO EDWARDS BELLO.

REPUBLIQUE DOMINICAINE.

ROBERTO DESPRADEL.

MÁXIMO LOVATÓN P.

ETATS UNIS D'AMERIQUE.

T. A. M. CRAVEN.

GUATEMALA.

ARTURO CÓBAR L.

HAITI.

JUSTIN BARAU.

MEXIQUE.

IGNACIO GALINDO.

SALVADOR TAYABAS.

FERNANDO SÁNCHEZ AYALA.

RUBÉN FUENTES.

NICARAGUA.

GUILLERMO ARGUEDAS.

PANAMA.

ERNESTO B. FÁBRAGA.

PEROU.

CARLOS A. TUDELA.

URUGUAY.

CÉSAR GORRI.

VENEZUELA.

ALBERTO SMITH.

## ARRANGEMENT INTERAMERICAIN DE RADIO-COMMUNICATION.

### DOCUMENT ADDITIONNEL D'INFORMATION.

D'accord avec la suggestion concernant un échange de rapports techniques, la Conférence interaméricaine de Radio-communications considère les renseignements suivants, qui seront fournis par le Gouvernement des Etats Unis à tous les pays américains.

1.—Liste de toutes les stations aéronautiques qui se trouvent aux Etats Unis sous la direction du Bureau d'Aviation Commerciale du Ministère du Commerce. Dans cette liste apparaîtra le suivant rapport sur chaque station:

L'endroit où il est situé et son type.

La direction de tous les radio-phares d'orientation.

Les lettres d'appel.

La fréquence d'opération en kilocycles.

Les signaux d'identification du poste.

La position et la distance par rapport au champ d'atterrissage le plus proche en indiquant la hauteur exacte du champ au-dessus du niveau de la mer.

L'horaire des irradiations téléphoniques de rapport météorologiques et d'avertissements aux aviateurs.

2.—Des cartes où sont signalées la situation et la portée de toutes les stations d'orientation, de rapports météorologiques et de radio-phares indicateurs.

3.—Des cartes du système de communication terrestre que maintient le Ministère de Commerce au moyen du "télétypewriter", et, des stations de radio-communications entre points fixes.

4.—Des cartes des routes du service postal aérien fédéral des Etats Unis d'Amérique.

5.—Des tableaux avec leur interprétation graphique ou correspondante où sont signalées l'aire du service normal et l'aire normale d'interférence de chaque type de poste d'orientation. Ces Tableaux seront basés sur l'appréciation des valeurs définitives des signaux de service minimum, et les proportions maximum d'interférences, et seront corrigées en ce qui concerne les variations de l'efficacité de l'antenne d'émission à toutes les fréquences depuis 200 à 400 kilocycles.

6.—Des courbes d'atténuation qui seront basées sur les mesures des stations actuellement existantes des radio-phares d'orientation et qui signaleront le changement d'intensité de l'onde réfléchie avec la

fréquence et la distance, et le maximum et le minimum indiqués pour l'atténuation terrestre, tels qu'ils ont été fixés dans des régions du territoire continental des Etats Unis, très différentes les unes des autres.

7.-Des spécifications détaillées sur le fonctionnement des divers types radio-électriques d'aide à l'aviation préparés par le Bureau d'Aviation des Etats Unis d'Amérique et approuvés pour être appliqués.

Es copia fiel de su original

[SEAL]

LUIS R. MIRANDA  
*Subsecretario de Estado.*

# PROCLAMATIONS

# PROCLAMATIONS

## REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS<sup>1</sup>

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 11, 1939  
[No. 2345]

### A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which said act, as amended, was transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939 (Public No. 19—76th Congress), has adopted and submitted to me regulations which he has determined to be suitable regulations permitting and governing (1) the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, and (2) the exportation and importation to and from Mexico of game mammals, parts and products thereof, included in the aforesaid Convention between the United States and the United Mexican States, which said regulations are as follows:

Preamble.

16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

53 Stat. 561, 1434.  
5 U. S. C., Supp. V, §§ 133-133t.

39 Stat. 1702.

50 Stat. 1311.

### MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which said act as amended was transferred to the Secretary of the Interior on July 1, 1939, pursuant to the Reorganization Act of 1939 (Public No. 19—76th Congress), I, OSCAR L. CHAPMAN Acting, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, and having due regard to the laws of the

Migratory Bird Treaty Act Regulations.

16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

53 Stat. 561, 1434.  
5 U. S. C., Supp. V, §§ 133-133t.  
Post, pp. 2661, 2729.

39 Stat. 1702.

50 Stat. 1311.

<sup>1</sup> This Proclamation affects Parts 1 and 2 of Title 50 of the Code of Federal Regulations.

United Mexican States relating to the exportation and importation of game mammals, and parts and products thereof, included in the terms of the said Convention between the United States and the United Mexican States and to the laws of the States and Territories and of the District of Columbia from and into which such mammals, parts, and products thereof, may be proposed to be exported or imported, and to the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals and parts and products thereof to and from Mexico:

**Regulation 1.—DEFINITIONS OF MIGRATORY BIRDS AND GAME MAMMALS**

"Migratory birds."<sup>2</sup>

**Migratory birds.**—Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

39 Stat. 1702; 50 Stat. 1311.

Game birds.

1. Game birds:

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae (Charadrii), or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

Nongame birds.

2. Insectivorous and other nongame birds:

Cuckoos, flickers and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.

"Game mammals."

**Game mammals.**—Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

## Regulation 2.—DEFINITION OF TERMS

*Post*, p. 2729.

For the purposes of these regulations, the following terms shall be construed, respectively, to mean and to include—

Secretary.—Secretary of the Interior of the United States.

"Secretary."

Chief of Bureau.—Chief, Bureau of Biological Survey, United States Department of the Interior.

"Chief of Bureau."

Person.—Individual, club, association, partnership, or corporation, any one or all, as the context requires.

"Person."

Take.—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

"Take."

Open season.—Time during which migratory game birds may be taken.

"Open season."

Transport.—Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

"Transport."

## Regulation 3.—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

The migratory game birds on which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with bow and arrow or with a shotgun not larger than No.-10 gage fired from the shoulder, except as permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind.

Means by which migratory game birds may be taken.

Waterfowl (except for propagating, scientific, or banding purposes under permit issued pursuant to regulations 8 and 9 of these regulations) and mourning doves and white-winged doves are not permitted to be taken by means, aid, or use, directly or indirectly, of corn, wheat, oats, or other grain or product thereof, salt, or any kind of feed whatsoever, placed, deposited, distributed, scattered, or otherwise put out whereby such waterfowl or doves are lured, attracted, or enticed, regardless of the distance intervening between any such grain, salt, or feed and the position of the taker, but it is not intended to forbid the taking of such birds attracted by growing or standing crops of grain or by harvested grainfields so long as such crops are not manipulated or such fields have not been harvested by man or his agencies so as to cause such grain to be placed, deposited, scattered, or otherwise put out, as aforesaid; and in the taking of waterfowl, the use, directly or indirectly, of live duck or goose decoys is not permitted, regardless of the distance intervening between any such live decoys and the position of the taker; nor shall anything in these regulations be deemed to permit the use of aircraft of any kind, or of a powerboat, sailboat, or other floating craft or device of any kind, for the purpose of concentrating, driving, rallying, or stirring up waterfowl and coots.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

Federal migratory-bird hunting stamp. Persons over 16 years of age.

Persons not over 16 years of age.

Post, pp. 2662, 2730. **Regulation 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS**

Open seasons on and possession of certain migratory game birds.

Waterfowl (except snow geese and brants in States bordering on the Atlantic Ocean, Ross' geese, wood ducks, and swans), and coots, may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coots), Wilson's snipes or jacksnipes, woodcocks, mourning doves, white-winged doves, and band-tailed pigeons from 7 a. m. to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory or in the District of Columbia during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Reservations or sanctuaries.

16 U. S. C. §§ 715-715r; Supp. V, §§ 715d-1-715e.

Waterfowl, Wilson's snipe or jacksnipe, and coot.

Waterfowl, Wilson's snipe or jacksnipe, and coot.—The open seasons on waterfowl (except snow geese and brant in States bordering on the Atlantic Ocean, Ross' goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, New Hampshire, North Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in certain counties as hereinafter provided for), Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, West Virginia, and Wyoming, October 22 to December 5.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 15 to December 29.

In southeastern Alaska from the 141st Meridian south to Dixon Entrance, October 1 to November 15; in Alaska south and west of the Naknek River and Naknek Lake and the Katmai National Monument to the westernmost boundary of the Aleutian Islands and east of this area to the 150th Meridian, November 16 to December 30; and in the remainder of Alaska, September 1 to October 15: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, and Rhode Island, from September 15 to October 14, and thereafter from land or water during the open seasons for other waterfowl in these States.

Proviso.  
Scoters.

In Illinois, the season on coot in Rock Island, Whiteside, Lee, De Kalb, Kane, Du Page, and Cook Counties, and all counties north thereof, shall be October 1 to December 5.

Rails and gallinules (except coot).—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Rails and gallinules  
(except coot).

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

Massachusetts, New York including Long Island, and Washington, October 22 to December 5.

Wisconsin, October 1 to November 14.

District of Columbia, no open season.

Woodcock.—The open seasons on woodcock shall be as follows, both dates inclusive:

Woodcock.

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, Michigan, Minnesota, New Hampshire, North Dakota, Pennsylvania, Vermont, and Wisconsin, October 1 to October 31.

That part of New York lying south of the line above described and in Indiana, Iowa, New Jersey, Ohio, and West Virginia, October 15 to November 14.

That part of New York known as Long Island, November 1 to November 30.

Arkansas, Delaware, Kentucky, Maryland, Oklahoma, and Virginia, November 15 to December 15.

Connecticut, and Rhode Island, October 21 to November 20.

Louisiana, January 1 to January 31.

Massachusetts, October 20 to November 19.

Missouri, November 10 to December 10.

Mourning dove.—The open seasons on mourning dove shall be as follows, both dates inclusive:

Mourning dove.

Alabama, north of United States Highway No. 80, September 15 to October 14 and December 20 to January 31; south of said highway, November 20 to January 31.

Georgia, in Troup, Merriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, and Burke Counties, and all counties north thereof, September 15 to October 14 and December 20 to January 31; in remainder of State, November 20 to January 31.

Mississippi, north of United States Highway No. 80, September 15 to October 14 and November 30 to January 11; south of said highway, October 15 to December 31.

South Carolina, in Oconee, Pickens, and Greenville Counties, October 1 to October 31 and December 20 to January 31; in Edgefield, McCormick, Greenwood, Abbeville, Anderson, Laurens, Spartanburg, Cherokee, Union, Fairfield, Chester, and York Counties, September 1 to September 30 and December 20 to January 31; in remainder of State, November 20 to January 31.

Arizona, California, Idaho, Kansas, Minnesota, Missouri, Nevada, New Mexico, Oklahoma, Tennessee, and Virginia, September 1 to November 15.

Arkansas, and Delaware, September 15 to November 30.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That part of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 31.

Louisiana, October 15 to December 31.

Maryland, September 1 to September 30 and November 15 to December 31.

North Carolina, September 1 to September 30 and December 20 to January 31.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

**White-winged dove.** White-winged dove.—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, August 1 to September 15.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

**Band-tailed pigeon.** Band-tailed pigeon.—The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, and New Mexico, October 1 to October 15.

California, December 1 to December 15.

Oregon, September 1 to September 15.

Washington, September 16 to September 30.

*Post*, p. 2732.

#### Regulation 5.—DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

Daily bag and possession limits.

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

**Ducks.**

Ducks (except wood duck).—Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck.

**Geese and brant.**

Geese and brant (except snow geese and brant in States bordering on the Atlantic Ocean, and Ross' goose).—Four in the aggregate of all kinds, and any person at any one time may possess not more than 8 in the aggregate of all kinds.

**Rails and gallinules.**

Rails and gallinules (except sora and coot).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

**Sora.**

Sora.—Fifteen, and any person at any one time may possess not more than 15.

**Coot.**

Coot.—Twenty-five, and any person at any one time may possess not more than 25.

**Wilson's snipe or jacksnipe.**

Wilson's snipe or jacksnipe.—Fifteen, and any person at any one time may possess not more than 15.

**Woodcock.**

Woodcock.—Four, and any person at any one time may possess not more than 8.

**Mourning dove and white-winged dove.**

Mourning dove and white-winged dove.—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

**Band-tailed pigeon.**

Band-tailed pigeon.—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brants, rails, including coots and gallinules, Wilson's snipes or jacksnipes, woodcocks, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Limits applicable to certain birds brought into U. S.

Regulation 6.—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Post, p. 2733.

Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, brants, and woodcocks shall be transported by any one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia or to or through Canada or Mexico contrary to the laws of the State or Territory or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory or the District of Columbia from another State or Territory or District of Columbia, or from Canada or Mexico, or from any State or Territory or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

Shipment, transportation, and possession.

Migratory game birds imported from countries other than Canada and Mexico.—Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to any State or Territory during the open season prescribed by said regulation 4 for such State or Territory on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Territory, or District for an additional period of 10 days immediately succeeding such open season, by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, brants, and woodcocks, if transportation and possession of such birds are not prohibited by such State, Territory, or District and if transported in packages marked as hereinbefore provided in this regulation.

Imports from countries other than Canada and Mexico.

Regulation 7.—TAKING OF CERTAIN MIGRATORY NONGAME BIRDS  
BY ESKIMOS AND INDIANS IN ALASKA

In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murre, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing.

Post, p. 2733.

Regulation 8.—PERMITS TO PROPAGATE MIGRATORY  
WATERFOWL

Permits to propa-  
gate migratory water-  
fowl.

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory waterfowl or their eggs for propagating purposes, may take such birds or their eggs in such State for such purposes when authorized by a permit issued to him by the Secretary, which permit may limit the species and numbers of birds or eggs that may be taken and the period during which and the locality in which they may be taken. Both permits shall be carried on the person of the permittee when he is taking migratory waterfowl or their eggs and shall be exhibited to any person requesting to see them. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to possess, purchase, sell, and transport migratory waterfowl and their increase and eggs for propagating purposes, may possess, purchase, sell, and transport such waterfowl and their increase and eggs for such purposes when authorized by a permit issued to him by the Secretary; but may not purchase from or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such waterfowl and their eggs; and migratory waterfowl, except the birds, and those hatched from the eggs, taken under paragraph 1 of this regulation, possessed under such permit, or as otherwise authorized by this regulation, may be killed by him at any time and in any manner (except that they may be killed by shooting only during the open season for waterfowl in the State where killed), and the carcasses, with heads and feet attached thereto, may be sold and transported by him to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, a dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no such birds that have been killed shall be bartered, sold, or purchased unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

Applications for per-  
mits.

3. Applications for permits shall be addressed to the Secretary of the Interior, Washington, D. C., and must state the name and address of the applicant; the place where the propagating project is to be carried on; the area to be used in the project; the facilities the applicant has for properly caring for the waterfowl; the number of each species of waterfowl in his possession, and how, when, and where they were acquired; and, if the application is for a permit to take migratory waterfowl or their eggs, the species and the number of each species or of the eggs of each species proposed to be taken, and the specific locality where it is proposed to take them. No permit will be issued

to take for propagation or to propagate migratory waterfowl on premises on any part of which the hunting or shooting of waterfowl is permitted.

4. Every permittee shall keep books and records that shall correctly set forth the number of each species of waterfowl and their eggs taken by him, if he holds a permit to take waterfowl, the number of each species of waterfowl and their eggs possessed on the date of the application for a permit, the number of each species reared and killed, the number of each species and their eggs sold and transported, the manner in which they were transported, the name and address of each person from or to whom waterfowl and eggs were purchased or sold, the number and species so purchased or otherwise acquired or sold and whether sold alive or dead, and the date of each transaction. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

Records and reports.

5. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of the Interior to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records relating thereto.

Penalty.

Inspection.

6. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of migratory waterfowl or their eggs unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of migratory waterfowl or their eggs from Mexico into the United States unless such waterfowl or eggs are accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of the Interior authorized to enforce the Migratory Bird Treaty Act.

State permits.

Mexican export permits.

Revoked permits.

7. A person may possess and transport, subject to the provisions of paragraph 8 of this regulation, for his own use, without a permit, live migratory waterfowl now legally possessed or hereafter legally acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. Feathers of wild ducks and wild geese legally killed, and feathers of such birds seized and condemned by Federal or State game authorities, may be possessed, purchased, sold, and transported for use in making fishing flies, bed pillows, and mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

Transportation, etc., of live migratory waterfowl.

Transportation, etc., of feathers.

8. Every package in which migratory waterfowl or parts or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such waterfowl or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the

Marking of packages.

package, the number of the permit under authority of which it is shipped or transported and the purpose for which the waterfowl or eggs are being shipped or transported.

Post, p. 2733.

Regulation 9.—PERMITS TO COLLECT MIGRATORY BIRDS FOR  
SCIENTIFIC PURPOSES

Collections for scientific purposes.

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory birds or their nests or eggs for scientific purposes may take such birds or their nests or eggs in such State for such purposes when authorized by a permit issued to him by the Secretary. Both permits shall be carried on his person when he is taking migratory birds, or their nests or eggs, thereunder, and shall be exhibited to any person requesting to see them; but nothing herein shall be deemed to permit the taking of any migratory game bird during the open season therefor in any manner or by any means or at any time of the day not permitted by regulations 3 and 4 of these regulations.

Restriction.

Applications for permits.

2. Applications for permits shall be addressed to the Secretary of the Interior, Washington, D. C., and must state the name and address of the applicant, his age, the State or Territory in which migratory birds or their nests or eggs are proposed to be taken, the purpose for which they are intended, information sufficient to show that such birds, nests, or eggs permitted to be taken will be devoted to scientific purposes, and the names and addresses of at least two well-known ornithologists, principals, or superintendents of educational or zoological institutions, officials or members of zoological or natural history organizations, or instructors in zoology in high schools, colleges, or universities, from whom may be obtained information respecting the applicant's status as a scientific investigator. The applicant must furnish such other information touching his fitness to be entrusted with a permit as may be called for by the Secretary.

Effect of permit.

3. A permit may limit the number and species of migratory birds or their nests or eggs that may be taken thereunder, and the places where, time when, and means by which they may be taken, and may authorize the holder thereof, when possessed of an equivalent State permit, to possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes but not to purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such birds, nests, or eggs, or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes, without a permit, but no such birds, nests, or eggs shall be taken without a permit or purchased from, sold to, or exchanged with a person not authorized by these regulations or by a permit issued thereunder to sell, purchase, or exchange them. Migratory birds found wounded or dead, in the wounding or killing of which the finder was not implicated, may be salvaged by him and possessed under permit issued by the Secretary upon such terms and conditions as shall be stated in the permit, but they may not be sold, purchased, bartered, or exchanged. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

Taxidermists.

4. A taxidermist, when authorized by a permit issued by the Secretary, may possess any migratory bird or nest or egg thereof delivered to him for mounting or other preparation by any person who has legally taken or legally possesses it and may transport such bird, nest, or egg in consummation of such purpose when likewise

authorized by the State in which such permittee is operating. Every such permittee shall keep books and records correctly setting forth the name and address of each person delivering each migratory bird or nest or egg thereof to him, together with the name of each species, the date of delivery, the disposition of each such bird, nest, or egg and the date thereof, and such books and records shall be available for inspection at all reasonable hours on request of any authorized representative of the Department of the Interior.

5. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of any migratory bird or nest or egg thereof unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of any migratory bird, or part, nest, or egg thereof from Mexico into the United States unless such bird, or part, nest, or egg is accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of the Interior authorized to enforce the Migratory Bird Treaty Act. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

6. Every package in which migratory birds or parts, nests, or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such birds, parts, nests, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country for scientific purposes shall be plainly and clearly marked, labeled, or tagged, on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the specimens contained therein are for scientific purposes.

#### Regulation 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY

**Community injury.**—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

**Specific injury.**—Upon receipt by the Chief of the Bureau, or the regional director of the Bureau of Biological Survey in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made and if it is determined from such investigation that the injury complained of is substantial

Books and records.

State permits.

Mexican export permits.

Revoked permits.

Reports.

Penalty.

Marking of packages.

Post, p. 2733.

Community injury.

Specific injury.

and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by said Chief of the Bureau or by the director if authorized by said Chief, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however,* That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, natural or artificial, movable or stationary, whether on land or water; (2) by means of any gun larger than No.-10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

*Proviso.*  
Restrictions.

Records and reports.

Every person exercising any privilege provided for in this regulation shall keep an accurate record of all migratory birds killed by him and whenever requested by the Chief of the Bureau or by the regional director shall submit promptly, on a form provided by the Bureau for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him and in any event shall submit such report to the regional director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

Penalty.

#### Regulation 11.—STATE LAWS FOR THE PROTECTION OF MIGRATORY BIRDS

Compliance with  
State laws, etc.; con-  
ditions.

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

#### Regulation 12.—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Exportation to Mex-  
ico.

Game Mammals or parts or products thereof taken in and transported from a State, Territory, or the District of Columbia may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Certificate.

Importation into  
United States; per-  
mits.  
25 Stat. 1137.  
18 U. S. C. § 301.

Live game mammals authorized by a special permit issued by the Secretary of the Interior, pursuant to section 241 of the Penal Code, the administration of which section was in part transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939

(Public No. 19—76th Congress), to be imported, and the dead bodies of game mammals, or parts or products thereof, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved July 30, 1937 (50 Stat. 1844), and all amendments thereof are hereby revoked, but all regulations heretofore adopted and approved pursuant to said act closing areas of land and water or of land or water adjacent to migratory-bird sanctuaries, refuges, reservations, and breeding and feeding grounds to the taking of migratory birds, and all orders and permits heretofore made or issued pursuant to said act, and now in force, authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests, and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as regulations, orders, or permits adopted and approved or made or issued hereunder.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 3<sup>rd</sup> day of August, 1939.

OSCAR L. CHAPMAN  
*Acting Secretary of the Interior*

AND WHEREAS upon consideration it appears that approval of the foregoing regulations will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of August, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President

SUMNER WELLES

*Acting Secretary of State*

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 997), provides:

“That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate

53 Stat. 561, 1434.  
5 U. S. C., Supp.  
V, §§ 133-133t.]

Designated regulations revoked; exceptions.

Regulations approved and proclaimed.

August 21, 1939  
[No. 2346]

Preamble.  
46 U. S. C. § 877;  
Supp. V, § 877.  
Post, pp. 2677, 2767.

steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: PROVIDED, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor \* \* \*";

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section;

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service;

Canton Island.  
Period for estab-  
lishing adequate ship-  
ping service for, ex-  
tended.

Extension of U. S.  
coastwise laws to, de-  
ferred.

41 Stat. 997.  
46 U. S. C. § 877;  
Supp. V, § 877.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended to January 1, 1940, and that the extension of the coastwise laws of the United States to Canton Island is deferred to January 1, 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 21<sup>st</sup> day of August, in the year of our Lord nineteen hundred and thirty-nine and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT MARYLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on August 11, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan No. II, transmitted to the Congress May 9, 1939:

#### REGULATION DESIGNATING A CERTAIN PART OF CHESAPEAKE BAY AS THE SUSQUEHANNA MIGRATORY WATERFOWL CLOSED AREA, MARYLAND

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, there is hereby designated as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill, migratory birds is not permitted, all that area

August 24, 1939

[No. 2347]

Preamble.

16 U. S. C. §§ 703-  
711; Supp. V, §§ 703-  
709a.

53 Stat. 1431.  
5 U. S. C., Supp.  
V, § 133t (note).

Susquehanna Mi-  
gratory Waterfowl  
Closed Area, Md., reg-  
ulation designating.  
Post, p. 2682.

of land and water of Chesapeake Bay, in Harford and Cecil Counties, Maryland, to be known as the Susquehanna Migratory Waterfowl Closed Area, bounded as follows:

Beginning at a point in Chesapeake Bay on the west side of Elk Neck, 440 yards distant from the shore line thereof, at latitude 39°30' N.; thence in a southwesterly direction with a line parallel to and 440 yards distant from the shore on the west side of Elk Neck, to a point off Turkey Point, the southernmost extremity of Elk Neck, from which the navigation bell on said point bears S. 70° E. 2,400 feet distant (approximate); thence N. 62½° W. (approximate) to a point in Chesapeake Bay 440 yards distant from the northeast side of Spesutie Island at Locust Point; thence north and west along the north shore of Spesutie Island and 440 yards distant therefrom, to a point opposite the center of Spesutie Narrows, and thence westerly and northerly and 1,000 yards distant from the east side of the channel lying close to the west shore, to the said latitude 39°30' N. (at a point 1,000 yards east of said channel); and thence due east to the place of beginning.

Description.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.

Regulation approved and proclaimed.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24<sup>th</sup> day of August in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 5, 1939  
[No. 2348]

## A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand.

Preamble.  
Existence of state of war.  
Post, pp. 2643, 2652, 2699, 2704, 2707, 2764.

AND WHEREAS the United States is on terms of friendship and amity with the contending powers, and with the persons inhabiting their several dominions;

AND WHEREAS there are nationals of the United States residing within the territories or dominions of each of the said belligerents, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS there are nationals of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

AND WHEREAS it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A. D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A. D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve one of the said belligerents by land or by sea against an opposing belligerent.

2. Enlisting or entering into the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits or jurisdiction of the United States to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid.

(But the said act of the 4th day of March, A. D. 1909, as amended by the act of the 15th day of June, A. D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board such ship of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of one of the said belligerents to cruise, or commit hostilities against the subjects, citizens, or property of an opposing belligerent.

Designated acts forbidden; penalties.

35 Stat. 1088.  
18 U. S. C. chs. 1-15;  
Supp. V, chs. 3-15.  
40 Stat. 217.

Commissioned service.

Service as soldier, etc.

Hiring services of another as soldier, etc.

Hiring another to enlist outside U. S.

Intent to be entered into service.

Retaining another to enlist outside U. S.

Intent to be entered into service.

Exception.  
35 Stat. 1088.  
18 U. S. C. chs. 1-15;  
Supp. V, chs. 3-15.  
40 Stat. 217.

Fitting out, etc., of vessels.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

Issuing of commission for vessel to serve belligerent.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

Increasing force of armed vessel.

11. Knowingly beginning or setting on foot or providing or preparing a means for or furnishing the money for, or taking part in, any military or naval expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territory or dominion of a belligerent.

Expeditions, etc., from U. S. territory.

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

Carriage of certain materials, etc., to belligerent vessel.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the jurisdiction of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation, or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen thereof, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

Despatching vessels suitable for warlike use.

14. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel built, armed, or equipped as a ship of war, or converted from a private vessel into a ship of war (other than one which has entered the jurisdiction of the United States as a public vessel), with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to any agent, officer, or citizen of such nation, or where there is reasonable cause to believe that the said vessel shall or will be employed in the service of such belligerent nation after its departure from the jurisdiction of the United States.

Despatching vessels equipped as ships of war, etc.

15. Taking, or attempting or conspiring to take, or authorizing the taking of any vessel out of port or from the jurisdiction of the United States in violation of the said act of the 15th day of June, A. D. 1917, as set forth in the preceding paragraphs numbered 11 to 14 inclusive.

Taking out of port, etc., of vessels in violation of designated provisions.

16. Leaving or attempting to leave the jurisdiction of the United States by a person belonging to the armed land or naval forces of a belligerent who shall have been interned within the jurisdiction of the United States in accordance with the law of nations, or leaving or attempting to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or wilfully overstaying a leave of absence granted by such official.

Interned persons leaving U. S. jurisdiction, etc.

17. Aiding or enticing any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed.

Aiding escape of interned person.

Designated uses of territorial waters not permitted.

AND I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the vessels of a belligerent, whether public ships or privateers for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of an opposing belligerent must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of September instant, and so long as this proclamation shall be in effect, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining warlike equipment; no privateer of a belligerent shall be permitted to depart from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States; and no ship of war of a belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the jurisdiction of the United States.

Time limit for departure of belligerent vessels; exception.

If any ship of war of a belligerent shall, after the time this notification takes effect, be found in, or shall enter any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, such vessel shall not be permitted to remain in such port, harbor, roadstead, or waters more than twenty-four hours, except in case of stress of weather, or for delay in receiving supplies or repairs, or when detained by the United States; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as the cause of the delay is at an end, unless within the preceding twenty-four hours a vessel, whether ship of war or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

Vessels for scientific, etc., purposes.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions as to the length of time ships of war may remain in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

Limitation on number of belligerent ships in U. S. waters.

The maximum number of ships of war belonging to a belligerent and its allies which may be in one of the ports, harbors, or roadsteads subject to the jurisdiction of the United States simultaneously shall be three.

Ships of opposing belligerents, provisions for departure.

When ships of war of opposing belligerents are present simultaneously in the same port, harbor, roadstead, or waters, subject to the jurisdiction of the United States, the one entering first shall depart first, unless she is in such condition as to warrant extending her stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead, or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential to render the vessel seaworthy and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States. Before such authorization will be issued, the commander of the vessel shall furnish to such authorities a written declaration, duly signed by such commander, stating the date, port, and amounts of supplies last received in the jurisdiction of the United States, the amounts of fuel, lubricants, feed water, and provisions on board, the port to which the vessel is proceeding, the economical speed of the vessel, the rate of consumption of fuel, lubricants, and feed water at such speed, and the amount of each class of supplies desired.

Use of radio by belligerent vessels, limitation.

Sealing of radios by U. S. authorities.

Limitation on supplies, etc.

Restriction.

Basis for allotments.

Repairs, restrictions.

Authorization for repairs, etc.

Declaration by commander of vessel.

Inclusion of certificate.

Provision of supplies, etc., by U. S. agencies prohibited.

Right of search; prizes.

Vessels operating under public control for hostile, etc., purposes.

Neutrality of persons within U. S. territory.

Applicability to Canal Zone; exception.  
Post, p. 2638.

Observance of laws, etc.

Misconduct of U. S. nationals, etc., protection denied.

Continuance in effect.

If repairs are desired, a similar declaration shall be furnished stating the cause of the damage and the nature of the repairs. In either case, a certificate shall be included to the effect that the desired services are in accord with the rules of the United States in that behalf.

No agency of the United States Government shall, directly or indirectly, provide supplies nor effect repairs to a belligerent ship of war.

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court can not be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The provisions of this proclamation pertaining to ships of war shall apply equally to any vessel operating under public control for hostile or military purposes.

AND I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said war, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

AND I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations issued for the Canal Zone.

AND I do hereby enjoin all nationals of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

AND I do hereby give notice that all nationals of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the government of the United States against the consequences of their misconduct.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this fifth day of September in the year of our Lord nineteen hundred and thirty-nine, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

**EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 5, 1939

[No. 2349]

**A PROCLAMATION**

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, provides in part as follows:

Preamble.  
50 Stat. 121.  
Post, p. 2672.

“Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state.”

AND WHEREAS it is further provided by section 1 of the said joint resolution that

“The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President’s proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925.”

49 Stat. 3503.

AND WHEREAS it is further provided by section 1 of the said joint resolution that

“Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than \$10,000 or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223–225; U. S. C., 1934 ed., title 22, secs. 238–245).”

AND WHEREAS it is further provided by section 1 of the said joint resolution that

“In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.”

AND WHEREAS it is further provided by section 11 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.”

Existence of state of war.

Citizens, etc., admonished to abstain from law violations.

Articles to be considered arms, etc.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applicable to the export of arms, ammunition, or implements of war from any place in the United States or any of its possessions to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, or to any other state for transshipment to, or for the use of, France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand.

And I do hereby declare and proclaim that the articles enumerated below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

#### *Category I*

- (1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;
- (2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;
- (3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;
- (4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;
- (5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;
- (6) Tanks, military armored vehicles, and armored trains.

#### *Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

#### *Category III*

- (1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;
- (2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

#### *Category IV*

- (1) Revolvers and automatic pistols using ammunition in excess of caliber .22;
- (2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

#### *Category V*

- (1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;
- (2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;
- (3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI*

- (1) Livens projectors and flame throwers;
- (2) a. Mustard gas (dichlorethyl sulphide);
- b. Lewisite (chlorvinyldichlorarsine and dichlordivinyldichlorarsine);
- c. Methylchlorarsine;
- d. Diphenylchlorarsine;
- e. Diphenylcyanarsine;
- f. Diphenylaminechlorarsine;
- g. Phenylchlorarsine;
- h. Ethylchlorarsine;
- i. Phenylbromarsine;
- j. Ethylbromarsine;
- k. Phosgene;
- l. Monochloromethylchlorformate;
- m. Trichloromethylchlorformate (diphosgene);
- n. Dichlorodimethyl Ether;
- o. Dibromodimethyl Ether;
- p. Cyanogen Chloride;
- q. Ethylbromacetate;
- r. Ethyliodoacetate;
- s. Brombenzylcyanide;
- t. Bromacetone;
- u. Brommethyl ethyl ketone.

*Category VII*

- (1) Propellant powders;
- (2) High explosives as follows:
  - a. Nitrocellulose having a nitrogen content of more than 12%;
  - b. Trinitrotoluene;
  - c. Trinitroxylyene;
  - d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
  - e. Picric acid;
  - f. Ammonium picrate;
  - g. Trinitroanisol;
  - h. Trinitronaphthalene;
  - i. Tetranitronaphthalene;
  - j. Hexanitrodiphenylamine;
  - k. Pentaerythritetetrinitrate (Penthrite or Pentrite);
  - l. Trimethylenetrinitramine (Hexogen or T<sub>4</sub>);
  - m. Potassium nitrate powders (black salt peter powder);
  - n. Sodium nitrate powders (black soda powder);
  - o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
  - p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
  - q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

Officers to prevent violations.

Secretary of State empowered to promulgate rules, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifth day of September, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PRESCRIBING REGULATIONS CONCERNING NEUTRALITY  
IN THE CANAL ZONE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

September 5, 1939  
[No. 23501]

Preamble.  
*Ante*, p. 2629.

Modification of previous proclamation in application to Canal Zone.

Time limit for departure of belligerent vessels.

Limitation on number of belligerent ships in Canal Zone waters.

Ships of opposing belligerents, exception to provisions for departure.

Basis for determining priority in departure.

WHEREAS a proclamation having been issued by me on the fifth day of September instant declaring the neutrality of the United States of America in the war now existing between Germany and France; Poland; the United Kingdom, India, Australia and New Zealand.

AND WHEREAS the provisions of the said proclamation apply to the Canal Zone except in so far as such provisions may be modified by a proclamation issued for the Canal Zone;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim that, from and after the fifth day of September instant, the said proclamation issued by me on the fifth day of September instant, in its application to the Canal Zone, is hereby modified as follows:

1. The limit of twenty-four hours prescribed by the above proclamation, with certain exceptions, as the maximum time a belligerent ship of war may remain within the jurisdiction of the United States shall apply to the total time such ship of war may remain in all the waters of the Canal Zone, except that the time required to transit the Canal shall be in addition to the prescribed twenty-four hours. Such transit shall be effected with the least possible delay in accordance with the Canal regulations in force, and only with such intermission as may result from the necessities of the service.

2. The maximum number of ships of war belonging to a belligerent and its allies which may be simultaneously in either terminal port and the terminal waters adjacent to such port shall be three. The maximum number of such vessels in all the waters of the Canal Zone simultaneously, including those in transit through the Canal, shall be six.

3. Belligerent ships of war, not carrying aircraft, departing from the jurisdiction of the Canal Zone from one of the terminal ports shall not be required to observe the prescribed interval of time between such departure and the departure from such jurisdiction of a vessel of an opposing belligerent from the other terminal port.

4. The time of original arrival of vessels within the jurisdiction of the Canal Zone, whether or not they transit the Canal, shall be used as the time of arrival in deciding the right of priority, between vessels of opposing belligerents, in departing from the jurisdiction of the Canal Zone.

5. If a belligerent ship of war which has left the waters of the Canal Zone, whether she has transitted the Canal or not, returns within a period of one week after her departure, she shall lose all right of priority in departure from the Canal Zone, or in passage through the Canal, over vessels of an opposing belligerent which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case, the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander or master of a vessel or vessels of an opposing belligerent then present within the waters of the Canal Zone.

Loss of priority rights on return within one week.

Fixing of departure time by Canal authorities.

6. If it is wholly impossible, as determined by the Governor of the Panama Canal, for a belligerent ship of war to effect repairs through, or to obtain fuel, lubricants, feed water, and provisions from, a private contractor within the Canal Zone or the Republic of Panama, the agencies of the United States administered by the Canal authorities may, in order to facilitate the operation of the Canal or its appurtenances, effect such repairs and furnish such supplies in accordance with the Canal regulations in force, but when repairs and supplies are so obtained they shall be limited to such repairs and such amounts of fuel, lubricants, feed water, and provisions, with that already on board, as may be necessary to enable the vessel to proceed to the nearest accessible port, not an enemy port, in the general direction of her voyage, at which she can obtain further repairs or supplies necessary for the continuation of the voyage. The amounts of fuel, lubricants, feed water, and provisions so received shall be deducted from the amounts otherwise allowed in ports, harbors, roadsteads, and waters subject to the jurisdiction of the United States, including the Canal Zone, during any time within a period of three months thereafter. No public vessel of a belligerent shall receive fuel or lubricants while within the territorial waters of the Canal Zone except under written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received. Moreover, the repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a public vessel of a belligerent, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel sea-worthy. Any work authorized shall be done with the least possible delay.

Repairs and supplies permitted; condition.

Limitation.

Deduction of supplies from allowances.

Fuel, etc., authorization by Canal authorities.

Use of docks, etc., by public vessels of belligerents.

7. In the Canal Zone, prizes shall be in all respects subject to the same rules as ships of war of the belligerents.

Rules for prizes.

AND I do further declare and proclaim that, from and after the fifth day of September instant, the following additional provisions shall be effective in the Canal Zone:

Additional provisions.

1. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal Zone, except when required by the Canal authorities, or in case of accidental hindrance of the transit. In such cases the Canal authorities shall be the judges of the necessity, and the transit shall be resumed with all dispatch.

Embarkation or disembarkation of troops, munitions, etc.

2. No belligerent aircraft shall be navigated into, within, or through the air spaces above the territory or waters of the Canal Zone.

Navigation of belligerent aircraft.

3. The enforcement of neutrality of the United States within the Canal Zone and administrative action in connection therewith shall be the responsibility of the Governor of the Panama Canal; and the military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request; provided that, if an officer of the Army is designated to assume authority and juris-

Enforcement of neutrality; administrative action.

diction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such responsibility.

Provisions deemed additional.

AND I do further declare and proclaim that the provisions of this proclamation and the provisions of the proclamation of the fifth day of September instant are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" prescribed by Executive Order No. 4314, of September 25, 1925, as amended.

Continuance in effect.

This proclamation shall continue in full force and effect unless and until modified, revoked, or otherwise terminated pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this fifth day of September, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## IMPOSING QUOTAS ON IMPORTS OF COTTON AND COTTON WASTE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

September 5, 1939

[No. 2351]

Preamble.  
Post, p. 2769.

7 U. S. C., Supp. V,  
§ 624.

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the Act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the Act of February 29, 1936 (49 Stat. 1148, 1152), and as reenacted by section 1 of the Act of June 3, 1937 (50 Stat. 246), I caused the United States Tariff Commission to make an investigation to determine whether cotton or cotton waste was being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from cotton;

WHEREAS, in the course of the investigation, after due notice, a hearing was held, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture:

Findings as to cotton and cotton waste.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find, on the basis of such investigation and report, that cotton and cotton waste are being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the program undertaken

with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended. Accordingly, I hereby proclaim that the total quantities of cotton and cotton waste originating in any of the countries named in the following tables which may be entered, or withdrawn from warehouse, for consumption in any year, commencing September 20, shall not exceed the quantities shown opposite each of said countries, which quantities I hereby find and declare shown by the investigation to be necessary to prescribe in order that the entry of cotton and cotton waste will not render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended, or reduce substantially the amount of any product processed in the United States from cotton produced in the United States:

49 Stat. 163, 1148.  
16 U. S. C., Supp.  
V, ch. 3B.  
Proclamation of annual quotas by countries.

*Cotton (other than harsh or rough cotton of less than ¼ inch in staple length and chiefly used in the manufacture of blankets and blanketing, and other than linters): Annual quotas by countries of origin*

Cotton; exceptions.

Country of origin	Staple length	
	Less than 1½ inches	1½ inches or more
	<i>Pounds</i>	<i>Pounds</i>
Egypt and the Anglo-Egyptian Sudan	783, 816	43, 451, 566
Peru	247, 952	2, 056, 299
British India	2, 003, 483	64, 942
China	1, 370, 791	2, 626
Mexico	8, 883, 259	-----
Brazil	618, 723	3, 808
Union of Soviet Socialist Republics	475, 124	-----
Argentina	5, 203	435
Haiti	237	506
Ecuador	9, 333	-----
Honduras	752	-----
Paraguay	871	-----
Colombia	124	-----
Iraq	195	-----
British East Africa	2, 240	29, 909
Netherlands East Indies	71, 388	-----
Barbados	-----	12, 554
Other British West Indies <sup>1</sup>	21, 321	30, 139
Nigeria	5, 377	-----
Other British West Africa <sup>2</sup>	16, 004	2, 002
Algeria and Tunisia	-----	1, 634
Other French Africa <sup>3</sup>	689	-----
<b>Total</b>	<b>14, 516, 882</b>	<b>45, 656, 420</b>

<sup>1</sup> Other than Barbados, Bermuda, Jamaica, Trinidad, and Tobago.

<sup>2</sup> Other than Gold Coast and Nigeria.

<sup>3</sup> Other than Algeria, Tunisia, and Madagascar.

Cotton waste, etc.

*Cotton card strips, comber waste, lap waste, sliver waste, and roving waste, whether or not manufactured or otherwise advanced in value: Annual quotas by countries*

Country of origin	Total quota, provided, however, that not more than 33½ percent of the quotas shall be filled by cotton wastes other than card strips and comber wastes made from cottons of 1⅛ inches or more in staple length in the case of the following countries:	
	United Kingdom France Netherlands Switzerland	Belgium Germany Italy
	<i>Pounds</i>	
United Kingdom.....	4, 323, 457	
Canada.....	239, 690	
France.....	227, 420	
British India.....	69, 627	
Netherlands.....	68, 240	
Switzerland.....	44, 388	
Belgium.....	38, 559	
Japan.....	341, 535	
China.....	17, 322	
Egypt.....	8, 135	
Cuba.....	6, 544	
Germany.....	76, 329	
Italy.....	21, 263	
Total.....	5, 482, 509	

Quotas compared with imports for previous period.

I find and declare that the total quantity of cotton or cotton waste which may be entered hereunder with respect to each of the countries named herein is not less than 50 per centum of the average annual quantity of cotton or cotton waste which was imported from each of such countries during the period from July 1, 1928, to June 30, 1933, both dates inclusive, and that during the period named no cotton or cotton waste originating in any foreign countries other than those enumerated in the foregoing tables was imported into the United States. No cotton or cotton waste originating in any other foreign country, or originating in the United States, shall be permitted to be entered, or withdrawn from warehouse, for consumption during the effectiveness of this proclamation.

Restriction.

"Cotton" and "cotton waste" defined.

As used in this proclamation, except in the first paragraph, the word "cotton" does not include harsh or rough cotton having a staple of less than ¾ of one inch in length and chiefly used in the manufacture of blankets and blanketing, nor cotton linters, and the words "cotton waste" include only card strips, and comber, lap, sliver, and roving wastes.

Effective date.

This proclamation shall become effective on the 20th day of September 1939.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 5th day of September, in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
Secretary of State.

PROCLAIMING A NATIONAL EMERGENCY IN CONNECTION WITH THE  
OBSERVANCE, SAFEGUARDING, AND ENFORCEMENT OF NEUTRALITY  
AND THE STRENGTHENING OF THE NATIONAL DEFENSE WITHIN THE  
LIMITS OF PEACE-TIME AUTHORIZATIONS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 8, 1939  
[No. 2352]

A PROCLAMATION

WHEREAS a proclamation issued by me on September 5, 1939, proclaimed the neutrality of the United States in the war now unhappily existing between certain nations; and

Preamble.  
*Ante*, p. 2629.

WHEREAS this state of war imposes on the United States certain duties with respect to the proper observance, safeguarding, and enforcement of such neutrality, and the strengthening of the national defense within the limits of peace-time authorizations; and

WHEREAS measures required at this time call for the exercise of only a limited number of the powers granted in a national emergency:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations. Specific directions and authorizations will be given from time to time for carrying out these two purposes.

National emergency  
proclaimed.  
*Post*, p. 2711.

Specific directions,  
etc., to be given.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September, in the year of our Lord nineteen hundred and thirty-nine,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR  
BETWEEN GERMANY, ON THE ONE HAND, AND THE UNION OF  
SOUTH AFRICA, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 8, 1939  
[No. 2353]

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and the Union of South Africa, on the other hand;

Preamble.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to the Union of South Africa.

Provisions of previ-  
ous proclamation  
made applicable to  
Union of South Africa.

*Ante*, p. 2629.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 8<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO THE  
UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

September 8, 1939  
[No. 2354]

Preamble.  
50 Stat. 121.  
*Post*, p. 2672.

49 Stat. 1081, 1152.

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution, do hereby proclaim that all of the provisions of my proclamation of September 5, 1939, in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, henceforth apply to the Union of South Africa.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

Provisions of previous proclamation made applicable to Union of South Africa.

*Ante*, p. 2635.

Officers to prevent violations.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

Secretary of State empowered to promulgate rules, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 8<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

ENLARGING THE CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 6, 1939  
[No. 2355]

A PROCLAMATION

WHEREAS certain lands adjacent to the Chattahoochee National Forest within the State of Georgia have been acquired or may hereafter be acquired by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515); and

Preamble.

WHEREAS it appears that the said lands are suitable for national-forest purposes and that it would be in the public interest to reserve them as a part of the Chattahoochee National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and the above-mentioned act of March 1, 1911, as amended, do proclaim (1) that all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof, are hereby added to and reserved as part of the Chattahoochee National Forest in the State of Georgia, and that all lands within such area which may hereafter be acquired by the United States under authority of the aforesaid act of March 1, 1911, as amended, shall upon acquisition of title thereto become, and be administered as, part of the said Chattahoochee National Forest:

Chattahoochee National Forest, Ga., lands added.

Administration of lands acquired.

Lying and being on the watersheds of Armuchee and Mill Creeks, the Chattooga and Oostanaula Rivers, tributaries of the Coosa River and Chickamauga Creek, a tributary of the Tennessee River, in Catoosa, Chattooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia;

Description.

Beginning at the intersection of Georgia Highways #2 and #95, at the western foot of Taylor Ridge, approximately six miles east of LaFayette, Georgia;

Thence, northeastwardly, along Georgia Highway #95, approximately one and three-quarter miles to its intersection with the county road to Ringgold;

Thence, northeastwardly along the county road to Ringgold, crossing the Walker-Catoosa County Line, approximately thirteen and one-half miles to the intersection of said road with the center of south Chickamauga Creek, on the south edge of Ringgold;

Thence, southeastwardly with the center of South Chickamauga Creek, crossing the N. C. & St. L. Railroad three times, approximately three miles to the mouth of East Chickamauga Creek;

Thence, southwardly, along the center of East Chickamauga Creek crossing the N. C. & St. L. Railroad three times, four and a half miles to its intersection with the county road up Dogwood Valley;

Thence, southwardly along the county road up Dogwood Valley, crossing the Catoosa-Whitfield County Line, approximately four and one-half miles to its intersection with the Trickum-Nickajack Gap Road;

Thence, westwardly, along the Nickajack Gap Road, approximately one-quarter of a mile to its intersection with a county road to the south;

Thence, southwardly, along the county road, approximately two and three-quarter miles to its intersection with the Georgia Highway #2;

Thence, southwardly along Georgia Highway #2, approximately two and one-half miles to its intersection with the Whitfield-Walker County Line;

Thence, east with the Whitfield-Walker County Line approximately two and one-half miles to its intersection with the county road down Mill Creek;

Thence, northeastwardly and then northwardly along the county road down Mill Creek, approximately seven and one-half miles to its intersection with U. S. Highway #41, Georgia Highways #2 and #3 near Rocky Face;

Thence, southeastwardly along U. S. Highway #41, Georgia Highways #2 and #3, crossing Mill Creek, approximately one and three-quarter miles to its intersection with a county road to the south;

Thence, southwardly along the county road to the south, crossing the Southern Railroad and Swamp Creek, approximately eleven and one-quarter miles to Carbondale;

Thence, southwardly, continuing along the county road, crossing the Southern Railroad twice, and crossing Blue Spring Creek, passing the Whitfield-Gordon County Line, approximately three and a quarter miles to Hill City;

Thence, southwestwardly, continuing along the county road, approximately two and one-quarter miles to its intersection with Georgia Highway #143;

Thence, southwardly along Georgia Highway #143, approximately one-half mile to its intersection with a county road to the southwest;

Thence, southwestwardly and then southwardly, along the county road, crossing Snake and Bow Creeks, approximately nine miles to its intersection with the county road between Reeves and Curryville;

Thence, southwestwardly along the county road to Curryville, approximately one-half mile to its intersection with the county road to Everett Springs;

Thence, northwestwardly, along the county road to Everett Springs, crossing Rocky and Johns Creeks and the Gordon-

Floyd County Line, approximately five and one-quarter miles to its intersection with the county road between Everett Springs and Rosedale;

Thence, southwardly, along the county road, approximately four miles to Rosedale;

Thence, southwestwardly along the county road, crossing Muck and Lovejoy Creeks, approximately three miles to Floyd Springs;

Thence, southwardly along the paved county road, approximately one mile to its intersection with a county road from the southwest;

Thence, southwestwardly, along the county road, approximately two miles to its intersection with the county road up Armuchee Creek;

Thence, northwestwardly, along the county road up Armuchee Creek, approximately two and three-quarter miles to its intersection with the Floyd-Chattooga County Line;

Thence, southwestwardly along the county line, crossing Armuchee Creek, approximately one-third of a mile to its intersection with the county road up Sand Mountain;

Thence, southwestwardly along the county road, approximately one and three-quarter miles to its intersection with U. S. Highway #27, Georgia Highway #1, one-third of a mile northwest of Crystal Springs;

Thence, southeastwardly, with U. S. Highway #27, Georgia Highway #1, one-third of a mile to Crystal Springs, Georgia;

Thence, southwardly and then southwestwardly, along the county road up Big Texas Valley approximately ten miles to its intersection with the old Kitchen Gap Road, from the northwest;

Thence, northwestwardly along the old Kitchen Gap Road, crossing the Floyd-Chattooga County line at the top of Simms Mountain, approximately one and three quarter miles to its intersection with the Holland-Rome County Road;

Thence, northwardly, along the county road, approximately three quarters of a mile to its intersection with the Central of Georgia Railroad at Holland, Georgia;

Thence, northeastwardly along the Central of Georgia Railroad, approximately one mile to its intersection with the county road to Summerville, Georgia;

Thence, northwestwardly and then northwardly along the county road, approximately two miles to its intersection with the county road to Gore, Georgia;

Thence, northwardly along the county road to Summerville, approximately two and one-half miles to its intersection with an old county road along the western foot of Taylor Ridge;

Thence, northeastwardly along the county road and the foot of Taylor Ridge, approximately five miles to its intersection with U. S. Highway #27, Georgia Highway #1;

Thence, northeastwardly, along the county road known as the Old Alabama Road, approximately seven and one-half miles to its intersection with the Trion-Subigna County Road;

Thence, northeastwardly, continuing along the county road known as the Old Alabama Road, crossing the Chattooga-Floyd County Line, and Cane Creek, approximately ten and one-half miles to its intersection with Georgia Highway #2 at Naomi;

Thence, northeastwardly, along Georgia Highway #2, approximately one and one-half miles to the point of beginning; CONTAINING a total of 231,500 acres, be the same more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

### CACHE NATIONAL FOREST—IDAHO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 6, 1939

[No. 2356]

### A PROCLAMATION

Preamble.

WHEREAS it appears that the public lands in the hereinafter-described area, in Utah, within a grazing district established by the Secretary of the Interior April 8, 1935, under the provisions of section 1 of the act of June 28, 1934 (ch. 865, 48 Stat. 1269; 43 U. S. C. 315), lie within a watershed forming a part of the Cache National Forest and can best be administered in connection with such national forest:

43 U. S. C., Supp. V, § 315.

Cache National Forest, Idaho and Utah, lands added.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 13 of the aforesaid act of June 28, 1934 (43 U. S. C. 315L), section 24 of the act of March 3, 1891 (26 Stat. 1103), as amended (16 U. S. C. 471), and the act of June 4, 1897 (30 Stat. 36; 16 U. S. C. 473), do proclaim that the following-described lands are hereby placed within and made a part of the Cache National Forest, and that such lands shall be subject to all the laws and regulations relating to national forests:

Description.

*Salt Lake Meridian*

- T. 10 N., R. 1 W., sec. 4, W½;  
 secs. 5 to 8, inclusive;  
 sec. 9, W½, SE¼;  
 secs. 16 to 21, inclusive;  
 sec. 22, W½;  
 sec. 26, S½;  
 sec. 27, W½, SE¼;  
 secs. 28 to 36, inclusive;
- T. 11 N., R. 1 W., sec. 7, W½;  
 sec. 18, W½E½, W½;  
 secs. 19, 29, 30, 31, and 32;  
 sec. 33, W½W½;
- T. 10 N., R. 2 W., secs. 1, 2, and 3;  
 sec. 4, E½E½;  
 secs. 10 to 14, inclusive;  
 sec. 15, NE¼;  
 sec. 23, N½, SE¼;  
 secs. 24 and 25;  
 sec. 36, E½;

15'

8500'

U.S. DEPARTMENT OF AGRICULTURE  
 FOREST SERVICE  
 F. A. SILCOX, CHIEF  
 T. W. NORCROSS, CHIEF, DIV. OF ENGINEERING  
**CHATTAHOOCHEE NATIONAL FOREST**  
 (ARMUCHEE DIV.)  
 GEORGIA

1939



DIAGRAMATIC MAP FORMING AN OFFICIAL  
 SUPPLEMENT TO PROCLAMATION #2355  
 DATED SEPTEMBER 6, 1939

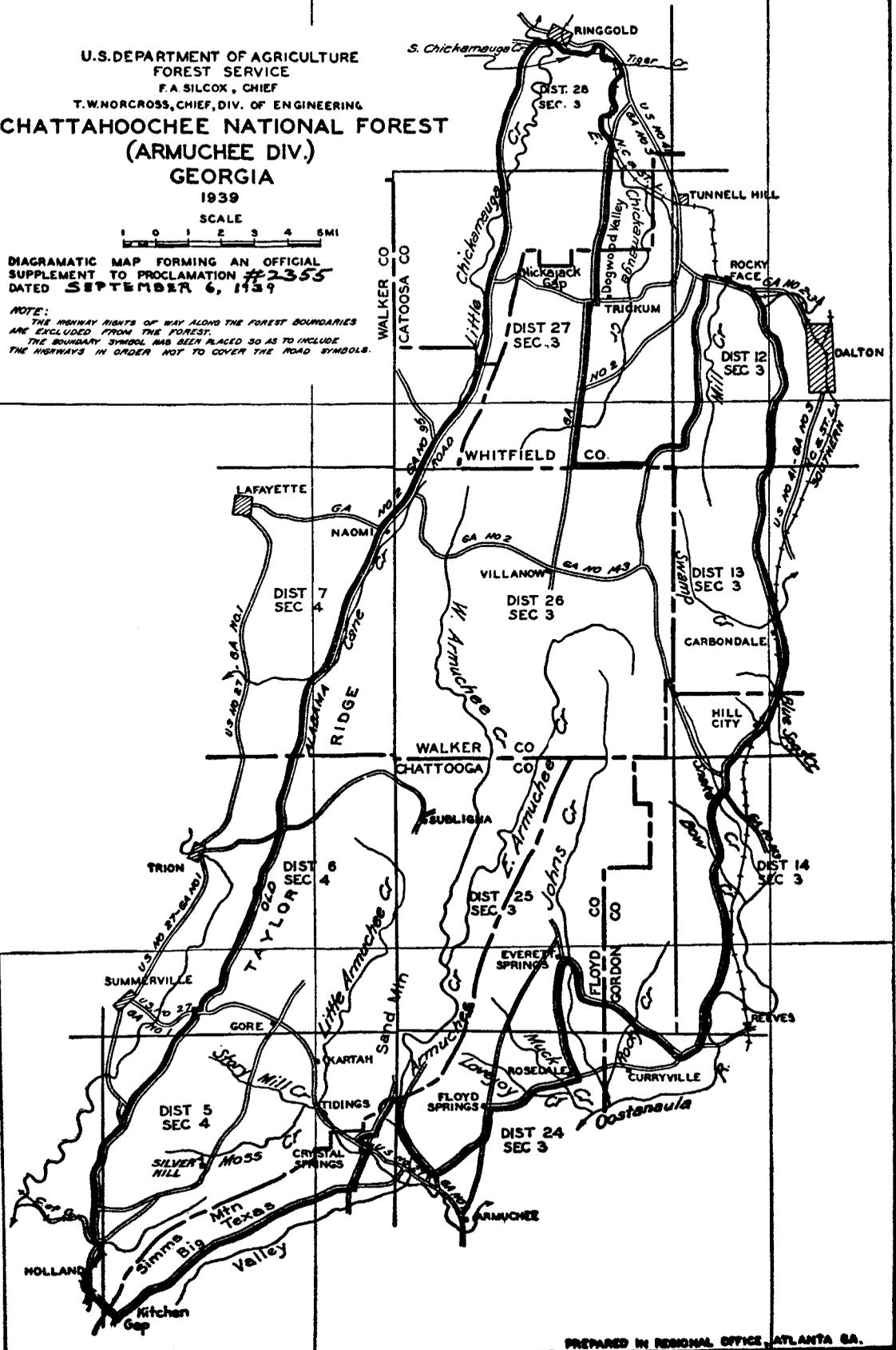
NOTE:  
 THE HIGHWAY RIGHTS OF WAY ALONG THE FOREST BOUNDARIES  
 ARE EXCLUDED FROM THE FOREST.  
 THE BOUNDARY SYMBOL HAS BEEN PLACED SO AS TO INCLUDE  
 THE HIGHWAYS IN ORDER NOT TO COVER THE ROAD SYMBOLS.

45'

45'

34°  
30'

34°  
30'



PREPARED IN REGIONAL OFFICE, ATLANTA, GA.

15'

8500'

- T. 11 N., R. 2 W., sec. 1, W $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 secs. 2 to 4 and secs. 9 to 16, inclusive;  
 sec. 21, N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
 secs. 22 to 27, inclusive;  
 sec. 28, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 sec. 33, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
 secs. 34, 35, and 36;  
 T. 12 N., R. 2 W., secs. 26 to 28 and secs. 33 to 35, inclusive;  
 sec. 36, SW $\frac{1}{4}$ ;  
 aggregating 43,331.83 acres.

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public-land laws or which are reserved for any public purpose, be subject to, and shall not interfere with or defeat such legal rights or prevent the use for such public purpose of lands so reserved, so long as such rights are legally maintained or such reservation remains in force. Prior rights not affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
 CORDELL HULL  
*Secretary of State.*

### SHAWNEE NATIONAL FOREST—ILLINOIS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 6, 1939  
 [No. 2357]

### A PROCLAMATION

WHEREAS certain lands within the State of Illinois have been acquired or are in process of acquisition by the United States of America under the authority of the act of March 1, 1911, 36 Stat. 961, 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U. S. C., title 40, sec. 403), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115, and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, U. S. C., title 7, sec. 1010); and

Preamble.

16 U. S. C., Supp. V, § 585 (note).

50 Stat. 522.  
 7 U. S. C., Supp. V, §§ 1010-1013.

WHEREAS it appears that it would be in the public interest to give such lands, together with any intermingled public lands, a national-forest status:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Shawnee National Forest all lands of the United States within the areas hereinafter described and shown on the diagram attached hereto

Shawnee National Forest, Ill., establishment.

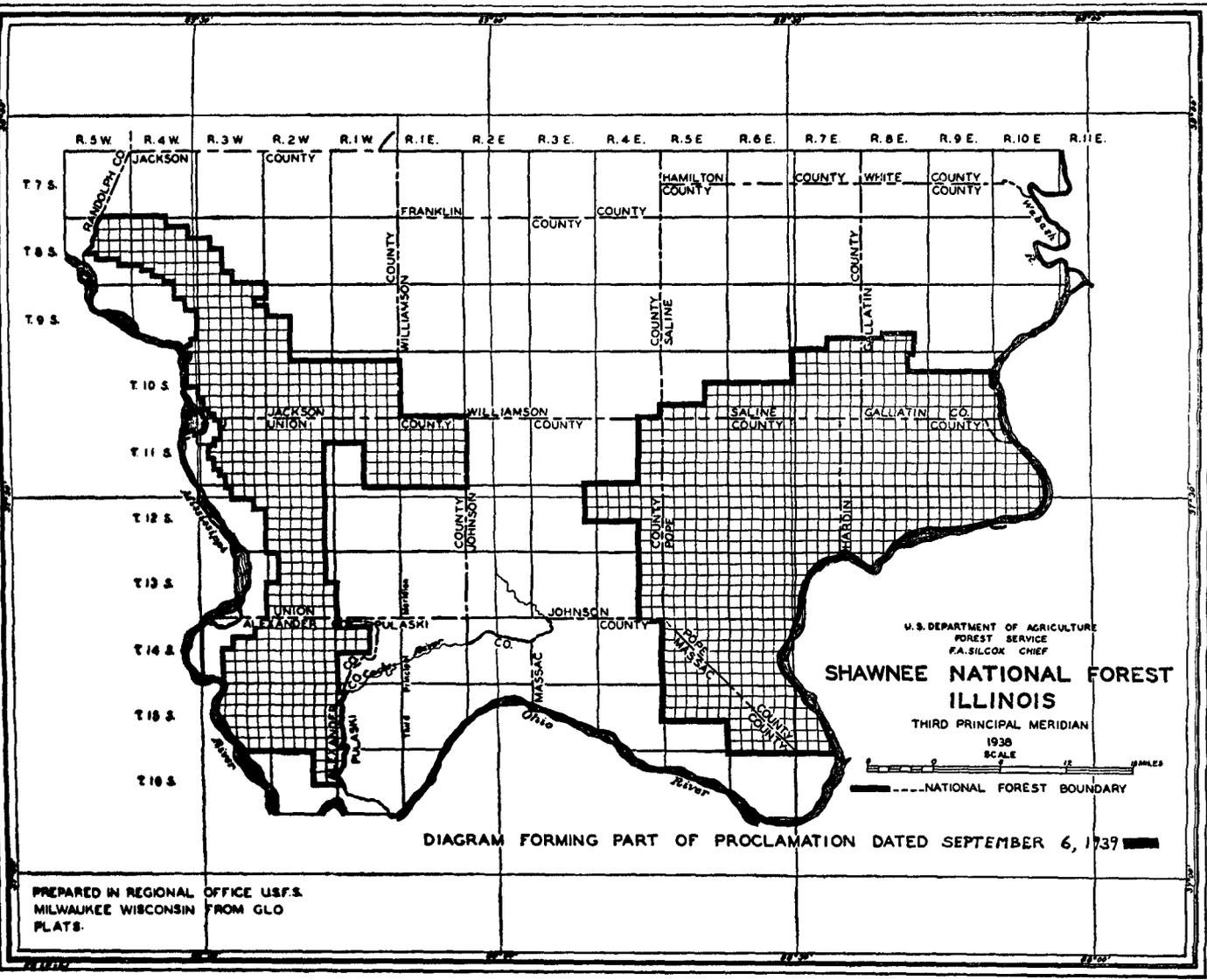
Administration of lands acquired.

and made a part hereof, and (2) that all lands within such boundaries which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon acquisition of title become and be administered as part of said Forest:

Description.

*Third Principal Meridian*

- T. 8 S., R. 3 W., secs. 18 to 20, inclusive; secs. 29 to 33, inclusive.
- T. 8 S., R. 4 W., secs. 4 to 11, inclusive; secs. 13 to 28, inclusive; N½ sec. 29; N½ sec. 34, secs. 35 and 36.
- T. 8 S., R. 5 W., secs. 1 and 2; all that part of secs. 3, 4, and 9 lying in Jackson County; secs. 10 to 15, inclusive; all that part of sec. 16 lying in Jackson County; N½ of secs. 22 and 23; sec. 24.
- T. 9 S., R. 7 E., secs. 34 to 36, inclusive.
- T. 9 S., R. 8 E., SW¼ sec. 26; S½ of secs. 27 and 28; secs. 31 to 34, inclusive; W½ sec. 35.
- T. 9 S., R. 2 W., secs. 19 and 20; secs. 29 to 32, inclusive.
- T. 9 S., R. 3 W., secs. 1 to 11, inclusive; secs. 13 to 36, inclusive.
- T. 9 S., R. 4 W., secs. 1, 2, and 12; all that part of the S½ sec. 35 lying east of the Mississippi River; NE¼ and all that part of the S½ of sec. 36 lying east of the Mississippi River.
- T. 10 S., R. 5 E., secs. 23 to 26, inclusive; secs. 31 to 36, inclusive.
- T. 10 S., R. 6 E., secs. 19 to 36, inclusive.
- T. 10 S., R. 7 E., all.
- T. 10 S., R. 8 E., secs. 3 to 10, inclusive; secs. 13 to 36, inclusive.
- T. 10 S., R. 9 E., all that part of sec. 13 lying west of the Ohio River; secs. 14 to 23, inclusive; all that part of sec. 24 lying west of the Ohio River; secs. 25 to 36, inclusive.
- T. 10 S., R. 10 E., all that part of secs. 19, 30, and 31 lying west of the Ohio River.
- T. 10 S., R. 1 W., secs. 7 to 36, inclusive.
- T. 10 S., R. 2 W., secs. 5 to 36, inclusive.
- T. 10 S., R. 3 W., secs. 1 to 29, inclusive; E. ½ sec. 30, N½ and SE¼ of sec. 32; secs. 33 to 36, inclusive.
- T. 10 S., R. 4 W., all that part of secs. 1, 11, 12, 13, and 14 lying east of the Mississippi River.
- T. 11 S., R. 1 E., all.
- T. 11 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
- Tps. 11 S., Rs. 5, 6, 7, 8, and 9 E., all.
- T. 11 S., R. 10 E., all that part lying west of the Ohio River.
- T. 11 S., R. 1 W., secs. 1 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.
- T. 11 S., R. 2 W., secs. 1 to 12, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
- T. 11 S., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; NE¼ and S½ of sec. 17; N½ and SE¼ of sec. 20; secs. 21 to 28, inclusive; NE¼ sec. 29; E½ sec. 33; secs. 34 to 36, inclusive.
- T. 12 S., R. 3 E., secs. 1, 12, and 13.
- T. 12 S., R. 4 E., secs. 1 to 18, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
- Tps. 12 S., Rs. 5, 6, and 7 E., all.



U.S. DEPARTMENT OF AGRICULTURE  
 FOREST SERVICE  
 F.A. SILCOX CHIEF

## SHAWNEE NATIONAL FOREST ILLINOIS

THIRD PRINCIPAL MERIDIAN  
 1938  
 SCALE

0 10 20 MILES

— NATIONAL FOREST BOUNDARY

DIAGRAM FORMING PART OF PROCLAMATION DATED SEPTEMBER 6, 1939

PREPARED IN REGIONAL OFFICE USF.S.  
 MILWAUKEE WISCONSIN FROM GLO  
 PLATS.

- Tps. 12 S., Rs. 8 and 9 E., all that part lying north of the Ohio River.
- T. 12 S., R. 10 E., all that part lying north and west of the Ohio River.
- T. 12 S., R. 2 W., secs. 2 to 11, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
- T. 12 S., R. 3 W., secs. 1, 2, 3, and 12.
- T. 13 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
- Tps. 13 S., Rs. 5 and 6 E., all.
- T. 13 S., R. 7 E., all that part lying northeast and west of the Ohio River.
- T. 13 S., R. 8 E., all that part lying north of the Ohio River.
- T. 13 S., R. 2 W., secs. 2 to 5, inclusive; secs. 8 to 11, inclusive; secs. 14 to 17, inclusive; secs. 19 to 36, inclusive.
- T. 14 S., R. 5 E., all.
- T. 14 S., R. 6 E., all that part lying west of the Ohio River.
- T. 14 S., R. 1 W., secs. 7 to 9, inclusive; secs. 16 to 18, inclusive.
- T. 14 S., R. 2 W., all.
- T. 14 S., R. 3 W., secs. 12 to 15, inclusive; secs. 21 to 28, inclusive; secs. 33 to 36, inclusive.
- T. 15 S., R. 5 E., secs. 1 to 18, inclusive.
- T. 15 S., R. 6 E., all.
- T. 15 S., R. 7 E., all that part lying west of the Ohio River.
- T. 15 S., R. 1 W., all that part of secs. 7, 18, 19, and 30 lying west of the Cache River, and that part of sec. 31 lying west and south of the Cache River.
- T. 15 S., R. 2 W., all.
- T. 15 S., R. 3 W., all that part lying east of the Mississippi River.
- T. 16 S., R. 1 W., all that part of secs. 6, 7, and 18 lying west of the Cache River.
- T. 16 S., R. 2 W., secs. 1, 2, and 11; all that part of secs. 12 and 13 lying west of the Cache River; sec. 14.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Rights, etc., reserved.

## WORLD'S FAIR, NEW YORK CITY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

September 8, 1939  
[No. 2358]

Preamble.

WHEREAS there is now in progress at New York City a World's Fair for the purpose of celebrating the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the national government in the city of New York; and

WHEREAS it has been made evident that through the medium of the World's Fair at New York peaceful intercourse between nations is promoted, and the exchange of ideas, experience, and technical knowledge between many parts of the earth has been encouraged; and

WHEREAS, especially at the present time, it is fitting and proper that the ideal of peaceful intercourse be firmly maintained as offering the only ultimate hope towards progress and peace; and

49 Stat. 1516.

WHEREAS a Joint Resolution of Congress, approved June 15, 1936, reads in part as follows:

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

50 Stat. 1796.

AND WHEREAS by proclamation dated the sixteenth day of November, 1936, in compliance with the aforesaid Joint Resolution, I invited the participation of the nations in this World's Fair, and many nations are presently participating therein:

Invitation to nations to continue participation during 1940, etc.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in compliance with the aforesaid Joint Resolution of Congress, do invite the nations presently participating in the said World's Fair to continue their participation therein during the calendar year 1940, or such part thereof as may seem appropriate.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 8th day of September in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

By the President:  
CORDELL HULL  
*Secretary of State.*

FRANKLIN D ROOSEVELT

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND CANADA, ON THE OTHER HAND

September 10, 1939  
[No. 2359]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Preamble.

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Canada, on the other hand;

Provisions of previous proclamation made applicable to Canada.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons

within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Canada.

*Ante*, p. 2629.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 10<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine,  
 [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
 CORDELL HULL  
*Secretary of State.*

## EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO CANADA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

September 10, 1939  
 [No. 2360]

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

Preamble.  
 50 Stat. 121.  
*Post*, p. 2672.

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

49 Stat. 1081, 1152.

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution, do hereby proclaim that all of the provisions of my proclamation of September 5, 1939, in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, henceforth apply to Canada.

Provisions of previous proclamation made applicable to Canada.

*Ante*, p. 2635.

Officers to prevent violations.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

Secretary of State empowered to promulgate rules, etc.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 10<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## SUSPENSION OF OPERATION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of Title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exists. \* \* \*";

WHEREAS the outbreak of war among major European countries has resulted in excessive and harmful speculation in sugar and rapidly rising prices to consumers, which conditions are accentuated by the marketing limitations imposed under title II of the Act; and

WHEREAS such increased prices of sugar will not accrue to the benefit of the majority of producers by reason of the sale of much of their current crop before the outbreak of the war:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that a national economic emergency exists with respect to sugar, and do by this proclamation suspend the operation of title II of that Act.

DONE at the City of Washington this 11th day of September in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

September 11, 1939  
[No. 2361]

Preamble.  
50 Stat. 903.  
7 U. S. C., Supp.  
V, ch. 34.  
Post, p. 2676.

Suspension of operation of title II of Sugar Act of 1937.

## MARK TWAIN NATIONAL FOREST—MISSOURI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 11, 1939  
[No. 2362]

## A PROCLAMATION

WHEREAS certain lands within the State of Missouri have been acquired or are in process of acquisition by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 961, 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933, 48 Stat. 195, 202 (U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115; and

Preamble.

16 U. S. C., Supp.  
V, § 585 (note).

WHEREAS it appears that it would be in the public interest to give such lands, together with certain intermingled public lands, a national-forest status:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Mark Twain National Forest all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof, and (2) that all lands within such area which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Mark Twain National Forest:

Mark Twain National Forest, Mo., establishment.

Administration of lands acquired.

*Fifth Principal Meridian*

Description.

- Tps. 21 N., Rs. 23, 24, 25, 26, and 27 W.,  
all north of the Missouri State Line.
- T. 22 N., R. 17 W., secs. 1 to 18, inclusive.
- T. 22 N., R. 18 W., secs. 1 to 18, inclusive.
- Tps. 22 N., Rs. 23, 24, 25, and 26 W.,  
all.
- Tps. 23 N., Rs. 15, 16, 17, and 18 W.,  
all.
- T. 23 N., R. 23 W., secs. 19 to 36, inclusive.
- T. 23 N., R. 24 W., secs. 19 to 36, inclusive.
- Tps. 23 N., Rs. 25, and 26 W.,  
all.
- Tps. 24 N., Rs. 10, 11, 15, 16, 17, 18, and 19 W., (fractional)  
all.
- Tps. 25 N., Rs. 9, 10, and 11 W.,  
all.
- T. 25 N., R. 16 W., secs. 18 to 21, inclusive; and  
secs. 28 to 33, inclusive.
- T. 25 N., R. 17 W., secs. 13 to 36, inclusive.
- T. 25 N., R. 18 W., secs. 4 to 9, inclusive; and secs. 13 to 36,  
inclusive.
- Tps. 25 N., Rs. 19 and 20 W.,  
all.
- Tps. 26 N., Rs. 9, 10, and 11 W.,  
all.
- T. 26 N., R. 12 W., secs. 1 to 24, inclusive.

- T. 26 N., R. 18 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
- T. 26 N., R. 19 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; and secs. 19 to 36, inclusive.
- T. 26 N., R. 20 W., secs. 19 to 36, inclusive.
- Tps. 27 N., Rs. 10, 11, and 12 W., all.
- T. 31 N., R. 12 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 30, inclusive.
- T. 31 N., R. 13 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; and secs. 22 to 25, inclusive.
- Tps. 32 N., Rs. 10, 11, and 12 W., all.
- T. 32 N., R. 13 W., secs. 1 to 18, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
- T. 33 N., R. 9 W., sec. 6.
- Tps. 33 N., Rs. 10, 11, 12, and 13 W., all.
- T. 34 N., R. 9 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
- Tps. 34 N., Rs. 10, 11, 12, and 13 W., all.
- Tps. 35 N., Rs. 10, 11, 12, and 13 W., all.
- T. 36 N., R. 9 W., all.
- T. 36 N., R. 10 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
- T. 37 N., R. 9 W., all.
- T. 37 N., R. 10 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.

Rights, etc., re-  
served.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of land so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine,  
[SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

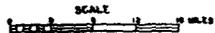
FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

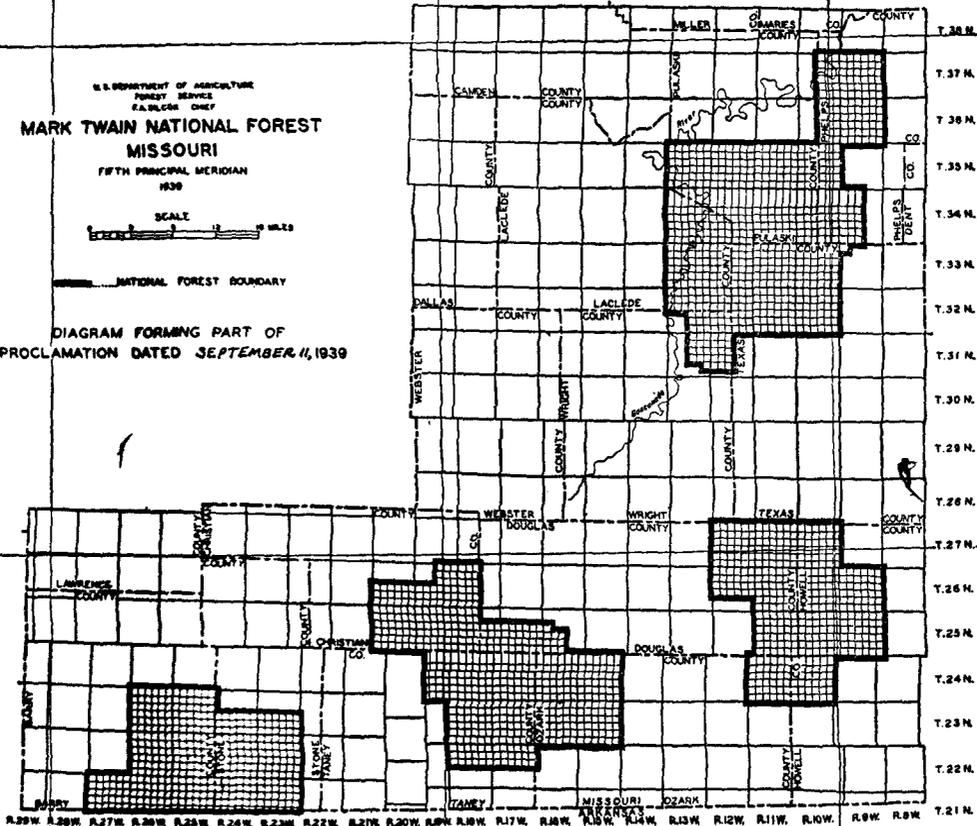
*Secretary of State.*

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
E. ALBURN CHIEF  
**MARK TWAIN NATIONAL FOREST**  
MISSOURI  
FIFTH PRINCIPAL MERIDIAN  
1939



NATIONAL FOREST BOUNDARY

DIAGRAM FORMING PART OF  
PROCLAMATION DATED SEPTEMBER 11, 1939



PREPARED IN REGIONAL OFFICE U.S.F.S.  
MILWAUKEE WISCONSIN FROM G.L.O. PLATS.

## CLARK NATIONAL FOREST—MISSOURI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 11, 1939  
[No. 2363]

## A PROCLAMATION

Preamble.

WHEREAS certain lands within the State of Missouri have been acquired or are in process of acquisition by the United States of America under authority of the act of March 1, 1911, c. 186, 36 Stat. 961 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933, 48 Stat. 195, 202 (U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115; and

16 U. S. C., Supp.  
V, § 585 (note).

WHEREAS it appears that it would be in the public interest to give such lands, together with certain intermingled public lands, a national-forest status:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Clark National Forest all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof, and (2) that all lands within such area which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Clark National Forest:

Clark National Forest, Mo., establishment.

Administration of lands acquired.

*Fifth Principal Meridian*

Description.

T. 23 N., R. 1 E., all.

T. 23 N., R. 2 E., secs. 4 to 9, inclusive; and secs. 16 to 18, inclusive.

T. 23 N., R. 1 W., all.

T. 24 N., R. 1 E., all.

T. 24 N., R. 2 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.

Tps. 24 N., Rs. 1, 2, and 3 W., all.

T. 25 N., R. 1 E., all.

T. 25 N., R. 2 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.

T. 25 N., R. 4 E., secs. 1 to 5, inclusive; secs. 8 to 17, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.

T. 25 N., R. 5 E., all.

T. 25 N., R. 6 E., secs. 1 to 18, inclusive, and sec. 24.

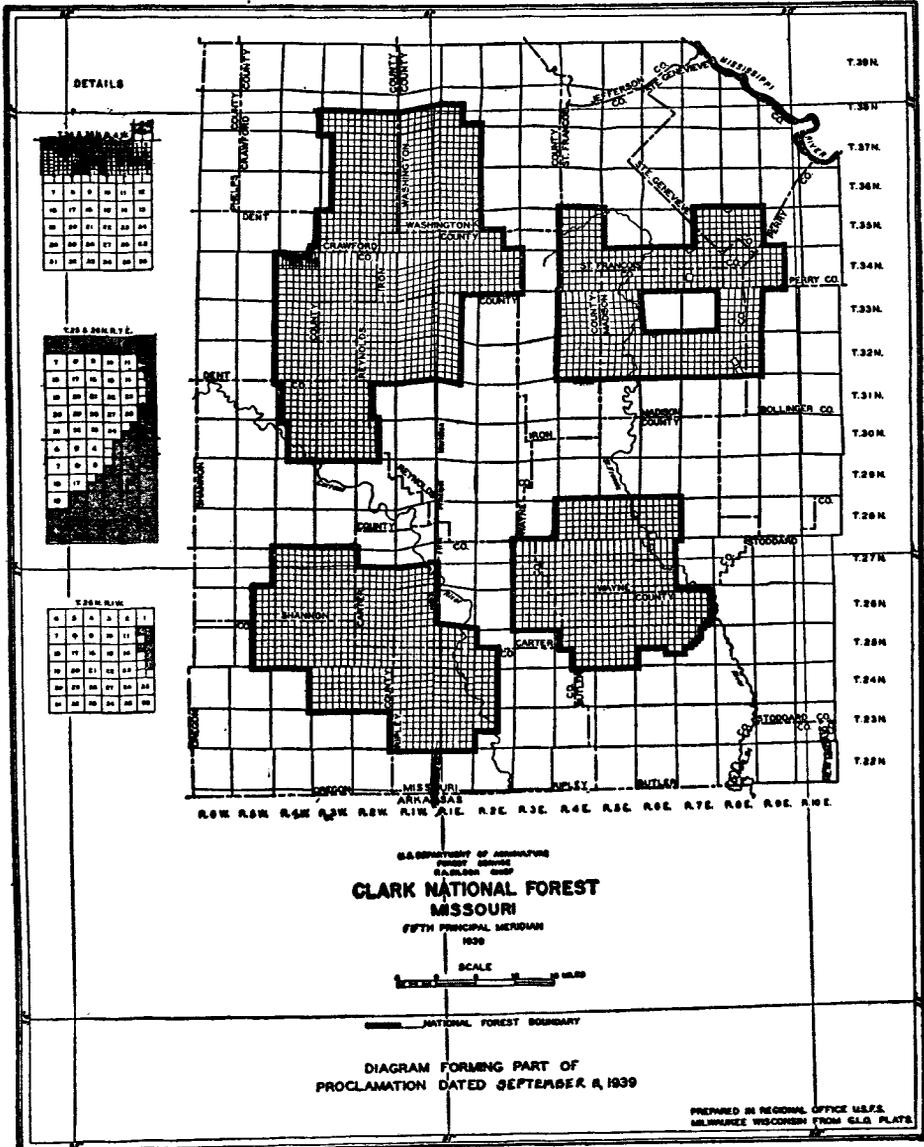
T. 25 N., R. 7 E., sec. 3, W½; secs. 4 to 9, inclusive; sec. 10, NW¼; sec. 16, NW¼; and secs. 17 to 19, inclusive.

Tps. 25 N., Rs. 1, 2, 3, and 4 W., all.

T. 25 N., R. 5 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.

Tps. 26 N., Rs. 3, 4, 5, and 6 E., all.

- T. 26 N., R. 7 E., secs. 7 to 11, inclusive; secs. 12, and 13, all that part west of St. Francis River; secs. 14 to 23, inclusive; sec. 24, all that part west of the St. Francis River; sec. 25, all that part north of St. Francis River; secs. 26 to 34, inclusive; and sec. 35, NW $\frac{1}{4}$ .
- T. 26 N., R. 1 W., secs. 1 to 11, inclusive; sec. 12, SW $\frac{1}{4}$ ; sec. 13, SW $\frac{1}{4}$ ; secs. 14 to 23, inclusive; sec. 24, NW $\frac{1}{4}$  and S $\frac{1}{2}$ ; and secs. 25 to 36, inclusive.
- Tps. 26 N., Rs. 2, 3, and 4 W., all.
- T. 26 N., R. 5 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
- Tps. 27 N., Rs. 3, 4, 5, and 6 E., all.
- Tps. 27 N., Rs. 1, and 2 W., secs. 19 to 36, inclusive.
- Tps. 27 N., Rs. 3, and 4 W., all.
- Tps. 28 N., Rs. 4, 5, and 6 E., all.
- T. 30 N., R. 2 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
- T. 30 N., R. 3 W., all.
- T. 30 N., R. 4 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.
- T. 31 N., R. 2 W., secs. 5 to 8, inclusive; secs. 17 to 20, inclusive; and secs. 29 to 32, inclusive.
- T. 31 N., R. 3 W., all.
- T. 31 N., R. 4 W., secs. 1 to 5, inclusive; secs. 8 to 17, inclusive; secs. 20 to 29, inclusive; and secs. 32 to 36, inclusive.
- T. 32 N., R. 1 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
- Tps. 32 N., Rs. 4, 5, 6, 7, and 8 E., all.
- Tps. 32 N., Rs. 1, 2, 3, and 4 W., all.
- T. 33 N., R. 1 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
- Tps. 33 N., Rs. 4, 5, and 8 E., all.
- Tps. 33 N., Rs. 1, 2, 3, and 4 W., all.
- Tps. 34 N., Rs. 1, 2, 4, 5, 6, 7, and 8 E., all.
- T. 34 N., R. 9 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; secs. 28 to 33, inclusive.
- Tps. 34 N., Rs. 1, 2, and 3 W., all.
- T. 34 N., R. 4 W., sec. 1, Lot 1, W $\frac{1}{2}$  Lot 2, Lots 6, and 7 of NE $\frac{1}{4}$ ; Lots 1, 2, 5, 6, and 7 of NW $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; sec. 2, Lots 1, 2, and W $\frac{1}{2}$  Lot 3 of NE $\frac{1}{4}$ ; Lots 1, 2, and W $\frac{1}{2}$  Lot 3 of NW $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; sec. 3, Lots 1, 2, 3, and 4 of NE $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; sec. 4, Lots 1, and 2 of NE $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; sec. 5, W $\frac{1}{2}$  Lot 4, W $\frac{1}{2}$  Lot 5 of NE $\frac{1}{4}$ ; Lots 1, 2, 3, and E $\frac{1}{2}$  Lot 4 of NW $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; sec. 6, Lots 1, 2, 3, 4, and W $\frac{1}{2}$  Lot 5 of NE $\frac{1}{4}$ ; Lots 1, 2, 3, 4, 5, 6, and 7 of NW $\frac{1}{4}$ ; and S $\frac{1}{2}$ ; secs. 7 to 36, inclusive.
- T. 35 N., R. 1 E., all.
- T. 35 N., R. 2 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.
- T. 35 N., R. 4 E., all.
- T. 35 N., R. 7 E., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; secs. 33 to 36, inclusive.
- T. 35 N., R. 8 E., all.
- Tps. 35 N., Rs. 1, 2, and 3 W., all.



T. 35 N., R. 4 W., sec. 36, S½.

T. 36 N., R. 1 E., all.

Tps. 36 N., Rs. 1, and 2 W., all.

T. 36 N., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.

T. 37 N., R. 1 E., all.

Tps. 37 N., Rs. 1, and 2 W., all.

T. 37 N., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.

T. 38 N., R. 1 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.

T. 38 N., R. 1 W., secs. 19 to 36, inclusive.

T. 38 N., R. 2 W., secs. 19 to 36, inclusive.

T. 38 N., R. 3 W., secs. 19 to 36, inclusive.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Rights, etc., reserved.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## GOLD STAR MOTHER'S DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

September 11, 1939  
[No. 2364]

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936 (49 Stat. 1895), recites:

Preamble.  
36 U. S. C., Supp.  
V, §§ 147, 148.

“Whereas the service rendered the United States by the American mother is the greatest source of the country’s strength and inspiration; and

“Whereas we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountainhead of the state; and

“Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

“Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;”

AND WHEREAS the said Public Resolution 123 provides:

“That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and

the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

"Sec. 2. That the last Sunday in September shall hereafter be designated and known as 'Gold Star Mother's Day', and it shall be the duty of the President to request its observance as provided for in this resolution."

Gold Star Mother's  
Day.  
Observance of Sun-  
day, September 24,  
1939, as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do request the observance of Sunday, September 24, 1939, as Gold Star Mother's Day, do direct the officials of the Government to have the flag of the United States displayed on all Government buildings, and do call upon the people of the United States to display the flag and to observe Gold Star Mother's Day in their homes, churches, and other suitable places as a public expression of their love and reverence for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

#### CONVENING THE CONGRESS IN EXTRA SESSION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

September 13, 1939  
[No. 2365]

Preamble.

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on Thursday, the Twenty-first day of September, 1939, to receive such communication as may be made by the Executive;

Convening Congress  
in extra session, Sep-  
tember 21, 1939.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on Thursday, the Twenty-first day of September, 1939, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

DONE at the City of Washington this 13<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## FIRE PREVENTION WEEK—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 26, 1939  
[No. 2366]

## A PROCLAMATION

WHEREAS, in spite of efforts to curtail the number of accidental fires in the United States, many lives are still lost each year as a result of fires which could have been prevented; and

WHEREAS the damage caused by fires in this country during 1937 has been estimated at approximately \$254,000,000, and the estimate for 1938 is in excess of \$265,000,000; and

WHEREAS a redoubled effort is necessary in order to lessen the serious menace to safety of life and the enormous waste of property that result from destructive fires:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 8, 1939, as Fire Prevention Week, and I request the appropriate public authorities, civic groups, educators, and others to cooperate in bringing to the attention of all the people the importance of taking measures to eliminate fire hazards, to abolish dangerous practices and procedures which may lead to the occurrence of needless fires, and to maintain a special alertness in every situation in which a destructive fire may occur.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of September in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Preamble.

Fire Prevention  
Week.  
Designation of week  
beginning October 8,  
1939, as.AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS<sup>1</sup>

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 28, 1939  
[No. 2367]

## A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the said Secretary by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, has adopted and submitted to me a regulation amending Regulation 4 of the Regulations approved by Proclamation No. 2345 of August 11, 1939, which he has determined to be a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention be-

Preamble.

16 U. S. C. § 704;  
Supp. V, § 704.53 Stat. 1431.  
5 U. S. C., Supp.  
V, § 133t (note).  
*Ante*, p. 2615.

30 Stat. 1703.

<sup>1</sup> This Proclamation affects Parts 1 and 2 of Title 50 of the Code of Federal Regulations.

tween the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, which said amendatory regulation is as follows:

50 Stat. 1311.

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED  
BY THE SECRETARY OF THE INTERIOR

Migratory Bird  
Treaty Act Regula-  
tions, amendment.  
18 U. S. C. § 704;  
Supp. V, § 704.

53 Stat. 1431.  
5 U. S. C., Supp.  
V, § 133t (note).

39 Stat. 1702.

50 Stat. 1311.

*Ante*, p. 2615.

Waterfowl, Wilson's  
snipe or jacksnipe,  
and coot, open sea-  
sons, etc.  
*Ante*, p. 2618; *post*,  
p. 2730.

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the Secretary of the Interior by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, I, E. K. BURLEW Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following amendment of the Regulations relating to migratory birds and certain game mammals approved and proclaimed August 11, 1939 (4 F. R. 3621 DI), as a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof:

The second and third paragraphs of the Subtitle "Waterfowl, Wilson's snipe or jacksnipe, and coot" of Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", are amended to read as follows:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in certain counties as hereinafter provided for), Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, West Virginia, and Wyoming, October 22 to December 5.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 27<sup>th</sup> day of September, 1939.

E. K. BURLEW  
*Acting Secretary of the Interior.*

AND WHEREAS upon consideration it appears that approval of the foregoing amendatory regulation will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulation.

Amendatory regula-  
tion approved and  
proclaimed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28<sup>th</sup> day of September, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 4, 1939

[No. 2368]

### A PROCLAMATION

WHEREAS we do honor to ourselves and our nation in honoring those sons of foreign nations who assisted in the establishment of the United States of America; and

Preamble.

WHEREAS one of these whose names we hold in high esteem is Count Casimir Pulaski, who met death on October 11, 1779, in consequence of his exploits in the assault upon Savannah; and

WHEREAS the Seventy-sixth Congress, by Public Resolution 29, approved on July 15, 1939, provided:

53 Stat. 1045.

"That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1939, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do direct that the flag be displayed upon all Government buildings on October 11, 1939, as a mark of respect to the memory of General Casimir Pulaski, and do hereby invite the people of the United States to observe that day as General Pulaski's Memorial Day and to participate with appropriate ceremonies in schools and churches or other suitable places in the commemoration of General Pulaski's death on October 11, one hundred and sixty years ago.

General Pulaski's  
Memorial Day.  
Observance of Octo-  
ber 11, 1939, as.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4<sup>th</sup> day of October, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## ARMISTICE DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 16, 1939

[No. 2369]

## A PROCLAMATION

Preamble.

WHEREAS twenty-one years ago, on November 11, 1918, the nations then engaged in the World War agreed to an armistice terminating hostilities; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), reads in part:

“That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples”

5 U. S. C., Supp. V,  
§ 87a.

and the act approved May 13, 1938 (52 Stat. 351), provides that “the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday”; and

WHEREAS, in the tragic situation in which the world finds itself today, with the destructive forces of war once again unleashed, it is appropriate for the people of the United States to reflect upon that hour of November 11, 1918, when the voices of war were silenced, and to look forward even now to a time when a just and enduring peace shall be established among all the peoples of the earth;

Armistice Day.  
Observance of No-  
vember 11, 1939, as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that on November 11, 1939, the flag of the United States be displayed on all Government buildings, and I invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of October, in the year of our Lord nineteen hundred and thirty-nine, and  
[SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT  
VIRGINIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 16, 1939

[No. 2370]

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on October 4, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan No. II, transmitted to the Congress May 9, 1939:

Preamble.

16 U. S. C. § 704;  
Supp. V, § 704.  
53 Stat. 1431.  
5 U. S. C., Supp. V.  
§ 133t (note).

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS  
AND WATERS ADJACENT TO THE BACK BAY MIGRATORY  
WATERFOWL REFUGE, VIRGINIA

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, there is hereby designated as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill, migratory birds is not permitted, all areas of land and water adjacent to the Back Bay Migratory Waterfowl Refuge, in Princess Anne County, Virginia, not now owned by the United States within the following-described exterior boundary:

Back Bay Migra-  
tory Waterfowl Re-  
fuge, Va.  
Regulation desig-  
nating certain lands  
and waters adjacent  
to, as closed area.

Beginning at a point S. 34°02' E., 35.18 chains, from U. S. C. & G. S. Triangulation Station "Club", and about one-half mile south of the Little Island Coast Guard Station, on the Atlantic Ocean shore, marked with a U. S. Biological Survey standard concrete post;

Description.

Thence along the Atlantic Ocean shore, with the meanders thereof,

- S. 23°58' E., 36.61 chains;
- S. 18°50' E., 10.24 chains;
- S. 24°52' E., 10.24 chains;
- S. 24°07' E., 10.57 chains;
- S. 25°15' E., 10.43 chains;
- S. 24°59' E., 11.61 chains;
- S. 24°32' E., 24.70 chains;
- S. 24°01' E., 11.15 chains;
- S. 22°26' E., 11.64 chains;
- S. 20°07' E., 14.49 chains;
- S. 22°15' E., 23.54 chains;
- S. 19°20' E., 12.11 chains;
- S. 22°37' E., 23.71 chains;
- S. 22°51' E., 22.14 chains;
- S. 18°44' E., 10.62 chains;
- S. 24°19' E., 11.05 chains;
- S. 17°52' E., 10.90 chains;
- S. 19°22' E., 11.05 chains;
- S. 17°56' E., 10.68 chains;
- S. 14°40' E., 22.66 chains;
- S. 19°57' E., 12.19 chains;
- S. 17°02' E., 9.79 chains;
- S. 20°26' E., 7.51 chains, to a point;

Thence inland,  
S. 87°59' W., 97.21 chains, to a point on the east shore of Sand Bay;

Thence in Sand Bay,  
West, to a point 22.73 chains east of the eastern edge of the Ragged Islands;

Southerly, with a line parallel to, and easterly 22.73 chains distant from, the eastern edge of the Ragged Islands;

West, 22.73 chains, to the southernmost point of the Ragged Islands;

Thence in Back Bay,  
Northwesterly, approximately 190.00 chains, to the southwestern extremity of Haul Over Island at Rocky Point;

Thence in Red Head Bay,  
Northeasterly, approximately 16.00 chains, to the northwestern extremity of Haul Over Island, near North Point on said island;

Northeasterly, approximately 78.00 chains, to Heaven Point on the Ragged Islands;

Northwesterly, approximately 42.00 chains, to the southwestern extremity of a marshy island lying southwest of Long Island, and immediately north of Little Narrows;

Northerly, approximately 37.00 chains, to a point on the western edge of a marshy island lying west of Long Island, and east of Great Narrows;

Thence across Great Narrows,  
Westerly, approximately 23.00 chains to a point on the eastern edge of a marshy island bounded by Great Cove, Great Narrows, Red Head Bay, and Long Point Creek;

Thence along the eastern edge of said island with the meanders thereof,

S. 34°47' W., 3.43 chains;

S. 13°21' E., 2.80 chains;

S. 12°59' W., 2.70 chains;

S. 6°45' E., 3.80 chains;

S. 27°28' W., 4.00 chains;

S. 2°26' E., 2.73 chains;

S. 24°00' W., 1.12 chains;

S. 41°31' E., 1.88 chains;

S. 56°11' W., 1.44 chains;

S. 30°42' W., 3.09 chains;

S. 56°50' W., 2.90 chains, to a point on the southeastern extremity of said island;

Thence in Red Head Bay,  
Westerly, approximately 34.00 chains, to the southwestern extremity of Long Point Island;

Northwesterly, approximately 43.00 chains, to a point on East Head Bay Point, at the entrance to Head Bay Cove;

Thence across Head Bay Cove,  
Northwesterly, approximately 11.00 chains, to a point on West Head Bay Point;

Thence across marsh,  
N. 80°35' W., 43.24 chains, to a point in the line between marsh and fast land;

Thence between marsh and fast land,

N. 23°17' E., 11.16 chains;

N. 16°29' W., 11.90 chains;

N. 1°57' W., 2.35 chains;

N. 12°58' E., 6.95 chains;

N. 2°04' E., 2.05 chains;  
 N. 25°44' W., 2.47 chains;  
 N. 7°38' E., 10.63 chains;  
 N. 25°14' W., 0.56 chain, to a point;  
 Thence across marsh,  
 S. 73°22' E., 34.50 chains;  
 S. 74°04' E., 16.02 chains;  
 N. 8°00' E., 5.92 chains, to a point on the west shore of  
 Cedar Creek Cove;  
 Thence along west shore of said Cove,  
 Northerly, approximately 2.50 chains, to a point;  
 Thence across marsh,  
 N. 8°00' E., 5.83 chains;  
 N. 18°35' W., 4.68 chains, to a point on the southeast  
 shore of Sylvesters Cove;  
 Thence along the shore of Sylvesters Cove, with the  
 meanders thereof,  
 N. 22°39' E., 2.56 chains;  
 N. 82°05' E., 2.44 chains;  
 S. 78°03' E., 3.32 chains, to a point on the west bank at  
 the mouth of ditch connecting said cove and Cedar Creek  
 Cove;  
 Thence across said ditch,  
 Northeasterly, approximately 0.50 chain, to a point on the  
 south shore of Shipp's Bay;  
 Thence in Shipp's Bay,  
 Northeasterly, approximately 19.00 chains, to a point on  
 the north bank at the mouth of Kemps Creek, at Shipp's Bay;  
 Thence along the shore of Shipp's Bay with the meanders  
 thereof,  
 N. 22°06' E., 5.39 chains;  
 N. 39°34' E., 1.75 chains;  
 N. 60°47' E., 9.07 chains;  
 N. 28°05' E., 2.80 chains;  
 N. 36°40' E., 3.07 chains;  
 N. 1°27' E., 2.61 chains;  
 N. 12°15' E., 1.74 chains;  
 N. 89°05' E., 5.82 chains;  
 Thence in Shipp's Bay,  
 Northeasterly, approximately 35.00 chains, to the north-  
 western extremity of Augers Island Bend;  
 Northeasterly, approximately 25.00 chains, to the most  
 northerly point of Walkers Island Point;  
 Northeasterly, approximately 102.00 chains, to the most  
 northerly point of Long Island at the mouth of Deep Creek;  
 Thence across Deep Creek,  
 Easterly, approximately 22.00 chains, to a point on the  
 east shore at the mouth of Deep Creek at Shipp's Bay;  
 Thence across marsh and sand flats,  
 East, 25.22 chains, to the point of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.

Regulation approved and proclaimed.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of October in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President,  
CORDELL HULL  
*Secretary of State.*

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES  
BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

October 18, 1939  
[No. 2371]

Preamble,  
*Post*, p. 2673.

WHEREAS section 8 of the Joint Resolution approved August 31, 1935, as amended by the Joint Resolution approved May 1, 1937 (50 Stat. 127; U. S. C., Sup. IV, title 22, sec. 245e), provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.”

WHEREAS there exists a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

WHEREAS the United States of America is neutral in such war;

Finding.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 8 of the Joint Resolution approved August 31, 1935, as amended by the Joint Resolution approved May 1, 1937, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and its citizens, and to promote the security of the United States;

Use of U. S. ports or territorial waters restricted.

AND I do further declare and proclaim that it shall hereafter be unlawful for any submarine of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, or the

Union of South Africa, to enter ports or territorial waters of the United States, exclusive of the Canal Zone, except submarines of the said belligerent states which are forced into such ports or territorial waters of the United States by *force majeure*; and in such cases of *force majeure*, only when such submarines enter ports or territorial waters of the United States while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels. Such submarines may depart from ports or territorial waters of the United States only while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels.

Exception.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

Officers to prevent violations.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

Continuance in effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 18<sup>th</sup> day of October, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

ENLARGING THE BLACK CANYON OF THE GUNNISON NATIONAL  
MONUMENT  
COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 28, 1939  
[No. 2872]

## A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Black Canyon of the Gunnison National Monument in Colorado are required for the proper care, protection and management of the objects of scientific interest situated on lands within the said monument; and

Preamble.

WHEREAS it appears that it would be in the public interest to reserve the aforesaid lands as a part of the said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906 (ch. 3060, 34 Stat. 225; U. S. C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in Colorado are hereby added to and made a part of the Black Canyon of the Gunnison National Monument:

Black Canyon of the Gunnison National Monument, Colo., lands added.

*New Mexico Principal Meridian*

Description.

T. 49 N., R. 7 W., sec. 2, SW $\frac{1}{4}$ ;  
sec. 3, lots 1, 2, 7 and 8;  
sec. 5, lots 4, 5 and 12;  
sec. 6, lots 1, 2, 7, 8, 9 and 10;

T. 50 N., R. 7 W., sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 sec. 31, SE $\frac{1}{4}$ ;  
 T. 50 N., R. 8 W., sec. 8, All;  
 sec. 9, W $\frac{1}{2}$   
 sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 sec. 15, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 sec. 16, NW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
 sec. 23, NW $\frac{1}{4}$ ;  
 sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

containing 2760 acres more or less.

Warning against unauthorized acts.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Supervision, etc.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

16 U. S. C., Supp. V, §§ 1, 2.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28<sup>th</sup> day of October, in the year of our Lord nineteen hundred and thirty-nine and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President  
 CORDELL HULL  
*The Secretary of State.*

### THANKSGIVING DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

Thanksgiving Day.  
 Designation of  
 Thursday, Novem-  
 ber 23, 1939, as.

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Thursday, the twenty-third of November 1939, as a day of general thanksgiving.

More than three centuries ago, at the season of the gathering in of the harvest, the Pilgrims humbly paused in their work and gave thanks to God for the preservation of their community and for the abundant yield of the soil. A century and a half later, after the new Nation had been formed, and the charter of government, the Constitution of the Republic, had received the assent of the States, President Washington and his successors invited the people of the Nation to lay down their tasks one day in the year and give thanks for the blessings that had been granted them by Divine Providence. It is fitting that we should continue this hallowed custom and select a day in 1939 to be dedicated to reverent thoughts of thanksgiving.

Our Nation has gone steadily forward in the application of democratic processes to economic and social problems. We have faced the specters of business depression, of unemployment, and of widespread agricultural distress, and our positive efforts to alleviate these condi-

tions have met with heartening results. We have also been permitted to see the fruition of measures which we have undertaken in the realms of health, social welfare, and the conservation of resources. As a Nation we are deeply grateful that in a world of turmoil we are at peace with all countries, and we especially rejoice in the strengthened bonds of our friendship with the other peoples of the Western Hemisphere.

Let us, on the day set aside for this purpose, give thanks to the Ruler of the Universe for the strength which He has vouchsafed us to carry on our daily labors and for the hope that lives within us of the coming of a day when peace and the productive activities of peace shall reign on every continent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31<sup>st</sup> day of October, in the year of our Lord nineteen hundred and thirty-nine, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND FRANCE;  
POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA,  
NEW ZEALAND AND THE UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 4, 1939

[No. 2374]

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

Preamble.  
*Ante*, p. 4.  
22 U. S. C., Supp.  
V, § 245 j.

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

*Ante*, p. 11.  
22 U. S. C., Supp.  
V, § 245 j-12.

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

Proclamation of  
state of war between  
designated powers.

Officers to prevent violations.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Delegation of powers to Secretary of State.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

Revocation of designated proclamations.

*Ante*, pp. 2635, 2644, 2653.

And I do hereby revoke my proclamations nos. 2349, 2354 and 2360 issued on September 5, 8, and 10, 1939, respectively, in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand; to the Union of South Africa; and to Canada.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

WHEREAS the United States of America is neutral in such war;

November 4, 1939

[No. 2375]

Preamble.

*Ante*, p. 9.

22 U. S. C., Supp. V, § 245-10.

*Post*, pp. 2699, 2705, 2707, 276A.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and its citizens, and to promote the security of the United States;

AND I do further declare and proclaim that it shall hereafter be unlawful for any submarine of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, or the Union of South Africa, to enter ports or territorial waters of the United States, exclusive of the Canal Zone, except submarines of the said belligerent states which are forced into such ports or territorial waters of the United States by *force majeure*; and in such cases of *force majeure*, only when such submarines enter ports or territorial waters of the United States while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels. Such submarines may depart from ports or territorial waters of the United States only while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

AND I do hereby revoke my Proclamation No. 2371 issued by me on October 18, 1939, in regard to the use of ports or territorial waters of the United States by submarines of foreign belligerent states.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

## DEFINITION OF COMBAT AREAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

“(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires,

Finding.

*Ante*, p. 9.

Use of U. S. ports or territorial waters restricted.

Exception.

Officers to prevent violations.

Revocation of previous proclamation.  
*Ante*, p. 2668.

Continuance in effect.

November 4, 1939  
[No. 2376]

Preamble.  
*Ante*, p. 7.  
22 U. S. C., Supp.  
V, § 245-2.  
*Post*, pp. 2668, 2708.

he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

“(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

*Ante*, p. 11.  
22 U. S. C., Supp.  
V, § 245j-12.

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby find that the protection of citizens of the United States requires that there be defined a combat area through or into which it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

Definition of combat  
area.

AND I do hereby define such combat area as follows:

All the navigable waters within the limits set forth hereafter.  
Beginning at the intersection of the North Coast of Spain with the meridian of 2°45' longitude west of Greenwich;  
Thence due north to a point in 43°54' north latitude;  
Thence by rhumb line to a point in 45°00' north latitude; 20°00' west longitude;  
Thence due north to 58°00' north latitude;  
Thence by a rhumb line to latitude 62° north, longitude 2° east;  
Thence by rhumb line to latitude 60° north, longitude 5° east;  
Thence due east to the mainland of Norway;  
Thence along the coastline of Norway, Sweden, the Baltic Sea and dependent waters thereof, Germany, Denmark, the Netherlands, Belgium, France and Spain to the point of beginning.

Officers to prevent  
violations.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

Secretary of State  
empowered to promulgate rules, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth, at 3 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

RELATING TO CERTAIN LAWS OF THE COMMONWEALTH  
OF THE PHILIPPINES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 12, 1939

[No. 2377]

A PROCLAMATION

WHEREAS section 7(a) of the act of August 7, 1939, 53 Stat. 1226, 1233, provides, in part:

Preamble.  
48 U. S. C., Supp.  
V, § 1236 (note).

Sections 1 to 5, inclusive, of this amendatory Act shall become effective on January 1, 1940, if before that date—

(1) Subsection 5 of section 1 of the Ordinance Appended to the Constitution of the Philippines shall have been amended in the manner now provided by law, by changing the final period of said subsection to a comma, and by adding thereto the words: "as amended by the Act of Congress of the United States approved (followed by the date of the approval of this amendatory Act)", and section 3 of the said ordinance shall have been amended by inserting immediately after the words "approved March 24, 1934" the same amendatory language mentioned above.

(2) The President of the United States shall have found and proclaimed that the Philippine Government has enacted, subsequent to the adoption of the amendments to the Constitution of the Philippines (as provided in subdivision (1) of this subsection), a law relating to export taxes (as provided in section 1), and has retained those Philippine laws relating to sinking-fund and currency matters which were in effect on May 20, 1938.

WHEREAS amendments to the Constitution of the Philippines have been adopted as provided in the said act of August 7, 1939, which amendments were approved by me on November 10, 1939;

Amendments to  
Constitution of Phil-  
ippines.

WHEREAS the Government of the Commonwealth of the Philippines on November 14, 1939, enacted a law relating to export taxes, as provided in the said act of August 7, 1939, which law I have approved this date; and

Law relating to ex-  
port taxes.

WHEREAS the Government of the Commonwealth of the Philippines has retained those laws relating to sinking-fund and currency matters which were in effect on May 20, 1938:

Conditions declared  
fulfilled.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority in me vested by section 7(a) of the said act of August 7, 1939, do hereby find and proclaim that the Government of the Commonwealth of the Philippines has enacted, subsequent to the adoption of the above-mentioned amendments to the Constitution of the Philippines, a law relating to export taxes as provided in the said act of August 7, 1939, and has retained those Philippine laws relating to sinking-fund and currency matters which were in effect on May 20, 1938.

DONE at the City of Washington this Twelfth day of December in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## REMOVING SUSPENSION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

“Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. \* \* \*”; and

WHEREAS by proclamation issued September 11, 1939, I found and proclaimed that a national economic emergency existed with respect to sugar and suspended the operation of title II of that Act: NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that the facts which occasioned such suspension no longer exist and do by this proclamation remove the suspension of the operation of title II of that Act with respect to the calendar year 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of December in the year of our Lord nineteen hundred and thirty-nine, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

December 26, 1939  
[No. 2378]

Preamble.  
50 Stat. 916.  
7 U. S. C., Supp. V,  
§ 1179.

*Ante*, p. 2654.

50 Stat. 904.  
7 U. S. C., Supp. V,  
§§ 1111-1122.

Suspension re-  
moved, for calendar  
year 1940.

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 29, 1939

[No. 2379]

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 997), provides:

Preamble.  
46 U. S. C. § 877;  
Supp. V, § 877.  
*Ante*, p. 2627, *post*,  
p. 2767.

“That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: PROVIDED, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor \* \* \*”;

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section;

Canton Island, shipping service.

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by Proclamation No. 2346 of August 21, 1939, the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1940, and the extension of the coastwise laws of the United States to the Island was deferred to that date:

*Ante*, p. 2627.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the aforesaid Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is further extended to January 1, 1941, and that the extension of the coastwise laws of the United States to Canton Island is further deferred to January 1, 1941.

Establishment of service, time extended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Deferment of extension of coastwise laws of U. S.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and thirty-nine, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## ENLARGING OLYMPIC NATIONAL PARK—WASHINGTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

January 2, 1940  
[No. 2380]

Preamble.  
16 U. S. C., Supp.  
V, §§ 261-265.

WHEREAS the act of June 29, 1938, (ch. 812, 52 Stat. 1241), established the Olympic National Park in the State of Washington, and authorizes the enlargement thereof by proclamation under the terms and conditions set forth in said act; and

WHEREAS it is deemed advisable to add certain lands as hereinafter described to the said park; and

WHEREAS the terms and conditions of section 5 of the said Act of June 29, 1938 have been fully complied with:

52 Stat. 1242,  
16 U. S. C., Supp.  
V, § 265.  
Lands added to  
Olympic National  
Park, Wash.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 5 of the aforesaid act of June 29, 1938, do proclaim that subject to all valid existing rights, the following described lands, in the State of Washington, are hereby added to and made a part of the Olympic National Park:

Description.

*Willamette Meridian—Washington*

- T. 25 N., R. 4 W. Secs. 2, 3, 4, 9, 10, 11, 15, 16, 21, those parts of Secs. 1, 12 and 13 west of a line between the south peak of The Brothers and Mt. Constance and those parts of Secs. 14, 22, 23, 27, 28 and 33 west of a line connecting the south peak of The Brothers and the southeast corner of Sec. 32 (unsurveyed).
- T. 26 N., R. 4 W. Secs. 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35 and those parts of Secs. 13, 24, 25 and 36 west of a line connecting the south peak of The Brothers and Mt. Constance (unsurveyed).
- T. 28 N., R. 4 W. Secs. 6 and 7 (unsurveyed).
- T. 29 N., R. 4 W. Sec. 31 (unsurveyed).
- T. 23 N., R. 5 W. Sec. 3  $W\frac{1}{2}W\frac{1}{2}$ , Sec. 4 All (unsurveyed).
- T. 24 N., R. 5 W. Secs. 4 to 9, 16 to 21, 28 to 33, inclusive (unsurveyed).
- T. 28 N., R. 5 W. Secs. 1 to 3, inclusive (unsurveyed).
- T. 29 N., R. 5 W. Secs. 21 to 28, 35 and 36 (unsurveyed).
- T. 24 N., R. 6 W. Secs. 1, 2, 11 to 14, 23 to 26, 35 and 36 (unsurveyed).
- T. 28 N., R. 6 W. Secs. 2 to 6, inclusive (unsurveyed).
- T. 29 N., R. 6 W. Secs. 4 to 9, 16 to 21, 29 to 34, inclusive (partly surveyed).
- T. 30 N., R. 6 W. Sec. 15  $NW\frac{1}{4}NE\frac{1}{4}$ , except the following described portions thereof:

Beginning at the quarter section post between sections 10 and 15; thence South along the West line of said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$ , Section 15, for a distance of 208.7 feet; thence East on a line parallel to the North line of said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  Section 15 for a distance of 208.7 feet; thence North on a line parallel to the West line of said  $NW\frac{1}{4}$  of the  $NE\frac{1}{4}$  Section 15, to the South line of Tax No. 260; thence Westerly along the South line of Tax No. 260 to the place of beginning, being one acre, more or less. (Shown on the County Assessor's Rolls as Tax No. 1058)

Beginning at the SW corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , Section 15; thence easterly along the southerly line of said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , 827 feet; thence at right angles northerly 206 feet; thence at right angles westerly 360 feet; thence at right angles southerly 194 feet; thence at right angles westerly 467 feet to the westerly line of said NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence southerly 10 feet to the point of beginning.

Beginning at the quarter section post between Sections 10 and 15; thence in an easterly direction along the section line 1327.2 ft.; thence S. 00°57'25'' W. 30 feet; thence west on a line parallel with the section line 734 feet; thence in a straight line to the beginning.

- T. 23 N., R. 7 W. Secs. 5, 6 and those parts of Secs. 3, 4, 7, 8 and 9 north of the divide between Quinault River and Humptulips and Wynoochee Rivers (unsurveyed).
- T. 28 N., R. 7 W. Secs. 1 to 4 (unsurveyed).
- T. 29 N., R. 7 W. All (partly surveyed).
- T. 23 N., R. 8 W. Secs. 1, 2, 3 and those parts of Secs. 10, 11 and 12 north of the divide between Quinault and Humptulips Rivers (unsurveyed).
- T. 24 N., R. 8 W. Secs. 19 to 27, 34 to 36 and those parts of Secs. 28, 29, 30 and 33 north of Quinault River (partly surveyed).
- T. 29 N., R. 8 W. Secs. 1 to 5, 8 to 17, 22 to 27, 34 to 36, inclusive (unsurveyed).
- T. 23 N., R. 9 W. Secs. 3, 4, 5, E $\frac{1}{2}$  and SW $\frac{1}{4}$  Sec. 6, Secs. 7, 8, 18 and those parts of Secs. 2, 9 and 10 west and north of Quinault River.
- T. 24 N., R. 9 W. Secs. 22, 23, 24, 26, 27, 34, 35 and those parts of Secs. 25 and 36 north and west of Quinault River.
- T. 30 N., R. 9 W. Those parts of Secs. 19, 20, 21 and 22 south of the divide between Lyre and Twin Rivers and Lake Crescent, (partly surveyed).
- T. 23 N., R. 10 W. S $\frac{1}{2}$  Secs. 1 and 2, Secs. 11 to 14, and lots 1, 2, 3, 4 in Sec. 23.
- T. 24 N., R. 10 W. Those parts of Secs. 3, 4, 5 and 6 north of Sams River (unsurveyed).
- T. 25 N., R. 10 W. Secs. 12, 13, E $\frac{1}{2}$  and SW $\frac{1}{4}$  Sec. 14, S $\frac{1}{2}$  Sec. 15, S $\frac{1}{2}$  Sec. 21, Secs. 22 to 28, Sec. 36 and those parts of Secs. 33, 34 and 35 north of Sams River.
- T. 27 N., R. 10 W. Secs. 7 to 11, 14 to 18, 20 to 23, Sec. 26 and N $\frac{1}{2}$  of Secs. 27, 28 and 29.
- T. 28 N., R. 10 W. That part of Sec. 1 east of Alckee Creek; those parts of Secs. 4, 5 and of the N $\frac{1}{2}$  of Secs. 7, 8, 9 and 10 south of the divides between Soleduck and Calawah Rivers and between Sitkum and South Fork Calawah Rivers, N $\frac{1}{2}$  of section 12 (unsurveyed).
- T. 29 N., R. 10 W. Secs. 1, 2 and 12 except those parts south and west of Soleduck River; those parts of Secs. 32 and 33 south of the divides between Soleduck and Calawah Rivers and between Sitkum and South Fork Calawah Rivers; those parts of Secs. 25 and 36 east of Alckee Creek (partly surveyed).

- T. 30 N., R. 10 W. That part of Sec. 13 south of divide between East Twin River and Lake Crescent, Sections 24, 25, 36; sections 23, 26, 27 and 28 except those parts lying north and west of the Olympic Highway and Soleduck Road and Sections 33, 34 and 35 except those parts south and west of the Soleduck River (partly surveyed).
- T. 27 N., R. 11 W. Secs. 7 to 13, N½ of Secs. 14 and 15, Sec. 16, N½ Sec. 17 (partly surveyed).
- T. 28 N., R. 11 W. Those parts of Secs. 12, 13, 14, 15, 16, 17 and 18 south of the divide between Sitkum and South Fork Calawah Rivers, Secs. 19 to 36, inclusive (partly surveyed).
- T. 27 N., R. 12 W. N½ Sec. 10, N½ and SE¼ Sec. 11 and Sec. 12.
- T. 28 N., R. 12 W. Those parts of Secs. 10, 11, 12 and 13 south of the divide between Sitkum and South Fork Calawah Rivers; Secs. 14, 15, 22 to 27, 34, 35 and 36, also that part of Section 10 south of the South Fork Calawah River, containing approximately 187,411 acres.

Administration, etc.

The administration, protection, and development of the lands within this area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof, and to all other laws, rules, and regulations applicable to the said park.

16 U. S. C., Supp. V, §§ 1, 1a, 2

Existing rights not affected.

Nothing herein contained shall affect any valid existing claim, location, or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 2<sup>d</sup> day of January, in the year of our Lord nineteen hundred and forty and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

GOLDEN GATE INTERNATIONAL EXPOSITION  
SAN FRANCISCO, CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.

WHEREAS there has been in progress at San Francisco, California, during the year 1939, an international exposition which had for its purpose the celebration of the completion of the San Francisco-Oakland Bridge and the Golden Gate Bridge, and which was designed to depict and exhibit the progress and accomplishments of the Pacific

area of the United States in science, industry, business, transportation, and culture, and which, because of its world character, has contributed to cordial relations among the nations of the world; and

WHEREAS it has been made evident that through the medium of the Golden Gate International Exposition peaceful intercourse between nations has been promoted and the exchange of ideas, experience, and technical knowledge between many parts of the earth has been encouraged; and

WHEREAS, especially at the present time, it is fitting and proper that the ideal of harmonious intercourse be firmly maintained as offering the only hope of progress and peace; and

WHEREAS a Joint Resolution of Congress, approved June 15, 1936, reads in part as follows:

49 Stat. 1518.

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

AND WHEREAS by proclamation dated the sixteenth day of November, 1936, in compliance with the aforesaid Joint Resolution, I invited the participation of the nations in the Golden Gate International Exposition and many nations have participated therein:

50 Stat. 1797.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do invite the nations which have participated in the said Golden Gate International Exposition during the year 1939 to continue their participation therein during the calendar year 1940, or such part thereof as may seem appropriate.

Continued participation in 1940 invited.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of January in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 13, 1940

[No. 2382]

### A PROCLAMATION

WHEREAS the exigencies of international conflict may be expected to deter travel by American citizens to the areas involved, and

Preamble.

WHEREAS no such deterrent to travel exists among the friendly nations of the Western Hemisphere, and

WHEREAS it is important that we in the Americas further consolidate our unity by a better knowledge of our own and each others' countries through the instrumentality of travel, and

WHEREAS the facilities of the Government of the United States may well be devoted to the encouragement of so laudable a program

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim 1940 as TRAVEL AMERICA YEAR and do invite our own citizens, and friends from other lands, to join in a great travel movement, so that our peoples may be drawn even more closely together in sympathy and understanding.

Travel America  
Year—1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this thirteenth day of January in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT  
MARYLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 24, 1940

[No. 2383]

A PROCLAMATION

Preamble.  
16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.  
5 U. S. C., Supp. V, § 133t (note).

WHEREAS the Acting Secretary of the Interior has submitted to me for approval the following regulation adopted by him on December 12, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

Regulation designating additions to Susquehanna Migratory Waterfowl Closed Area, Md.

REGULATION DESIGNATING CERTAIN PARTS OF BUSH RIVER AND OF CHESAPEAKE BAY AS ADDITIONS TO THE SUSQUEHANNA MIGRATORY WATERFOWL CLOSED AREA, MARYLAND

16 U. S. C., Supp. V, § 704.

*Ante*, p. 2628.

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431), there are hereby designated as closed areas, additions to the Susquehanna Migratory Waterfowl Closed Area established by Proclamation No. 2347, of August 24, 1939, in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill migratory birds is not permitted, two areas of land and water, being a part of Bush River and parts of Chesapeake Bay, in Harford County, Maryland, bounded as follows:

Bush River Unit.

*Bush River Unit*

Beginning at the south corner of the United States Army Reservation, Aberdeen, Maryland, in Chesapeake Bay, 105 yards (approximate) from the south end of Pooles Island;

Thence northwesterly 280 yards (approximate) in Chesapeake Bay with the southwest boundary of the United States Army Reservation;

Thence N. 2½° W., 3,170 yards (approximate) in Chesapeake Bay, to a corner 440 yards distant east of the shore at Robins Point, at the south end of Gunpowder Neck;

Thence northerly in Chesapeake Bay with a line parallel to and 440 yards distant offshore from the east side of Gunpowder Neck passing Fords Point, to the mouth of Bush River at Lego Point;

Thence northerly in Bush River with a line parallel to and 440 yards distant offshore from Gunpowder Neck passing Sandy Point, to a corner which bears N. 46° E. (approximate), 440 yards distant offshore from Briery Point;

Thence S. 46° W. (approximate), 440 yards to the shore line at Briery Point, on Gunpowder Neck;

Thence in a general northerly direction with the shore line of Bush River along the east side of Gunpowder Neck, around Doves Cove, passing Wilson Point and Beach Point, around the cove of Kings Creek, passing Tapler Bar and Eagle Point, and around the cove of Lauderick Creek to a corner in the north boundary of the United States Army Reservation at Fairview Point;

Thence N. 56° E. (approximate) crossing Bush River to the mouth of Sod Run;

Thence in a general southerly direction with the east shore line of Bush River, passing Chilbury Point, Pond Point, and around Redmon Cove to a point of land 1,060 yards (approximate) north of Bush Point;

Thence S. 46° W., 710 yards (approximate) on a line toward Briery Point, to a corner 440 yards from the east shore line of Bush River;

Thence southeasterly in Bush River with a line parallel to and 440 yards distant from the east shore line of the river, passing Bush Point to a corner 440 yards south of Abbey Point;

Thence northeasterly in Chesapeake Bay, with a line parallel to and 440 yards offshore, passing the mouth of Romney Creek, the mouth of Delph Creek, and Stony Point to a corner in the southeast boundary of the United States Army Reservation 440 yards distant offshore, near Cherry Tree Point, in Chesapeake Bay;

Thence southwesterly in Chesapeake Bay with the southeast boundary of the United States Army Reservation, to the place of beginning.

*Phosphorous Area Unit*

Phosphorous Area Unit.

Beginning at a corner on the shore line at the west side of the south end of Spesutie Narrows about 880 yards south of Mulberry Point, which corner bears S. 46° E., 530 yards (approximate) from the tower located near Mulberry Point;

Thence in Chesapeake Bay,

S. 26° E., 1,400 yards (approximate);

S. 70° W., 400 yards (approximate);

N. 26° W., 1,070 yards (approximate), to a corner on the shore line of Chesapeake Bay, about 530 yards north of Black Point;

Thence northerly with the shore line of Chesapeake Bay, to the place of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Acting Secretary of the Interior.

Regulation approved and proclaimed.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24<sup>th</sup> day of January in the year of our Lord nineteen hundred and forty and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
Secretary of State.

## ENLARGING THE HURON NATIONAL FOREST—MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

January 31, 1940

[No. 2384]

## A PROCLAMATION

## Preamble.

WHEREAS certain lands within or adjacent to the Huron National Forest in the State of Michigan have been acquired or are in process of acquisition by the United States under authority of the act of March 1, 1911, 36 Stat. 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U. S. C., title 16, sec. 515), the act of March 31, 1933, 48 Stat. 22 (U. S. C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933, 48 Stat. 202 (U. S. C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115; and

WHEREAS it appears that the said lands and certain intermingled public lands are suitable for national-forest purposes, and that it would be in the public interest to reserve them as part of the said Huron National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power in me vested by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34 (U. S. C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that all lands of the United States within the following-described boundaries, as shown on the diagram attached hereto and made a part hereof, are hereby included in and reserved as part of the Huron National Forest in the State of Michigan; and (2) that all lands within such boundaries which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Forest:

*Michigan Meridian*

T. 22 N., R. 8 E., secs. 4 and 9; secs. 13 to 16 inclusive.

T. 22 N., R. 9 E., sec. 18.

T. 23 N., R. 7 E., S½ sec. 13; sec. 24; NE¼ sec. 25.

T. 23 N., R. 8 E., S½ sec. 16; secs. 21 and 28; E½E½ sec. 29; sec. 33.

T. 24 N., R. 3 E., secs. 7, 8, 17 and 18; N½NE¼ sec. 23; N½NW¼ sec. 24.

T. 24 N., R. 4 E., secs. 19 to 30 inclusive.

T. 24 N., R. 5 E., secs. 31 to 35 inclusive.

T. 25 N., R. 2 W., all.

T. 25 N., R. 8 E., secs. 2 to 11 inclusive; secs. 14 to 18 inclusive.

T. 26 N., R. 2 W., all that part lying south of the Middle Branch Au Sable River.

T. 26 N., R. 8 E., secs. 3 to 10 inclusive; secs. 14 to 23 inclusive; secs. 26 to 35 inclusive.

Tps. 27 N., Rs. 4, 5, 6 and 7 E., all.

T. 27 N., R. 8 E., secs. 1 to 22 inclusive; secs. 27 to 34 inclusive.

T. 27 N., R. 9 E., secs. 1 to 12 inclusive.

T. 28 N., R. 9 E., secs. 19 to 36 inclusive.

Existing rights not affected.

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public-land laws, be subject to, and shall not interfere with or defeat such legal rights so long as such rights are legally maintained.

16 U. S. C., Supp. V, § 585 (note).

Huron National Forest, Mich., lands added.

Administration of lands acquired.



IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 31<sup>st</sup> day of January in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

### SIXTEENTH DECENNIAL CENSUS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

February 9, 1940

[No. 2385]

### A PROCLAMATION

WHEREAS, pursuant to the act of Congress approved June 18, 1929, 46 Stat. 21, the Sixteenth Decennial Census of the United States will be taken beginning April first, nineteen hundred and forty; and

WHEREAS this Census, which will mark the one hundred and fiftieth anniversary of the first United States Census, is required by the Constitution of the United States to determine the apportionment among the several States of seats in the House of Representatives; and

WHEREAS the information obtained from the Census inquiries this year must present a complete and current factual picture of the Nation's people, homes, farms, factories, and other resources to measure the effects of the difficult decade now closing and to guide us intelligently in the future:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, do hereby declare and make known that, under the aforesaid act of Congress, it is the duty of every person over eighteen years of age to answer all questions on the Census schedules applying to him and the family to which he belongs, and to the farm or home occupied by him or his family, and all other Census schedules as required by law, and that any person refusing to do so is subject to penalty.

The sole purpose of the Census is to secure general statistical information regarding the population, business activities, and resources of the country, and replies are required from individuals only to enable the compilation of such general statistics. No person can be harmed in any way by furnishing the information required. The Census has nothing to do with taxation, with military or jury service, with the compulsion of school attendance, with the regulation of immigration, or with the enforcement of any national, state, or local law, or ordinance. There need be no fear that any disclosure will be made regarding any individual person or his affairs. For the due protection of the rights and interests of the persons furnishing information, every employee of the Census Bureau is prohibited, under heavy penalty, from disclosing any information which may thus come to his knowledge.

Life and liberty in a free democracy entail a variety of cooperative actions for the common good. The prompt, complete, and accurate answering of all official inquiries addressed to each person by Census officials should be regarded by him as one of the requirements of good citizenship.

Preamble.

2 U. S. C. § 2a; 5 U. S. C. § 35; 13 U. S. C. §§ 1-8, etc.; Supp. V, §§ 1, 3, 74; 39 U. S. C. § 324.

Duty of persons over 18 to answer census questions.

Purpose of the census.

No disclosures as to individuals to be made.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9<sup>th</sup> day of February in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PAN AMERICAN DAY AND THE FIFTIETH ANNIVERSARY OF THE  
FOUNDING OF THE PAN AMERICAN UNION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

February 12, 1940

[No. 2386]

Preamble.

WHEREAS in 1930 the Governing Board of the Pan American Union recommended that April 14 be designated as Pan American Day in all the American Republics, and that it be established as a commemorative symbol of the sovereignty of the American nations and the voluntary union of all in one continental community; and

WHEREAS during the past ten years Pan American Day has been annually observed and has increased in significance through its emphasis on the spirit of peace, friendship, and cooperation uniting the nations of the American Continent; and

WHEREAS in 1940 Pan American Day will be especially important because it will mark the Fiftieth Anniversary of the founding of the Pan American Union, the international organization of the twenty-one American Republics, which was established in accordance with a resolution adopted on April 14, 1890, by the First International Conference of American states and which, during the last half century, has constantly fostered the development of closer economic, cultural, and juridical relations between the nations of the Western Hemisphere; and

WHEREAS it is most appropriate that the people of the United States should commemorate this significant occasion and thereby testify to the close bonds of friendship that unite the Government and people of the United States with those of the other republics of the American Continent;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby order that on April 14, 1940, the flag of the United States be displayed on all Government buildings, and do hereby invite the churches, the educational institutions, the civic associations, and the people of the United States generally to observe with appropriate commemorative ceremonies this Pan American Day and the Fiftieth Anniversary of the founding of the Pan American Union.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of February, in the year of our Lord nineteen hundred and forty, and of the [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Pan American Day  
and Fiftieth Anniversary  
of Pan American  
Union.  
Observance on April  
14, 1940.

ENLARGING THE WASATCH NATIONAL FOREST  
UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 2, 1940  
[No. 2387]

A PROCLAMATION

WHEREAS it appears that all lands of the United States within the hereinafter-described area, adjacent to the Wasatch National Forest in the State of Utah, are suitable for national-forest purposes, and that it would be in the public interest to add such lands of the United States to the said Wasatch National Forest; and

Preamble.

WHEREAS it further appears that the extension of the boundaries of the Wasatch National Forest to include the said hereinafter-described area would be in the public interest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and upon recommendation of the Secretaries of Agriculture and of the Interior, do proclaim (1) that the boundaries of the Wasatch National Forest in the State of Utah are hereby extended to include therein the following-described area, and (2) that all lands of the United States within such area are hereby added to and reserved as part of the Wasatch National Forest, and shall hereafter be subject to the laws, rules, and regulations applicable to national forests.

Wasatch National  
Forest, Utah, lands  
added.

Administration.

*Salt Lake Meridian*

Description.

T. 4 S., R. 2 E.,  
sec. 7, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
sec. 8, SW $\frac{1}{4}$ ,  
sec. 17, W $\frac{1}{2}$ ,  
sec. 20, W $\frac{1}{2}$ ,  
sec. 29, W $\frac{1}{2}$ ,  
sec. 32, E $\frac{1}{2}$ ;

T. 5 S., R. 2 E.,  
sec. 5, E $\frac{1}{2}$ ,  
sec. 8, NE $\frac{1}{4}$ ,  
sec. 9, all,  
sec. 15, SW $\frac{1}{4}$ ,  
sec. 16, E $\frac{1}{2}$ , NW $\frac{1}{4}$ ;

AGGREGATING 3,506.37 acres.

The reservation made by this proclamation shall, as to any of the above-described lands which are at this date legally appropriated under any of the public-land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Existing rights not  
affected.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 2<sup>d</sup> day of March, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

## ARMY DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

March 12, 1940  
[No. 2388]

Preamble.

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st session (50 Stat. 1108) provides:

“That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day.”

April 6, 1940, designated as Army Day.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the aforesaid concurrent resolution, do hereby declare April 6, 1940, as Army Day, and I hereby invite the Governors of the several States to issue Army Day proclamations; and, acting under the authority vested in me as Commander in Chief, I hereby order military units throughout the United States, its Territories and possessions, to assist civic bodies in the appropriate observance of that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of March, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CANCER CONTROL MONTH—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

March 18, 1940  
[No. 2389]

Preamble.

36 U. S. C., Supp.  
V, § 150.

WHEREAS the President is authorized and requested by Public Resolution No. 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month, and to invite the Governors of the several States, Territories, and possessions of the United States to issue proclamations for like purposes; and

WHEREAS it is also requested in the said Public Resolution No. 82 that the proclamations issued invite the medical profession, the press, and all agencies and individuals interested in the control of cancer through a national program of education and other cooperative means to unite in dedication to such a purpose and by concerted effort to impress its necessity upon the people of the Nation; and

WHEREAS by this dedication of the month of April to a voluntary national program for the control of cancer, the people of the entire country will be acquainted with the progress that is being made by the Federal Government through the United States Public Health Service, by certain of the States and by other agencies, as well as by individuals, in the struggle against this dread disease, which is second among the causes of death in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim the month of April 1940 as Cancer Control Month, and do invite the Governors of the several States, Territories, and possessions of the United States to issue similar proclamations; and in order that the people throughout the land may have informed knowledge concerning the prevalence of cancer and of the means which can be taken to control it, I also invite the members of the medical profession, individually and through their associations, other scientific groups, all organs of opinion, including the press, the radio, and the motion picture, and all others who have the interest of the public health at heart, to unite during the month of April 1940 in concerted effort to impress upon the people of the United States the necessity of a national program for the control of cancer to the end that suffering may be relieved and life preserved.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

April 1940 designated as Cancer Control Month.

DONE at the City of Washington this 18<sup>th</sup> day of March, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

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#### INVENTORS' AND PATENT DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

March 21, 1940  
[No. 2390]

#### A PROCLAMATION

WHEREAS the preamble to Public Resolution 58, Seventy-sixth Congress, approved March 15, 1940, recites:

Preamble.  
*Ante*, p. 50.

“Whereas there will occur on April 10, 1940, the one hundred and fiftieth anniversary of President George Washington’s approval of the first Act of Congress authorizing and regulating the grant of patents as contemplated in article I, section 8, of the Constitution; and

“Whereas the encouragement and the protection thus afforded to discoverers and inventors have both inspired and rewarded their genius to the benefit of this Nation and the whole world; and

“Whereas the American patent system inaugurated by this Act of Congress has promoted countless applications of the arts and sciences to the needs and well-being of our people and thereby contributed notably to a higher standard of living in our country; and

“Whereas it is fitting that the anniversary of the institution of a system so beneficial to the people of the United States should be worthily observed”;

Commission to  
make arrangements.

AND WHEREAS the said Public Resolution 58 creates a commission consisting of the Chairman of the Senate Committee on Patents, the Chairman of the House of Representatives Committee on Patents, the Secretary of Commerce, the Commissioner of Patents, and five other members to be selected by them to make arrangements for an appropriate observance of the sesquicentennial of the first United States patent law, and provides that the Senate and House of Representatives shall conduct suitable exercises whereby Congress may mark the anniversary; and

WHEREAS the said public resolution requests the President of the United States "to set aside April 10, 1940, as Inventors' and Patent Day to invite a general public commemoration of an event which has proved so important and salutary to this Nation";

April 10, 1940, designated as Inventors' and Patent Day.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the request contained in the aforesaid public resolution, do hereby designate April 10 of the present year as Inventors' and Patent Day and do hereby invite the people of the United States to commemorate on that day the sesquicentennial anniversary of the first of the United States patent laws, which, by affording protection and encouragement to inventors as envisaged and authorized by the Constitution, contributed so greatly to the encouragement of inventive genius in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21<sup>st</sup> day of March, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

#### ENLARGING SCOTTS BLUFF NATIONAL MONUMENT—NEBRASKA

March 29, 1940  
[No. 2391]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Preamble.

WHEREAS by Proclamation No. 1547 of December 12, 1919 (41 Stat. 1779), lots 6 and 7, sec. 27, and lot 4, sec. 28, T. 22 N., R. 55 W., of the 6th P. M., bordering on the North Platte River, were reserved as part of the Scotts Bluff National Monument; and

WHEREAS certain islands in the said river and south of the main channel thereof in front of these lands which formed subsequent to the original survey are considered as being appurtenant to the shore lands referred to and as forming a part of the said monument; and

WHEREAS a certain public-land island adjacent to the said monument is necessary for the proper care and administration thereof; and

WHEREAS it appears that it would be in the public interest to reserve this island as an addition to the said Scotts Bluff National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U. S. C., title 16, sec. 431), do proclaim as follows:

1. The above-mentioned proclamation of December 12, 1919, shall be construed in conformity with the plat of survey approved September 1, 1937, to embrace the following-described land:

Construction of previous proclamation.

*Sixth Principal Meridian—Nebraska*

T. 22 N., R. 55 W., sec. 27, lot 9;  
sec. 28, lots 6 and 7;  
comprising 7.17 acres.

2. Subject to valid existing rights, the hereinafter-described lands are hereby reserved from all forms of appropriation under the public-land laws and added to and made a part of the Scotts Bluff National Monument:

Scotts Bluff National Monument, Nebr., lands added.

T. 22 N., R. 55 W., sec. 20, lot 7;  
sec. 21, lot 3;  
sec. 28, lot 8;  
comprising 46.17 acres.

Warning is hereby expressly given to any unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Warning against unauthorized acts.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

Supervision, etc.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

16 U. S. C., Supp. V, §§ 1, 1a, 2.

DONE at the City of Washington this 29<sup>th</sup> day of March in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixth-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

CHILD HEALTH DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 3, 1940  
[No. 2392]

A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day;

Preamble.  
36 U. S. C. § 143.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the first day of May of this year as Child Health Day, and invite all agencies and organizations interested in child welfare to unite upon that day in the observance of such exercises as will awaken the people of the nation to the fundamental necessity of a year-round program for the protection and development of the health of the nation's children.

Child Health Day.  
May 1, 1940 designated as.

And I hereby call upon the people of the United States to consider the recommendations for conserving the health of children made by the White House Conference on Children in a Democracy and to take steps needed to strengthen and extend health protection and medical care for mothers and children in every community. I also call upon the boys and girls of the nation to note the gains in health they have made during the past year and to share in efforts to improve the health of children and of our whole population.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 3<sup>d</sup> day of April in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## MODIFYING THE GRAND CANYON NATIONAL MONUMENT—ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

Preamble.

WHEREAS it appears that certain lands within the Grand Canyon National Monument in the State of Arizona, established by Proclamation of December 22, 1932 (47 Stat. 2547) are not necessary for the proper care and management of the objects of scientific interest situated on the lands within the said monument; and

WHEREAS it appears that it would be in the public interest to exclude such lands from the said national monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 U. S. C. title 16, sec. 431), do proclaim that the following-described lands in the State of Arizona, be and they are hereby, excluded from the Grand Canyon National Monument:

Description.

#### *Gila and Salt River Meridian—Arizona*

- T. 35 N., R. 4 W., secs. 7, 8, 9, W½ sec. 10, W½ sec. 15, secs. 16 to 21, inclusive, and W½ sec. 22 (unsurveyed);
- T. 35 N., R. 5 W., secs. 7 to 24, inclusive (unsurveyed);
- T. 35 N., R. 6 W., secs. 7 to 24 inclusive;
- T. 34 N., R. 7 W., secs. 3 to 9, W½ sec. 10, secs. 16 to 21, inclusive, W½ sec. 28, secs. 29 to 32, inclusive, and W½ sec. 33;
- T. 35 N., R. 7 W., secs. 7 to 24, inclusive, W½ NE¼, NW¼, N½ SW¼ sec. 27, secs. 28 to 33, inclusive;
- T. 34 N., R. 8 W., secs. 1 to 3, inclusive, SE¼ sec. 4, E½ sec. 9, secs. 10 to 16 and 21 to 24, inclusive;
- T. 35 N., R. 8 W., E½ sec. 11, secs. 12, 13, E½ sec. 14, E½ sec. 23, secs. 24, 25, E½ sec. 26, S½ sec. 34, NE¼, S½ sec. 35 and sec. 36;
- aggregating approximately 71,854 acres.

Grand Canyon National Monument, Ariz.  
Lands excluded.

April 4, 1940  
[No. 2393]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 4<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

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## DEFINITION OF A COMBAT AREA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 10, 1940

[No. 2394]

### A PROCLAMATION

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

Preamble.  
*Ante*, p. 7.  
22 U. S. C., Supp.  
V, § 245j-2.

“(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

“(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

*Ante*, p. 11.  
22 U. S. C., Supp.  
V, § 245j-12.

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

*Ante*, p. 2673.

AND WHEREAS on November 4, 1939, I issued a proclamation in accordance with the provision of law quoted above defining a combat area.

Combat area extended.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by section 3 of the joint resolution of Congress approved November 4, 1939, do hereby find that the protection of citizens of the United States requires that there be an extension of the combat area defined in my proclamation of November 4, 1939, through or into which extended combat area it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

AND I do hereby define the extended combat area as follows:

Definition.

All the navigable waters within the limits set forth hereafter.  
 Beginning at the intersection of the North Coast of Spain with the meridian of 2°45' longitude west of Greenwich;  
 Thence due north to a point in 43°54' north latitude;  
 Thence by a rhumb line to a point in 45° north latitude, 20° west longitude;  
 Thence due north to 58° north latitude;  
 Thence by a rhumb line to a point in 76°30' north latitude, 16°35' east longitude;  
 Thence by a rhumb line to a point in 70° north latitude, 44° east longitude;  
 Thence due south to the mainland of the Union of Soviet Socialist Republics;  
 Thence along the coastline of the Union of Soviet Socialist Republics, Finland, Norway, Sweden, the Baltic Sea and dependent waters thereof, Germany, Denmark, the Netherlands, Belgium, France, and Spain to the point of beginning.

Officers to prevent violations, etc.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Enforcement.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of April, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
 CORDELL HULL  
*Secretary of State.*

## FIJI—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 11, 1940  
[No. 2395]

## A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer \* \* \*”;

AND WHEREAS satisfactory proof has been received by me from the Government of Fiji that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Fiji upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the statutory provisions above set out, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Fiji and the produce, manufactures, or merchandise imported in said vessels into the United States from Fiji or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Fiji.  
Foreign discriminating duties and imposts against, suspended.

Effective date and duration.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of April in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## NATIONAL EMPLOYMENT WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

April 12, 1940

[No. 2396]

## Preamble.

Both the State and Federal governments have been especially concerned with the problems of older workers, many thousands of whom, despite their persistent efforts, still lack a place in industry. Among these are a considerable number of World War Veterans, who now average forty-seven years of age, and who, I feel, have a particular appeal to our national sense of responsibility.

Our public employment service—a nation-wide network of sixteen hundred offices now operated jointly by the State and Federal governments—has made special efforts in behalf of workers past forty years of age, including veterans. We know from the facts gathered by this agency that men and women in middle life possess abilities and skills which would fit them for employment in nearly every line of work. We know further that these older workers, when given an opportunity, demonstrate a seasoned experience and a mature application to their tasks which in many callings outweigh the physical advantages of youth.

53 Stat. 2535.

With these considerations in mind, I issued a proclamation last year designating an Employment Week and requesting that all our citizens give particular and active attention to the problems of older workers lacking employment. During the month in which Employment Week occurred over a third of a million jobs—a third more than during the same month of the previous year—were filled through the public employment offices, and a quarter of a million of these placements were in private industry. Moreover, placements proceeded at an accelerated rate in the month following Employment Week. Because of the concerted efforts of government, of public-spirited groups, and, particularly, of employers throughout the land, thousands of workers over forty years of age, among them veterans, shared beneficially in this fine result.

I am grateful for the wholehearted response to my first appeal; and as President, I desire to encourage a continued nation-wide interest in this persistent problem.

National Employment Week and National Employment Sunday.  
Designation of.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the week beginning May 1, 1940, as National Employment Week, and Sunday, May 5, 1940, as National Employment Sunday, and I urge all churches, civic organizations, Chambers of Commerce, Boards of Trade, veterans' organizations, industry, labor, public-spirited citizens, the radio, and the press throughout the United States to observe that week as National Employment Week, to the end that interest in the welfare of all the unemployed, and especially the workers over forty years of age, may be stimulated and employment be extended to them.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of April in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## SWEDEN—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 18, 1940

[No. 2397]

## A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

AND WHEREAS satisfactory proof has been received by me from the Government of Sweden that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Sweden upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Sweden and the produce, manufactures, or merchandise imported in said vessels into the United States from Sweden or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Sweden.  
Foreign discriminating duties and imposts against, suspended.

Effective date and duration.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of April in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND  
NORWAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

April 25, 1940  
[No. 2398]

Preamble.  
*Ante*, p. 4.  
22 U. S. C., Supp.  
V, § 245j.

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

*Ante*, p. 11.  
22 U. S. C., Supp.  
V, § 245j-12.

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

Proclamation of  
state of war between  
Germany and Nor-  
way.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and Norway, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

Officers to prevent  
violations.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Secretary of State  
empowered to pro-  
mulgate rules, etc.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR  
BETWEEN GERMANY, ON THE ONE HAND, AND NORWAY, ON THE  
OTHER HAND.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 25, 1940  
[No. 2399]

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Norway, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Norway.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Preamble.  
Existence of state of war.

Application of previous proclamation extended.

*Ante*, p. 2629.

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY  
SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

April 25, 1940  
[No. 2400]

A PROCLAMATION

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

Preamble.  
*Ante*, p. 9.  
22 U. S. C., Supp.  
V, § 2453-10.

WHEREAS there exists a state of war between Germany and Norway;

*Ante*, p. 2672.

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

Application of previous proclamation extended.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Norway.

Officers to prevent violations.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

#### NATIONAL MARITIME DAY—1940

April 30, 1940  
[No. 2401]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Preamble.

WHEREAS the first successful transoceanic voyage under steam propulsion was made by the steamship *The Savannah*, which set sail from Savannah, Georgia, on May 22, 1819; and

36 U. S. C. § 145.

WHEREAS, in commemoration of the material contribution thus made to the advancement of ocean transportation, the Congress by a joint resolution of May 20, 1933 (48 Stat. 73), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling for the appropriate observance of the day; and

WHEREAS it is proper that public recognition should be given to the courage, vision, and achievements of the officers and seamen of the American merchant marine and to the eminence of American inventors and engineers in the science of navigation;

National Maritime Day.  
Observance on May 22, 1940.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1940, as National Maritime

Day by displaying the flag at their homes or other suitable places and do direct Government officials to display the flag on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES  
*Acting Secretary of State.*

"I AM AN AMERICAN DAY"—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 3, 1940  
[No. 2402]

A PROCLAMATION

WHEREAS, the preamble to Public Resolution 67, 76th Congress, 3d Session, approved May 3, 1940, recites:

Preamble.  
*Ante*, p. 178.

"Whereas some two million young men and women in the United States each year reach the age of twenty-one years; and

"Whereas it is desirable that the sovereign citizens of our Nation be prepared for the responsibilities and impressed with the significance of their status in our self-governing Republic";

AND WHEREAS the said public resolution provides:

"That the third Sunday in May each year be, and hereby is, set aside as Citizenship Day and that the President of the United States is hereby authorized and requested to issue annually a proclamation setting aside that day as a public occasion for the recognition of all who, by coming of age or naturalization, have attained the status of citizenship, and the day shall be designated as 'I Am An American Day'.

"That the civil and educational authorities of States, counties, cities, and towns be, and they are hereby, urged to make plans for the proper observance of this day and for the full instruction of future citizens in their responsibilities and opportunities as citizens of the United States and of the States and localities in which they reside.

"Nothing herein shall be construed as changing, or attempting to change, the time or mode of any of the many altogether commendable observances of similar nature now being held from time to time, or periodically, but to the contrary, such practices are hereby praised and encouraged.

"SEC. 2. Either at the time of the rendition of the decree of naturalization or at such other time as the judge may fix, the judge or someone designated by him shall address the newly naturalized citizen upon the form and genius of our Government and the privileges and responsibilities of citizenship; it being the intent and purpose of this section to enlist the aid of the judiciary, in cooperation with civil and educational authorities, and patriotic organizations in a continuous effort to dignify and emphasize the significance of citizenship."

"I Am An American Day,"  
Sunday, May 19,  
1940, designated as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the aforesaid public resolution, hereby designate Sunday, May 19, 1940, as "I Am An American Day" and I urge that the day be observed as a public occasion in recognition of our citizens who have attained their majority or who have been naturalized within the past year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 3<sup>d</sup> day of May, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

### ITALY—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

May 7, 1940  
[No. 2403]

Preamble.

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .";

AND WHEREAS satisfactory proof has been received by me from the Government of Italy that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Italy upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Italy and the produce, manufactures, or merchandise imported in said vessels into the United States from Italy

Foreign discriminating duties of tonnage, etc., against Italy, suspended.

or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of May in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Effective date; duration.

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY, ON THE ONE HAND, AND BELGIUM, LUXEMBURG, AND THE NETHERLANDS, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

May 11, 1940  
[No. 2404]

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

Preamble.  
*Ante*, p. 4.  
22 U. S. O., Supp. V,  
§ 245j.

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

*Ante*, p. 11.  
22 U. S. O., Supp. V,  
§ 245j-12.

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany, on the one hand, and Belgium, Luxemburg, and the Netherlands, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

Proclamation of state of war between designated powers.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Officers to prevent violations.

Delegation of powers  
to Secretary of State.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

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PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND BELGIUM, LUXEMBURG, AND THE NETHERLANDS, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

May 11, 1940  
[No. 2405]

Preamble.  
Existence of state of war.

Application of prior proclamation extended.

Ante, p. 2629.

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Belgium, Luxemburg, and the Netherlands, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Belgium, Luxemburg, and the Netherlands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this eleventh day of May, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY  
SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

WHEREAS there exists a state of war between Germany on the one hand and Belgium and the Netherlands on the other hand;

WHEREAS the United States of America is neutral in such war;

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Belgium and the Netherlands.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

May 11, 1940  
[No. 2406]

Preamble.  
*Ante*, p. 9.  
22 U. S. C., Supp. V,  
§ 245-10.

*Ante*, p. 2672.

Application of prior  
proclamation ex-  
tended.

Officers to prevent  
violations.

PROCLAMATION OF A STATE OF WAR BETWEEN ITALY, ON THE ONE  
HAND, AND FRANCE AND THE UNITED KINGDOM, ON THE OTHER  
HAND

June 10, 1940

[No. 2407]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.  
*Ante*, p. 4.  
22 U. S. C., Supp. V,  
§ 245j.

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

*Ante*, p 11.  
22 U. S. C., Supp. V,  
§ 245j-12.

AND WHEREAS it is further provided by section 13 of the said joint resolution that

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

Proclamation of  
state of war between  
designated powers.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

Officers to prevent  
violations.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Delegation of pow-  
ers to Secretary of  
State.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this tenth day of June, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

10.20 p. m. E. S. T.

By the President:

CORDELL HULL

Secretary of State.

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR  
BETWEEN ITALY, ON THE ONE HAND, AND FRANCE AND THE UNITED  
KINGDOM, ON THE OTHER HAND.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 10, 1940

[No. 2408]

A PROCLAMATION

WHEREAS a state of war unhappily exists between Italy, on the one hand, and France and the United Kingdom, on the other hand; NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Italy.

Preamble.

Application of prior proclamation extended.

*Ante*, p. 2629.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT  
10.20 p. m. E. S. T.

By the President:

CORDELL HULL

*Secretary of State.*

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY  
SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 10, 1940

[No. 2409]

A PROCLAMATION

WHEREAS section 11 of the joint resolution approved November 4, 1939, provides:

Preamble.  
*Ante*, p. 9.  
22 U. S. C., Supp. V,  
§ 245j-10.

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

WHEREAS there exists a state of war between Italy, on the one hand, and France and the United Kingdom, on the other hand;

*Ante*, p. 2672.

WHEREAS the United States of America is neutral in such war;  
WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

Application of prior proclamation extended.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the joint resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Italy.

Officers to prevent violations.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of June, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT  
10.20 p. m. E. S. T.

By the President:  
CORDELL HULL  
*Secretary of State.*

#### DEFINITION OF A COMBAT AREA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

June 11, 1940  
[No. 2410]

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

Preamble.  
*Ante*, p. 7.  
22 U. S. C., Supp. V,  
§ 2451-2.

“(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

“(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or associa-

tion, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

“(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

*Ante*, p. 11.  
22 U. S. C., Supp. V,  
§ 245j-12.

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

AND WHEREAS on April 10, 1940, I issued a proclamation in accordance with the provision of law quoted above defining a combat area.

*Ante*, p. 2693.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by section 3 of the joint resolution of Congress approved November 4, 1939, do hereby find that the protection of citizens of the United States requires that there be defined combat areas in addition to the combat area defined in my proclamation of April 10, 1940, through or into which additional combat areas it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

Additional combat  
areas found necessary.

AND I do hereby define the additional combat areas as follows:

Areas defined.

All the navigable waters within the limits set forth hereafter:

1. Beginning at the intersection of the West Coast of Morocco with the parallel of 33°10' north latitude;

Thence due west to 20° west longitude;

Thence due north to 37°05' north latitude;

Thence due east to the mainland of Portugal;

Thence along the coastline of Portugal, Spain, Gibraltar, Spain, France, Italy, Yugoslavia, Albania, and Greece to the intersection of the East Coast of Greece with the parallel of 39°40' north latitude;

Thence due east to the mainland of Turkey;

Thence along the coastline of Turkey, Syria, Palestine, Egypt, Libya, Tunisia, Algeria, and Morocco to the point of beginning.

All the navigable waters within the limits set forth hereafter:

2. Beginning at the intersection of the North Coast of Italian Somaliland with the meridian of 50° longitude east of Greenwich;

Thence due north to the mainland of Arabia;

Thence eastward along the coast of Arabia to the meridian of 51° east longitude;

Thence due south to the mainland of Italian Somaliland;

Thence westward along the coast of Italian Somaliland to the point of beginning.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Officers to prevent  
violations.

Delegation of powers to Secretary of State.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of June, in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT  
June 11, 1940, 5.20 p. m. E. S. T.

By the President:  
CORDELL HULL  
Secretary of State.

### ENLARGING KINGS CANYON NATIONAL PARK—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

June 21, 1940  
[No. 2411]

Preamble.  
*Ante*, p. 41.

WHEREAS the act of March 4, 1940, Public, No. 424, 76th Congress, establishes the Kings Canyon National Park, in the State of California, and authorizes the extension of the General Grant grove section thereof by proclamation to include the hereinafter-described lands; and

WHEREAS it appears that it would be in the public interest to add these lands to the said park:

Area enlarged.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the aforesaid act of March 4, 1940, do proclaim that, subject to valid existing rights, the following-described lands in California are hereby added to and made a part of the General Grant grove section of the Kings Canyon National Park:

Description.

#### *Mount Diablo Meridian—California*

- T. 14 S., R. 28 E., sec. 9, S½;  
sec. 10, SW¼, and that part of E½ south of Generals Highway;  
sec. 11, that part south of Generals Highway;  
sec. 13, that part south of Generals Highway;  
sec. 14, that part south of Generals Highway;  
sec. 15, E½, NW¼, SE¼ SW¼;  
sec. 21, SE¼ NE¼, E½ SE¼;  
sec. 22, E½, E½ NW¼, SW¼ NW¼, SW¼;  
sec. 23, all;  
sec. 24, that part south of Generals Highway;  
secs. 25 and 26, all;  
sec. 27, E½, NW¼, and that part of SW¼ north and east of the crest of Redwood Mountain.

- T. 14 S., R. 28 E., sec. 34, that part east of the crest of Redwood Mountain;  
 secs. 35 and 36, all.
- T. 15 S., R. 28 E., secs. 1 and 2, all;  
 sec. 3, that part east of the crest of Redwood Mountain;  
 sec. 11, that part east and north of the crest of Redwood Mountain;  
 sec. 12, all;  
 sec. 13, that part north of Sequoia National Park boundary,—  
 containing approximately 10,000 acres.

The administration, protection, and development of the lands within this area shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof, and to all other laws, rules, and regulations applicable to the said park.

Administration, etc.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 21<sup>st</sup> day of June in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

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## CONTROL OF VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

June 27, 1940  
 [No. 2412]

### A PROCLAMATION

WHEREAS, A proclamation issued by me on September 8, 1939, proclaimed that a national emergency existed in connection with and to the extent necessary for the proper observance, safeguarding and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations, and that specific directions and authorizations would be given from time to time for carrying out these two purposes,

WHEREAS, The continuation of the conditions set forth in said proclamation of September 8, 1939, now calls for additional measures within the limits of peace-time authorizations,

WHEREAS, Under and by virtue of section 1 of title II of the Act of Congress approved June 15, 1917, 40 Stat. 220 (U. S. C. title 50, sec. 191), it is provided as follows:

Preamble.  
 Ante, p. 2643.

"Section 1. Whenever the President by proclamation or Executive order declares a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury may make, subject to the approval of the President, rules and regulations governing the anchorage and movement of any vessel, foreign

or domestic, in the territorial waters of the United States, may inspect such vessel at any time, place guards thereon, and, if necessary in his opinion in order to secure such vessels from damage or injury, or to prevent damage or injury to any harbor or waters of the United States, or to secure the observance of the rights and obligations of the United States, may take, by and with the consent of the President, for such purposes, full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board thereof.

"Within the territory and waters of the Canal Zone the Governor of the Panama Canal, with the approval of the President, shall exercise all the powers conferred by this section on the Secretary of the Treasury."

AND, WHEREAS, It is essential, in order to carry into effect the provisions of said Act, which are quoted herein, that the powers conferred therein upon the President, the Secretary of the Treasury and the Governor of the Panama Canal be at this time exercised, or available for exercise, with respect to foreign and domestic vessels.

Continuation of national emergency declared.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the powers conferred upon me by the provisions of the said Act of Congress quoted herein, do hereby declare the continuation of the conditions set forth in my proclamation of September 8, 1939, and the existence of a national emergency by reason of threatened disturbance of the international relations of the United States.

*Ante*, p. 2643.

Control of vessels in territorial waters.

AND, I therefore consent to the exercise, with respect to foreign and domestic vessels, by the Secretary of the Treasury and the Governor of the Panama Canal, of all the powers conferred by the provisions of said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27<sup>th</sup> day of June in the year of our Lord nineteen hundred and forty and of the [SEAL] Independence of the United States of America, the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED, "AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE"  
APPROVED JULY 2, 1940

July 2, 1940  
[No. 2413]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.  
*Ante*, p. 714.  
*Post*, pp. 2726, 2737,  
2743, 2768, 2770.

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component

parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that the administration of the provisions of section 6 of that act is vested in the Administrator of Export Control, who shall administer such provisions under such rules and regulations as I shall from time to time prescribe in the interest of the national defense.

AND I do hereby further proclaim that upon the recommendation of the aforesaid Administrator of Export Control, I have determined that it is necessary in the interest of the national defense that on and after July 5, 1940, the articles and materials hereinafter listed shall not be exported from the United States except when authorized in each case by a license as hereinafter provided:

1. Arms, ammunition, and implements of war as defined in my Proclamation No. 2237, of May 1, 1937.

2. The following basic materials and products containing the same:

- a. Aluminum
- b. Antimony
- c. Asbestos
- d. Chromium
- e. Cotton linters
- f. Flax
- g. Graphite
- h. Hides
- i. Industrial diamonds
- j. Manganese
- k. Magnesium
- l. Manila fiber
- m. Mercury
- n. Mica
- o. Molybdenum
- p. Optical glass
- q. Platinum group metals
- r. Quartz crystals
- s. Quinine
- t. Rubber
- u. Silk
- v. Tin
- w. Toluol
- x. Tungsten
- y. Vanadium
- z. Wool

Administration  
vested in Administrator  
of Export Control.

Exports of designated  
articles and materials.  
License requirement.

Arms, ammunition,  
and implements of  
war.  
50 Stat. 1834.  
Basic materials, etc.

## Chemicals.

3. Chemicals as follows:
  - a. Ammonia and ammonium compounds
  - b. Chlorine
  - c. Dimethylaniline
  - d. Diphenylamine
  - e. Nitric acid
  - f. Nitrates
  - g. Nitrocellulose, having a nitrogen content of less than 12 percent.
  - h. Soda lime
  - i. Sodium acetate, anhydrous
  - j. Strontium chemicals
  - k. Sulphuric acid, fuming

## Products.

4. Products as follows:
  - a. Aircraft parts, equipment, and accessories other than those listed in my proclamation of May 1, 1937.
  - b. Armor plate, other than that listed in my proclamation of May 1, 1937.
  - c. Glass, nonshatterable or bullet proof.
  - d. Plastics, optically clear.
  - e. Optical elements for fire control instruments, aircraft instruments, etc.

## Machine tools.

5. Machine tools as follows:
 

Metal-working machinery for—

  - (1) Melting or casting
  - (2) Pressing into forms
  - (3) Cutting or grinding, power driven
  - (4) Welding

Secretary of State  
empowered to issue  
export licenses.

AND I do hereby empower the Secretary of State to issue licenses authorizing the exportation of any of the said articles and materials the exportation of which is not already subjected to the requirement that a license be obtained from the Secretary of State authorizing their exportation and I do hereby authorize and enjoin him to issue or refuse to issue licenses authorizing the exportation of any of the articles or materials listed above in accordance with the aforesaid rules and regulations or such specific directives as may be, from time to time, communicated to him by the Administrator of Export Control.

Admonition to ab-  
stain from violations.  
*Ante*, p. 714.

AND I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of section 6 of the act above set forth, of the provisions of this proclamation, and of the provisions of such regulations as may be issued thereunder, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

Officers to prevent  
violations.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said act, of this my proclamation, and of any regulations which may be issued pursuant hereto, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 2<sup>nd</sup> day of July, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fourth, at 11 a. m. E. S. T.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## EMERGENCY BOARD, RAILWAY EXPRESS AGENCY, INC.—EMPLOYEES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 10, 1940  
[No. 2414]

## A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Railway Express Agency, Inc., a carrier, and certain of its employees represented by

Preamble.

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes,

which dispute has not been heretofore adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service;

44 Stat. 577.  
45 U. S. C. §§151-164.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within 30 days from this date.

Creation of emergency board to investigate and report on dispute.

44 Stat. 586.  
45 U. S. C. §160.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars (\$75.00) for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress approved June 30, 1932, 11:30 a. m., not to exceed five (\$5.00) dollars per diem for expenses incurred for subsistence.

Compensation.

Expense allowance.

47 Stat. 405.  
5 U. S. C. §823.

All expenditures of the Board shall be allowed and paid for out of the appropriation "Emergency Boards, Railway Labor Act, May 20, 1926, National Mediation Board, 1941" on the presentation of itemized vouchers properly approved by the chairman of the Board hereby created.

Fund available.  
*Ante*, p. 596.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 10th day of July in the year of our Lord one thousand nine hundred and forty, and of the Independence of the United States of America

[SEAL]

the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President

CORDELL HULL

*Secretary of State*

CHATTAHOOCHEE NATIONAL FOREST—GEORGIA  
TALLADEGA NATIONAL FOREST—ALABAMA  
OUACHITA NATIONAL FOREST—ARKANSAS  
APALACHICOLA NATIONAL FOREST—FLORIDA  
CHEQUAMEGON AND NICOLET NATIONAL FORESTS—WISCONSIN

July 12, 1940

[No. 2415]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.

WHEREAS certain lands which have been acquired or are in process of acquisition by the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), are situated within the exterior boundaries of the Chattahoochee National Forest as enlarged by Proclamations No. 2263 of December 7, 1937, and No. 2294 of August 2, 1938; the Talladega National Forest as enlarged by Proclamation No. 2285 of May 11, 1938; the Ouachita National Forest as enlarged by Proclamation No. 2296 of August 30, 1938; the Apalachicola National Forest as enlarged by Proclamation No. 2289 of June 21, 1938; the Chequamegon National Forest as enlarged by Proclamations No. 2271 of January 17, 1938, and No. 2303 of October 14, 1938; and the Nicolet National Forest as enlarged by Proclamations No. 2269 of January 17, 1938, and No. 2302 of October 14, 1938; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as parts of the said national forests; and

WHEREAS certain vacant, unappropriated, and unreserved public lands also suitable for national-forest purposes are situated within the exterior boundaries of the said Talladega National Forest:

Lands reserved as additions.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, do proclaim that all lands within the exterior boundaries of the Chattahoochee, Talladega, Ouachita, Apalachicola, Chequamegon, and Nicolet National Forests which have been acquired or are in process of acquisition by the United States under authority of Title III of the said Bankhead-Jones Farm Tenant Act, and the vacant, unappropriated, and unreserved public lands within the Talladega National Forest, are hereby included in and reserved as parts of the respective national forests within which they are situated.

Partial revocation of prior Executive order.

Executive Order No. 6964, dated February 5, 1935, withdrawing for classification the public lands within the State of Alabama, is hereby revoked so far as it affects the public lands included in this proclamation.

Prior rights not affected; condition.

The reservation made by this proclamation shall, as to any lands which are this date embraced in any valid claim under the public-land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat, legal rights under such claim, or prevent the use for such public purpose of lands so reserved, so long as such claim is legally maintained or such reservation remains in force.

7 U. S. C., Supp. V,

§§1010-1013.

51 Stat. 404.

53 Stat. 2463.

52 Stat. 1548.

53 Stat. 2465.

53 Stat. 2453.

52 Stat. 1533.

53 Stat. 2489.

52 Stat. 1532.

53 Stat. 2488.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of July, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CHANGING THE NAMES OF CERTAIN FEDERAL WILDLIFE REFUGES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

July 25, 1940

[No. 2416]

### A PROCLAMATION

WHEREAS certain areas of land and water in the United States, its Territories, and its insular possessions have been reserved and set aside from time to time as refuges and breeding grounds for native birds, migratory waterfowl, wild animals, and other forms of wildlife, on which it is unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever, to take or destroy the nests or eggs of any wild bird, or to occupy or use any part of such reservations or to enter thereon for any purpose, except as permitted by law or by rules and regulations of the Secretary of the Interior, in order that the conservation and development of the natural wildlife resources may contribute to the economic welfare of the Nation and provide opportunities for wholesome recreation to the citizens of the United States; and

Preamble.

WHEREAS some of the States are setting aside areas of land and water for similar purposes, such action by the States being furthered by the act of Congress approved September 2, 1937 (50 Stat. 917), which provides that the United States shall aid the States in wildlife-restoration projects; and

16 U. S. C., Supp. V,  
§§ 669-669.

WHEREAS it is fitting and desirable that the names of such Federal areas should distinguish them from projects of the States or from reserves under private ownership:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the names of the Federal wildlife refuges listed below are hereby changed as indicated:

Names of certain  
Federal wildlife  
refuges changed.

*Old Name of Refuge*

*New Name of Refuge*

#### ALABAMA

Petit Bois Island Reservation	Petit Bois National Wildlife Refuge (Alabama and Mississippi)
Wheeler Migratory Waterfowl Refuge	Wheeler National Wildlife Refuge

<i>Old Name of Refuge</i>	<i>New Name of Refuge</i>
<b>ALASKA</b>	
Aleutian Islands Reservation	Aleutian Islands National Wildlife Refuge
Bering Sea Reservation	Bering Sea National Wildlife Refuge
Bogoslof Reservation	Bogoslof National Wildlife Refuge
Chamisso Island Reservation	Chamisso National Wildlife Refuge
Forrester Island Reservation	Forrester Island National Wildlife Refuge
Hazen Bay Migratory Waterfowl Refuge	Hazen Bay National Wildlife Refuge
Hazy Islands Reservation	Hazy Islands National Wildlife Refuge
Nunivak Island Reservation	Nunivak National Wildlife Refuge
Saint Lazaria Reservation	Saint Lazaria National Wildlife Refuge
Semidi Islands Wildlife Refuge	Semidi National Wildlife Refuge
Tuxedni Reservation	Tuxedni National Wildlife Refuge
<b>ARIZONA</b>	
Apache Migratory Waterfowl Refuge	Apache National Wildlife Refuge
Boulder Canyon Wildlife Refuge	Boulder Canyon National Wildlife Refuge (Arizona and Nevada)
Salt River Reservation	Salt River National Wildlife Refuge
<b>ARKANSAS</b>	
Big Lake Migratory Bird Refuge	Big Lake National Wildlife Refuge
White River Migratory Waterfowl Refuge	White River National Wildlife Refuge
<b>CALIFORNIA</b>	
Clear Lake Reservation	Clear Lake National Wildlife Refuge
Farallon Reservation	Farallon National Wildlife Refuge
Klamath Lake Reservation	Lower Klamath National Wildlife Refuge (California and Oregon)
Sacramento Migratory Waterfowl Refuge	Sacramento National Wildlife Refuge
Salton Sea Wildlife Refuge	Salton Sea National Wildlife Refuge
Tule Lake Wildlife Refuge	Tule Lake National Wildlife Refuge
<b>DELAWARE</b>	
Bombay Hook Migratory Waterfowl Refuge	Bombay Hook National Wildlife Refuge

*Old Name of Refuge**New Name of Refuge*

## FLORIDA

Anclote Migratory Bird Refuge Brevard Reservation	Anclote National Wildlife Refuge Brevard National Wildlife Refuge
Caloosahatchee Reservation	Caloosahatchee National Wildlife Refuge
Cedar Keys Bird Refuge	Cedar Keys National Wildlife Refuge
Chinsegut Hill Migratory Bird Refuge	Chinsegut National Wildlife Refuge
Great White Heron Refuge	Great White Heron National Wildlife Refuge
Indian Key Reservation	Indian Key National Wildlife Refuge
Island Bay Reservation	Island Bay National Wildlife Refuge
Key West Reservation	Key West National Wildlife Refuge
Matanzas Bird Refuge	Matanzas National Wildlife Refuge
Matlacha Pass Reservation	Matlacha Pass National Wildlife Refuge
Palma Sola Reservation	Palma Sola National Wildlife Refuge
Passage Key Reservation	Passage Key National Wildlife Refuge
Pelican Island Reservation	Pelican Island National Wildlife Refuge
Pine Island Reservation	Pine Island National Wildlife Refuge
St. Marks Migratory Bird Refuge	St. Marks National Wildlife Refuge

## GEORGIA

Blackbeard Island Reservation	Blackbeard Island National Wildlife Refuge
Okefenokee Wildlife Refuge	Okefenokee National Wildlife Refuge
Piedmont Wildlife Refuge	Piedmont National Wildlife Refuge.
Savannah River Wildlife Refuge	Savannah National Wildlife Refuge (Georgia and South Carolina)
Tybee Migratory Bird Refuge	Tybee National Wildlife Refuge
Wolf Island Wildlife Refuge	Wolf Island National Wildlife Refuge

## HAWAIIAN ISLANDS

Hawaiian Islands Reservation	Hawaiian Islands National Wildlife Refuge
Johnston Island Reservation	Johnston Island National Wildlife Refuge

<i>Old Name of Refuge</i>	<i>New Name of Refuge</i>
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## IDAHO

Camas Migratory Waterfowl Refuge	Camas National Wildlife Refuge
Deer Flat Migratory Waterfowl Refuge	Deer Flat National Wildlife Refuge
Snake River Migratory Water- fowl Refuge	Snake River National Wildlife Refuge

## ILLINOIS

Chautauqua Migratory Water- fowl Refuge	Chautauqua National Wildlife Refuge
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## IOWA

Union Slough Migratory Water- fowl Refuge	Union Slough National Wildlife Refuge
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## KENTUCKY

Kentucky Woodlands Wildlife Refuge	Kentucky Woodlands National Wildlife Refuge
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## LOUISIANA

Breton Bird Refuge	Breton National Wildlife Refuge
Lacassine Migratory Waterfowl Refuge	Lacassine National Wildlife Ref- uge
Sabine Migratory Waterfowl Refuge	Sabine National Wildlife Refuge
Shell Keys Reservation	Shell Keys National Wildlife Refuge
Tern Islands Reservation	Tern Islands National Wildlife Refuge

## MAINE

Moosehorn Migratory Bird Ref- uge	Moosehorn National Wildlife Refuge
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## MARYLAND

Blackwater Migratory Bird Ref- uge	Blackwater National Wildlife Refuge
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## MICHIGAN

Huron Migratory Bird Refuge	Huron National Wildlife Refuge
Seney Migratory Waterfowl Ref- uge	Seney National Wildlife Refuge
Siskiwit Islands Reservation	Siskiwit National Wildlife Ref- uge

## MINNESOTA

Mille Lacs Reservation	Mille Lacs National Wildlife Refuge
Mud Lake Migratory Waterfowl Refuge	Mud Lake National Wildlife Refuge
Rice Lake Migratory Waterfowl Refuge	Rice Lake National Wildlife Refuge
Talcot Lake Migratory Water- fowl Refuge	Talcot Lake National Wildlife Refuge
Tamarac Migratory Waterfowl Refuge	Tamarac National Wildlife Refuge

*Old Name of Refuge**New Name of Refuge*

## MISSOURI

Squaw Creek Migratory Waterfowl Refuge	Squaw Creek National Wildlife Refuge
Swan Lake Migratory Waterfowl Refuge	Swan Lake National Wildlife Refuge

## MONTANA

Benton Lake Bird Refuge	Benton Lake National Wildlife Refuge
Black Coulee Migratory Waterfowl Refuge	Black Coulee National Wildlife Refuge
Fort Keogh Bird Refuge	Fort Keogh National Wildlife Refuge
Hewitt Lake Migratory Waterfowl Refuge	Hewitt Lake National Wildlife Refuge
Lake Thibadeau Migratory Waterfowl Refuge	Lake Thibadeau National Wildlife Refuge
Medicine Lake Migratory Waterfowl Refuge	Medicine Lake National Wildlife Refuge
Nine-Pipe Reservation	Nine-Pipe National Wildlife Refuge
Pablo Reservation	Pablo National Wildlife Refuge
Pishkun Reservation	Pishkun National Wildlife Refuge
Willow Creek Reservation	Willow Creek National Wildlife Refuge

## NEBRASKA

Crescent Lake Wildlife Refuge	Crescent Lake National Wildlife Refuge
Niobrara Reservation	Fort Niobrara National Wildlife Refuge
North Platte Reservation	North Platte National Wildlife Refuge
Valentine Migratory Waterfowl Refuge	Valentine National Wildlife Refuge

## NEVADA

Anaho Island Reservation	Anaho Island National Wildlife Refuge
Charles Sheldon Wildlife Refuge	Sheldon National Antelope Refuge
Fallon Wildlife Refuge	Fallon National Wildlife Refuge
Railroad Valley Migratory Bird Refuge	Railroad Valley National Wildlife Refuge
Ruby Lake Migratory Waterfowl Refuge	Ruby Lake National Wildlife Refuge
Winnemucca Migratory Bird Refuge	Winnemucca National Wildlife Refuge

## NEW MEXICO

Bitter Lake Migratory Waterfowl Refuge	Bitter Lake National Wildlife Refuge
Carlsbad Reservation	Carlsbad National Wildlife Refuge
Rio Grande Wildlife Refuge	Rio Grande National Wildlife Refuge

<i>Old Name of Refuge</i>	<i>New Name of Refuge</i>
NEW YORK	
Fort Tyler Migratory Bird Refuge	Fort Tyler National Wildlife Refuge
Montezuma Migratory Bird Refuge	Montezuma National Wildlife Refuge
Shinnecock Migratory Bird Refuge	Shinnecock National Wildlife Refuge
NORTH CAROLINA	
Lake Mattamuskeet Wildlife Refuge	Mattamuskeet National Wildlife Refuge
Pea Island Migratory Waterfowl Refuge	Pea Island National Wildlife Refuge
Swanquarter Migratory Bird Refuge	Swanquarter National Wildlife Refuge
NORTH DAKOTA	
Appert Lake Migratory Waterfowl Refuge	Appert Lake National Wildlife Refuge
Ardoch Lake Migratory Waterfowl Refuge	Ardoch National Wildlife Refuge
Arrowwood Migratory Waterfowl Refuge	Arrowwood National Wildlife Refuge
Billings Lake Migratory Waterfowl Refuge	Billings Lake National Wildlife Refuge
Bone Hill Creek Migratory Waterfowl Refuge	Bone Hill National Wildlife Refuge
Brumba Migratory Waterfowl Refuge	Brumba National Wildlife Refuge
Buffalo Lake Migratory Waterfowl Refuge	Buffalo Lake National Wildlife Refuge
Camp Lake Migratory Waterfowl Refuge	Camp Lake National Wildlife Refuge
Canfield Lake Migratory Waterfowl Refuge	Canfield Lake National Wildlife Refuge
Charles Lake Migratory Waterfowl Refuge	Charles Lake National Wildlife Refuge
Chase Lake Reservation	Chase Lake National Wildlife Refuge
Cottonwood Lake Migratory Waterfowl Refuge	Cottonwood Lake National Wildlife Refuge
Dakota Lake Migratory Waterfowl Refuge	Dakota Lake National Wildlife Refuge
Des Lacs Migratory Waterfowl Refuge	Des Lacs National Wildlife Refuge
Flickertail Migratory Waterfowl Refuge	Flickertail National Wildlife Refuge
Florence Lake Migratory Waterfowl Refuge	Florence Lake National Wildlife Refuge
Half-Way Lake Migratory Waterfowl Refuge	Half-Way Lake National Wildlife Refuge
Hiddenwood Lake Migratory Waterfowl Refuge	Hiddenwood National Wildlife Refuge
Hobart Lake Migratory Waterfowl Refuge	Hobart Lake National Wildlife Refuge
Hutchinson Lake Migratory Waterfowl Refuge	Hutchinson Lake National Wildlife Refuge

*Old Name of Refuge**New Name of Refuge*

## NORTH DAKOTA—Continued

Johnson Lake Migratory Waterfowl Refuge	Johnson Lake National Wildlife Refuge
Lake Elsie Migratory Waterfowl Refuge	Lake Elsie National Wildlife Refuge
Lake George Migratory Waterfowl Refuge	Lake George National Wildlife Refuge
Lake Ilo Migratory Waterfowl Refuge	Lake Ilo National Wildlife Refuge
Lake Moraine Migratory Waterfowl Refuge	Lake Moraine National Wildlife Refuge
Lake Nettie Migratory Waterfowl Refuge	Lake Nettie National Wildlife Refuge
Lake Oliver Migratory Waterfowl Refuge	Lake Oliver National Wildlife Refuge
Lake Patricia Migratory Waterfowl Refuge	Lake Patricia National Wildlife Refuge
Lake Susie Migratory Waterfowl Refuge	McLean National Wildlife Refuge
Lake Zahl Migratory Waterfowl Refuge	Lake Zahl National Wildlife Refuge
Lambs Lake Migratory Waterfowl Refuge	Lambs Lake National Wildlife Refuge
Legion Lake Migratory Waterfowl Refuge	Legion Lake National Wildlife Refuge
Little Goose Migratory Waterfowl Refuge	Little Goose National Wildlife Refuge
Little Lake Migratory Waterfowl Refuge	Little Lake National Wildlife Refuge
Long Lake Migratory Bird Refuge	Long Lake National Wildlife Refuge
Lords Lake Migratory Waterfowl Refuge	Lords Lake National Wildlife Refuge
Lost Lake Migratory Waterfowl Refuge	Lost Lake National Wildlife Refuge
Lostwood Migratory Waterfowl Refuge	Lostwood National Wildlife Refuge
Lower Souris Migratory Waterfowl Refuge	Lower Souris National Wildlife Refuge
Maple River Migratory Waterfowl Refuge	Maple River National Wildlife Refuge
Minnewastena Migratory Waterfowl Refuge	Minnewastena National Wildlife Refuge
Pioneer Lake Migratory Waterfowl Refuge	Pioneer Lake National Wildlife Refuge
Pleasant Lake Migratory Waterfowl Refuge	Pleasant Lake National Wildlife Refuge
Rock Lake Migratory Waterfowl Refuge	Rock Lake National Wildlife Refuge
Shell Lake Migratory Waterfowl Refuge	Shell Lake National Wildlife Refuge
Sibley Lake Migratory Waterfowl Refuge	Sibley Lake National Wildlife Refuge
Stump Lake Reservation	Stump Lake National Wildlife Refuge
Upper Souris Migratory Waterfowl Refuge	Upper Souris National Wildlife Refuge

*Old Name of Refuge**New Name of Refuge*

## OHIO

West Sister Island Migratory Bird Refuge	West Sister Island National Wildlife Refuge
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## OKLAHOMA

Salt Plains Wildlife Refuge	Salt Plains National Wildlife Refuge
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## OREGON

Cape Meares Migratory Bird Refuge	Cape Meares National Wildlife Refuge
Goat Island Migratory Bird Refuge	Oregon Islands National Wildlife Refuge
Hart Mountain Antelope Refuge	Hart Mountain National Antelope Refuge
Malheur Migratory Bird Refuge	Malheur National Wildlife Refuge
McKay Creek Bird Refuge	McKay Creek National Wildlife Refuge
Three Arch Rocks Reservation	Three Arch Rocks National Wildlife Refuge
Upper Klamath Wildlife Refuge	Upper Klamath National Wildlife Refuge

## PUERTO RICO

Culebra Reservation	Culebra National Wildlife Refuge
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## SOUTH CAROLINA

Cape Romain Migratory Bird Refuge	Cape Romain National Wildlife Refuge
Carolina Sandhills Wildlife Refuge	Carolina Sandhills National Wildlife Refuge

## SOUTH DAKOTA

Belle Fourche Reservation	Belle Fourche National Wildlife Refuge
Lacreek Migratory Waterfowl Refuge	Lacreek National Wildlife Refuge
Lake Andes Migratory Waterfowl Refuge	Lake Andes National Wildlife Refuge
Sand Lake Migratory Waterfowl Refuge	Sand Lake National Wildlife Refuge
Waubay Migratory Waterfowl Refuge	Waubay National Wildlife Refuge

## TENNESSEE

Lake Isom Migratory Waterfowl Refuge	Lake Isom National Wildlife Refuge
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## TEXAS

Aransas Migratory Waterfowl Refuge	Aransas National Wildlife Refuge
Muleshoe Migratory Waterfowl Refuge	Muleshoe National Wildlife Refuge

*Old Name of Refuge**New Name of Refuge*

## UTAH

Locomotive Springs Migratory Bird Refuge	Locomotive Springs National Wildlife Refuge
Strawberry Valley Reservation	Strawberry Valley National Wildlife Refuge

## VERMONT

Morgan Farm Wildlife Refuge	Morgan National Wildlife Refuge
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## VIRGINIA

Back Bay Migratory Waterfowl Refuge	Back Bay National Wildlife Ref- uge
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## WASHINGTON

Columbia River Bird Refuge	Columbia River National Wild- life Refuge
Conconnully Reservation	Conconnully National Wildlife Refuge
Copalis Rock Reservation	Copalis National Wildlife Refuge
Dungeness Spit Reservation	Dungeness National Wildlife Refuge
Flattery Rocks Reservation	Flattery Rocks National Wild- life Refuge
Jones Island Migratory Bird Refuge	Jones Island National Wildlife Refuge
Lenore Lake Migratory Bird Refuge	Lenore Lake National Wildlife Refuge
Little Pend Oreille Wildlife Refuge	Little Pend Oreille National Wildlife Refuge
Matia Island Migratory Bird Refuge	Matia Island National Wildlife Refuge
Quillayute Needles Reservation	Quillayute Needles National Wildlife Refuge
Smith Island Reservation	Smith Island National Wildlife Refuge
Turnbull Migratory Waterfowl Refuge	Turnbull National Wildlife Refuge
Willapa Harbor Migratory Bird Refuge	Willapa National Wildlife Refuge

## WISCONSIN

Gravel Island Reservation	Gravel Island National Wild- life Refuge
Green Bay Reservation	Green Bay National Wildlife Refuge
Long Tail Point Migratory Waterfowl Refuge	Long Tail Point National Wild- life Refuge
Trempealeau Migratory Water- fowl Refuge	Trempealeau National Wildlife Refuge

## WYOMING

Bamforth Lake Migratory Bird Refuge	Bamforth National Wildlife Refuge
Elk Refuge	National Elk Refuge
Hutton Lake Migratory Bird Refuge	Hutton Lake National Wildlife Refuge

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25<sup>th</sup> day of July, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED, "AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE" APPROVED JULY 2, 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

July 26, 1940  
[No. 2417]

Preamble.  
*Ante*, p. 714.

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material or supplies necessary for the manufacture, servicing or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years or by both such fine and imprisonment. The authority granted in this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide."

*Ante*, p. 2712.

AND WHEREAS by my proclamation no. 2413 of July 2, 1940, entitled "ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED 'AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE' APPROVED JULY 2, 1940", I proclaimed that upon the recommendation of the Administrator of Export Control I had determined that it was necessary in the interest of the national defense that certain listed articles and materials should not be exported from the United States except when authorized in each case by a license as provided for in the said proclamation.

Exports of designated materials.  
License requirement.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of Congress, do hereby proclaim that upon the recommendation of the aforesaid Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after August 1, 1940, the additional materials hereinafter listed shall not be exported from the United

States except when authorized in each case by a license as provided for in the aforesaid proclamation:

1. Petroleum products
2. Tetraethyl lead
3. Iron and steel scrap

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of July, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

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### DAY OF PRAYER

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 7, 1940  
[No. 2418]

### A PROCLAMATION

The American heritage of individual freedom and of government deriving its powers from the consent of the governed has from the time of the Fathers of our Republic been proudly transmitted to each succeeding generation, and to us of this generation has fallen the task of preserving it and transmitting it to the future. We are now engaged in a mighty effort to fortify that heritage.

Preamble.

Mindful of our duties in the family of nations we have endeavored to prevent the outbreak and the spread of war, and we have raised our voices against international injustice. As Americans and as lovers of freedom we are humbly sympathetic with those who are facing tribulation in lands across the seas.

When every succeeding day brings sad news of suffering and disaster abroad we are especially conscious of the Divine Power and of our dependence upon God's merciful guidance. With this consciousness in our hearts it is seemly that we should, at a time like this, pray to Almighty God for His blessing on our country and for the establishment of a just and permanent peace among all the nations of the world.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby set aside Sunday, September 8, 1940, as a day of prayer; and I urge the people of the United States, of all creeds and denominations, to pray on that day, in their churches or at their homes, on the high seas or wherever they may be, beseeching the Ruler of the Universe to bless our Republic, to make us reverently grateful for our heritage and firm in its defense, and to grant to this land and to the troubled world a righteous, enduring peace.

Sunday, September 8, 1940, set aside as a day of prayer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of August, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

## CANADA—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Preamble.

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”

WHEREAS, satisfactory proof was received by me from the Government of Canada that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Canada upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Canada and the produce, manufactures, or merchandise imported in said vessels into the United States from Canada or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of August in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

Canada.  
Suspension of for-  
eign discriminating  
duties and imposts  
against.

Effective date and  
duration.

## AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

August 9, 1940  
[No. 2420]

## A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the said Secretary on July 1, 1939 by Reorganization Plan No. II (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345 of August 11, 1939, as amended by Proclamation No. 2367 of September 28, 1939, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

Preamble.

16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

5 U. S. C., Supp. V, § 133t (note).

*Ante*, pp. 2615, 2661.

39 Stat. 1702.

50 Stat. 1311.

“AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED  
BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the Secretary of the Interior on July 1, 1939 by Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as amended by Proclamation No. 2367 of September 28, 1939, and as so amended do hereby adopt such regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

Migratory Bird Treaty Act Regulations.  
16 U. S. C. §§ 703-711; Supp. V, §§ 703-709a.

5 U. S. C., Supp. V, § 133t (note).

39 Stat. 1702.

50 Stat. 1311.

*Ante*, pp. 2615, 2661

Regulation 2, “Definition of Terms”, is amended to read as follows:

## REGULATION 2.—DEFINITION OF TERMS

*Ante*, p. 2617.

For the purposes of these regulations, the following terms shall be construed, respectively, to mean and to include—

*Secretary*.—Secretary of the Interior of the United States.

“Secretary.”

*Director*.—Director, Fish and Wildlife Service, United States Department of the Interior.

“Director.”

- "Regional Director." *Regional Director.*—Regional Director, Fish and Wildlife Service, United States Department of the Interior.
- "Person." *Person.*—Individual, club, association, partnership, or corporation, any one or all, as the context requires.
- "Take." *Take.*—Hunt, kill, or capture, or attempt to hunt, kill, or capture.
- "Open season." *Open season.*—Time during which migratory game birds may be taken.
- "Transport." *Transport.*—Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", is amended to read as follows:

*Ante*, pp. 2618, 2662; *post*, p. 2757.

**REGULATION 4.—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS**

Open seasons on and possession of certain migratory game birds.

Waterfowl (except snow geese and brants in States bordering on the Atlantic Ocean; Ross' geese, wood ducks, and swans), and coots, may be taken each day from sunrise to 4 p. m., and rails and gallinules (other than coots), Wilson's snipes or jacksnipes, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons from sunrise to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or Territory or in the District of Columbia during the period constituting the open season where taken and for an additional period of 20 days next succeeding said open season, but no such bird shall be possessed in a State or Territory or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Reservations or sanctuaries.

16 U. S. C. §§ 715-715r; Supp. V, §§ 715a-715s.

Waterfowl, Wilson's snipe or jacksnipe, and coot.

Waterfowl, Wilson's snipe or jacksnipe, and coot.—The open seasons on waterfowl (except snow geese and brant in States bordering on the Atlantic Ocean; Ross' goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, South Dakota, Wisconsin, and Wyoming, October 1 to November 29.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and West Virginia, October 16 to December 14.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 2 to December 31.

In Fur Districts 1 and 3 in Alaska, as defined in the regulations governing the taking of game in Alaska adopted June 8, 1940 (5 F. R.

2288), October 1 to November 29; and in the remainder of Alaska, September 1 to October 30: Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Massachusetts, New York, including Long Island, and Rhode Island, from September 15 to October 15, and thereafter from land or water during the open seasons for other waterfowl in these States.

*Proviso.*  
Soters.

Rails and gallinules (except coot).—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Rails and gallinules  
(except coot).

Alabama, November 20 to January 31.

Louisiana, November 1 to January 31.

Massachusetts, New York, including Long Island, and Washington, October 16 to December 14.

Minnesota, September 16 to November 30.

Wisconsin, October 1 to November 29.

District of Columbia, no open season.

Woodcock.—The open seasons on woodcock shall be as follows, both dates inclusive:

Woodcock.

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in New Hampshire, North Dakota, and Wisconsin, October 1 to October 15.

That part of New York lying south of the line above described and in Indiana, and Iowa, October 15 to October 29.

That part of New York known as Long Island, November 1 to November 15.

Arkansas, Kentucky, and Oklahoma, December 1 to December 15.

Connecticut, October 25 to November 8.

Delaware, and Maryland, November 15 to November 29.

Louisiana, and Mississippi, December 15 to December 29.

Maine, October 10 to October 24.

Massachusetts, October 20 to November 3.

Michigan, in Upper Peninsula, October 1 to October 15; in remainder of State, October 15 to October 29.

Minnesota, September 16 to September 30.

Missouri, November 10 to November 24.

New Jersey, and Rhode Island, November 1 to November 15.

Ohio, October 10 to October 24.

Pennsylvania, October 16 to October 30.

Vermont, and West Virginia, October 17 to October 31.

Virginia, November 20 to December 4.

Mourning or turtle dove.—The open seasons on mourning or turtle dove shall be as follows, both dates inclusive:

Mourning or turtle  
dove.

Alabama, north of United States Highway No. 80, October 1 to October 31 and December 20 to January 31; south of said highway, November 20 to January 31.

Georgia, in Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, and Burke Counties, and all counties north thereof, October 1 to October 31 and December 20 to January 31; in remainder of State, November 20 to January 31.

Mississippi, October 1 to October 15 and December 1 to January 31.

South Carolina, in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Chester, Fairfield, Union, Laurens, Anderson, Abbe-

ville, Greenwood, McCormick, Edgefield, and Aiken Counties, September 15 to October 15 and December 20 to January 31; in remainder of State, November 20 to January 31.

Arizona, California, Idaho, Kansas, Missouri, Nevada, New Mexico, and Oklahoma, September 1 to November 15.

Arkansas, Delaware, North Carolina, and Tennessee, September 15 to November 30.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That part of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 31.

Louisiana, December 1 to January 31.

Maryland, September 1 to September 30 and November 15 to December 31.

Minnesota, September 16 to September 30.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

Virginia, September 1 to September 30 and November 20 to December 31.

**White-winged dove.**

White-winged dove.—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, August 16 to September 15.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

**Band-tailed pigeon.**

Band-tailed pigeon.—The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, New Mexico, and Washington, September 16 to September 30.

California, December 1 to December 15.

Oregon, September 1 to September 15.

Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

**Ante, p. 2620.**

**REGULATION 5.—DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS**

**Daily bag and possession limits.**

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

**Ducks.**

Ducks (except wood duck).—Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck; and any person at any one time may possess not more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck.

Geese and brant (except snow geese and brant in States bordering on the Atlantic Ocean; and Ross' goose).—Three in the aggregate of all kinds, and any person at any one time may possess not more than 6 in the aggregate of all kinds.

Geese and brant.

Rails and gallinules (except sora and coot).—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

Rails and gallinules.

Sora.—Fifteen, and any person at any one time may possess not more than 15.

Sora.

Coot.—Twenty-five, and any person at any one time may possess not more than 25.

Coot.

Wilson's snipe or jacksnipe.—Fifteen, and any person at any one time may possess not more than 15.

Wilson's snipe or jacksnipe.

Woodcock.—Four, and any person at any one time may possess not more than 8.

Woodcock.

Mourning or turtle dove and white-winged dove.—Twelve in the aggregate of both kinds, and any person at any one time may possess not more than 12 in the aggregate of both kinds.

Mourning or turtle dove and white-winged dove.

Band-tailed pigeon.—Ten, and any person at any one time may possess not more than 10.

Band-tailed pigeon.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coots and gallinules, Wilson's snipes or jacksnipes, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

Limits applicable to certain birds brought into U. S.

Regulation 6, "Shipment, Transportation, and Possession of Certain Migratory Game Birds", is amended by striking out the figure "10" wherever it occurs in the said regulation and by inserting in lieu thereof the figure "20".

Regulation 6, amendment. *Ante*, p. 2621.

Regulation 8, "Permits to Propagate Migratory Waterfowl", and Regulation 9, "Permits to Collect Migratory Birds for Scientific Purposes", are amended by striking out the words "Chief of the Bureau" wherever they occur in the said regulations and by inserting in lieu thereof the word "Director".

Regulations 8 and 9, amendment. *Ante*, pp. 2622, 2624.

Regulation 10, "Permits to Kill Migratory Birds Injurious to Property", is amended to read as follows:

**REGULATION 10.—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO PROPERTY**

*Ante*, p. 2625.

**Community injury.**—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

Community injury.

**Specific injury.**—Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or some of them, a permit to kill the birds will be issued

Specific injury.

by the Director or by the Regional Director if authorized by the Director, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: Provided, however, That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, natural or artificial, movable or stationary, whether on land or water; (2) by means of any gun larger than No.-10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

*Proviso.*  
Restrictions.

Records and reports.

Every person exercising any privilege provided for in this regulation shall keep an accurate record of all migratory birds killed by him and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this second day of August, 1940.

[SEAL]

HAROLD L. ICKES  
*Secretary of the Interior.*"

AND WHEREAS upon consideration it appears that approval of the foregoing amendments will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

Approval and proclamation of amendments.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this ninth day of August, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President  
SUMNER WELLES  
*Acting Secretary of State.*

APPROVING REPORT OF UNITED STATES TARIFF COMMISSION ON  
SHIPMENTS AND IMPORTS OF RED CEDAR SHINGLES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of Congress approved July 1, 1940 (Pub. No. 698, 76th Cong.), entitled "An Act to provide for exercising the right with respect to red cedar shingles reserved in the trade agreement

August 26, 1940  
[No. 2421]

Preamble.  
*Ante*, p. 708.

concluded November 17, 1938, between the United States of America and Canada, and for other purposes," provides as follows:

53 Stat. 2348.

"That (a) the United States Tariff Commission is hereby directed to conduct an investigation as soon as practicable after the close of the calendar year 1939 and each calendar year thereafter, for the purpose of ascertaining the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding any such investigation.

(b) If the Commission finds, on the basis of an investigation under subdivision (a) of this section, that in any calendar year after 1938 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was in excess of 30 per centum of the combined total for such year of the respective quantities ascertained in such investigation, it shall so report to the President. If the President approves the report of the Commission, he shall so proclaim, and on and after the day following the filing of such proclamation with the Division of the Federal Register and so long as any trade agreement entered into under the authority of section 350 of the Tariff Act of 1930, as amended, shall be in effect with respect to the importation into the United States of red cedar shingles, there shall be a duty upon imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, in any calendar year in excess of 30 per centum of the annual average for the preceding three calendar years of the combined total of the quantity of such shingles shipped by producers in the United States and of the quantity of such imported shingles entered for consumption, or withdrawn from warehouse for consumption. The rate of such duty shall be 25 cents per square. Any duty imposed under this Act shall be treated for the purposes of all provisions of law relating to customs revenue as a duty imposed by the Tariff Act of 1930, and shall not apply to shingles entered for consumption before the duty becomes applicable.

48 Stat. 943.  
19 U. S. C. § 1351;  
Supp. V, § 1351.

(c) The quantity of red cedar shingles entitled to exemption from any duty imposed pursuant to this Act shall be ascertained for each quota period by the Commission and reported to the Secretary of the Treasury.";

WHEREAS the United States Tariff Commission has reported to me that pursuant to the said act it has conducted an investigation and has ascertained the quantities of red cedar shingles shipped by producers in the United States and the quantities of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, during each of the three calendar years immediately preceding such investigation, namely, the calendar years 1937, 1938, and 1939; and

Investigation conducted.

WHEREAS, as shown by its report, the Commission has found, on the basis of its investigation, that in the calendar year 1939 the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, was in excess of 30 per centum of the combined total for such year of the quantity of red cedar shingles shipped by producers in the United States and the quantity of imported red cedar shingles entered for consumption, or withdrawn from warehouse for consumption, as ascertained by the Commission:

Findings.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim my approval of the said report of the United States Tariff Commission, to the end that

Approval of report.

the duty provided in the aforesaid act approved July 1, 1940, shall be imposed upon such imported red cedar shingles as are subject to duty under that act.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26<sup>th</sup> day of August in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

### ENLARGING THE OZARK NATIONAL FOREST—ARKANSAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

August 27, 1940  
[No. 2422]

Preamble.

WHEREAS certain lands in the State of Arkansas have been acquired or are in process of acquisition by the United States under authority of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), for use in connection with the Boston Mountain Land Utilization Project (LU-AK-6); and

7 U. S. C. Supp. V,  
§ 1010-1013.

WHEREAS by Executive Order No. 7670 of July 19, 1937, the vacant, unappropriated, and unreserved public lands within the project boundaries were temporarily withdrawn from settlement, location, sale, or entry, and reserved for use and development by the Department of Agriculture in connection with the said project; and

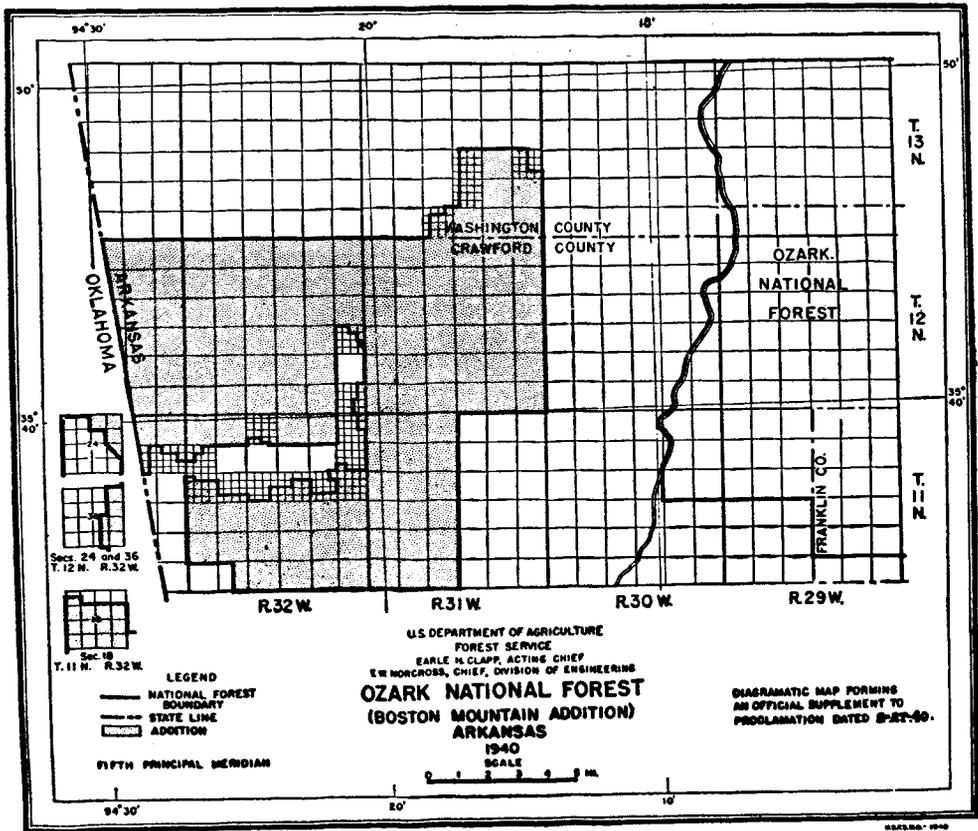
WHEREAS by reason of the transfer effected by Executive Order No. 7908 of June 9, 1938, the said project is now being administered pursuant to Title III of the above-mentioned Bankhead-Jones Farm Tenant Act; and

WHEREAS it appears that the said project lands are suitable for national-forest purposes and that it would be in the public interest to include them in and reserve them as a part of the Ozark National Forest, in Arkansas:

Lands added.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U. S. C., title 16, sec. 473), and Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, do proclaim that the boundaries of the said Ozark National Forest are hereby extended to include the non-contiguous area shown on the diagram attached hereto and made a part hereof; that (1) all lands within the said boundaries which have been acquired by the United States under the provisions of the said Emergency Relief Appropriation Act of 1935 and Title III of the said Bankhead-Jones Farm Tenant Act, and all unappropriated public lands within the said area, are hereby reserved as a part of the Ozark National Forest; and (2) that all lands within the said boundaries which are in process of acquisition by the United States under authority of the said Emergency Relief Appropriation Act and Title III of

Administration of  
lands acquired.



the said Bankhead-Jones Farm Tenant Act shall upon the acquisition of title thereto become and be reserved as a part of the said forest, all such lands thereafter to be subject to the laws, rules, and regulations applicable to the national forests.

The above-mentioned Executive Order No. 7670 of July 19, 1937, is hereby revoked.

Revocation of prior Executive order.

The reservation made by this proclamation shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Rights reserved.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this 27<sup>th</sup> day of August in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 12, 1940

[No. 2423]

### A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "An Act to expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

Preamble.  
*Ante*, p. 714.

"Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after this date the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in

Control of exports of certain articles and materials.

*Ante*, p. 2712.

Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the act entitled 'An Act to expedite the strengthening of the national defense' approved July 2, 1940," and in the regulations issued pursuant thereto:

1. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of aviation motor fuel from petroleum, petroleum products, hydrocarbons, or hydrocarbon mixtures, by processes involving chemical change; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Aviation motor fuel shall mean such fuel as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.
2. Equipment (excluding minor component parts) which can be used, or adapted to use, for the production of tetraethyl lead; and any plans, specifications, or other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) useful in the design, construction, or operation of any such equipment, or in connection with any such processes. Tetraethyl lead shall mean such tetraethyl lead as is defined in the regulations issued pursuant to Proclamation No. 2417 of July 26, 1940, as may from time to time be amended.
3. Plans, specifications, and other documents containing descriptive or technical information of any kind (other than that appearing in any form available to the general public) setting forth the design or construction of aircraft or aircraft engines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12<sup>th</sup> day of September in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State*

### GOLD STAR MOTHER'S DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936 (49 Stat. 1895), recites:

"Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

September 14, 1940  
[No. 2424]

Preamble.  
36 U. S. C., Supp.  
V. §§ 147, 148.

“Whereas we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountain-head of the state; and

“Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

“Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;”

AND WHEREAS the said Public Resolution 123 provides:

“That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

“SEC. 2. That the last Sunday in September shall hereafter be designated and known as ‘Gold Star Mother’s Day’, and it shall be the duty of the President to request its observance as provided for in this resolution.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do hereby designate the last Sunday in September of this and of each succeeding year as Gold Star Mother’s Day, do direct the officials of the Government to have the flag of the United States displayed on all Government buildings on that day, and do call upon the American people to display the flag and observe Gold Star Mother’s Day in their homes, churches, and other suitable places as a public expression of their affection and reverence for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 14<sup>th</sup> day of September, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

Gold Star Mother’s Day.  
Designation of last Sunday in September of this and succeeding years; observance invited.

## REGISTRATION DAY

BY THE PRESIDENT OF THE UNITED STATES

## A PROCLAMATION

WHEREAS the Congress has enacted and I have this day approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and

September 16, 1940  
[No. 2425]

Preamble.  
Act, p. 885.

privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service; and

WHEREAS the said Act contains, in part, the following provisions:

“SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

\* \* \* \* \*

“SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).”

\* \* \* \* \*

“SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;”

\* \* \* \* \*

“(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;”

\* \* \* \* \*

“SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.”

\* \* \* \* \*

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

1. The first registration under the Selective Training and Service Act of 1940 shall take place on Wednesday, the sixteenth day of October, 1940, between the hours of 7 A. M. and 9 P. M.

Time for first registration.

2. Every male person (other than persons excepted by Section 5 (a) of the aforesaid Act) who is a citizen of the United States or an alien residing in the United States and who, on the registration date fixed herein, has attained the twenty-first anniversary of the day of his birth and has not attained the thirty-sixth anniversary of the day of his birth, is required to present himself for and submit to registration. Every such person who is within the continental United States on the registration date fixed herein shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his permanent home or in which he may happen to be on that date. Every such person who is not within the continental United States on the registration date fixed herein shall within five days after his return to the continental United States present himself for and submit to registration. Regulations will be prescribed hereafter providing for special registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

Persons required to register.  
*Ante*, p. 887.

Regulations for special registration.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

Observance of rules, etc.

4. The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.

Registration in Alaska, Hawaii, and Puerto Rico.  
*Post*, pp. 2760, 2745, 2747.  
State, etc., facilities.

5. I call upon the Governors of the several States and the Board of Commissioners of the District of Columbia to provide suitable and sufficient places of registration within their respective jurisdictions and to provide suitable and necessary registration boards to effect such registration.

Services of officials, etc.

6. I further call upon all officers and agents of the United States and all officers and agents of the several States and the District of Columbia and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

7. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers, and government agencies of all kinds—Federal, State and Local—to give those under their charge sufficient time off in which to fulfill the obligation of registration incumbent on them under the said Act.

Cooperation of all employees, etc.

America stands at the crossroads of its destiny. Time and distance have been shortened. A few weeks have seen great nations fall. We cannot remain indifferent to the philosophy of force now rampant in the world. The terrible fate of nations whose weakness invited attack is too well known to us all.

We must and will marshal our great potential strength to fend off war from our shores. We must and will prevent our land from becoming a victim of aggression.

Our decision has been made.

It is in that spirit that the people of our country are assuming the burdens that now become necessary. Offers of service have flooded in from patriotic citizens in every part of the nation, who ask only what they can do to help. Now there is both the opportunity and the need for many thousands to assist in listing the names and addresses of the millions who will enroll on registration day at school houses, polling places, and town halls.

The Congress has debated without partisanship and has now enacted a law establishing a selective method of augmenting our armed forces. The method is fair, it is sure, it is democratic—it is the will of our people.

After thoughtful deliberation, and as the first step, our young men will come from the factories and the fields, the cities and the towns, to enroll their names on registration day.

On that eventful day my generation will salute their generation. May we all renew within our hearts that conception of liberty and that way of life which we have all inherited. May we all strengthen our resolve to hold high the torch of freedom in this darkening world so that our children and their children may not be robbed of their rightful inheritance.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixteenth day of September in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

#### FIRE PREVENTION WEEK—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

September 18, 1940  
[No. 2426]

##### Preamble.

WHEREAS untimely death by fire or painful injury from flames and smoke is the tragic fate of an appalling number annually of men, women, and children; and

WHEREAS avoidable fires caused damage to property in the United States during 1939 amounting to approximately \$275,000,000, an increase over the annual losses in recent years; and

WHEREAS public alertness and attention are most effective means of ensuring the establishment of adequate safeguards in places where destructive fires may occur:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate and proclaim the week beginning October 6, 1940, as Fire Prevention Week, and I urge that civic leaders and the press cooperate in promoting throughout the Nation, during that week, discussions and measures of action that will lead to the prompt elimination of fire hazards and to increased vigilance at potential points of danger.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of September, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

Fire Prevention  
Week.  
Designation of week  
beginning Oct. 6, 1940,  
as.

## GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 18, 1940

[No. 2427]

## A PROCLAMATION

WHEREAS, in a world seared by the ravaging hand of war and oppression, we Americans are increasingly grateful for the Republic which our fathers built on principles of freedom and equality; and

Preamble.

WHEREAS the valiant struggle to win American independence was advanced by the bravery of General Casimir Pulaski, a Pole who hated tyranny and who fought fiercely by the side of American patriots until he was wounded unto death, October 9, and drew his last breath on October 11, 1779; and

WHEREAS Public Resolution 76 of the Seventy-sixth Congress, approved on June 6, 1940, provides:

*Ante*, p. 231.

“That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1940, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon officials of the Government to display the flag on Government buildings on October 11, 1940, and I invite the people of the United States to participate in the observance of that day as General Pulaski's Memorial Day with appropriate ceremonies in schools and churches, or other suitable places.

General Pulaski's  
Memorial Day.  
Observance on Oct.  
11, 1940

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18<sup>th</sup> day of September, in the year of our Lord nineteen hundred and forty, and of the  
[SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED “AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE,” APPROVED JULY 2, 1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

September 30, 1940

[No. 2428]

## A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled “AN ACT To expedite the strengthening of the national defense,” approved July 2, 1940, provides as follows:

Preamble.  
*Ante*, p. 714.

“Sec. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component

parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide."

Control of export of  
designated articles  
and materials.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after October 15, 1940, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the act entitled 'An Act to expedite the strengthening of the national defense' approved July 2, 1940," and in the regulations issued pursuant thereto:

Ante, p. 2712.

Fire Control Instruments, Military Searchlights, Aerial Cameras and other types of Military Equipment containing optical elements.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30<sup>th</sup> day of September, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

#### ICELAND—SUSPENSION OF TONNAGE DUTIES

September 30, 1940  
[No. 2429]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Preamble.

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost

within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”

WHEREAS satisfactory proof was received by me from the Government of Iceland on September 13, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Iceland upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Iceland and the produce, manufactures, or merchandise imported in said vessels into the United States from Iceland or from any other foreign country; the suspension to take effect from September 13, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Iceland.  
Suspension of foreign discriminating duties of tonnage and imposts.

Effective date; duration.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30<sup>th</sup> day of September in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

REGISTRATION DAY—HAWAII

BY THE PRESIDENT OF THE UNITED STATES

October 1, 1940

[No. 2430]

A PROCLAMATION

WHEREAS the Congress has enacted, and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

Preamble.  
*Ante*, p. 885.

WHEREAS the said Act contains, in part, the following provisions:

“SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places,

and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

\* \* \* \* \*

“SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers’ Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers’ Training Corps or Naval Reserve Officers’ Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).”

\* \* \* \* \*

“SEC. 10 (a) The President is authorized—  
 (1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;”

\* \* \* \* \*

“(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;”

\* \* \* \* \*

“SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.”

\* \* \* \* \*

*Ante*, p. 2739.

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

*Post*, pp. 2760, 2747.

WHEREAS such proclamation provides that “The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.”;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

Hawaii.  
 First registration,  
 date and time.

1. The first registration under the Selective Training and Service Act of 1940 for the Territory of Hawaii shall take place in such Territory on Saturday, the twenty-sixth day of October, 1940, between the hours of 7:00 A. M. and 9:00 P. M.

2. Every male person (other than persons excepted by section 5(a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940) who is a citizen of the United States residing in, or on October 26, 1940, is within, the Territory of Hawaii or who is an alien residing in such Territory, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in the Territory of Hawaii who is not within such Territory on the registration date fixed herein shall within five days after his return to such Territory present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545 of September 23, 1940, shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

Registration of male persons between 21 and 36; exception.  
*Ante*, pp. 837, 2739.

Special cases of registration.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

Observance of rules, etc.

4. I call upon the Governor of the Territory of Hawaii to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

Facilities for registration.

5. I further call upon the Governor of the Territory of Hawaii and all officers and agents of the Territory of Hawaii and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

Services of Governor, officers, etc.

Local election officials and other patriotic citizens.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal, Territorial, and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

Time off for registration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this first day of October in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America and one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## REGISTRATION DAY—PUERTO RICO

BY THE PRESIDENT OF THE UNITED STATES

### A PROCLAMATION

WHEREAS the Congress has enacted and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train

October 8, 1940  
[No. 2431]

Preamble.  
*Ante*, p. 835.

the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the said Act contains, in part, the following provisions:

"SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder."

\* \* \* \* \*

"SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b)."

\* \* \* \* \*

"SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;"

\* \* \* \* \*

"(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;"

\* \* \* \* \*

"SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2."

\* \* \* \* \*

*Ante*, p. 2739.

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

WHEREAS such proclamation provides that "The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.";

Post, p. 2760; ante, p. 2745.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

Puerto Rico. First registration, date and time.

1. The first registration under the Selective Training and Service Act of 1940 for Puerto Rico shall take place in Puerto Rico on Wednesday, the twentieth day of November, 1940, between the hours of 7:00 A. M. and 9:00 P. M.

Registration of male persons between 21 and 36; exception. Ante, pp. 887, 2739.

2. Every male person (other than persons excepted by section 5 (a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940, or pursuant to the Proclamation issued by me on the first day of October, 1940, providing for registration for the Territory of Hawaii) who is a citizen of the United States residing in, or on November 20, 1940, is within, Puerto Rico or who is an alien residing in Puerto Rico, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in Puerto Rico who is not within Puerto Rico on the registration date fixed herein shall within five days after his return to Puerto Rico present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545 of September 23, 1940, shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

Special cases of registration.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

Observance of rules, etc.

4. I call upon the Governor of Puerto Rico to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

Facilities for registration.

5. I further call upon the Governor of Puerto Rico and all officers and agents of Puerto Rico and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

Services of Governor, officers, etc.

Local election officials and other patriotic citizens.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

Time off for registration.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 8th day of October in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

## PERU—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 17, 1940  
[No. 2432]

## A PROCLAMATION

Preamble.

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer \* \* \* ”;

AND WHEREAS satisfactory proof was received by me from the Government of Peru on October 1, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Peru upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

Peru.  
Suspension of foreign discriminating duties of tonnage and imposts.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Peru and the produce, manufactures, or merchandise imported in said vessels into the United States from Peru or from any other foreign country; the suspension to take effect from October 1, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Effective date; duration.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 17<sup>th</sup> day of October in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## ARMISTICE DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 17, 1940  
[No. 2433]

## A PROCLAMATION

WHEREAS on November 11, 1918, the nations then at war laid down their weapons and turned their thoughts to the hoped-for dawn of an era of peace and order; and

Preamble.

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), requests the President of the United States to issue a proclamation calling for the display of the flag of the United States on all Government buildings on November 11 and for the observance of the day with appropriate ceremonies, and the act of May 13, 1938 (52 Stat. 351) designates the 11th day of November of each year as a legal public holiday; and

5 U. S. C., Supp. V,  
§ 87a.

WHEREAS observance of the anniversary of the armistice of 1918 will direct our minds to the need of the world then as now not only for peace but also for peace with understanding, not only for a cessation of hostilities but also for mutual respect in the intercourse between nations:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on November 11, 1940, and I call upon the people of the United States to observe the day with appropriate ceremonies in schools and churches, or other suitable places.

Armistice Day.  
Observance on Nov.  
11, 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 17th day of October, in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## GREENLAND—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

October 29, 1940  
[No. 2434]

## A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the

produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

AND WHEREAS satisfactory proof was received by me from the Government of Greenland on October 9, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Greenland upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Greenland and the produce, manufactures, or merchandise imported in the said vessels into the United States from Greenland or from any other foreign country; the suspension to take effect from October 9, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of October in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

### EGYPT—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification

Greenland.  
Suspension of foreign discriminating duties of tonnage and imposts.

Effective date; duration.

November 7, 1940  
[No. 2435]

Preamble.

being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

AND WHEREAS satisfactory proof was received by me from the Government of Egypt on October 3, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Egypt upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Egypt and the produce, manufactures, or merchandise imported in said vessels into the United States from Egypt or from any other foreign country; the suspension to take effect from October 3, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Egypt.  
Suspension of foreign discriminating duties of tonnage and imposts.

Effective date; duration.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*The Secretary of State.*

GUATEMALA—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 7, 1940  
[No. 2486]

A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

WHEREAS satisfactory proof was received by me from the Government of Guatemala on October 19, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Guatemala upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

Guatemala.  
Suspension of foreign discriminating duties of tonnage and imposts.

Effective date: duration.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Guatemala and the produce, manufactures, or merchandise imported in said vessels into the United States from Guatemala or from any other foreign country; the suspension to take effect from October 19, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

#### DOMINICAN REPUBLIC—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

November 7, 1940  
[No. 2437]

Preamble.

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

WHEREAS satisfactory proof was received by me from the Government of the Dominican Republic on October 19, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of the Dominican Republic upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of the Dominican Republic and the produce, manufactures, or merchandise imported in said vessels into the United States from the Dominican Republic or from any other foreign country; the suspension to take effect from October 19, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Dominican Republic.  
Suspension of foreign discriminating duties of tonnage and imposts.

Effective date; duration.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

## HAITI—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 7, 1940  
[No. 2438]

### A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”;

WHEREAS satisfactory proof was received by me from the Government of Haiti on October 19, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Haiti upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

Haiti.  
Suspension of foreign  
discriminating duties  
of tonnage and im-  
posts.

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Haiti and the produce, manufactures, or merchandise imported in said vessels into the United States from Haiti or from any other foreign country; the suspension to take effect from October 19, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Effective date; du-  
ration.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and of the [SEAL] Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT WASHINGTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

November 7, 1940  
[No. 2439]

Preamble.

16 U. S. C. §§ 703-  
711; Supp. V, §§ 703-  
709a.  
5 U. S. C., Supp. V,  
§ 133t (note).

WHEREAS the Acting Secretary of the Interior has submitted to me for approval the following regulation adopted by him on October 22, 1940, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

#### REGULATION DESIGNATING AS CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT CERTAIN LANDS AND WATERS ADJACENT TO AND IN THE VICINITY OF THE WILLAPA NATIONAL WILDLIFE REFUGE, WASHINGTON

Willapa National  
Wildlife Refuge,  
Wash.  
Regulation desig-  
nating certain lands  
and waters adjacent  
to, as closed area.

39 Stat. 1702.

I, E. K. Burlew, Acting Secretary of the Interior, after consideration of the exigencies of the migratory waterfowl and other migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, resident upon and resorting to the Willapa National Wildlife Refuge, in Pacific County, Washington, which was established as the Willapa Harbor Migratory Bird Refuge by Executive Order No. 7541, of January 22, 1937, and enlarged by Executive Order No. 7721, of October 8, 1937, and the designation of which was changed to Willapa National Wildlife Refuge by Proclamation No. 2416, of July 25, 1940, have determined that to allow the hunting, taking, capturing, or killing of migratory waterfowl or other migratory birds, or the attempt to hunt, take, capture, or kill such water-

Ante, pp. 2717, 2725.

fowl or other birds, or the taking of their nests or eggs in or on any lands or waters in Willapa Bay within the boundary herein-after described, which said lands and waters at the date hereof are adjacent to or in the vicinity of, but not incorporated in, the said Willapa National Wildlife Refuge, would defeat the protection sought to be extended to such migratory waterfowl and other migratory birds by the establishment of said refuge and, therefore, would be incompatible with the terms of said Convention:

WHEREFORE, by virtue of the authority vested in me by the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan No. II (53 Stat. 1431), and in extension of Regulation 4 of the Migratory Bird Treaty Act Regulations, the aforesaid lands and waters in Willapa Bay lying within the following-described boundary are designated as a closed area, and the hunting, taking, capturing, or killing of migratory waterfowl or other migratory birds, or the attempt to hunt, take, capture, or kill such waterfowl or other birds, or the taking of their nests or eggs therein or thereon, is not permitted:

*Ante*, p. 2730.

*Willamette Meridian*

Description.

Beginning at the meander corner between sections 5 and 8, T. 10 N., R. 10 W., on the east bank and near the mouth of Bear River, at Willapa Bay;

Thence west approximately 20 chains to the west side of Bear River Channel;

Thence in Willapa Bay with the west side of said channel, Northerly to a point which bears S. 35° W., 25 chains (approximately) from the southernmost extremity of High Point on Long Island;

Thence continuing with Bear River Channel, Westerly to a point on the east side of Tarlett Slough Channel, at its point of confluence with the said Bear River Channel;

Thence crossing Tarlett Slough Channel, Westerly to a point on the west side of said channel, a corner in the southwesterly boundary of the Long Island Oyster Reserve;

Thence continuing in Willapa Bay, with the west, north, and east boundaries of the said Long Island Oyster Reserve,

N. 22°42'51" W., 107.775 chains;

N. 87°07'15" W., 13.318 chains;

N. 2°44'10" E., 45.125 chains;

N. 66°27'05" E., 43.126 chains;

N. 32°18'31" W., 52.81 chains;

N. 10°31'44" W., 72.773 chains;

N. 32°12'20" W., 56.344 chains;

N. 15°10'14" W., 51.602 chains;

S. 84°26'05" E., 37.668 chains;

N. 0°56'50" W., 184.14 chains;

N. 28°51'36" E., 47.888 chains;

S. 84°23'35" E., 130.19 chains;

S. 80°35'53" E., 35.341 chains;

S. 7°48'14" E., 154.995 chains;

S. 37°44'01" E., 124.408 chains to a corner of the said Long Island Oyster Reserve on the east side of Stanley Channel, which corner bears S. 7° E., 18 chains (approximately) from the meander corner between section 32, T. 12 N., R. 10 W., and section 5, T. 11 N., R. 10 W.;

Thence crossing Stanley Channel near the mouth of Nasal River,

Southerly 83 chains (approximately) to a corner in the boundary of the Long Island Oyster Reserve on the east side of Long Island Slough, which corner bears S. 72° W., 38 chains (approximately) from the meander corner between sections 8 and 9, T. 11 N., R. 10 W.;

Thence in Long Island Slough, with the boundary of said Long Island Oyster Reserve,

S. 3°08'43" E., 36.468 chains;

S. 13°17'57" E., 175.699 chains to a corner of the Long Island Oyster Reserve;

Thence S. 13°17'57" E., to an intersection with the north boundary of sec. 21, T. 11 N., R. 10 W., on the shore of Long Island Slough;

Thence with the westerly boundary of sections 21, 20, 29, and 32 of T. 11 N., R. 10 W., and section 5, T. 10 N., R. 10 W., along the east shore of Long Island Slough and Willapa Bay to the place of beginning;

excepting therefrom such of the lands comprised in the island known as Long Island as are not reserved, set apart, and designated as the Willapa National Wildlife Refuge by the aforesaid Executive orders.

All lands and waters constituting the Willapa National Wildlife Refuge are closed by virtue of the aforesaid orders, and by the acts of Congress thereunto appertaining, to entry for any purpose except in accordance with regulations of the Secretary of the Interior. All hunting either of migratory or nonmigratory birds or of wildlife of any kind on said lands and waters is forbidden by law.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

Regulation approved and proclaimed.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Acting Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

## VENEZUELA—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 8, 1940  
[No. 2440]

## A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer \* \* \*”;

AND WHEREAS satisfactory proof was received by me from the Government of Venezuela on October 23, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Venezuela upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Venezuela and the produce, manufactures, or merchandise imported in said vessels into the United States from Venezuela or from any other foreign country; the suspension to take effect from October 23, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Venezuela.  
Suspension of foreign  
discriminating duties  
of tonnage and im-  
posts.

Effective date; du-  
ration.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## THANKSGIVING DAY—1940

November 9, 1940  
[No. 2441]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

Thanksgiving Day.  
Designation of  
Thursday, Nov. 21,  
1940, as.

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Thursday, the twenty-first day of November 1940, to be observed nationally as a day of thanksgiving. In a year which has seen calamity and sorrow fall upon many peoples elsewhere in the world may we give thanks for our preservation. On the same day, in the same hour, let us pray:

Almighty God, who hast given us this good land for our heritage; We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honourable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; Amen.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 9<sup>th</sup> day of November, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## REGISTRATION DAY—ALASKA

November 12, 1940  
[No. 2442]

BY THE PRESIDENT OF THE UNITED STATES

## A PROCLAMATION

Preamble.  
*Ante*, p. 885.

WHEREAS the Congress has enacted and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the said Act contains, in part, the following provisions:

“SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or

days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder."

\* \* \* \* \*

"SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b)."

\* \* \* \* \*

"SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;"

\* \* \* \* \*

"(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;"

\* \* \* \* \*

"SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2."

\* \* \* \* \*

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

*Ante*, p. 2739.

WHEREAS such proclamation provides that "The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.";

*Ante*, pp. 2745, 2747.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the

authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

Alaska.  
First registration,  
date and time.

1. The first registration under the Selective Training and Service Act of 1940 for the Territory of Alaska shall take place in such Territory on Wednesday, the twenty-second day of January, 1941, between the hours of 7:00 A. M. and 9:00 P. M.

Registration of male  
persons between 21  
and 36; exception.

2. Every male person (other than persons excepted by section 5 (a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940, or pursuant to the Proclamation issued by me on the first day of October, 1940, providing for registration for the Territory of Hawaii, or pursuant to the proclamation issued by me on the eighth day of October, 1940, providing for registration for Puerto Rico) who is a citizen of the United States residing in, or on January 22, 1941, is within, the Territory of Alaska, or who is an alien residing in such Territory, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in the Territory of Alaska who is not within the Territory of Alaska on the registration date fixed herein shall within five days after his return to the Territory of Alaska present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545 of September 23, 1940, shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

Ante, pp. 887, 2739,  
2745.

Ante, p. 2747.

Special cases of  
registration.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

Observance of rules,  
etc.

Facilities for regis-  
tration.

4. I call upon the Governor of the Territory of Alaska to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

Services of Gov-  
ernor, officers, etc.

5. I further call upon the Governor of the Territory of Alaska and all officers and agents of the Territory of Alaska and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

Local election offi-  
cials and other patri-  
otic citizens.

Time off for registra-  
tion.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this twelfth day of November in the year of our Lord nineteen hundred and forty, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
CORDELL HULL  
*Secretary of State.*

## PROCLAMATION OF A STATE OF WAR BETWEEN ITALY AND GREECE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 15, 1940  
[No. 2443]

## A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

Preamble.  
Ante, p. 4.  
22 U. S. C., Supp. V,  
§ 245j.

“That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war.”

AND WHEREAS it is further provided by section 13 of the said joint resolution that

Ante, p. 11.  
22 U. S. C., Supp. V,  
§ 245j-12.

“The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.”

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Italy and Greece, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

Proclamation of  
state of war between  
Italy and Greece.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violation of the said joint resolution and in bringing to trial and punishment any offenders against the same.

Officers to prevent  
violations.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

Delegation of pow-  
ers to Secretary of  
State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR  
BETWEEN ITALY, ON THE ONE HAND, AND GREECE, ON THE OTHER  
HAND.

November 15, 1940  
[No. 2444]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.

WHEREAS a state of war unhappily exists between Italy, on the one hand, and Greece, on the other hand;

Provisions of previous proclamation made applicable to Greece.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Greece.

*Ante*, p. 2629.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY  
SUBMARINES OF FOREIGN BELLIGERENT STATES

November 15, 1940  
[No. 2445]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.  
*Ante*, p. 9.  
22 U. S. C., Supp. V, § 245j-10.

WHEREAS section 11 of the joint resolution approved November 4, 1939, provides:

“Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation.”

WHEREAS there exists a state of war between Italy and Greece;  
 WHEREAS the United States of America is neutral in such war;  
 WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

*Ante*, p. 2672.  
 22 U. S. C., Supp.  
 V, § 245j-10 (note).

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the joint resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Greece.

Provisions of previous proclamation made applicable to Greece.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

Officers to prevent violations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of November in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:  
 CORDELL HULL  
*Secretary of State.*

PAN AMERICAN AVIATION DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 18, 1940  
 [No. 2446]

A PROCLAMATION

WHEREAS the past ten years have witnessed an amazing development of civil aviation in the American republics; and

Preamble.

WHEREAS the easy and rapid intercourse made possible by this development has already contributed in a substantial manner to a better understanding and friendship among the peoples of the American republics and brought regions heretofore considered commercially inaccessible within the radius of world markets; and

WHEREAS by Public Resolution No. 105, approved October 10, 1940, the Congress of the United States, considering this progress and appreciating the important role which it is possible for civil aviation to play in fostering the development of closer cultural and economic relations between the peoples of the American republics, authorized the President of the United States to designate December 17 of each year as Pan American Aviation Day:

*Ante*, p. 1003.

Pan American Aviation Day.  
Designation of December 17, 1940, and December 17 of each succeeding year as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate December 17, 1940, the anniversary of the first successful flight of a heavier-than-air machine, and December 17 of each succeeding year as Pan American Aviation Day, and do hereby call upon all officials of the Government, the Governors of the forty-eight States, our possessions, and the people of the United States generally to observe with appropriate ceremonies this day as Pan American Aviation Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 18<sup>th</sup> day of November in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

#### PAN AMERICAN HEALTH DAY

November 23, 1940

[No. 2447]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

Preamble.

WHEREAS the Fourth Pan American Conference of National Directors of Health, held in Washington in May 1940, adopted a resolution recommending "that a 'Health Day' be held annually in the countries of the Pan American Union"; and

WHEREAS the National Health Authorities of the American Republics have agreed upon the second day of December, 1940, as the date for the first celebration of Pan American Health Day, inasmuch as this is the anniversary of the opening date of the First Pan American Sanitary Conference, in 1902, marking the beginning of inter-American cooperation in one of the fields most important to progress, civilization, and the general well-being—that of Public Health; and

WHEREAS the Director of the Pan American Sanitary Bureau and the Surgeon General of the United States Public Health Service have requested that the United States Government and the people render their fullest cooperation and support to this new demonstration of the unity of interests and ideals of the countries of the Western Hemisphere:

Pan American Health Day.  
Designation of December 2 of this and of each succeeding year as.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the second day in December of this and of each succeeding year as Pan American Health Day, and do hereby call upon the citizens of our country to celebrate the day appropriately, do invite similar action on the part of the Governors of the several States, Territories, and island possessions of the United States, and, in order that our people may become better informed concerning the importance of Pan American cooperation in the field of public health and of the work which has been and is being done in this field, do invite the medical, sanitary, dental, pharmaceutical and nursing professions, the scientific groups, all organs of opinion, including the press, radio, and the motion picture industry, and all agencies and individuals interested in health, and

especially public health and school authorities, to join with each other and with similar bodies in our sister Republics in the celebration of Pan American Health Day, thus emphasizing once more the ties that bind our countries together.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 23<sup>d</sup> day of November, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

**EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND**

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

November 23, 1940  
[No. 2448]

**A PROCLAMATION**

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 997), provides:

Preamble.  
46 U. S. C. § 877;  
Supp. V, § 877.

“That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: PROVIDED, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor . . .”; and

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section; and

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by Proclamation No. 2346 of August 21, 1939, the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1940, and the extension of the coastwise laws of the United States to the Island was deferred to that date; and

*Ante*, p. 2627.

WHEREAS by Proclamation No. 2379 of December 29, 1939, the period for the establishment of an adequate shipping service for Canton Island was further extended to January 1, 1941, and the extension of the coastwise laws of the United States to the Island was further deferred to that date:

*Ante*, p. 2677.

Canton Island.  
Period for establish-  
ing adequate shipping  
service for, extended.  
Extension of U. S.  
coastwise laws to, de-  
ferred.  
41 Stat. 997.  
46 U. S. C. § 877;  
Supp. V, § 877.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the aforesaid Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is further extended to January 1, 1942, and that the extension of the coastwise laws of the United States to Canton Island is further deferred to January 1, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 23<sup>d</sup> day of November in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES

*Acting Secretary of State.*

ADMINISTRATION OF SECTION 6 OF THE ACT ENTITLED, "AN ACT TO EXPEDITE THE STRENGTHENING OF THE NATIONAL DEFENSE" APPROVED JULY 2, 1940

December 10, 1940  
[No. 2449]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Preamble.  
*Ante*, p. 714.

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Sec. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide."

Export of iron and  
steel, restriction.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after December 30, 1940, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled

*Ante*, p. 2712.

“Administration of section 6 of the act entitled ‘AN Act to expedite the strengthening of the national defense’ approved July 2, 1940.”:

### IRON and STEEL

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of December, in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

### SUSPENDING QUOTAS ON IMPORTS OF CERTAIN COTTON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 19, 1940  
[No. 2450]

### A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the act of February 29, 1936 (49 Stat. 1148, 1152), and as reenacted by section 1 of the act of June 3, 1937 (50 Stat. 246), I issued a proclamation on September 5, 1939, limiting the quantities of certain cotton and cotton waste which might be entered, or withdrawn from warehouse, for consumption; and

Preamble.

WHEREAS the United States Tariff Commission has made a supplemental investigation pursuant to the said section 22 with respect to cotton and has made findings of fact with respect to certain cotton the entries of which were limited by such proclamation; and

7 U. S. C., Supp. V,  
§ 624.  
*Ante*, p. 2640.

WHEREAS the Tariff Commission has transmitted to me a report of such findings and its recommendations based thereon, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find and declare, on the basis of such investigation and report, that the circumstances requiring the provisions of the aforesaid proclamation with respect to cotton having a staple of one and eleven-sixteenths inches or more in length no longer exist. Accordingly, pursuant to the aforesaid section 22, as further amended by the act of January 25, 1940, Public, No. 406, 76th Congress, I hereby proclaim that such provisions of such proclamation as limit the quantities of cotton having a staple of one and eleven-sixteenths inches or more in length which may be entered, or withdrawn from warehouse, for consumption are suspended, effective immediately.

Findings as to certain cotton; proclamation.

*Ante*, p. 17.

Effective date.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19<sup>th</sup> day of December in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

## CONTROL OF THE EXPORT OF CERTAIN ARTICLES AND MATERIALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

December 20, 1940  
[No. 2451]Preamble.  
*Ante*, p. 714.

WHEREAS section 6 of the Act of Congress entitled "AN ACT To expedite the strengthening of the national defense," approved July 2, 1940, provides as follows:

"Sec. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or material, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportation, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than two years, or by both such fine and imprisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide."

Control of exports  
of certain articles and  
materials.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after January 6, 1941, the following-described articles and materials shall not be exported from the United States except when authorized in each case by a license as provided for in Proclamation No. 2413 of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'AN Act to expedite the strengthening of the national defense' approved July 2, 1940.":

*Ante*, p. 2712.

1. Bromine
2. Ethylene.
3. Ethylene dibromide.
4. Methylamine.
5. Strontium Metals and Ores.
6. Cobalt.
7. Abrasives and abrasive products containing emery, corundum, or garnet, as well as abrasive paper and cloth.
8. Plastic molding machines and presses.
9. Measuring Machines.
10. Gauges.
11. Testing Machines.
12. Balancing Machines.
13. Hydraulic Pumps.
14. Tools incorporating industrial diamonds.
15. Equipment and plans for the production of aviation lubricating oil.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of December, in the year of our Lord nineteen hundred and forty, and of [SEAL] the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL  
*Secretary of State.*

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URUGUAY—SUSPENSION OF TONNAGE DUTIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

December 28, 1940  
[No. 2452]

A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U. S. C., title 46, sec. 141), provides, in part, as follows:

Preamble.

“Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .”

AND WHEREAS satisfactory proof was received by me from the Government of Uruguay on December 10, 1940, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Uruguay upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Uruguay and the produce, manufactures, or merchandise imported in said vessels into the United States from Uruguay or from any other foreign country; the suspension to take effect from December 10, 1940, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

Uruguay.  
Suspension of tonnage and impost duties.

Effective date; duration.

IN TESTIMONY WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 28<sup>th</sup> day of December, in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

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